



## Town of North Topsail Beach Board of Aldermen Regular Meeting Agenda

Wednesday, January 03, 2024, at 11:00 AM

Town Hall - 2008 Loggerhead Court, North Topsail Beach, NC 28460

(910) 328-1349 | [www.northtopsailbeachnc.gov](http://www.northtopsailbeachnc.gov)

Mayor - Joann M. McDermon  
Alderman - Richard Grant  
Alderman - Connie Pletl  
Town Manager - Alice Derian

Mayor Pro Tem - Mike Benson  
Alderman – Tom Leonard  
Alderman – Laura Olszewski  
Interim Town Clerk – Nancy Avery

- I. CALL TO ORDER (Mayor McDermon)
- II. INVOCATION (Aldermen Olszewski)
- III. PLEDGE OF ALLEGIANCE (Mayor McDermon)
- IV. APPROVAL OF AGENDA

**Specific Action Requested: Mayor will request for a motion to adopt the agenda**

### V. CLOSED SESSION

As per N.C.G.S. 143-318.11a (3) to consult with the Town Attorney.

**Specific Action Requested: Mayor will ask for a motion to go into Closed Session as per N.C.G.S. 143-318.11a (3) to consult with the Town Attorney.**

A. Status of beach projects (Attorney Edes)

### VI. MANAGER'S REPORT (Manager Derian)

### VII. OPEN FORUM

Citizens have the opportunity to address the Board for no more than three minutes per comment on any issue upon which the Board of Aldermen has control.

### VIII. PUBLIC PRESENTATIONS AND HEARINGS

A. Coastal engineer monthly report (Fran Way)

### IX. CONSENT AGENDA

A. Approval of Minutes

1. November 30, 2023 - Joint meeting with Planning Board

2. December 6, 2023 - Regular meeting

B. Department Head Reports

1. Finance Department
2. Fire Department
3. Inspections Department
4. Planning Department
5. Police Department

C. Committee Reports

1. Planning Board & PPI Committee
2. Board of Adjustment
3. TISPC <https://tispc.org/minutes/>

***Specific Action Requested: Mayor will request a motion to approve the Consent Agenda***

**X. CONTINUING BUSINESS**

A. Resolution R2024-01 Installment Financing Contract with JP Morgan Chase (Manager Derian)

**Specific Action Requested: Mayor may request a motion to adopt Resolution No. 2024-01 approving the installment finance contract with JP Morgan Chase**

B. Code of Ethics for Appointed Board and Committee Members (Attorney Edes)

**Specific Action Requested: Mayor may ask for a motion to adopt the Code of Ethics.**

C. Policy and Procedures for Appointments for Town Boards, Commissions, Committees and Authorities (Attorney Edes)

**Specific Action Requested: Mayor may ask for motion to adopt Policy and Procedures for Appointments to Town Board, Commissions, Committee and Authorities.**

D. Planning Board membership, meetings and appointments (Alderman Grant/Attorney Edes)

**XI. NEW BUSINESS**

A. Ordinance Amendment Abandoned and Junked Vessels (Manager Derian)

**Specific Action Requested: Mayor may request a motion to adopt Ordinance Amendment No. 2024-01 for Abandoned and Junked Vessels adding two new Divisions: 5 Abandoned/junked vessels generally and 6 Enforcement Responsibility and Authority for Abandoned/junked vessels as presented or amended.**

**XII. OPEN FORUM**

Citizens have the opportunity to address the Board for no more than three minutes per comment on any issue upon which the Board of Alderman has control.

**XIII. ATTORNEY'S REPORT**

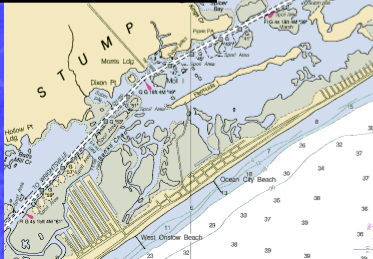
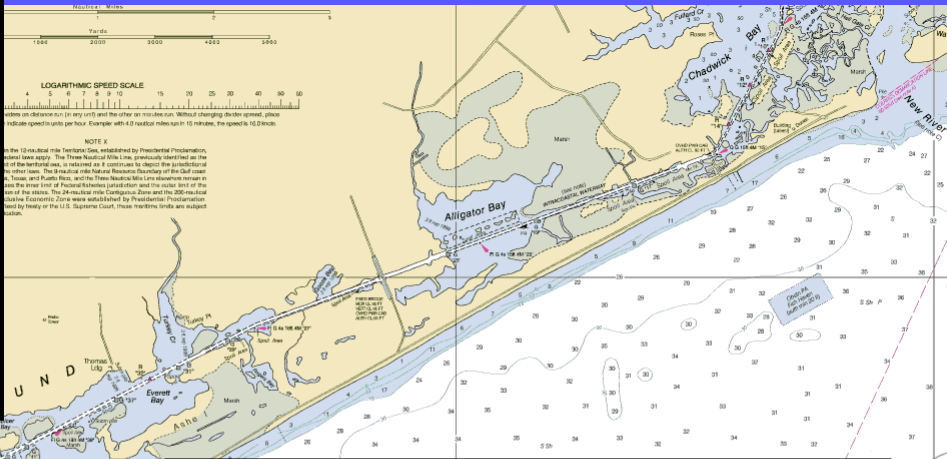
**XIV. MAYOR'S REPORT**

**XV. ALDERMAN'S REPORT**

**XVI. ADJOURNMENT**

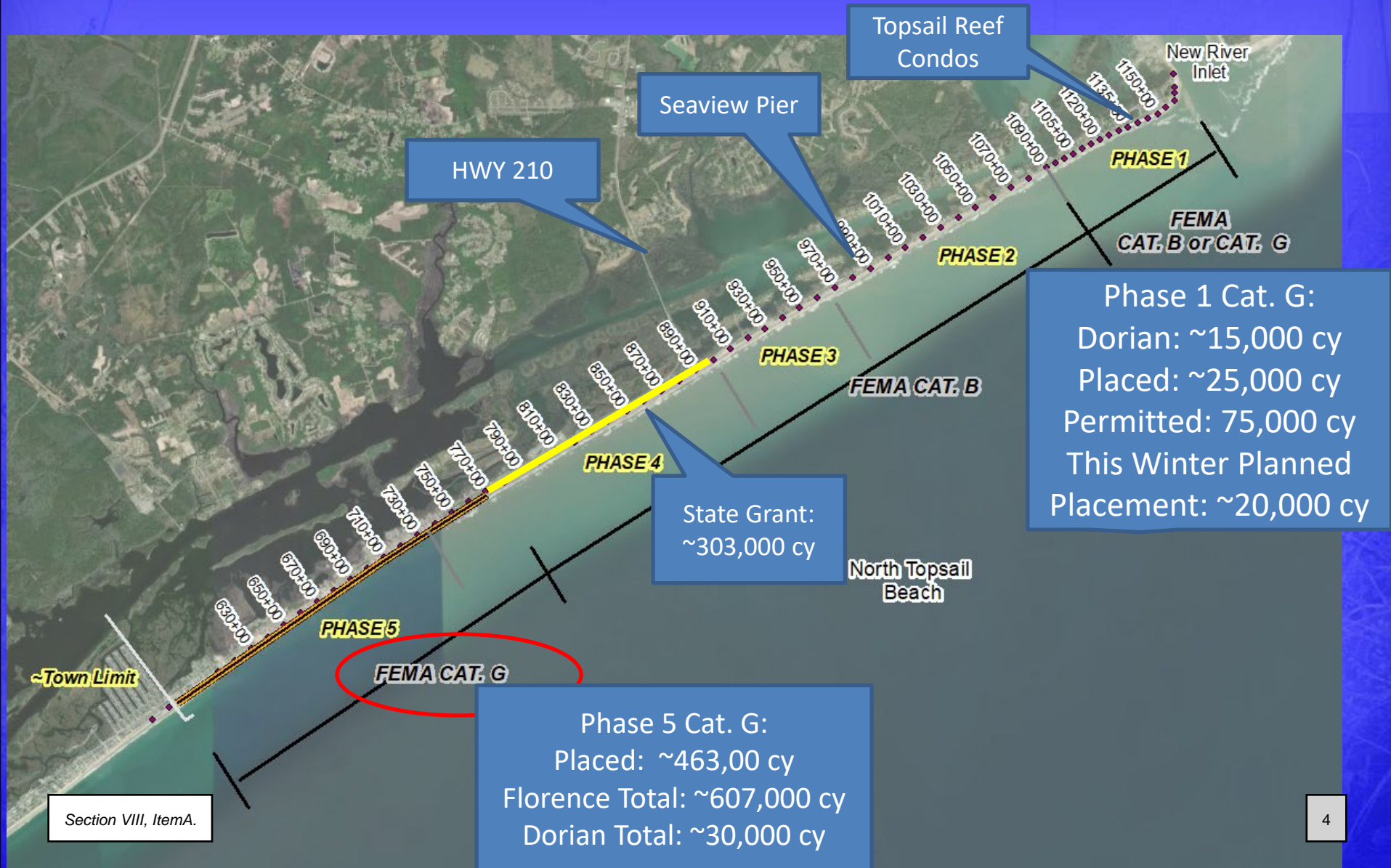
# North Topsail Beach Coastal Update

## January 22, 2024



# Ongoing and Upcoming Projects Overview

## State Grant, Dorian and Florence FEMA Category G



# Phase 1 Beach (not Dune) Truck Haul Nourishment

Phase 1 Nourishment  
20,000 CY for Current  
Environmental  
Window

March 2023 Placement: ~25,000 cy

Permitted for Placement  
(separate from Corps)

Placement of ~20,000 cy this winter

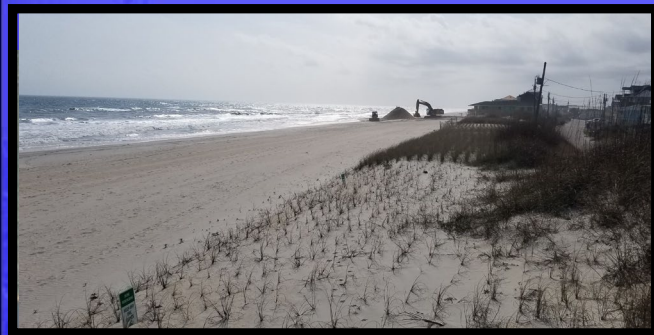
Phase 1  
Nourishment  
Full 75,000 CY  
Permitted Template  
Shown (Placed and  
Not Yet Placed)



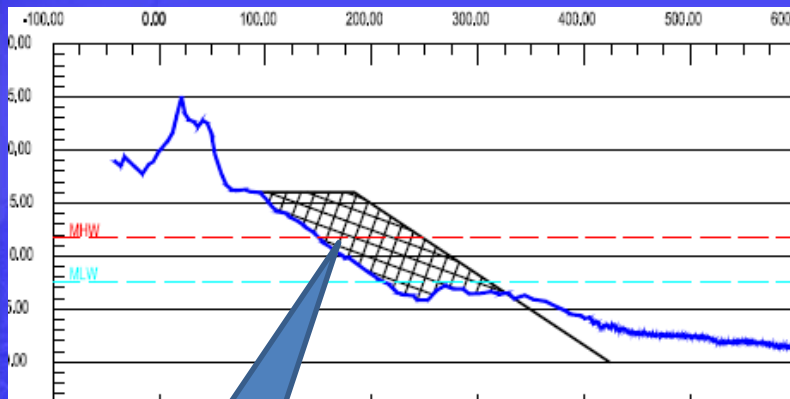
Section VIII, ItemA.



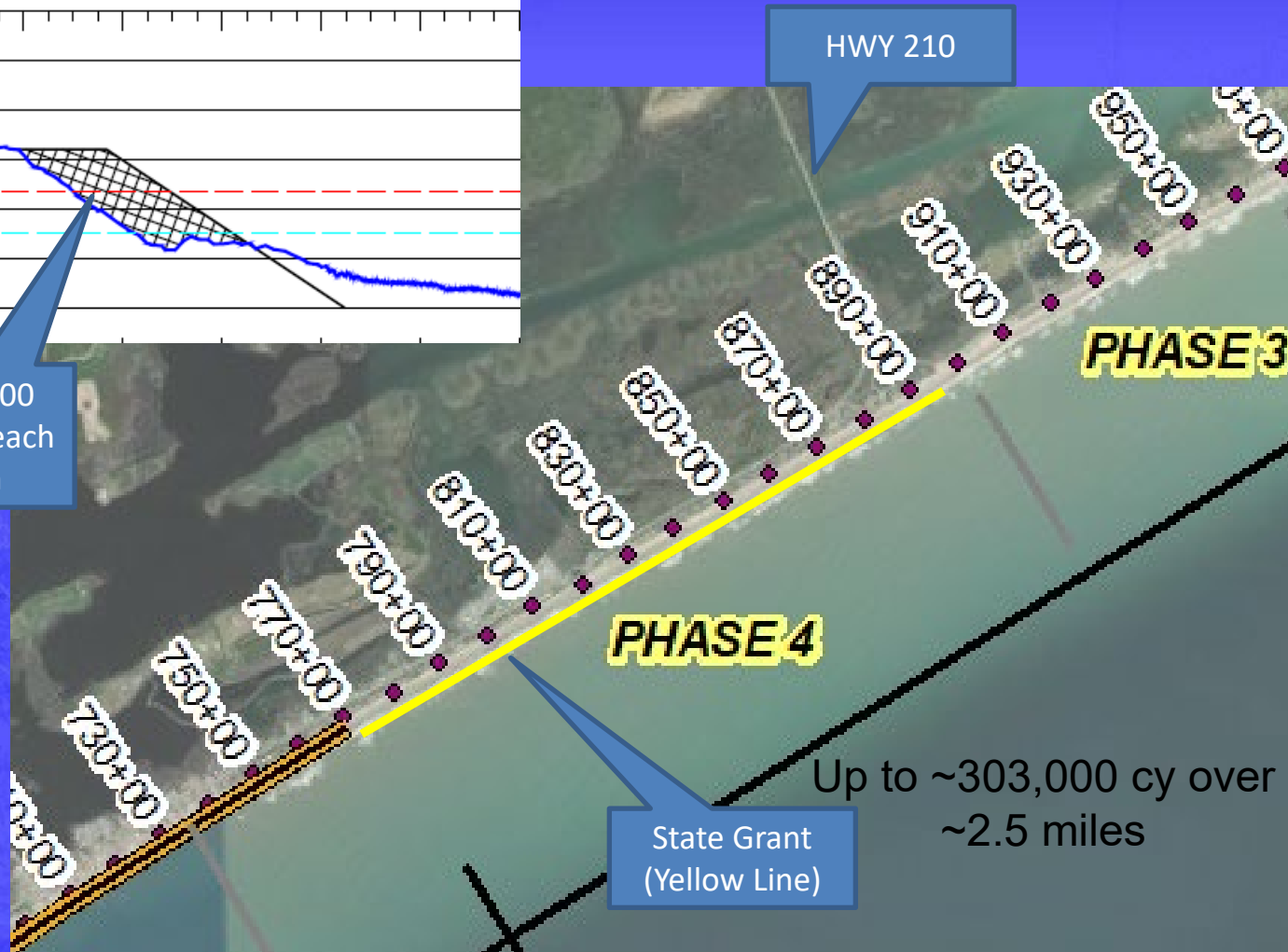
# Ongoing Florence & Dorian Nourishment in Phase 5 Beach (not Dune) Nourishment. ~3.0 Miles of New Beach Completed



# Successful State Grant in Phase 4. Beach (not Dune) Nourishment



~80 to 100  
Feet of Beach  
Width



To Follow Phase 5 Project Completion

# Town Beach Projects Updates

- Phase 1 - ~20,000 cy placement this winter.
- New River Inlet Management Master Plan EIS: Draft EIS under development.
- State Grant Nourishment - ~303,000 cy in Phase 4 and connects with Phase 5 Truck Haul.
- Phase 5 Beach Nourishment – ~52,000 cy placed this season, ~463,000 cy total.
- Working with NTB Finance Officer and DEC Associates regarding funding for FEMA and State funded projects
- Permitting Coordination (all projects)



Section VIII, ItemA.



Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Aldermen:  
Fred Fontana  
Richard Grant  
Tom Leonard  
Connie Pletl



Alice Derian, ICMA-CM  
Town Manager

Nancy Avery  
Interim Town Clerk

Joint Board of Aldermen and Planning Board Work Session  
November 30, 2023  
**DRAFT MINUTES**

The Town of North Topsail Beach Board of Aldermen and the Planning Board held a joint work session on November 30, 2023. A quorum of both boards was present. Town Attorney Edes was in attendance.

Board of Aldermen members present: Mayor Joann McDermon, Mayor Pro Tem Benson, Aldermen Connie Pletl, Fred Fontana, Richard Grant and Tom Leonard.

Board members absent: None

Planning Board members present: Chair Hannah McCloud, Scott Morse, Susan Meyer, Lisa Brown, Teri Ward and Stu Harness (alternate).

Planning Board members absent: None

Staff present: Town Manager Derian, IT Director Ricky Schwisow, Planning Director Deb Hill, Permit Specialist Kate Winsler, and Interim Town Clerk Nancy Avery.

Call to order

*Board of Aldermen*

Mayor McDermon called the Board of Aldermen to order at 10:00 am, welcomed the Planning Board members and requested a motion to adopt the agenda.

Mayor Pro Tem Benson requested the addition of a new topic under agenda item # 3 'Planning for the future'.

**Motion** – Alderman Grant made a motion to adopt the agenda as amended with the addition of a new item 'Planning for the future' under # 3; seconded by Alderman Leonard; unanimously approved.

*Planning Board*

Chair McCloud called the Planning Board to order at 10:04 am and requested a motion to approve the agenda.

Motion – Member Brown motioned to adopt the agenda as amended; seconded by Member Harness; unanimously approved.

### Introductions

Mayor McDermon asked all members on both boards to go around the room and introduce themselves.

### Discussion topics

1. Roles and Duties - Town Attorney Edes reviewed North Carolina General Statute (NCGS) 160D-301 regarding composition and duties of a planning board as follows:

*Composition - a local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following: (1) A planning board of any size or composition deemed appropriate, organized in any manner deemed appropriate; provided, however, the board shall have at least three members.*

*Duties. – A planning board may be assigned the following powers and duties:*

*(1) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.*

*(2) To facilitate and coordinate citizen engagement and participation in the planning process.*

*(3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.*

*(4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S.160D-604.*

*(5) To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.*

*(6) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.*

*(7) To perform any other related duties that the governing board may direct.*

Attorney Edes stated:

- The Planning Board is a valuable tool for the Board of Aldermen and most of the duties pertain to developing land use plans. By statute, the Planning Board is required to review and advise on zoning map amendments and zoning ordinances. The Aldermen may, and

it is not mandatory, but may have the Planning Board look at things such as development regulation text amendments.

- The Town of North Topsail Beach adopted the above Statute 160D-301 in its Unified Development Ordinance (UDO) as Section 2.01.
- There appears to be some confusion about the role of the boards.
- Essentially the Board of Aldermen creates and directs the Planning Board and the Planning provides advisory opinions to the Board of Aldermen.

Attorney Edes reviewed the current membership and terms of the Planning Board as follows:

<u>Regular Member Name</u>	<u>Term Expiration</u>
Hannah McCloud	May 15, 2024
Scott Morse	May 15, 2025
Teri Ward	May 15, 2026
Lisa Brown	May 15, 2025
Susan Meyer	May 15, 2026
Vacancy	May 15, 2024
Vacancy	May 15, 2026

<u>Alternate Member Name</u>	
Stu Harness	No terms for alternates
Vacancy	No terms for alternates

Alderman Grant said he was confused as to why alternates do not have terms.

Chair McCloud stated that by tradition alternates automatically move into a vacancy and take the term for that vacancy.

Mayor McDermon summarized the Planning Board current membership as five (5) regular members, two (2) alternate members and alternate members have no term.

Alderman Fontana said when he was on the Planning Board as an alternate, he automatically stepped up as a regular member when there was a vacancy. He asked if the Planning Board should have done that or the Board of Aldermen.

Alderman Leonard said he thinks we are not consistent with our Rules of Procedure.

Attorney Edes stated that moving alternates to regular membership is an action for the Board of Aldermen.

Chair McCloud said it was not kept intentionally from the Board of Aldermen. Over the years there have been many clerks, managers and boards and they (Planning Board) have only the ordinance to go by. Staff has responsibility to tell the Planning Board when things expire. She does not think there has been a time when it has not been brought to the Board of Aldermen. The last recommendation from the Planning Board to the Aldermen on appointments was not approved.

Roles and Duties board discussion points:

- Who is responsible for managing Planning Board roster of members and terms and giving notice to the Aldermen that terms are expiring (staff or Planning Board)?
- Who is responsible for advertising vacancies on the Planning Board?
- Who is responsible for getting applications for the Planning Board to the Aldermen?
- Who receives a resignation notice from a Planning Board member?
- No communication on applications received to the Planning Board for consideration when making a recommendation to appoint.
- Problems with attendance with only five (5) out of nine (9) members showing up for meetings.
- Alternates constantly end up sitting in and voting because there is not a quorum of regular members.
- Provisions in both by-laws and UDO that allow removal of a member(s) that does not come to meetings.
- The fact that the Planning Board did not recommend any new people to serve when there was a vacancy.
- Both the Planning Board and the Board of Adjustment should have different members.
- Need for list of names of Planning Board members and terms on the website to be transparent.
- Number of terms Planning Board members serve – maybe there should be a limit.
- Problems with communication with applicants when they apply as to whether the application was received or not.
- What are the attendance expectations?
- Differences in policies and UDO are causing confusion.

**Consensus** - Alderman Grant will draft the process for managing expiring terms and vacancies on the Planning Board to bring to the Board of Aldermen for discussion and approval at the January 2024 meeting.

Attorney Edes stated:

- All direction regarding terms, term limits, filling of regular member positions, filling of alternate member positions, or any movement between an alternate position to a regular position are at the direction of the Board of Aldermen.
- Legally, alternates should only be sitting with the Planning Board when there is a vacancy and only one per vacancy. Do not blur the lines by having alternates sit at the dais with regular members. A visual demarcation is important.

2. Rules of Procedure

Town Attorney Edes said he is adapting a suggested Rules of Procedure from the UNC School of Government for the Planning Board for approval by the Board of Aldermen. The composition of the Planning Board should be defined by ordinance, not policy and the Town has done that in the UDO. Appointment procedures for members may be in a policy, rather than ordinance.

Alderman Grant stated he wants the Board of Aldermen to discuss how many members it wants on the Planning Board. We should not be relying on an alternate to get a quorum. There is also disagreement between the UDO and policy.

### 3. Appointment Policy

Mayor McDermon asked both boards for opinions on appointment policy.

#### *Poll of both board members:*

Mayor Pro Tem Benson said he does not like the idea of alternates. Regular members should schedule their time around meetings. Seven (7) regular members with no alternates is okay or five (5) regular and two (2) alternates, but no more than seven (7) total members. Having alternates gives regular members the option to not attend because they know there are alternates.

Alderman Pletl stated she agrees with Mayor Pro tem Benson. She asked if there have been more people applying for boards or less.

Alderman Grant said he does not like alternates for committees. He would rather have five (5) regular members only. The Board of Adjustment could still have two (2) more for a total of seven (7). He did not want to appoint more Planning Board members until the Board of Aldermen decided the number of members.

Chair McCloud stated she was blindsided when the Board of Aldermen did not take the Planning Board's recommendation or follow the UDO by appointment a full board. This is why they wanted a meeting to discuss this with the aldermen.

Planning Board Member Meyer said alternates take their responsibility seriously. As an alternate, she took it as a learning and training time. She thinks alternates are important and necessary, especially in a tourism community. It is not a paid position and it is unrealistic to expect every person to attend every meeting.

Mayor McDermon said it is about the number and having a quorum to move forward because the board is talking about homeowner property rights which is very important. She said she wants a full board of regular members and does not like alternates. The Board of Alderman had discussion about whether to stream or record Planning Board meetings. Some Planning Board members did not want meetings to be streamed. It goes to transparency.

Attorney Edes clarified that the UDO states there shall be seven (7) members. That does not divest the Board of Aldermen of who they appoint. The Board of Aldermen is not derelict in its duty. The distinction is no different from the Board of Aldermen vacancy. The Board is not forced to appoint if the quality of candidates is not good.

Planning Board Member Harness stated he applied for an alternate position because of his job that requires him to travel. He did not apply for a regular member because of this. The alternate position gave him flexibility.

Alderman Leonard asked Planning Board member alternates how they feel about not getting to vote.

Planning Board Member Brown said she and Aldermen Fontana were alternates at the same time and there was probably not a meeting that one of them or both of them were not voting.

Alderman Fontana asked Attorney Edes what other towns do.

Attorney Edes said it varies town to town. Alternates are more prevalent for Board of Adjustment because of the need for a four/fifths (4/5) vote to obtain a variance which is a binding decision. Planning Board decisions are advisory.

Chair McCloud said that Holly Ridge has five regular members with three from town and two from the Extra Territorial Jurisdiction (ETJ) area, two alternates (one town and one ETJ). Surf City has eight (8) regular members with one from an ETJ, and two alternates. Topsail Beach has five regular members and no alternates.

Manager Derian stated in the last year there has been an uptick in volunteer applications for boards.

### **Summary of poll of members**

Mayor McDermon summarized the outcome of the polling of both boards as follows:

- Five (5) regular members with two (2) alternates with a maximum of seven (7) total OR
- Maximum of seven (7) regular members with no alternates OR
- Five regular members with the option to appoint two (2) more regular or alternate members as needed for a maximum of seven (7) total members.

After more discussion, Mayor McDermon polled both boards again on the following suggestion:  
**Minimum of five (5) regular members with the option to add two (2) regular members for a maximum of seven (7) members. No alternates.**

### Poll of both boards

Alderman Pletl – ok

Alderman Leonard - ok

Alderman Fontana – ok

Alderman Grant – ok

Mayor Pro Tem Benson – ok

Planning Board Chair McCloud – seven (7) members maximum but wants alternates

Planning Board Member Ward - there may be issues when a member has to recuse themselves and if there is a lower number of members, it could affect a quorum. She said she thinks an alternate is beneficial as it is a learning curve. We need seven (7) people of varying experiences to bring new people along.

Planning Board Member Harness – he prefers being an alternate because his job requires him to travel. He asked if there is a limit on the number of boards a person can serve on would an alternate be allowed to serve on another board.

Planning Board Member Meyer – no comment

Planning Board Member Morse – no comment

Planning Board Member Brown – no comment

Alderman Leonard said the Planning Board is telling us they still want alternates to use as a training wheel. We need to listen to the Planning Board members and their opinion changed his vote.

#### 4. Attendance requirement

Both board members discussed what the attendance requirement should be with these highlights:

- It is usually three (3) consecutive meetings
- It could be three (3) consecutive or fifty percent (50%) of meetings missed
- Three (3) consecutive or one-third (1/3) of all meetings
- Maybe it should be a twelve (12) month period instead of a calendar year
- Maybe the term year should be used to determine absence
- If using the term year, make it clear the three (3) consecutive absences do not have to be within the term
- The minutes of the meeting need to reflect members present and absent

Planning Board Member Meyer stated she has been coming to meetings for a while and there are people on the board she has never seen at a meeting.

Alderman Pletl said a member can always resign and reapply if they know they will be away for a long period of time.

#### **Consensus on attendance policy**

Within the term of a member, there cannot be more than one-third (1/3) of meetings missed OR three (3) consecutive meetings (not term related)

#### 5. Code of Ethics

Town Attorney Edes stated he sent a draft Code of Ethics policy for review this morning to the manager and that is applicable for all boards and committees.

Mayor McDermon asked Board of Aldermen to provide feedback to Attorney Edes before the December meeting.

#### 6. Unified Development Ordinance

No discussion

#### 7. Future planning

Mayor Pro Tem Benson said he thought it would be good to include a discussion on future planning to determine what is needed for the Coastal Management Authority Act (CAMA) Land Use Plan update, swimming pool review to define different types, resiliency planning, sea level rise and long term planning for the Planning Board to look at and decide what is needed.

Alderman Grant disagreed stating it is incumbent on the Board of Aldermen to give the Planning Board direction on what they want them to work on.

Mayor McDermon said the direction needs to come from the Board of Aldermen to the Planning Board.

Alderman Leonard asked if sea level rise would be a topic for the BISAC committee and not the Planning Board.

### **Summary**

Mayor McDermon stated follow ups from this meeting are:

- Alderman Grant to draft procedures on Roles/Responsibilities to include process for managing expiring terms and vacancies
- Attorney Edes is work with Planning Director Hill and Town Manager Derian on UDO changes after the draft is reviewed at the January meeting
- An update on policies and procedures will follow after the Board of Aldermen makes it decision
- Attorney Edes to decide where the member absence decision will be located – UDO or policy.

Planning Board Chair McCloud stated the Planning Board will wait for the Board of Aldermen to give direction so they are all on the same page.

Attorney Edes asked the Planning Board to develop a roster of members at its next meeting.

### **Adjournment**

**Motion** – Planning Board Member Morse motioned to adjourn at 12:12 pm; seconded by Planning Board Member Ward; unanimously approved.

**Motion** – Alderman Leonard motioned to adjourn at 12:13 pm; seconded by Mayor Pro Tem Benson; unanimously approved.

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Joann McDermon, Mayor

ATTEST: \_\_\_\_\_  
Nancy Avery, Interim Town Clerk

Joann M. McDermion, Mayor  
Mike Benson, Mayor Pro Tem



Alice Derian, ICMA-CM  
Town Manager

Aldermen:  
Fred Fontana  
Richard Grant  
Tom Leonard  
Connie Pletl

Nancy Avery  
Interim Town Clerk

Board of Aldermen Regular Meeting  
Wednesday, December 6, 2023  
**DRAFT MINUTES**

The Town of North Topsail Beach Board of Aldermen held its regular meeting on December 6, 2023. A quorum of the board was present. Town Attorney Edes was in attendance.

Board members present: Mayor Joann McDermion, Mayor Pro Tem Benson, Aldermen Connie Pletl, Fred Fontana, Richard Grant and Tom Leonard.

Board members absent: None

Staff present: Town Manager Derian, IT Director Ricky Schwisow, Finance Officer Caitlin Elliott, Code Enforcement Officer/Project Facilitator Wendy Conant, Police Chief Younginer, Fire Chief Soward, Public Works Supervisor Al Cablay and Interim Town Clerk Nancy Avery.

Call to order

Mayor McDermion called the meeting to order at 11:00 am. Mayor Pro Tem Benson gave the invocation and led in the Pledge of Allegiance.

Approval of Agenda

Mayor Pro Tem Benson requested the addition of a new item under Continuing Business # A of BISAC update by Chairperson Strother.

**Motion** – Alderman Grant made a motion to adopt the agenda with the addition of a new item under Continuing Business # A of BISAC update by Chairperson Strother; Alderman Pletl made a second to the motion; unanimously approved.

Manager's report

**Holiday Season**

- Christmas Tree Recycling Program: The Town will once again be holding a Christmas Tree Recycling program, where residents can drop off their undecorated Christmas trees to the Jeffries parking lot starting on December 26th. There will be a marked cordoned off area to drop your Christmas trees. The trees will be grounded for mulch that will be available on a first come first served basis free of charge in mid-January.
- Snowflakes were installed and lit for the November 15th tree lighting and Public Works staff has installed the wreaths and lighting to the Town entrance signs.
- Our 2nd Annual Christmas Tree lighting was held on Wednesday, November 15th at Town Hall. Thank you to the staff and everyone who volunteered to make this event

successful. We had over 200 attendees throughout the evening, which was double the attendance from last year's event.

## **Fire Station No. 2**

- Work continues on the Fire Station Project Financing and Construction as planned. Caitlin and I worked with the Carters to walk through financials in the Capital Improvement Fund to determine the loan amount. We reviewed two scenarios; Par amounts at \$5.2M plus 7% contingency and \$6.2M. We will be borrowing \$5.6M for the total project, which includes the 7% contingency.
- Assumptions right now are a 15 yr. loan (I will still be looking at 15yr vs 20yr at the appropriate time) and a 5% fixed rate. We will be paying the remaining architect cost, furniture costs, and issuance costs out of budgeted funds and using \$1M of available funds. The benefit of the timing right now is that our first payment will not be until next FY (July 15th), which provides us the opportunity to build additional funds and provides us the opportunity to pay a majority of the architect costs out of this FY's budgeted funds. The prepayment terms will be structured so there is no pre-payment penalty and callable at any time. The solicitation to institutions for an Installment Financing Contract was formally issued for \$5.6M. Bank proposals are due December 13th.

## **Finalized Bid Specifications.**

- ✓ October 18, 2023 - IFB Issued
- ✓ October 24, 2023 - Specifications made available.
- ✓ October 31, 2023 - Receive Audit and send to LGC.
- ✓ October 31, 2023 - Mandatory Pre-Bid meeting held.
- ✓ November 1, 2023 -Board of Aldermen to consider/approve Resolution with broad authorization (\$8Million). The original estimate was \$6-\$7 million. I used \$8 million, so we do not have to start the process over with the LGC.
- ✓ November 1, 2023 - Board of Aldermen authorizes Public Hearing for December 6, 2023.
- ✓ November 7, 2023 -2pm is the final day and cut off time for questions from bidders.
- ✓ November 14, 2023 -Final Addendums to be issued.
- ✓ November 21, 2023 -Bids Due with public bid opening at 2pm. Six bids received. The bids ranged from \$6,102,689 to \$6,456,000
- ✓ November 21-November 29, 2023 -Review of bids
- ✓ **November 22, 2023** -RFP finalized to solicit institutions for an Installment Financing Contract
- ✓ November 29, 2023 -Bid Review completed with full recommendation for Board of Aldermen packet.
- ✓ **December 5, 2023** -Application submitted to LGC
- December 6, 2023 -Public Hearing and consideration by Board of Aldermen to approve construction contract pending LGC approval.
- **December 13, 2023** -RFP responses due for the Installment Financing Contract
- **January 3, 2024** - approval of the actual financing documents and selected bank.
- January 9, 2024 -NC Local Government Commission Meeting-Receive approval/denial.
- January 15-17, 2024 - Anticipated closing.

**Beach Projects:**

- The Phase I project resumed on December 4th and is expected to be completed between two and four weeks, depending on weather and surf conditions. The contractor is accessing the beach at BA#41 (Jenkins Way Parking Lot located at 1294 NRI Rd). Sand is being placed on the active beach just South of Topsail Reef and continuing South towards Oceans Edge Restaurant at the St. Regis.
- The Phase 5 project resumed November 16th, and work will continue through February and will be completed. The contractor is accessing the beach at Gray Street and has started placing sand at the Surf City line and will continue approximately 3,200 feet North of the Town line. At the close of last season, we placed 410,905 cubic yards of sand and we expect to place an additional 225,095 cubic yards of sand that is expected to be completed in February 2024. The contractor has placed 6,165 cubic yards of sand since resuming operations.
- Phase 4 is anticipated to start February.

Open Forum

Jeff Myer, 2224 New River Inlet Road # 138, thanked Manager Derian and staff for a wonderful Christmas event. He asked Alderman Leonard why we worked to get only two areas of the Town out of CBRA into Federal. This is coming from comments he saw time and time again on Facebook during the election.

Alderman Leonard responded that there are two issues with CBRA; one is removing most of L06 out of CBRA which is what we went to Washington, DC for and there is only 10% of the L06 area that is being removed because the remaining 90% is all conservation land. So it is effectively is the area that has been developed or is able to be developed. There is another part to CBRA, which is what I think you are alluding to, is when the maps were changed from paper to digital years ago there were so many changes that did not flow through and there were some mistakes made that had to be corrected. There were areas that were out of CBRA that fell into CBRA by mistake when the maps were digitized. Department of Fish and Wildlife will have to go back and correct those with direction from Congress.

Consent Agenda

- Minutes from 11/1/2023 regular meeting
- MOTV Tax Refund \$17.54
- Budget Amendment 2023-24.7 Police Department LESO Program \$2,550.00
- Budget Amendment 2023-24.8 Fire Department Capital Improvement Fund \$474,968.45
- Capital. Project Ordinance Amendment BM CP A22-1003-Beach maintenance \$17,202,294.00

**Motion** – Alderman Fontana made a motion to approve the Consent Agenda as presented; seconded by Alderman Leonard; unanimously approved.

Public Presentation and hearings

**A. Public Hearing**

Consideration of entering into an installment financing contract in amount not to exceed \$8 million to finance demolition of existing Fire Station No. 2, located at 3304 Gray Street and to construct a new Fire Station on the same property, and paying the costs associated with entering in the Contract. Notice of the Public Hearing was advertised in the Jacksonville News on November 20<sup>th</sup> and 27<sup>th</sup> and was posted at Town Hall and on the Town's website on November 3<sup>rd</sup>.

**Motion** – Mayor Pro Tem Benson made a motion to open the Public Hearing at 11:18 am; seconded by Alderman Leonard; unanimously approved.

Mayor McDermon asked those interested in commenting on entering into an installment financing contract for Fire Station No. 2 to come to the podium.

No one signed up to speak and no one came forward to speak.

**Motion** – Alderman Leonard made a motion to close the Public Hearing at 11:19 am; seconded by Mayor Pro Tem Benson; unanimously approved.

**Motion** – Alderman Fontana made a motion to of enter into an installment financing contract in amount not to exceed \$8 million to finance demolition of existing Fire Station No. 2, located at 3304 Gray Street and to construct a new Fire Station on same property, and pay the costs associated with entering into the Contract; seconded by Alderman Grant; unanimously approved.

**B. Easement for ONWASA**

ONWASA CEO Franky Howard introduced Royce Bennet, ONWASA Board Chairman and an Onslow County Commissioner, and COO David Moore. Mr. Howard stated that two successful bids were received for the project and he needs to the Town to approve the easement. Mr. Moore said the construction contract is waiting on the easement approval to move forward. They expect construction to take 180 days to be completed by the July 4<sup>th</sup> holiday. The same backup plan as used last year will remain in place in the event construction is not finished plus 1,000 customers that were moved onto Surf City water last year have remained on that system, which will help.

Attorney Edes asked if the contractor has approved the temporary easement and if the Certificate of Recording of Plat with the hatched easement has been done.

Mr. Moore replied he believes so.

Attorney Edes suggested the motion should be 'to authorize the Mayor to execute a permanent water line and access easement and a temporary construction easement in favor of ONWASA as depicted on the sealed survey/plat signed by Duward S. Leggett on 11/30/2023'.

**Motion** – Mayor Pro Tem Benson motioned to authorize the Mayor to execute a permanent water line and access easement and a temporary construction easement in favor of ONWASA as

depicted on the sealed survey/plat signed by Duward S. Leggett on 11/30/2023; seconded by Alderman Fontana; unanimously approved.

ONWASA Chairman Bennett presented Mayor McDermon with a plaque in appreciation of her service on the ONWASA Board from May 2020 to September 2023.

C. Presentation of FY 22-23 audit

Austin Eubanks, CPA, FE at Thompson, Price, Scott and Adams & Co. presented an overview of the FY 22-23 audit highlighting the following:

- No material errors were noted
- Their work was not limited in any way with complete access to both management and required information made available
- The financial statement disclosures are neutral, consistent and clear
- There were no significant audit adjustments or unrecorded differences found
- There were no disagreements with management
- No difficulties were encountered performing the audit
- No irregularities or illegal acts were noted
- There were no other findings or issues
- The minimum undesignated Fund Balance as recommended by the Local Government Commission (LGC) is 34% of expenditures. The Town's is 117%.
- Tax collection rate is 99.21%
- There was one internal control significant deficiency due to a budgetary violation. It is a performance indicator where you went over budget. The transfer of \$1.5 million dollars was approved, however where it was transferred out of was not correctly budgeted. When this happens the LGC requires a letter to be signed by all members of the Board of Aldermen acknowledging this. The letter has been drafted and he has reviewed it. Within sixty (60) days the letter has to be signed by all board members and submitted.

Alderman Grant asked for a clarification that the finding was a “bookkeeping issue” that while the transaction (an internal accounting transfer of funds) had been approved by the Board the accounting for it had only been done on one “side” of the transaction and not the other.

Mr. Eubanks confirmed that it was the case.

The FY 22-23 audit is herein incorporated as part of these minutes.

D. Coastal engineer monthly update

Mr. Fran Way presented his monthly update with the following highlights:

- Phase 1 had 20,000 cubic yards placed this winter
- New River Inlet Management Master Plan EIS is draft is under development
- The State Grant nourishment place 303,000 cubic yards in Phase 4 and connects with Phase 5 truck haul
- Phase 5 beach nourishment fill work is ongoing and volume updates daily
- He is working with the Town's Finance Officer and Doug Carter Associates regarding funding for FEMA and State funded projects
- He is working on the coordination of all permitting

Mr. Fran Way's update is herein incorporated as part of these minutes.

Continuing Business

A. BISAC update

Chairman Strother reported that the committee met December 5<sup>th</sup> and engineer Chris Gibson provided great data regarding the status of the Five Year Action Plan and the Thirty Year Beach Plan. This information gives us an idea of where we are going and we expect to bring a completed plan to the Board of Aldermen within the next couple of months.

B. CBRA update

Alderman Leonard informed everyone that on November 15, 2023, the CBRA legislation bill 2437 was passed by the full committee on Natural Resources. This allows the bill to continue to the floor of the House for consideration. Then next to the Senate. This is the furthest we have come with legislation, so this is very good news.

C. Resolution 2023-07

Alderman Leonard presented Resolution 2023-07 in appreciation to Congressman Murphy and staff for the diligence shown in presenting and pushing the legislation saying we could not have done this without their attention to detail.

**Motion** – Alderman Leonard motioned to adopt Resolution 2023-07 as presented; seconded by Mayor Pro Tem Benson; unanimously approved.

D. Resolution 2023-08

Alderman Leonard presented Resolution 2023-08 in appreciation to Congressman Rouzer for assistance in sponsoring the legislation.

**Motion** – Alderman Leonard motioned to adopt Resolution 2023-08 as presented; seconded by Alderman Fontana; unanimously approved.

E. TISPC 2024 goals

Mayor Pro Tem Benson said the Board needs to recommend at least two goals for state, federal and local consideration by the TISPC.

The Board reviewed 2023 goals to help make a decision.

**Consensus on 2024 TISPC goals:**

**State Goals:** Keep all 2023 goals except item E (Work to pass state legislation to ban and to remove derelict vessels) which is complete. Top priorities are items A, B, and C.

A. Advocate for recurring funding for the Coastal Storm Damage Mitigation Fund

B. Continue to ensure funding for the Shallow Draft Inlet Dredging Fund

C. Work to change state funding and local financing guidelines for terminal groin

D. Request state support for the non-Federal Owners obligation under the USACE Flood Control and Coastal Emergencies Fund (PL 84-99) following storm damage

~~E. Work to pass state legislation to ban and to remove derelict vessels~~

- F. Continue to advocate for funding addressing island-wide resiliency projects
- G. Notify TISPC of pending legislation and regulations that impacts Topsail Island

**Federal Goals:** Keep all goals with top priorities items A and D

- A. Obtain legislation to allow the continued use of sand from the New Topsail Inlet and New River Inlet CBRA zones for non-CBRA zone beach nourishment when federal funds are involved
- B. Advocate to promote Community Rating System discounts while working to support the Federal Flood Insurance Program with emphasis based on fairness of historical claims
- C. Develop an island-wide consistency with one FEMA team to assist towns in dealing with disaster recovery efforts and to improve knowledge of local coastal conditions
- D. Continue to pursue legislation to amend the NTB CBRA Map Unit L06
- E. Notify TISPC of pending legislation and regulations that impacts Topsail Island

**Local Goals:** Keep all 2023 goals other than those completed (item C derelict vessels)

- A. Promote adoption of the ‘Beach Clean’ initiative by businesses and educate public to its goals.
- B. Encourage Pender and Onslow County to adopt a ban on use of non-encapsulated Styrofoam in docks and piers.
- C. ~~Encourage Pender and Onslow County to adopt a ban on derelict vessels.~~
- D. Work to increase understanding and cooperation between TISPC and environmental groups locally as well as regionally.
- E. Work through NC BIWAYS or other groups to identify and partner with communities (e.g. Wrightsville Beach) within and outside of NC that have similar situations where inlet maintenance complements beach nourishment with no environmental impacts.
- F. Promote a Vitex education and eradication program for Topsail Island.
- G. Move to use of mats versus permanent structures over new dune systems.
- H. Complete joint RCCP project and continue to upgrade storm runoff system across the island.
- I. Stay abreast of studies on sea-level rise particularly as it relates to coastal and sound side flooding then integrate into state and federal goals as appropriate.
- J. Understand and monitor CRC regulations and proposed rulemaking for integration into state and federal goals as appropriate.
- K. Be involved with efforts to find solutions for the disposal of non-federal dredge materials

**F. Crosswalks update**

Public Superintendent Cablay recommended the Board send a formal request to NCDOT for information on existing crosswalks before beginning the process of considering other locations for crosswalks to determine DOT’s technical review process.

Board members discussed issues with existing crosswalks and areas where they want to be considered for crosswalks.

**Motion** – Alderman Grant motioned to make a formal request to NCDOT to review all locations and provide approval/denial of the crosswalk based on engineering evaluation of the proposed locations; seconded by Alderman Leonard; unanimously approved.

G. Fire Station No. 2 Project

Manager Derian stated the apparent low bidder on the Fire Station No. 2 Project was WB Brawley in the amount of \$6,102,689.00. She requested the Board award the contract to WB Brawley pending NC Local Government Commission approval. She said the Town Attorney has the contract for review.

Town Attorney Edes suggested adding to the motion ‘subject to final Town Attorney review’.

**Motion** – Alderman Pletl made a motion to award the contract for Fire Station No. 2 project to the apparent low bidder of WB Brawley in the amount of \$6, 102,689.00 pending NC Local Government Commission approval subject to final Town Attorney review; seconded by Mayor Pro Tem Benson; unanimously approved.

**Recess** – Mayor McDermon called for a five minute recess at 12:38 pm.  
Mayor McDermon called the meeting back to order at 12:48 pm.

New Business

A. Oaths of Office for newly elected officials

Interim Town Clerk Avery administered Oaths of Office to:  
Mayor Joann McDermon  
Aldermen Connie Pletl, Tom Leonard, Laura Olszewski

B. Election of Mayor Pro Tem

**Motion** – Alderman Leonard motioned to elect Alderman Mike Benson as Mayor Pro Tem; seconded by Alderman Grant; unanimously approve.  
(Note – Alderman Benson did not vote)

C. Liaison appointments

**Consensus on liaison appointments** –

(Note - liaisons for Parking Committee and the Revetment Committee were determined by written ballot)

1. BISAC – liaisons to remain as Mayor Pro Tem (MPT) Benson and Alderman Grant until February meeting as terms expire in February.
2. Capital Improvement Projects Committee – Aldermen Grant and Pletl
3. Parking Committee - Aldermen Pletl and Leonard
4. Parks and Recreation Committee – Alderman Pletl and Mayor McDermon
5. Revetment Committee – Alderman Pletl and Mayor McDermon
6. Chamber of Commerce – Mayor McDermon
7. NCBIWA Board of Directors – remains as Alderman Leonard as the is an elected position by the NCBIWA Board
8. ONWASA Board of Directors – Alderman Grant as primary and Mayor McDermon as alternate
9. Onslow County Board of Commissioners – Alderman Grant as primary and Alderman Olszewski as alternate.

10. JUMPO – Alderman Olszewski as primary and Alderman Pletl as alternate
11. TISPC – MPT Benson and Alderman Leonard
12. Camp Lejeune – Aldermen Leonard and Olszewski
13. Coastal Resource Commission – Mayor McDermon as primary and Alderman Pletl as alternate
14. USACE Shallow Draft Inlet EIS – Mayor McDermon and MPT Benson
15. State and Federal representatives – Mayor McDermon as primary and Alderman Olszewski as state and Alderman Leonard as Federal.
16. Check signers – Alderman Grant, Leonard and Olszewski

**D. Approval of 2024 Board of Aldermen Regular Meeting Schedule**

**Motion** – Mayor Pro Tem Benson motioned to adopt the 2024 Board of Aldermen Regular Meeting Schedule as presented; seconded by Alderman Olszewski; unanimously approved.

**F. Election polling locations**

Alderman Pletl read a draft of a letter to the Board of Elections Director requesting a meeting to discuss a change of venue for North Topsail Beach voters for municipal elections from the Folkstone Original Freewill Baptist Church to the Town of North Topsail Beach Town Hall and for Primary and General elections to the Sneads Ferry Branch of the Onslow County Public Library.

After discussion among Board members regarding the best location for all voters, sufficient parking and space, and the best way to approach the Board of Elections, a consensus was reached as follows:

**Consensus** – Alderman Pletl and Mayor Pro Tem Benson to work on language for letter to Board of Elections regarding polling locations to be discussed at the January meeting.

**Open Forum**

Bill O'Donnell, 3612 Island Drive, said there are two points he wants to make. One is he thinks excess taxes collected should stay in the taxpayer's pocket. Of the annual budget when only 34% is required. We could do better having that money in our pockets than you sitting on it. He would like you (aldermen) to think about that when planning next year's budget. Two is he wants to see more respect for the citizens of the Town and the will of the citizens. The specific example he has in mind was a zoning exception where he lives where everybody in the neighborhood was against the zoning exception. The person who wanted it was not even going to live there. She wanted two houses put on her lot. As soon as the exception was granted, both of those house positions went on the market. It was a money grab by the person and we should not allow that when it is contrary to the will of the citizens in the neighborhood. Furthermore, more effort should be made to get valid maps by Mr. Riggs. The map presented at that discussion was gross and over emphasized the size of that lot when it was no bigger than lots on either side of it. That is not the only time this has occurred. We should have equitable lots based on the linear footage of the lots and not some grandiose idea that favors whoever is presenting something.

**Attorney Report** – No report and congratulations to those re-elected on their successful campaigns.

Mayor Report – Thank you to all for coming and getting through the large agenda. Welcome to Laura (Alderman Olszewski). Thank you to former Alderman Fontana for his time and I hope to see him on additional boards. Happy holidays.

Aldermen Reports

Alderman Grant – He is working with the ONWASA Board to make sure there is no shortfall in water for the July 4<sup>th</sup> holiday. Merry Christmas.

Alderman Olszewski – She stated she is glad to be here and thanked everyone. She hopes to serve all citizens. She wants to add 11<sup>th</sup> Avenue as another crosswalk location to be looked at by the state as well as the idea of painting, striping and signage. She wants to make sure it has been confirmed in the ONWASA contract that they have liquidated damages for lack of performance as well as missed due dates.

Mayor Pro Tem Benson – Happy holidays and thank you for staying for the almost three hour meeting.

Alderman Leonard – Thank you to former Alderman Fontana for his service, it was a privilege to serve with you. Welcome to Laura (Alderman Olszewski) and Merry Christmas.

Alderman Pletl – Thank you to former Alderman Fontana for his service and dedication. He was an asset on this Board most notably for his push to get a bike path on New River Inlet Road. Thanks to his initiative it has moved forward farther than it ever has before. Welcome to Laura (Alderman Olszewski) our newest member. She said she attended the NCBIWA conference which is a great networking opportunity. On November 18, 2023, a boat containing three fishermen submerged in the inlet after its engine stopped working. Waves and current were treacherous that day and the tide was running extremely high. Our Fire and Rescue responded almost immediately and saved them from an uncertain fate. Thank you to our skilled personnel. On November 20<sup>th</sup>, I attended the Gold Star, Blue Star Memorial dedication outside the Sneads Ferry library. The Blue Star represents those that served in the armed forces and the Gold Star represents families that have lost loved ones in battle. There are 129 Blue Star memorials in North Carolina and only 4 Gold ones. The Gold Star at the Sneads Ferry Library is the only one in Southeastern North Carolina and it was the New River Garden Club that pushed to get that done. It took about five years and the County Commissioners helped. The joint Board of Aldermen and Planning Board work shop on November 30<sup>th</sup>. It was good to have the two boards together as we fine-tuned the roles, duties, Rules of Procedures and other matters pertaining to how the Planning Board should operate. The Christmas tree lighting was a huge success and our Halloween event was also very popular and well attended. To keep the momentum going, she has a list of possible events and opportunities for the Parks and Rec committee for the coming year. If you would like to be part of the committee, please fill out an online applications.

Closed Session

**Motion** – Alderman Leonard motioned to go into Closed Session as per NCGS 143-318.11(a) (3) Attorney Client Privilege at 1:57 pm; seconded by Alderman Olszewski; unanimously approved:

**Motion** - Alderman Leonard motioned to return to open session at 2:45 pm; seconded by Alderman Olszewski; unanimously approved.

Mayor McDermon stated no action was taken in Closed Session.

Adjournment

**Motion** – Alderman Pletl motioned to adjourn at 2:45 pm; seconded by Mayor Pro Tem Benson; unanimously approved.

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Joann McDermon, Mayor

ATTEST: 

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Nancy Avery, Interim Town Clerk



BOARD OF ALDERMEN  
MEMORANDUM

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TO: MAYOR MCDERMON AND ALDERMEN

FROM: Caitlin Elliott, Finance Officer

SUBJECT: Monthly Financial Report

DATE: December 20, 2023

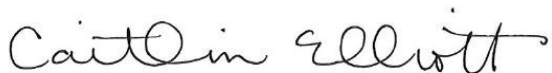
The following events occurred to date during December 2023 in the Finance Department:

- The Town received our January allocation of Powell Bill monies, given by the State to municipalities for maintaining State roads in their jurisdiction. Our January allocation is \$20,977.29.
- During the month of November, the Town collected \$105,070.85 in interest within the North Carolina Capital Management Trust account.
- A Budget to Actual report is contained in this month's packet as well as a graph for the fiscal year. A separate Budget to Actual report is provided for Fund 31, the Capital Project Fund for the beach renourishment project.
- We received \$9,900.31 in paid parking revenues for the month of November. For comparison, in November of 2022 we collected \$11,411.
- For property taxes this month, we have received \$627,080.76 from Onslow County, some of which is pending deposit. November's Motor Vehicle taxes are also pending to be deposited for \$5,333.65.

- This month, we have processed approximately \$2,061,688 in accounts payable, with one check run pending in the amount of \$694,217.19. These figures include our annual Special Obligation Bond (SOB) payment for the USDA loan refinancing, as well as our first payment in this environmental window to CM Mitchell for the truck haul project. The check register is enclosed for review.
- So far in December, we have collected \$62,389.44 for Occupancy Taxes from short-term rentals during the month of November. A detailed report is attached. For revenue comparison, during the same period last year we collected \$48,970.57.
- Lastly, we received \$337,011.51 for Sales and Use Tax, for collections during October. Last year, for revenue comparison, we collected \$281,204.58 for the same period. We also received our quarterly Utility Franchise Tax in the amount of \$134,025.84.

If anyone has any questions, concerns, or needs additional information, please do not hesitate to ask!

Respectfully submitted,



Caitlin Elliott  
Finance Officer

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 1 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
<b>Revenues</b>							
10-301-00 AD VALOREM TAX - Current Year	3,982,875	0.00	0.00	2,713,216.00	(1,269,659.00)	68%	
10-301-01 AD VALOREM TAX - Prior Years	50,000	0.00	0.00	29,056.40	(20,943.60)	58%	
10-301-02 AD VALOREM TAX - MOTV	70,000	0.00	0.00	34,665.76	(35,334.24)	50%	
10-317-00 AD VALOREM TAX Penalties	3,000	0.00	0.00	898.07	(2,101.93)	30%	
10-329-00 INTEREST	100,000	0.00	0.00	356,693.02	256,693.02	357%	
10-335-00 MISCELLANEOUS	5,100	0.00	0.00	18,034.89	12,934.89	354%	
10-336-06 TOWN DONATIONS	1,020	0.00	0.00	1,020.00	0.00	100%	
10-336-07 SALE OF TOWN MERCHANDISE	5,000	0.00	0.00	4,021.96	(978.04)	80%	
10-337-00 UTILITIES FRANCHISE TAX	330,000	0.00	0.00	207,049.61	(122,950.39)	63%	
10-341-00 BEER & WINE TAX	3,400	0.00	0.00	0.00	(3,400.00)		
10-343-00 POWELL BILL ALLOCATIONS	30,000	0.00	0.00	38,023.99	8,023.99	127%	
10-345-00 LOCAL OPTION SALES TAX	1,957,725	0.00	0.00	1,562,269.01	(395,455.99)	80%	
10-345-01 SALES & USE TAX RETURN	0	0.00	0.00	85,117.56	85,117.56		
10-347-02 SOLID WASTE DISP TAX	750	0.00	0.00	470.48	(279.52)	63%	
10-350-00 RECREATION -RENTAL FEES	2,000	0.00	0.00	2,118.00	118.00	106%	
10-350-01 PAID PARKING REVENUE	112,125	0.00	0.00	94,888.02	(17,236.98)	85%	
10-351-01 OFFICER CITATIONS, COURT & FINGERPRINTS	2,500	0.00	0.00	831.55	(1,668.45)	33%	
10-352-01 FIRE INSPECTIONS & VIOLATION FEES	500	0.00	0.00	0.00	(500.00)		
10-352-02 CODE ENFORCEMENT FINES	2,000	0.00	0.00	3,850.00	1,850.00	193%	
10-352-03 PLANNING DEPT. FEES	6,000	0.00	0.00	0.00	(6,000.00)		
10-355-00 BUILDING PERMITS	85,000	0.00	0.00	55,172.10	(29,827.90)	65%	
10-355-01 MECHANICAL PERMITS	15,000	0.00	0.00	3,810.00	(11,190.00)	25%	
10-355-02 ELECTRICAL PERMITS	18,000	0.00	0.00	6,940.00	(11,060.00)	39%	
10-355-03 PLUMBING PERMITS	2,500	0.00	0.00	1,330.00	(1,170.00)	53%	
10-355-04 INSULATION PERMITS	500	0.00	0.00	0.00	(500.00)		
10-355-05 HOMEOWNERS RECOVERY FEE	300	0.00	0.00	(42.00)	(342.00)	-14%	

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 2 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-355-06 TECHNOLOGY FEE	7,500	0.00	0.00	3,664.42	(3,835.58)	49%	
10-355-07 REINSPECTION FEE/FINES	3,000	0.00	0.00	1,225.00	(1,775.00)	41%	
10-355-09 CCR FEES	0	0.00	0.00	900.00	900.00		
10-357-08 ZONING PERMITS	20,000	0.00	0.00	24,425.00	4,425.00	122%	
10-359-00 REFUSE COLLECTION FEES	514,524	0.00	0.00	259,551.50	(254,972.86)	50%	
10-359-50 VACANT LOT SWF	10,000	0.00	0.00	725.00	(9,275.00)	7%	
10-359-51 LOST CART REPLACEMENT	2,000	0.00	0.00	800.00	(1,200.00)	40%	
10-359-52 ADD'L CART RECYCLING	2,500	0.00	0.00	400.00	(2,100.00)	16%	
10-367-01 SALES TAX REFUNDS	20,000	0.00	0.00	0.00	(20,000.00)		
10-368-01 GRASS MOWING REIMB	6,993	0.00	0.00	0.00	(6,993.00)		
10-382-00 SALE OF LESO ASSETS	2,550	0.00	0.00	2,550.00	0.00	100%	
10-383-00 SALE OF FIXED ASSETS	20,000	0.00	0.00	9,050.00	(10,950.00)	45%	
10-399-02 T/I OTHER FUNDS	200,383	0.00	0.00	0.00	(200,383.42)		
Revenues Totals:	7,594,746	0.00	0.00	5,522,725.34	(2,072,020.44)	73%	
Expenses							
10-410-02 SALARIES	36,000	0.00	0.00	18,000.00	18,000.00	50%	
10-410-05 FICA (7.65%)	2,754	0.00	0.00	1,377.00	1,377.00	50%	
10-410-14 TRAVEL & TRAINING	2,000	0.00	0.00	0.00	2,000.00		
10-410-33 DEPARTMENTAL SUPPLIES	1,500	0.00	0.00	7.90	1,492.10	1%	
10-410-42 CHARTER CODES SERVICE	0	0.00	0.00	648.78	(648.78)		
10-410-43 AUDITOR FEES	15,500	0.00	0.00	13,350.00	2,150.00	86%	
10-410-45 TAX COLLECTION FEES	68,000	0.00	0.00	19,513.23	48,486.77	29%	
10-410-47 PROFESSIONAL SERVICES	125,000	0.00	0.00	27,645.41	97,354.59	22%	
10-410-50 DONATIONS OTHER AGENCIES	6,000	0.00	0.00	0.00	6,000.00		
10-410-53 DUES & SUBSCRIPTIONS	2,750	0.00	0.00	2,035.00	715.00	74%	
10-410-57 MISCELLANEOUS	500	0.00	0.00	0.00	500.00		
10-410-58 TAX REFUNDS	2,000	0.00	0.00	202.64	1,797.36	10%	
10-410-95 BOARD STIPEND	3,600	0.00	0.00	1,800.00	1,800.00	50%	
GOVERNING BODY Totals:	265,604	0.00	0.00	84,579.96	181,024.04	32%	

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 3 Of 12

Period Ending 6/30/2024

10-420-02 SALARIES	508,586	0.00	0.00	171,711.41	336,875.05	34%
10-420-05 FICA (7.65%)	37,095	0.00	0.00	13,098.90	23,995.95	35%
10-420-06 GROUP INSURANCE	60,859	0.00	0.00	14,549.15	46,309.85	24%
10-420-07 ORBIT RETIREMENT (12.23%)	62,843	0.00	0.00	22,253.78	40,589.26	35%
10-420-08 401K (3%)	14,547	0.00	0.00	4,628.04	9,918.96	32%
10-420-09 TOWN INSURANCE HRA	46,500	0.00	0.00	28,402.88	18,097.12	61%
10-420-10 EMPLOYEE TRAINING	6,000	0.00	0.00	0.00	6,000.00	
10-420-11 POSTAGE	2,500	0.00	0.00	1,112.66	1,387.34	45%
10-420-12 MANAGER EXPENSE ACCT	1,000	0.00	0.00	0.00	1,000.00	
10-420-13 TUITION REIMBURSEMENT	5,000	0.00	0.00	0.00	5,000.00	
10-420-15 BANK CHARGES	2,000	0.00	0.00	349.15	1,650.85	17%
10-420-16 M & R EQUIPMENT	500	0.00	0.00	0.00	500.00	
10-420-17 M & R VEHICLE	1,500	0.00	0.00	177.20	1,322.80	12%
10-420-18 CONSUMABLES	5,000	0.00	0.00	1,397.98	3,602.02	28%
10-420-26 ADVERTISING	1,500	0.00	0.00	477.20	1,022.80	32%
10-420-31 GAS, OIL & TIRES	2,200	0.00	0.00	749.93	1,450.07	34%
10-420-32 OFFICE SUPPLIES	0	0.00	0.00	153.55	(153.55)	
10-420-33 DEPARTMENT SUPPLIES	6,000	0.00	0.00	1,205.50	4,794.50	20%
10-420-34 TOWN APPAREL & MERCH EXPENSE	3,000	0.00	0.00	3,601.59	(601.59)	120%
10-420-45 CONTRACTED SERVICES	54,000	0.00	0.00	21,767.53	32,232.47	40%
10-420-53 DUES & SUBSCRIPTIONS	9,600	0.00	0.00	4,737.92	4,862.08	49%
10-420-57 MISCELLANEOUS	500	0.00	0.00	50.83	449.17	10%
10-420-58 EMPLOYEE ENGAGEMENT	10,000	0.00	0.00	78.83	9,921.17	1%
10-420-74 CAPITAL OUTLAY	10,000	0.00	0.00	0.00	10,000.00	
10-420-76 EQUIPMENT LEASE PAYMENTS	12,000	0.00	0.00	3,551.32	8,448.68	30%
ADMINISTRATION Totals:	862,730	0.00	0.00	294,055.35	568,675.00	34%
10-430-57 ELECTION EXPENSES	5,000	0.00	0.00	0.00	5,000.00	
ELECTIONS Totals:	5,000	0.00	0.00	0.00	5,000.00	
10-480-02 SALARIES	76,000	0.00	0.00	34,901.76	41,098.24	46%
10-480-05 FICA (7.65%)	5,814	0.00	0.00	2,662.16	3,151.84	46%

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 4 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-480-06 GROUP INSURANCE	9,000	0.00	0.00	3,802.40	5,197.60	42%	
10-480-07 ORBIT RETIREMENT (12.96%)	9,850	0.00	0.00	4,523.28	5,326.32	46%	
10-480-08 401K (3%)	2,280	0.00	0.00	1,042.56	1,237.44	46%	
10-480-10 EMPLOYEE TRAINING	2,500	0.00	0.00	158.69	2,341.31	6%	
10-480-16 M & R EQUIPMENT	6,000	0.00	0.00	2,431.03	3,568.97	41%	
10-480-33 DEPARTMENT SUPPLIES	1,000	0.00	0.00	619.84	380.16	62%	
10-480-53 DUES & SUBSCRIPTIONS	44,165	0.00	0.00	22,735.34	21,430.06	51%	
10-480-57 MISCELLANEOUS	500	0.00	0.00	0.00	500.00		
10-480-76 EQUIPMENT LEASE PAYMENTS (Computers)	17,000	0.00	0.00	0.00	17,000.00		
IT DEPARTMENT Totals:	174,109	0.00	0.00	72,877.06	101,231.94	42%	
10-490-02 SALARIES	161,000	0.00	0.00	48,267.26	112,732.74	30%	
10-490-03 PART-TIME SALARIES	0	0.00	0.00	489.00	(489.00)		
10-490-05 FICA (7.65%)	12,317	0.00	0.00	3,729.85	8,586.65	30%	
10-490-06 GROUP INSURANCE	18,000	0.00	0.00	3,855.56	14,144.44	21%	
10-490-07 ORBIT RETIREMENT (12.23%)	23,717	0.00	0.00	6,255.49	17,461.31	26%	
10-490-08 401K (3%)	5,490	0.00	0.00	1,431.48	4,058.52	26%	
10-490-10 EMPLOYEE TRAINING	3,000	0.00	0.00	1,229.00	1,771.00	41%	
10-490-16 M & R EQUIPMENT	500	0.00	0.00	0.00	500.00		
10-490-17 M & R VEHICLES	1,000	0.00	0.00	275.00	725.00	28%	
10-490-31 GAS, OIL, & TIRES	2,200	0.00	0.00	106.20	2,093.80	5%	
10-490-45 CONTRACTED SERVICES	6,000	0.00	0.00	6,000.00	0.00	100%	
10-490-53 DUES & SUBSCRIPTIONS	1,650	0.00	0.00	259.00	1,391.00	16%	
10-490-57 MISCELLANEOUS	250	0.00	0.00	100.00	150.00	40%	
10-490-58 CRS FLOOD ACTIVITY	1,400	0.00	0.00	0.00	1,400.00		
PLANNING/ZONING/CAMA Totals:	236,523	0.00	0.00	71,997.84	164,525.46	30%	
10-491-02 SALARIES	143,000	0.00	0.00	71,620.24	71,379.76	50%	
10-491-05 FICA (7.65%)	10,940	0.00	0.00	5,472.50	5,467.00	50%	
10-491-06 GROUP INSURANCE	18,000	0.00	0.00	7,628.14	10,371.86	42%	

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 5 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-491-07 ORBIT RETIREMENT (12.23%)	18,533	0.00	0.00	9,403.26	9,129.54	51%	
10-491-08 401K (3%)	4,290	0.00	0.00	2,161.70	2,128.30	50%	
10-491-10 EMPLOYEE TRAINING	4,500	0.00	0.00	637.38	3,862.62	14%	
10-491-17 M & R VEHICLES	1,200	0.00	0.00	0.00	1,200.00		
10-491-31 GAS, OIL & TIRES	3,300	0.00	0.00	1,109.97	2,190.03	34%	
10-491-33 DEPARTMENTAL SUPPLIES	0	0.00	0.00	(481.65)	481.65		
10-491-45 CONTRACTED SERVICES	10,000	0.00	0.00	6,855.00	3,145.00	69%	
10-491-53 DUES & SUBSCRIPTIONS	1,555	0.00	0.00	185.00	1,370.00	12%	
10-491-54 DEMOLITION	30,000	0.00	0.00	0.00	30,000.00		
10-491-57 MISCELLANEOUS	500	0.00	0.00	59.98	440.02	12%	
INSPECTIONS Totals:	245,817	0.00	0.00	104,651.52	141,165.78	43%	
10-500-11 PHONES	30,000	0.00	0.00	12,153.03	17,846.97	41%	
10-500-13 UTILITIES	65,300	0.00	0.00	17,652.08	47,647.92	27%	
10-500-15 M & R BUILDINGS/GROUNDS	65,000	2,575.00	0.00	15,974.35	46,450.65	29%	
10-500-17 LANDSCAPING EXPENSE	9,000	0.00	0.00	0.00	9,000.00		
10-500-33 BUILDING SUPPLIES	6,500	0.00	0.00	1,800.12	4,699.88	28%	
10-500-35 FURNITURE	15,000	0.00	0.00	728.53	14,271.47	5%	
10-500-43 CLEANING SERVICES	15,000	0.00	0.00	5,500.00	9,500.00	37%	
10-500-45 PEST CONTROL	2,000	0.00	0.00	1,758.00	242.00	88%	
10-500-57 TOWN SIGN M & R	5,500	0.00	0.00	0.00	5,500.00		
10-500-58 WEB EOC SERVICE	1,500	0.00	0.00	0.00	1,500.00		
10-500-74 CAPITAL OUTLAY	205,367	0.00	0.00	72,886.53	132,480.00	35%	
10-500-76 LEASE PAYMENTS	24,000	0.00	0.00	24,000.00	0.00	100%	
PUBLIC BLDGS Totals:	444,167	2,575.00	0.00	152,452.64	289,138.89	35%	
10-501-09 WORKER'S COMPENSATION	57,750	0.00	0.00	44,690.63	13,059.37	77%	
10-501-13 PROPERTY LIABILITY & BONDS	135,450	0.00	0.00	104,508.54	30,941.46	77%	
10-501-17 VFIS INSURANCE	23,625	0.00	0.00	22,453.00	1,172.00	95%	
10-501-53 CYBER INSURANCE	15,000	0.00	0.00	13,626.77	1,373.23	91%	
10-501-54 FLOOD INSURANCE	45,000	0.00	0.00	3,419.00	41,581.00	8%	

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 6 Of 12

Period Ending 6/30/2024

INSURANCE Totals:	276,825	0.00	0.00	188,697.94	88,127.06	68%
10-509-02 PSA SALARY	15,905	0.00	0.00	7,951.71	7,953.29	50%
10-509-05 FICA (7.65%)	1,220	0.00	0.00	608.27	611.73	50%
PSA - RETIRED POLICE OFFICERS Totals:	17,125	0.00	0.00	8,559.98	8,565.02	50%
10-510-02 SALARIES	776,000	0.00	0.00	350,285.35	425,714.65	45%
10-510-03 PART-TIME SALARIES	6,900	0.00	0.00	4,841.68	2,058.32	70%
10-510-04 OVERTIME	35,000	0.00	0.00	15,290.78	19,709.22	44%
10-510-05 FICA (7.65%)	62,569	0.00	0.00	28,474.92	34,094.43	46%
10-510-06 GROUP INSURANCE	117,000	0.00	0.00	47,074.52	69,925.48	40%
10-510-07 ORBIT RETIREMENT (13.04%)	108,600	0.00	0.00	51,360.27	57,239.73	47%
10-510-08 401K (5%)	38,000	0.00	0.00	17,661.86	20,338.14	46%
10-510-09 BEACH PATROL EXPENSE	15,000	0.00	0.00	3,829.07	11,170.93	26%
10-510-10 EMPLOYEE TRAINING	10,100	0.00	0.00	1,450.87	8,649.13	14%
10-510-16 M & R EQUIPMENT	3,500	0.00	0.00	2,115.99	1,384.01	60%
10-510-17 M & R VEHICLES	10,000	0.00	0.00	7,810.49	2,189.51	78%
10-510-31 GAS,OIL & TIRES	60,500	0.00	0.00	25,407.05	35,092.95	42%
10-510-32 OFFICE SUPPLIES	1,000	0.00	0.00	245.44	754.56	25%
10-510-33 DEPARTMENTAL SUPPLIES	5,050	0.00	0.00	89.19	4,960.81	2%
10-510-36 UNIFORMS	12,000	0.00	0.00	3,114.36	8,885.64	26%
10-510-37 BALLISTIC VEST GRANT EXPENSE	4,570	0.00	0.00	0.00	4,570.00	
10-510-47 PROFESSIONAL SERVICES	4,160	0.00	0.00	1,018.20	3,141.80	24%
10-510-53 DUES & SUBSCRIPTIONS	23,421	0.00	0.00	12,452.52	10,968.48	53%
10-510-57 K-9 EXPENSES	3,000	0.00	0.00	0.00	3,000.00	
10-510-60 LESO PROGRAM	2,550	0.00	0.00	0.00	2,550.00	
10-510-73 NON-CAPITAL OUTLAY	29,500	9,444.00	0.00	9,692.00	10,364.00	65%
10-510-74 CAPITAL OUTLAY	59,100	0.00	0.00	61,179.07	(2,079.07)	104%
10-510-76 TAXES & TITLES	4,000	0.00	0.00	1,289.37	2,710.63	32%
POLICE Totals:	1,391,520	9,444.00	0.00	644,683.00	737,393.35	47%
10-545-02 SALARIES	227,500	0.00	0.00	104,234.59	123,265.41	46%

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 7 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-545-04 OVERTIME	6,000	0.00	0.00	4,963.57	1,036.43	83%	
10-545-05 FICA (7.65%)	17,863	0.00	0.00	8,338.53	9,524.22	47%	
10-545-06 GROUP INSURANCE	44,500	0.00	0.00	16,643.68	27,856.32	37%	
10-545-07 ORBIT RETIREMENT (12.23%)	30,262	0.00	0.00	14,152.00	16,109.60	47%	
10-545-08 401K (3%)	7,005	0.00	0.00	3,236.90	3,768.10	46%	
10-545-14 EMPLOYEE TRAINING	2,500	0.00	0.00	0.00	2,500.00		
10-545-16 M & R EQUIPMENT	10,000	0.00	0.00	375.71	9,624.29	4%	
10-545-17 M & R VEHICLES	15,000	0.00	0.00	3,758.44	11,241.56	25%	
10-545-31 GAS, OIL & TIRES	22,000	0.00	0.00	6,474.72	15,525.28	29%	
10-545-32 OFFICE SUPPLIES	500	0.00	0.00	51.99	448.01	10%	
10-545-33 DEPARTMENTAL SUPPLIES & EQUIP	5,000	1,552.50	0.00	3,325.34	122.16	98%	
10-545-34 MOSQUITO CONTROL EXPENSE	5,000	0.00	0.00	0.00	5,000.00		
10-545-36 UNIFORMS	1,500	990.00	0.00	199.67	310.33	79%	
10-545-37 RENTAL EQUIPMENT	6,000	0.00	0.00	2,462.16	3,537.84	41%	
10-545-57 MISCELLANEOUS	100	0.00	0.00	0.00	100.00		
10-545-73 NON-CAPITAL OUTLAY	9,000	0.00	0.00	0.00	9,000.00		
10-545-74 CAPITAL OUTLAY	159,330	0.00	0.00	0.00	159,330.00		
10-545-76 TAXES & TITLES	12,000	0.00	0.00	0.00	12,000.00		
PUBLIC WORKS Totals:	581,059	2,542.50	0.00	168,217.30	410,299.55	29%	
10-560-13 STREET LIGHT EXPENSE	30,000	0.00	0.00	12,078.50	17,921.50	40%	
10-560-15 M & R PUBLIC PARKING	25,000	0.00	0.00	39.67	24,960.33	0%	
10-560-33 DEPARTMENTAL SUPPLIES	4,000	0.00	0.00	17.47	3,982.53	0%	
10-560-43 TOWN ENTRANCE SIGNS	10,000	0.00	0.00	122.51	9,877.49	1%	
10-560-72 STORMWATER	20,000	0.00	0.00	315.02	19,684.98	2%	
10-560-73 STREET PAVING & REPAIR	40,000	0.00	0.00	12,499.11	27,500.89	31%	
STREETS Totals:	129,000	0.00	0.00	25,072.28	103,927.72	19%	
10-580-45 SANITATION CONTRACTS	413,969	0.00	0.00	173,348.78	240,620.58	42%	
10-580-46 TIPPING FEES	70,555	0.00	0.00	42,639.99	27,915.01	60%	

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 8 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-580-47 RECYCLING	30,000	0.00	0.00	0.00	30,000.00		
SANITATION Totals:	514,524	0.00	0.00	215,988.77	298,535.59	42%	
10-620-12 SNOWFLAKES	12,000	0.00	0.00	0.00	12,000.00		
10-620-14 PARK WELL	1,500	0.00	0.00	0.00	1,500.00		
10-620-15 PARK MAINTENANCE	20,000	0.00	0.00	915.39	19,084.61	5%	
10-620-17 PARK LANDSCAPING	15,000	0.00	0.00	0.00	15,000.00		
10-620-18 M & R BIKE PATH	1,500	0.00	0.00	0.00	1,500.00		
10-620-19 M & R DOCK/BOARDWALK	90,000	0.00	0.00	0.00	90,000.00		
10-620-27 SPECIAL EVENTS	11,020	0.00	0.00	9,216.80	1,803.20	84%	
10-620-33 PARK SUPPLIES	7,200	0.00	0.00	1,144.95	6,055.05	16%	
RECREATION Totals:	158,220	0.00	0.00	11,277.14	146,942.86	7%	
10-690-02 SALARIES	896,500	0.00	0.00	410,433.18	486,066.82	46%	
10-690-03 PART-TIME SALARIES	88,192	0.00	0.00	2,250.00	85,942.00	3%	
10-690-04 OVERTIME	40,000	0.00	0.00	27,716.26	12,283.74	69%	
10-690-05 FICA (7.65%)	78,392	0.00	0.00	33,179.07	45,212.43	42%	
10-690-06 GROUP INSURANCE	151,000	0.00	0.00	48,046.43	102,953.57	32%	
10-690-07 ORBIT RETIREMENT (12.23%)	121,694	0.00	0.00	56,784.16	64,910.24	47%	
10-690-08 401K (3%)	28,170	0.00	0.00	12,968.95	15,201.05	46%	
10-690-10 EMPLOYEE TRAINING	5,500	0.00	0.00	2,228.48	3,271.52	41%	
10-690-16 M & R EQUIPMENT	22,000	0.00	0.00	979.89	21,020.11	4%	
10-690-17 M & R VEHICLES	19,000	0.00	0.00	7,301.49	11,698.51	38%	
10-690-31 GAS, OIL & TIRES	22,000	0.00	0.00	10,796.78	11,203.22	49%	
10-690-32 OFFICE SUPPLIES	2,000	0.00	0.00	0.00	2,000.00		
10-690-33 DEPARTMENTAL SUPPLIES	46,000	10,552.28	0.00	11,895.86	23,551.86	49%	
10-690-34 FIRE FIGHTER PHYSICALS	6,000	12,641.00	0.00	0.00	(6,641.00)	211%	
10-690-36 UNIFORMS	8,500	0.00	0.00	3,675.24	4,824.76	43%	
10-690-47 PROFESSIONAL SERVICES	4,000	0.00	0.00	114.00	3,886.00	3%	
10-690-53 DUES & SUBSCRIPTIONS	8,500	0.00	0.00	2,446.00	6,054.00	29%	
10-690-57 MISCELLANEOUS	300	0.00	0.00	223.24	76.76	74%	

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 9 Of 12

Period Ending 6/30/2024

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-690-73 COMMUNICATIONS EQUIP	6,000	1,284.91	0.00	0.00	4,715.09	21%	
10-690-74 CAPITAL OUTLAY	55,000	48,567.19	0.00	0.00	6,432.81	88%	
10-690-76 TAXES & TITLES	4,000	0.00	0.00	0.00	4,000.00		
FIRE DEPARTMENT Totals:	1,612,748	73,045.38	0.00	631,039.03	908,663.49	44%	
10-695-91 PLANNING BOARD EXPENSE	1,000	0.00	0.00	12.15	987.85	1%	
10-695-92 BOARD OF ADJUSTMENT EXPENSE	1,000	0.00	0.00	9.58	990.42	1%	
COMMITTEES Totals:	2,000	0.00	0.00	21.73	1,978.27	1%	
10-998-04 TRANSFER OUT - CAP IMPROVEMENT FUND	200,383	0.00	0.00	0.00	200,383.42		
Totals:	200,383	0.00	0.00	0.00	200,383.42		
10-999-01 CONTINGENCY	477,390	0.00	0.00	0.00	477,389.92		
CONTINGENCY Totals:	477,390	0.00	0.00	0.00	477,389.92		
Expenses Totals:	7,594,746	87,606.88	0.00	2,674,171.54	4,832,967.36	36%	
10 GENERAL FUND Revenues Over/(Under) Expenses:			0.00	2,848,553.80			

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 10 Of 12

Period Ending 6/30/2024

12 CAPITAL IMPROVEMENT FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
<b>Revenues</b>							
12-301-00 AD VALOREM TAX (.07)	1,072,313	0.00	0.00	730,464.00	(341,848.50)	68%	
12-301-03 ONSLOW COUNTY FIRE TAX	474,968	0.00	0.00	474,968.45	0.00	100%	
12-383-00 SALE OF FIXED ASSETS	471,000	0.00	0.00	0.00	(471,000.00)		
12-390-00 TRANSFER IN - FROM GENERAL FUND	200,383	0.00	0.00	0.00	(200,383.42)		
<b>Revenues Totals:</b>	<b>2,218,664</b>	<b>0.00</b>	<b>0.00</b>	<b>1,205,432.45</b>	<b>(1,013,231.92)</b>	<b>54%</b>	
<b>Expenses</b>							
12-750-01 FIRE DEPARTMENT	1,405,531	0.00	0.00	1,250.00	1,404,280.95	0%	
12-750-02 FIRE TRUCK	153,188	0.00	0.00	0.00	153,187.50		
12-750-03 BIKE PATH PROJECT	100,000	0.00	0.00	0.00	100,000.00		
12-750-11 FUTURE CAPITAL IMPROVEMENTS	559,946	0.00	0.00	0.00	559,945.92		
<b>Totals:</b>	<b>2,218,664</b>	<b>0.00</b>	<b>0.00</b>	<b>1,250.00</b>	<b>2,217,414.37</b>	<b>0%</b>	
<b>Expenses Totals:</b>	<b>2,218,664</b>	<b>0.00</b>	<b>0.00</b>	<b>1,250.00</b>	<b>2,217,414.37</b>	<b>0%</b>	
<b>12 CAPITAL IMPROVEMENT FUND</b>	<b>Revenues Over/(Under) Expenses:</b>		<b>0.00</b>	<b>1,204,182.45</b>			

## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Page 11 Of 12

Period Ending 6/30/2024

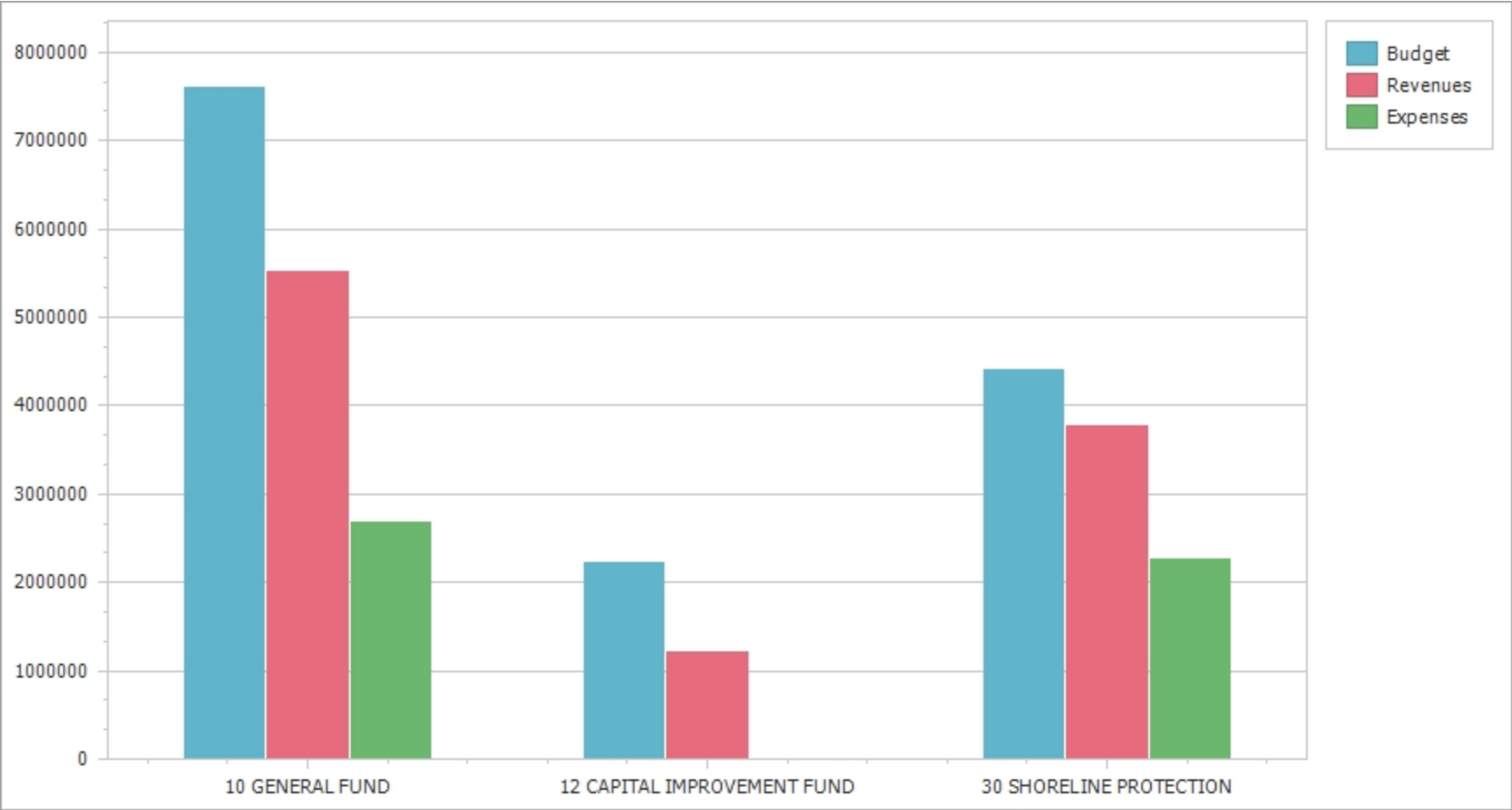
### 30 SHORELINE PROTECTION

Description	Budget	Encumbrance	MTD	YTD	Variance	Percent
<b>Revenues</b>						
30-301-00 ACCOMMODATION TAX	1,650,000	0.00	0.00	1,789,120.26	139,120.26	108%
30-301-05 AD VALOREM TAX - Beach	1,531,875	0.00	0.00	1,043,199.41	(488,675.59)	68%
30-317-01 COUNTY GRANT FUNDING	150,000	0.00	0.00	0.00	(150,000.00)	
30-329-00 INTEREST INCOME	25,000	0.00	0.00	120,923.69	95,923.69	484%
30-336-00 SEA OATS PROGRAM	25,000	0.00	0.00	0.00	(25,000.00)	
30-345-00 LOCAL OPTION SALES TAX	686,567	0.00	0.00	534,736.37	(151,830.28)	78%
30-350-01 PAID PARKING REVENUE	336,375	0.00	0.00	284,664.04	(51,710.96)	85%
Revenues Totals:	4,404,817	0.00	0.00	3,772,643.77	(632,172.88)	86%
<b>Expenses</b>						
30-710-08 LEASE PAYMENTS	48,000	0.00	0.00	0.00	48,000.00	
30-710-10 BEACH LOBBYIST CONTRACT	60,000	0.00	0.00	24,357.67	35,642.33	41%
30-710-12 BEACH/ACCESS MAINTENANCE	50,000	0.00	0.00	13,243.72	36,756.28	26%
30-710-14 BEACH MEETINGS / CONFERENCES	20,000	0.00	0.00	5,898.59	14,101.41	29%
30-710-15 M & R DUNE/CROSSWALK	8,000	4,750.00	0.00	122.04	3,127.96	61%
30-710-45 CONTRACTED SERVICES	10,000	0.00	0.00	0.00	10,000.00	
30-710-59 SEA OATS PROGRAM	50,000	0.00	0.00	0.00	50,000.00	
Totals:	246,000	4,750.00	0.00	43,622.02	197,627.98	20%
30-720-04 FEMA Florence Truck Haul	0	0.00	0.00	10,553.25	(10,553.25)	
30-720-07 NEW RIVER EIS PROJECT	280,000	0.00	0.00	78,510.50	201,489.50	28%
30-720-08 CONTRACTS, PLANS, SPECS	200,000	0.00	0.00	64,355.00	135,645.00	32%
30-720-10 VITEX	216,000	0.00	0.00	5,219.31	210,780.69	2%
30-720-50 2022B SOB PAYMENT	2,006,204	0.00	0.00	1,909,082.74	97,121.26	95%
30-720-57 2022C FEMA SOB FEES	0	0.00	0.00	88,994.89	(88,994.89)	
30-720-58 2022A FEMA SOB FEES	0	0.00	0.00	66,035.11	(66,035.11)	
30-720-60 30 YEAR BEACH PLAN	30,000	0.00	0.00	0.00	30,000.00	
30-720-64 Sandbag Repair Project	200,000	0.00	0.00	0.00	200,000.00	
30-720-68 Future Projects Fund	1,226,613	0.00	0.00	0.00	1,226,612.65	

Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:40:45 AM

Period Ending 6/30/2024						
BEACH REN. / DUNE STAB. Totals:	4,158,817	0.00	0.00	2,222,750.80	1,936,065.85	53%
Expenses Totals:	4,404,817	4,750.00	0.00	2,266,372.82	2,133,693.83	52%
30 SHORELINE PROTECTION	Revenues Over/(Under) Expenses:		0.00	1,506,270.95		



## Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:41:21 AM

Page 1 Of 2

Period Ending 6/30/2025

### 31 CAPITAL PROJECT BEACH MAINTENANCE

Description	Budget	Encumbrance	MTD	YTD	Variance	Percent
<b>Revenues</b>						
31-330-00 LOAN PROCEEDS	17,202,294	0.00	0.00	10,857,303.66	(6,344,990.34)	63%
31-348-08 FEMA REIMBURSEMENT	17,599,184	0.00	0.00	8,493,442.31	(9,105,741.69)	48%
31-368-00 NCDEQ GRANT FUNDS	10,500,000	0.00	0.00	10,500,000.00	0.00	100%
31-399-01 T/I FROM BEACH FUND	1,528,134	0.00	0.00	1,528,133.90	0.00	100%
Revenues Totals:	46,829,612	0.00	0.00	31,378,879.87	(15,450,732.03)	67%
<b>Expenses</b>						
31-440-00 2022A DEBT SERVICE	9,000,000	0.00	0.00	8,493,442.31	506,557.69	94%
31-440-01 2022C DEBT SERVICE	8,202,294	0.00	0.00	0.00	8,202,294.00	
31-450-01 ENGINEERING & CONSTRUCTION PHASE SUPPORT	9,000	0.00	0.00	4,051.00	4,949.00	45%
31-450-02 CONSTRUCTION MANAGEMENT & ADMINISTRATION	210,000	0.00	0.00	364,678.25	(154,678.25)	174%
31-450-03 LABORATORY ANALYSIS	44,400	0.00	0.00	6,020.00	38,380.00	14%
31-450-04 REGULATORY COORDINATION & CLOSEOUT	10,000	0.00	0.00	8,882.50	1,117.50	89%
31-450-05 MOBILIZATION & DEMOBILIZATION	180,000	0.00	0.00	180,000.00	0.00	100%
31-450-06 HAUL & PLACEMENT OF BEACH FILL	8,378,110	0.00	0.00	9,141,735.55	(763,625.55)	109%
31-450-07 PAYMENT & PERFORMANCE BONDS	45,000	0.00	0.00	45,000.00	0.00	100%
31-450-08 PROFESSIONAL FEES	123,490	0.00	0.00	562,915.14	(439,425.14)	456%
31-450-09 TRANCHE 2 CONSTRUCTION	8,621,653	0.00	0.00	3,520,613.37	5,101,039.27	41%
31-450-10 TRANCHE 2 ENGINEERING	585,000	0.00	0.00	227,936.02	357,063.98	39%
31-450-11 TRANCHE 2 CONTINGENCY	920,665	0.00	0.00	595.00	920,070.26	0%
31-460-00 TRANCHE 3 PROJECT	10,500,000	0.00	0.00	1,690.00	10,498,310.00	0%
Totals:	46,829,612	0.00	0.00	22,557,559.14	24,272,052.76	48%
Expenses Totals:	46,829,612	0.00	0.00	22,557,559.14	24,272,052.76	48%

Budget vs Actual

NORTH TOPSAIL BEACH  
12/20/2023 10:41:21 AM

Period Ending 6/30/2025

31 CAPITAL PROJECT BEACH MAINTENANCE	Revenues Over/(Under) Expenses:	0.00	8,821,320.73
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# GL Account History Summary

NORTH TOPSAIL BEACH

12/20/2023 10:39 AM

Page 1/1

Account Range: 30-301-00 ACCOMMODATION TAX - 30-301-00 ACCOMMODATION TAX

Date Range: 12/1/2023 - 12/20/2023

<b>GL Account - 30-301-00 ACCOMMODATION TAX</b>					
Date	Description	Source	Debits	Credits	Date
Fiscal Period - FY 23-24		Beg Balance	\$0.00	\$4,282,596.34	
12/05/2023	OCC TAX	GL GJ	\$0.00	\$550.53	12/05/2023
12/06/2023	OCC TAX	GL GJ	\$0.00	\$161.64	12/08/2023
12/07/2023	OCC TAX	GL GJ	\$0.00	\$136.23	12/08/2023
12/07/2023	OCC TAX	GL GJ	\$0.00	\$33.18	12/08/2023
12/08/2023	OCC TAX	GL GJ	\$0.00	\$2,673.75	12/08/2023
12/11/2023	OCC TAX	GL GJ	\$0.00	\$89.85	12/15/2023
12/11/2023	OCC TAX	GL GJ	\$0.00	\$128.17	12/15/2023
12/12/2023	OCC TAX	GL GJ	\$0.00	\$8,347.33	12/15/2023
12/12/2023	OCC TAX	GL GJ	\$0.00	\$8,716.95	12/14/2023
12/15/2023	OCC TAX	GL GJ	\$0.00	\$5,959.61	12/15/2023
12/18/2023	OCC TAX	GL GJ	\$0.00	\$7,867.50	12/20/2023
12/19/2023	OCC TAX	GL GJ	\$0.00	\$27,724.70	12/20/2023
Transaction Totals			\$0.00	\$62,389.44	
**	End Balance		\$0.00	\$62,389.44	**

## Check Listing

Date From: 12/1/2023 Date To: 12/20/2023

Vendor Range: A PLUS WAREHOUSE EQUIPMENT & SUPPLY - ZOCKLEIN & ASSOCIATES

NORTH TOPSAIL BEACH

12/20/2023 10:17 AM

Page: 1 of 2

Check Number	Bank	Vendor	Date	Amount
47400	1	ANDREW TATOR	12/07/2023	<u>\$410.00</u>
47401	1	CAPE FEAR COMMUNITY COLLEGE	12/07/2023	<u>\$140.00</u>
47402	1	CROSSLEY MCINTOSH COLLIER	12/07/2023	<u>\$2,047.16</u>
47403	1	DIAL CORDY	12/07/2023	<u>\$9,952.00</u>
47404	1	FIRE CONNECTIONS	12/07/2023	<u>\$114.84</u>
47405	1	NANCY ANN AVERY	12/07/2023	<u>\$2,103.50</u>
47406	1	NC ASSOC. OF FLOODPLAIN MGR	12/07/2023	<u>\$60.00</u>
47407	1	ONslow COUNTY SOLID WASTE DEPT	12/07/2023	<u>\$4,157.01</u>
47408	1	PEACHY CLEAN	12/07/2023	<u>\$1,000.00</u>
47409	1	PNC BANK	12/07/2023	<u>\$1,909,082.74</u>
47410	1	SECURED LOCK AND SECURITY SOLUTION	12/07/2023	<u>\$417.30</u>
47411	1	THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.	12/07/2023	<u>\$3,250.00</u>
47412	1	TI COASTAL SERVICES, INC.	12/07/2023	<u>\$2,000.00</u>
47413	1	TOWN OF SURF CITY	12/07/2023	<u>\$3,552.64</u>
47414	1	WELLS INSURANCE	12/07/2023	<u>\$52,381.00</u>
47415	1	AMERICAN INDUSTRIES, INC.	12/14/2023	<u>\$671.27</u>
47416	1	APPLIED TECHNOLOGY & MNGMT	12/14/2023	<u>\$10,553.25</u>
47417	1	FIRE CONNECTIONS	12/14/2023	<u>\$862.38</u>
47418	1	GFL ENVIRONMENTAL	12/14/2023	<u>\$34,381.67</u>
47419	1	GUY C. LEE BUILDING MATERIALS	12/14/2023	<u>\$42.44</u>
47420	1	JACKSONVILLE DAILY NEWS	12/14/2023	<u>\$179.40</u>
47421	1	JONES ONSLOW ELECTRIC COMPANY	12/14/2023	<u>\$3,716.65</u>
47422	1	LOWE'S HOME CENTERS	12/14/2023	<u>\$91.95</u>
47423	1	ONslow WATER & SEWER AUTHORITY	12/14/2023	<u>\$238.17</u>
47424	1	PRESTIGE CHEMICALS	12/14/2023	<u>\$349.11</u>
47425	1	SNEADS FERRY OIL & LP GAS	12/14/2023	<u>\$55.81</u>
47426	1	SPLASH BY THE SEA	12/14/2023	<u>\$988.85</u>
47427	1	THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.	12/14/2023	<u>\$350.00</u>
47428	1	THREAD FX	12/14/2023	<u>\$1,229.76</u>
47429	1	TOWN OF SURF CITY	12/14/2023	<u>\$1,666.67</u>
47430	1	TRUIST BANK	12/14/2023	<u>\$3,642.55</u>
47431	1	VALERIA EDWARDS	12/14/2023	<u>\$12,000.00</u>

Check Listing

Date From: 12/1/2023 Date To: 12/20/2023  
Vendor Range: A PLUS WAREHOUSE EQUIPMENT & SUPPLY - ZOCKLEIN & ASSOCIATES

NORTH TOPSAIL BEACH  
12/20/2023 10:17 AM

Page: 2 of 2

Check Number	Bank	Vendor	Date	Amount
32		Checks Totaling -		\$2,061,688.12

Totals By Fund

	Checks	Voids	Total
10	\$124,146.66		\$124,146.66
30	\$1,937,541.46		\$1,937,541.46
Totals:	\$2,061,688.12		\$2,061,688.12

# Town of North Topsail Beach Fire Department

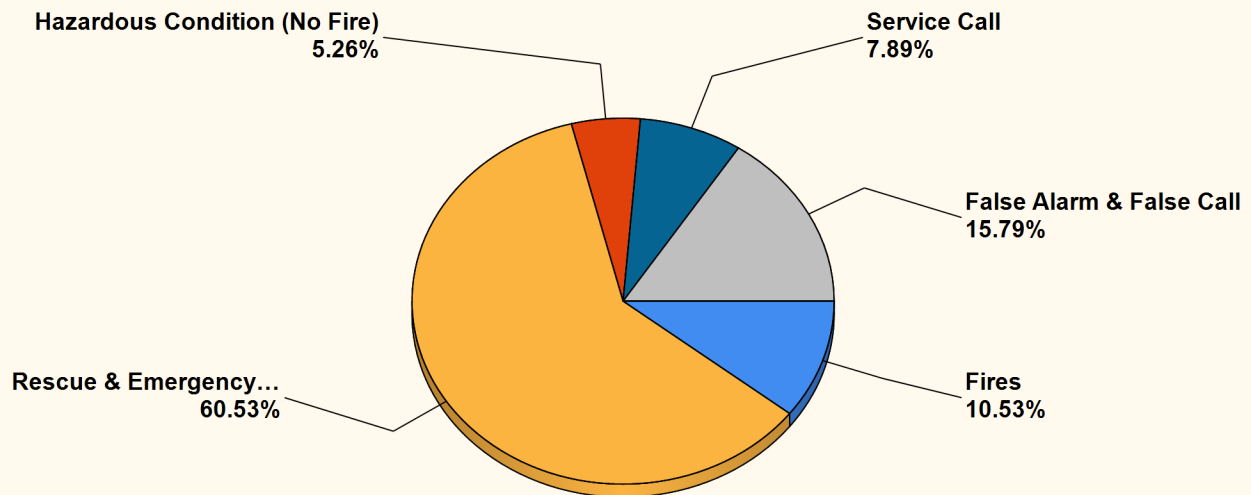
North Topsail Beach, NC

This report was generated on 12/18/2023 10:25:17 AM



## Breakdown by Major Incident Types for Date Range

Zone(s): All Zones | Start Date: 11/01/2023 | End Date: 12/18/2023



MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	4	10.53%
Rescue & Emergency Medical Service	23	60.53%
Hazardous Condition (No Fire)	2	5.26%
Service Call	3	7.89%
False Alarm & False Call	6	15.79%
<b>TOTAL</b>	<b>38</b>	<b>100%</b>

Only REVIEWED and/or LOCKED IMPORTED incidents are included. Summary results for a major incident type are not displayed if the count is zero.

Section IX, ItemB.



emergencyreporting  
Doc Id: 553  
Page # 1 of 2

### Detailed Breakdown by Incident Type

INCIDENT TYPE	# INCIDENTS	% of TOTAL
111 - Building fire	4	10.53%
311 - Medical assist, assist EMS crew	17	44.74%
320 - Emergency medical service, other	2	5.26%
353 - Removal of victim(s) from stalled elevator	2	5.26%
365 - Watercraft rescue	2	5.26%
400 - Hazardous condition, other	1	2.63%
413 - Oil or other combustible liquid spill	1	2.63%
500 - Service Call, other	2	5.26%
551 - Assist police or other governmental agency	1	2.63%
743 - Smoke detector activation, no fire - unintentional	2	5.26%
745 - Alarm system activation, no fire - unintentional	4	10.53%
<b>TOTAL INCIDENTS:</b>	<b>38</b>	<b>100%</b>

Only REVIEWED and/or LOCKED IMPORTED incidents are included. Summary results for a major incident type are not displayed if the count is zero.

Section IX, ItemB.



emergencyreporting  
Doc Id: 553  
Page # 2 of 2

## Permits Issued List

From Date: 11/25/2023

To Date: 12/19/2023

Permit Type	Sub Type	Permit#	Address	Issue Date	Permit Fee
Addition Permit	Single Family	AP23-000012	3712 ISLAND DR	11/27/2023	350.00
<b>Addition Permit Total</b>	<b>Single Family Total</b>			1	350.00
<b>Addition Permit Total</b>				1	350.00
Beach Access Application	Beach Access Application	BAA23-000028	1040 NEW RIVER INLET RD	11/27/2023	200.00
<b>Beach Access Application Total</b>	<b>Beach Access Application Total</b>			1	200.00
<b>Beach Access Application Total</b>				1	200.00
Boat Lift Permit	Residential	BTL23-000006	22 SAILVIEW DR HOA Dock Slip #3	12/12/2023	200.00
<b>Boat Lift Permit Total</b>	<b>Residential Total</b>			1	200.00
<b>Boat Lift Permit Total</b>				1	200.00
Dock/Bulkhead/Retaining Wall Permit	Bulkhead	DBR23-000019	18 SAILVIEW DR	11/28/2023	200.00
Dock/Bulkhead/Retaining Wall Permit	Bulkhead	DBR23-000020	17 SAILVIEW DR	11/27/2023	200.00
<b>Dock/Bulkhead/Retaining Wall Permit Total</b>	<b>Bulkhead Total</b>			2	400.00
Dock/Bulkhead/Retaining Wall Permit	Retaining Wall	DBR23-000012	100 OCEAN CLUB CT	11/27/2023	200.00
<b>Dock/Bulkhead/Retaining Wall Permit Total</b>	<b>Retaining Wall Total</b>			1	200.00
<b>Dock/Bulkhead/Retaining Wall Permit Total</b>				3	600.00
Driveway Permit	Driveway Permit	DVW23-000051	25 OSPREY DR	12/18/2023	0.00
Driveway Permit	Driveway Permit	DVW23-000059	2088 NEW RIVER INLET RD	11/27/2023	0.00
Driveway Permit	Driveway Permit	DVW23-000049	4354 ISLAND DR	11/27/2023	0.00
<b>Driveway Permit Total</b>	<b>Driveway Permit Total</b>			3	0.00
<b>Driveway Permit Total</b>				3	0.00
Electrical Permit	Residential	E23-000204	25 OSPREY DR	12/18/2023	0.00

Electrical Permit	Residential	E23-000254	2660 ISLAND DR	12/12/2023	0.00
Electrical Permit	Residential	E23-000231	1951 NEW RIVER INLET RD	12/14/2023	0.00
Electrical Permit	Residential	E23-000257	340 TOPSAIL RD	12/18/2023	75.00
Electrical Permit	Residential	E23-000230	461 TOPSAIL RD	12/18/2023	0.00
Electrical Permit	Residential	E23-000222	1951 NEW RIVER INLET RD	11/27/2023	0.00
Electrical Permit	Residential	E23-000191	4354 ISLAND DR	11/27/2023	0.00
Electrical Permit	Residential	E23-000217	2088 NEW RIVER INLET RD	11/27/2023	0.00
Electrical Permit	Residential	E23-000232	3712 ISLAND DR	11/27/2023	0.00
Electrical Permit	Residential	E23-000243	4002 ISLAND DR	11/29/2023	75.00
Electrical Permit	Residential	E23-000246	2224 NEW RIVER INLET RD 239	12/01/2023	75.00
Electrical Permit	Residential	E23-000249	2174 NEW RIVER INLET RD 386	12/07/2023	0.00
Electrical Permit	Residential	E23-000248	22 SAILVIEW DR HOA Dock Slip #3	12/12/2023	75.00
Electrical Permit	Residential	E23-000240	20 HUNTER HEATH DR	12/12/2023	0.00
Electrical Permit	Residential	E23-000247	4400 ISLAND DR	12/11/2023	0.00
Electrical Permit	Residential	E23-000213	3048 ISLAND DR	12/11/2023	0.00
<b>Electrical Permit Total</b>	<b>Residential Total</b>			16	300.00
<b>Electrical Permit Total</b>				16	300.00
Fence Permit	Residential	FNC23-000026	202 BAYVIEW DR	11/28/2023	50.00
<b>Fence Permit Total</b>	<b>Residential Total</b>			1	50.00
<b>Fence Permit Total</b>				1	50.00
Fuel Gas Permit	Residential	FG23-000036	25 OSPREY DR	12/18/2023	0.00
Fuel Gas Permit	Residential	FG23-000037	25 OSPREY DR	12/18/2023	0.00
Fuel Gas Permit	Residential	FG23-000039	126 N PERMUDA WYND DR	12/11/2023	75.00
Fuel Gas Permit	Residential	FG23-000038	3048 ISLAND DR	12/11/2023	0.00
<b>Fuel Gas Permit Total</b>	<b>Residential Total</b>			4	75.00
<b>Fuel Gas Permit Total</b>				4	75.00
Insulation Permit	Residential	I23-000047	25 OSPREY DR	12/18/2023	0.00
Insulation Permit	Residential	I23-000052	3048 ISLAND DR	12/11/2023	0.00
Insulation Permit	Residential	I23-000055	3712 ISLAND DR	11/27/2023	0.00

Insulation Permit	Residential	I23-000050	2088 NEW RIVER INLET RD	11/27/2023	0.00
Insulation Permit	Residential	I23-000044	4354 ISLAND DR	11/27/2023	0.00
<b>Insulation Permit Total</b>	<b>Residential Total</b>			5	0.00
<b>Insulation Permit Total</b>				5	0.00
Mechanical Permit	Residential	M23-000170	25 OSPREY DR	12/18/2023	0.00
Mechanical Permit	Residential	M23-000192	2874 ISLAND DR	12/15/2023	75.00
Mechanical Permit	Residential	M23-000193	3648 ISLAND DR	12/15/2023	75.00
Mechanical Permit	Residential	M23-000091	3212 ISLAND DR	12/15/2023	75.00
Mechanical Permit	Residential	M23-000164	4354 ISLAND DR	11/27/2023	0.00
Mechanical Permit	Residential	M23-000184	134 OCEANVIEW LN	11/29/2023	75.00
Mechanical Permit	Residential	M23-000183	2264 NEW RIVER INLET RD 105	11/29/2023	75.00
Mechanical Permit	Residential	M23-000145	1439 NEW RIVER INLET RD	11/29/2023	0.00
Mechanical Permit	Residential	M23-000174	2088 NEW RIVER INLET RD	11/27/2023	0.00
Mechanical Permit	Residential	M23-000177	3048 ISLAND DR	12/11/2023	0.00
Mechanical Permit	Residential	M23-000186	3745 ISLAND DR	12/11/2023	75.00
Mechanical Permit	Residential	M23-000190	886 NEW RIVER INLET RD 40	12/11/2023	75.00
<b>Mechanical Permit Total</b>	<b>Residential Total</b>			12	525.00
<b>Mechanical Permit Total</b>				12	525.00
New Construction Permit	Single Family	C23-000041	25 OSPREY DR	12/18/2023	2,342.01
New Construction Permit	Single Family	C23-000038	3048 ISLAND DR	12/11/2023	3,099.61
New Construction Permit	Single Family	C23-000045	2088 NEW RIVER INLET RD	11/27/2023	1,294.38
New Construction Permit	Single Family	C23-000037	4354 ISLAND DR	11/27/2023	1,698.36

<b>New Construction Permit Total</b>	<b>Single Family Total</b>			4	8,434.36
<b>New Construction Permit Total</b>				4	8,434.36
Plumbing Permit	Residential	P23-000087	2660 ISLAND DR	12/12/2023	75.00
Plumbing Permit	Residential	P23-000066	25 OSPREY DR	12/18/2023	0.00
Plumbing Permit	Residential	P21-000049	4210 ISLAND DR	12/18/2023	0.00
Plumbing Permit	Residential	P23-000062	4354 ISLAND DR	11/27/2023	0.00
Plumbing Permit	Residential	P23-000049	1439 NEW RIVER INLET RD	11/29/2023	0.00
Plumbing Permit	Residential	P23-000039	4260 ISLAND DR	11/29/2023	0.00
Plumbing Permit	Residential	P23-000038	4254 ISLAND DR	11/29/2023	0.00
Plumbing Permit	Residential	P23-000050	1443 NEW RIVER INLET RD	11/29/2023	0.00
Plumbing Permit	Residential	P23-000070	2088 NEW RIVER INLET RD	11/27/2023	0.00
Plumbing Permit	Residential	P23-000072	3048 ISLAND DR	12/11/2023	0.00
Plumbing Permit	Residential	P23-000082	3689 ISLAND DR	12/11/2023	75.00
Plumbing Permit	Residential	P23-000083	2174 NEW RIVER INLET RD 386	12/07/2023	75.00
Plumbing Permit	Residential	P23-000048	1435 NEW RIVER INLET RD	11/29/2023	0.00
<b>Plumbing Permit Total</b>	<b>Residential Total</b>			13	225.00
<b>Plumbing Permit Total</b>				13	225.00
Renovation Permit	Single Family	B23-000010	126 N PERMUDA WYND DR	12/19/2023	300.00
<b>Renovation Permit Total</b>	<b>Single Family Total</b>			1	300.00
<b>Renovation Permit Total</b>				1	300.00
Simple Build Permit	Commercial	SB23-000104	1768 NEW RIVER INLET RD Units 1-5	11/30/2023	1,595.00
Simple Build Permit	Commercial	SB23-000103	1774 NEW RIVER INLET RD Units 1-5	11/30/2023	1,595.00
Simple Build Permit	Commercial	SB23-000102	1784 NEW RIVER INLET RD Units 1-5	11/30/2023	1,595.00
<b>Simple Build Permit Total</b>	<b>Commercial Total</b>			3	4,785.00
Simple Build Permit	Single Family	SB23-000106	160 TOPSAIL RD	12/19/2023	200.00
Simple Build Permit	Single Family	SB23-000114	124 N PERMUDA WYND DR	12/11/2023	200.00
<b>Simple Build Permit Total</b>	<b>Single Family Total</b>			2	400.00
<b>Simple Build Permit Total</b>				5	5,185.00
Swimming Pool Permit	Residential	SP23-000043	20 HUNTER HEATH DR	12/12/2023	305.00

Swimming Pool Permit	Residential	SP23-000040	1951 NEW RIVER INLET RD	12/14/2023	305.00
Swimming Pool Permit	Residential	SP23-000042	461 TOPSAIL RD	12/18/2023	305.00
Swimming Pool Permit	Residential	SP23-000045	4400 ISLAND DR	12/11/2023	305.00
Swimming Pool Permit	Residential	SP23-000031	3801 ISLAND DR	12/11/2023	305.00
Swimming Pool Permit	Residential	SP23-000039	1951 NEW RIVER INLET RD	11/27/2023	305.00
<b>Swimming Pool Permit Total</b>	<b>Residential Total</b>			6	1,830.00
<b>Swimming Pool Permit Total</b>				6	1,830.00
Zoning and Floodplain Development Permit	Commercial	ZFP23-000237	1784 NEW RIVER INLET RD Units 1-5	11/30/2023	0.00
Zoning and Floodplain Development Permit	Commercial	ZFP23-000239	1774 NEW RIVER INLET RD Units 1-5	11/30/2023	0.00
Zoning and Floodplain Development Permit	Commercial	ZFP23-000238	1768 NEW RIVER INLET RD Units 1-5	11/30/2023	0.00
<b>Zoning and Floodplain Development Permit Total</b>	<b>Commercial Total</b>			3	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000223	461 TOPSAIL RD	12/18/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000201	25 OSPREY DR	12/18/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000228	1951 NEW RIVER INLET RD	12/14/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000207	610 HAMPTON COLONY CIR	12/15/2023	75.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000211	160 TOPSAIL RD	12/19/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000218	18 SAILVIEW DR	11/28/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000143	3801 ISLAND DR	12/11/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000242	4400 ISLAND DR	12/11/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000114	3048 ISLAND DR	12/11/2023	0.00

Zoning and Floodplain Development Permit	Residential	ZFP23-000236	124 N PERMUDA WYND DR	12/11/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000241	20 HUNTER HEATH DR	12/12/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000244	22 SAILVIEW DR HOA Dock Slip #3	12/12/2023	50.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000177	4354 ISLAND DR	11/27/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000215	1951 NEW RIVER INLET RD	11/27/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000167	100 OCEAN CLUB CT	11/27/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000213	2088 NEW RIVER INLET RD	11/27/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000225	17 SAILVIEW DR	11/27/2023	0.00
Zoning and Floodplain Development Permit	Residential	ZFP23-000230	3712 ISLAND DR	11/27/2023	0.00
<b>Zoning and Floodplain Development Permit Total</b>	<b>Residential Total</b>			18	125.00
<b>Zoning and Floodplain Development Permit Total</b>				21	125.00
<b>All Permits Total</b>				97	18,399.36

From: 11/29/2023

To: 12/20/2023

Permit#	Issue Date	Address	Property#	Legal Description	Property Owner	Contractor	Building Final	CO Issued	Cost	Receipt#	Estimated Value	Recovery Fund	Technology Fee
ZFP23-000237	11/30/2023	1784 NEW RIVER INLET RD Units 1-5	779E-1	SHIP WATCH VILLAS T/H	SHIPWATCH VL TWH HOA	THS National, LLC - Brian Higgins c/o Michael Emery			125.00		280000.00	0.00	0.00
ZFP23-000238	11/30/2023	1768 NEW RIVER INLET RD Units 1-5	779E-1	L1,2,3,5,6,7 C/A SHPWT	SHIPWATCH VL TWH HOA	THS National, LLC - Brian Higgins c/o Michael Emery			125.00		280000.00	0.00	0.00
ZFP23-000239	11/30/2023	1774 NEW RIVER INLET RD Units 1-5	779E-1	L1,2,3,5,6,7 C/A SHPWT	SHIPWATCH VL TWH HOA	THS National, LLC - Brian Higgins c/o Michael Emery			125.00		280000.00	0.00	0.00
ZFP23-000143	12/11/2023	3801 ISLAND DR	813-16.2	NC 210	GODWIN ROBERT SHAWN & SHANNON SALGADO	Owner Exemption Affidavit Pursuant to G.S. 87-1 - Robert & Shannon S Godwin			125.00		45000.00	0.00	0.00
ZFP23-000114	12/11/2023	3048 ISLAND DR	809-25	L8 S1 B1 OLD SETTLERS BEACH	REMARQUE HOME BUILDERS LLC	- Richard W Smith			125.00		1150000.00	0.00	0.00
ZFP23-000242	12/11/2023	4400 ISLAND DR	768A-11	L11 SUMMERTYME	GOLDSAND COREY & LISA	Carolina Coast Contracting Corp. - Jackie L James			125.00		18000.00	0.00	0.00
ZFP23-000236	12/11/2023	124 N PERMUDA WYND DR	806-68	L35 S1 VILLAGE OF STUMP SOUND	MACAULAY JACOB MCMILLIAN & HEATHER KELLY	Steel Anchor Construction LLC - Kevin Woods			125.00		4800.00	0.00	0.00
ZFP23-000241	12/12/2023	20 HUNTER HEATH DR	763A-20	L20 ASHE ISLAND FARM	DAUGIRD DEBRA K & ALLEN J	SeaCrest Builders, LLC - Kenneth R Barber			125.00		69784.01	0.00	0.00
ZFP23-000244	12/12/2023	22 SAILVIEW DR HOA Dock Slip #3	775C-11.2		JAMES SMALL	PFL Construction LLC - Joshua Barber			50.00		13000.00	0.00	0.00
ZFP23-000228	12/14/2023	1951 NEW RIVER INLET RD	779D-24	L24 B3 BAYVIEW	FAULKNER ADRIANA	Sunrise Pools, Inc. - Christian Villa			125.00		17500.00	0.00	0.00
ZFP23-000207	12/15/2023	610 HAMPTON	768A-130	L21 F & S VANROOD RECOMB	FULLER JAMES	Soundside Landscaping			75.00	611	11000.00	0.00	0.00
Section IX, ItemB.													

		COLONY CIR			MATTHEW & DEBORAH K	- Dusty Johnson							
ZFP23- 000223	12/18/2023	461 TOPSAIL RD	812-78	L115 SEAHAVEN BEACH	OMOHUNDRO JENNIFER C	J & M MARX POOLS, L.L.C. - Joel M Marx			125.00		60000.00	0.00	0.00
ZFP23- 000201	12/18/2023	25 OSPNEY DR	775C-49	L2 S2 OCEAN CLUB VILLAGE	BARNES TIMOTHY V	Dabbs Brothers, LLC - William II W Dabbs			125.00		1200000.00	0.00	0.00
DVW23- 000051	12/18/2023	25 OSPNEY DR	775C-49	L2 S2 OCEAN CLUB VILLAGE	BARNES TIMOTHY V	Dabbs Brothers, LLC - William II W Dabbs			50.00		5000.00	0.00	0.00
ZFP23- 000211	12/19/2023	160 TOPSAIL RD	809-8	L2 S1 B5 OLD SETTLERS BEACH	KILCUP DANIEL W & SUSAN TRUSTEES	- David W. Batts			125.00		51460.00	0.00	0.00
ZFP23- 000243	12/20/2023	768 NEW RIVER INLET RD	775C-9	L9 EMERALD DUNES VILLAGE	DABBS BROTHER LLC	Dabbs Brothers, LLC - William II W Dabbs			125.00		65000.00	0.00	0.00



# Town of North Topsail Beach

Service

Integrity

## Police Department

Chief William K. Younginer

### Department Report for November 1, 2023 - November 30, 2023

Arrests	
B&E	1
Simple Assault	1
Warrant	1

Citations	
Warnings	15
Warning Citations	1

Summary	
Total Calls for Service	76
Total Citations Issued	1
Total Reports	32
Total Security Checks	763

Calls For Service	
Accidents	1
Animal	1
B&E	1
Cit / Mot / Ped Assists	2
Communicating Threats	3
Death	1
Hit and Run	1
Injury to Personal Property	1
Larceny	1
Misc. Calls	51
Theft from Motor Vehicle	1
Trespassing	1

Assist Other Agencies	
E. M. S.	2
N.T.B. F.D.	3
O.C.S.	4
S.C.P.D.	1

Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Aldermen:  
Richard Grant  
Tom Leonard  
Laura Olszewski  
Connie Pletl



Alice Derian, ICMA-CM  
Town Manager

Nancy Avery  
Interim Town Clerk

<b>Agenda</b>	<b>Consent</b>
<b>Item:</b>	<b>Agenda</b>
<b>Date:</b>	<b>01 03 2024</b>

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Planning Board Committee Report  
Hanna McCloud, Chair

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The Planning Board met with the Board of Aldermen and held a joint workshop on November 30, 2023, at 10:00 a.m.

The Planning Board regular meeting on December 14, 2023, was cancelled. The next regular meeting will be held on Thursday, January 11, 2024, at 6:00 p.m.

Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Aldermen:  
Richard Grant  
Tom Leonard  
Laura Olszewski  
Connie Pletl



Alice Derian, ICMA-CM  
Town Manager

Nancy Avery  
Interim Town Clerk

<b>Agenda</b>	<b>Consent</b>
<b>Item:</b>	<b>Agenda</b>
<b>Date:</b>	<b>01 03 2024</b>

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Zoning Board of Adjustment Committee Report  
Hanna McCloud, Chair

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No meeting was held in December. Variance application received; to be scheduled, pending Town Attorney availability.

Joann M. McDermion, Mayor  
Mike Benson, Mayor Pro Tem



Alice Derian, ICMA-CM  
Town Manager

Aldermen:  
Richard Grant  
Tom Leonard  
Connie Pletl  
Laura Olszewski

Nancy Avery  
Interim Town Clerk

**RESOLUTION R2024-01 OF THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

**WHEREAS**, the Town of North Topsail Beach, North Carolina (the “*Town*”) is a municipal corporation of the State of North Carolina (the “*State*”), validly existing under the Constitution, statutes and laws of the State;

**WHEREAS**, the Town has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

**WHEREAS**, the Board of Aldermen of the Town (the “*Board*”) has previously determined that it is in the best interest of the Town to enter into an installment financing contract to finance the demolition of the existing Fire Station No. 2 and the construction of a new fire station on the same property (the “*Project*”);

**WHEREAS**, the Town has received the bids and selected the contractor for the Project and has received proposals from lenders for the installment financing for the Project;

**WHEREAS**, based on the bids for the Project and total expected costs of the Project and the proposals received from lenders, the Board has determined that it is in the best interest of the Town to receive an advance of funds in an aggregate principal amount not to exceed \$5,600,000 under an installment financing contract (the “*Contract*”) with JPMorgan Chase Bank, N.A. (the “*Lender*”) in order to pay (1) the costs of the Project and (2) the costs related to execution and delivery of the Contract;

**WHEREAS**, the obligation of the Town to make Installment Payments under the Contract is a limited obligation of the Town payable solely from currently budgeted appropriations of the Town and does not constitute a pledge of the faith and credit of the Town within the meaning of any constitutional debt limitation;

**WHEREAS**, in order to provide security for the Town’s obligations under the Contract, the Town will grant to the Lender a security interest under a deed of trust, security agreement and fixture filing (the “*Deed of Trust*”) in the Town’s fee simple interest in the site of the Project,

together with all improvements and fixtures located thereon (collectively, the “*Mortgaged Property*”);

**WHEREAS**, the Board has previously held a public hearing on December 6, 2023 regarding the Town’s approval of the execution and delivery of the Contract, financing of the Project, and the granting of a security interest in the Mortgaged Property;

**WHEREAS**, the Town has submitted an application to the Local Government Commission of North Carolina (the “*LGC*”) to consider and approve the Contract as described above and expects to be on the LGC’s agenda at its January 9, 2024 meeting;

**WHEREAS**, there has been made available to the Board the form of the Contract and the Deed of Trust, which the Town proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing;

**WHEREAS**, it appears that each of the Contract and the Deed of Trust (collectively, the “*Instruments*”) is in appropriate form and is an appropriate instrument for the purposes intended;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, AS FOLLOWS:**

**Section 1. Approval, Authorization and Execution of Instruments.** The Board hereby approves the financing of the Project in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the Town in accordance with their respective terms. The Board hereby approves the amount to be advanced by the Lender to the Town pursuant to the Contract in an aggregate principal amount not to exceed \$5,600,000, such amount to be repaid by the Town to the Lender as provided in the Contract. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and the Mayor, the Town Manager, the Finance Director, and the Town Clerk, including anyone serving as such in an interim capacity, and their respective designees (the “*Authorized Officers*”) are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the Town, including necessary counterparts, in substantially the forms presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Instruments, each of the Authorized Officers is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

**Section 2. Further Actions.** Each of the Authorized Officers is hereby designated as the Town’s representatives to act on behalf of the Town in connection with the transactions contemplated by the Instruments, and each of the Authorized Officers are authorized and directed to proceed with the financing of the Project in accordance with the terms of the Instruments and to seek opinions on matters of law from the Town Attorney, which the Town Attorney is authorized to furnish on behalf of the Town, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Authorized Officers is hereby authorized to designate one or more employees of the Town to take all actions which each of the Authorized Officers is authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, is in all respects authorized on behalf of the Town to supply all

information pertaining to the transactions contemplated by the Instruments. Each of the Authorized Officers are authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

**Section 3. Related Actions.** All acts and doings of officers, employees and agents of the Town, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

**Section 4. Repealer.** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

**Section 5. Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

**Section 6. Effective Date.** This Resolution is effective on the date of its adoption of January 3, 2024..

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Joann McDermon, Mayor

ATTEST: \_\_\_\_\_  
Nancy Avery, Interim Town Clerk

## **Code of Ethics for Appointed Board and Committee Members of the Town of North Topsail Beach, North Carolina**

North Carolina General Statute §160A-86 requires local governing boards to adopt a code of ethics. The Town of North Topsail Beach elected officials have previously adopted a Code of Ethics for the Mayor and Board of Aldermen Members. The Town Board of Aldermen has determined that it is also appropriate for appointed members of Town Boards and Committees (hereinafter collectively referred to as "Board Members") to adhere to a locally adopted policy of Code of Ethics.

In recognition of the privilege and expectations to serve in an advisory capacity and in a quasi-judicial capacity to the Town of North Topsail Beach and the Town's Board of Aldermen, and in acting pursuant to the requirements of North Carolina General Statute §160A-86, the below principals are written to help guide Board Members in their advisor and decision-making roles.

### **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.

Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

Board Members must be able to act in a manner that maintains their integrity and independence yet are responsive to the interests and needs of the North Topsail Beach Board of Aldermen.

Board Members must always remain aware that they may, at various times, play different roles:

- As advisors, who balance the public interest and private rights in considering and recommending, among other things, ordinances, policies, and decisions.
- As decision-makers, who arrive at fair and impartial determinations.
- Board Members must know how to distinguish between the advisor and the decision maker role, to determine when each role is appropriate, and to act accordingly.
- Board Members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the Mayor and Town Board of Aldermen and the citizens of North Topsail Beach.

### **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board and Committee Members and to help determine what conduct is appropriate in particular cases. It should not be considered as a substitute for the law or for a member's best judgment.

Section 1. Board Members should obey all laws applicable to their official actions. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow Board Members or citizens. However, in doing so, Board Members:

- shall be mindful that they were appointed by Board of Aldermen to a Board or Committee and, therefore, if they are advising or advocating a position that is contrary to a Board of Aldermen policy, that they notify the Mayor, Town Board of Aldermen, and Town Manager of such as soon as practicable;
- who serve in an advisory capacity shall be mindful that their chief responsibility is to advise the Town Board of Aldermen, rather than to advocate to the public at large, particularly when the position of advocacy is contrary to a Board of Aldermen policy;
- shall understand that they hold a position of trust on behalf of the Town, the Board of Aldermen, and its citizens; and
- shall assert policy positions and opinions on matters within or related to the jurisdiction and subject matter of the body on which they serve only through the transparency of official proceedings of the body or in a capacity and manner appropriate for a member of such body. Board Members shall not represent their individual views as being representative of the full body unless they have been formally authorized by the body to do so.

These guidelines are especially important to Chairpersons who must recognize that they are authorized to speak for the body only to Town Board of Aldermen and not to other and/or the public at large

Section 2. Board Members shall act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include, but are not limited to, the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- For Board Members who act in a quasi-judicial capacity, disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves and refrain from reaching decisions until all sides have been heard

- Treating other Board Members, the Board of Aldermen, and the public with respect and honoring the opinions of others even when the Board Member disagrees with those opinions
- Showing respect for their offices and not behaving in ways that reflect badly on those offices, the Town, or the Town's Board of Aldermen
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual Board Members are not generally allowed to act or speak on behalf of the entire Board, Committee, or the Town and may only do so if specifically authorized by the Town Board of Aldermen

Section 3.a. Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, the Town Board of Aldermen will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board Member's action would conclude that the action was inappropriate.

Section 3.b. If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the official should seek the advice of the Town Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the Town Attorney).

Section 4. Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

- Board Members should meet attendance expectations and be prepared for all meetings.
- Board Members should be willing to bear their fair share of the body's workload. Board Members should be willing to put the Town's interests ahead of their own.

Section 5. Board Members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records including committee documents, reports, and minutes belong to the public and not to them or Town employees.

In order to ensure strict compliance with the laws concerning openness, the Mayor and Town Board of Aldermen have made it clear that an environment of transparency and candor is to be maintained at all times in the governmental unit.

Sanctions. Following the review of an allegation against a Board Member that said Board Member has violated this ethics/code of conduct policy, the Town Board of Aldermen may

choose to remove a member if the Board of Aldermen determines, by way of a majority vote, that a Board Member has violated this policy, is within the Board of Aldermen's sole discretion.

Removal. Unless otherwise prohibited by law, the Town's Board of Aldermen has sole discretion to remove any Board Member without cause by a two-thirds affirmative vote in favor of removal.

**POLICY AND PROCEDURES  
FOR APPOINTMENTS TO TOWN BOARDS,  
COMMISSIONS, COMMITTEES AND AUTHORITIES**

**SECTION 1. THE POLICY OF NORTH TOPSAIL BEACH GOVERNING  
APPOINTMENTS TO THE VARIOUS BOARDS, COMMISSIONS,  
COMMITTEES, OR AUTHORITIES IS AS FOLLOWS:**

- A. Any resident of North Topsail Beach is eligible to serve on the appointed boards, commissions, committees, or authorities of the Town, where such appointment is not prohibited by state statute or North Topsail Beach policy.
- B. No applicant will be considered for appointment to a board, commission, committee or authority where he or she has an immediate family member employed by such agency or department.
- C. All appointments will be made according to the Appointments Statute or Ordinance that created that board, commission, committee, or authority.
- D. No resident of North Topsail Beach may serve in more than two appointed positions of North Topsail Beach government, although the preference is only to serve on one, unless exempted by nature of the position he or she may hold in governmental service.
- E. Unless otherwise stated by Statute or Charter, all terms of office shall be three years. No appointees may serve more than two consecutive terms. This policy may be waived if the Town Board of Aldermen determines that the individuals reappointment would be detrimental to the functioning of that board, commission, committee, or authority.
- F. Whenever any appointee shall incur three absences over a 12-month period, said appointee's failure to attend shall be reported by the presiding individual of the respective board, committee, commission, or authority to the Town Board of Aldermen. Such absences on the part of any appointee may, at the election of the Town Board of Aldermen, be deemed to constitute resignation on the part of the appointee from such board, committee, commission, or authority.  
Unless otherwise prohibited by law, any Town Board of Aldermen appointee may be removed, without cause, by a two-thirds majority of Town Board of Aldermen.
- G. Upon resignation or removal, the Town Board of Aldermen may select a replacement from the applications of persons who applied for the last vacancy on such board, committee, commission, or authority, without further notice, advertisement, or action by Town Board of Aldermen, or may advertise for applications to fill the vacancy.
- H. Each appointee must uphold Town policies pertaining to the board, committee, commission, or authority on which he/she serves.
- I. If a board member believes he/she has a conflict or potential conflict of interest on a particular issue, that member should state this belief to the other members of his/her respective board during a public meeting. The member should state the nature of the conflict, detailing that he/she has a separate, private or monetary interest, either direct or indirect, in the issue under consideration. The member should then excuse himself/herself from voting on the matter.

- J. An appointee will not be considered for any employment vacancy in the agency or department he/she is serving, until said appointee resigns his/her seat on the board, committee, commission, or authority, thirty (30) days before being considered for the vacancy. Should the appointee not be selected to fill the vacancy, he/she will not be eligible for reappointment to the board, committee, commission, or authority.
- K. Each Town Board of Aldermen member will have available to him or her a binder containing a list of all Town appointments with the following data provided:
1. Name of the board, commission, committee, or authority.
  2. Brief on the functions of each board, commission, committee, or authority.
  3. Statute or cause creating the board, commission, committee, or authority.
  4. Number of members and terms of office.
  5. Current members, addresses, telephone numbers, terms of office, numbers of terms served, and expiration dates.
  6. Regular meeting day, time, and location.

## **SECTION 2. PROCEDURES FOR FILLING VACANCIES FOR APPOINTED POSITIONS:**

- A. Notification of Available Appointments
1. A list of available positions and a deadline for receiving applications will be published on the Town Web page, the Town Facebook page, and to the Town's Sunshine List 45 days prior to the term expiration date. Application deadline will be seven (7) days prior to the term expiration date. This duty will be carried out by the Town Clerk.
  2. Forty-five (45) days prior to the terms expiring, the Town Clerk will mail/email a notice to each person who is eligible for reappointment, informing s/he that if they wish to be considered for reappointment they should please complete an updated application within 7 days of their term expiration date. If an individual is not eligible for reappointment, he or she will be notified and given the reason for being ineligible.
  3. If, because of policy or otherwise, an individual is not reappointed, he or she will be presented a Certificate of Appreciation for service signed by the Mayor.
- B. Selection Process
1. All applications for a particular position will be returned to the Town Clerk. The Clerk will check each for eligibility.
  2. All applications will be forwarded to the Town Board of Aldermen with those who are ineligible noted and the reasons for ineligibility given.
  3. The Town Clerk shall place on the agenda the "Appointments" for action at the next meeting of the Town Board of Aldermen.
- C. Notification of Appointment
- The Town Clerk shall prepare a letter of notification to the appointee and a copy to the affected board, commission, committee, or authority notifying each of the appointment.
- D. Applications
1. All applications received shall be retained for 12 months. Applications shall be kept on file for all active appointees. All of the above data shall be maintained by the Town Clerk for use by Town Board of Aldermen.

As amended and adopted:

## CHAPTER 12: VEHICLES AND BOATS

### Section

#### Article I. Abandoned Vehicles and Boats

##### Division 1. Abandoned/Junked Motor Vehicles - Generally

12-1 Definitions

12-2 Immunity

12-3 Exceptions

12-4 Abandonment prohibited

12-5 Duty of owner

12-6 Failure of owner to remove

12-7 Removal authorized

12-8 Notice of removal

12-9 Redemption

12-10 – 12-19 Reserved

##### Division 2. Sale, Disposal of Abandoned Vehicles

12-20 Authorized

12-21 Disposition as junk

12-22 Sale at auction

12-23 Notice of sale

12-24 Redemption

12-25 Disposition of proceeds

12-26 Issuance of title certificate

12-27 – 12-29 Reserved

##### Division 3. Sale, Disposal of Junked Vehicles

12-30 Authorized

12-31 Notice

12-32 Disposition of proceeds

12-33 – 12-39 Reserved

## Division 4. Removal and Disposition of Vehicles Declared to be Public Nuisances

12-40 Definitions

12-41 Nuisance vehicle unlawful; removal authorized

12-42 Removal of vehicle – Pretowing requirements

12-43 Same – Post-towing notice requirements

12-44 Sale of vehicle – Right to probable cause hearing before sale

12-45 Same – Procedure for unclaimed vehicles

12-46 Same – Disposition of proceeds of sale

12-47 Immunity

12-48 Exceptions

12-49 Reserved

Statutory reference:

Abandoned vehicle ordinances, see G.S. §§ 160A-303, 160A-303.2

Nuisance abatement, see G.S. § 160A-193

## Division 5. Abandoned/Junked Vessels – Generally

12-50 Purpose

12-51 Authority; Scope

12-52 Definitions

12-53 Anchoring; Docking; Mooring; Interference with Navigation

12-54 Junked Vessels Prohibited

12-55 Abandoned Vessels Prohibited

12-56 Discharge Prohibited

12-57 – 12-59 Reserved

## Division 6. Enforcement Responsibility and Authority for Abandoned/Junked Vessels

12-60 Enforcement Responsibility and Authority

12-61 Penalties for Violations

12-62 Disposition/Disposal of Vessels

12-63 Severability

## ARTICLE I. ABANDONED VEHICLES AND BOATS

### Editor's Note:

This article is derived from an ordinance adopted June 5, 1991. The following statement was included with the ordinance:

"Section 1-7 of Division 1. and Sections 1-3 of Division 3. of this article [§§ 12-1 – 12-7, 12-30 – 12-32] do not apply when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible. Such vehicles may be destroyed or sold at private sale (without regard to value) after being held for 48 hours."

## DIVISION 1. ABANDONED/JUNKED MOTOR VEHICLES - GENERALLY

### § 12-1 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A vehicle that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on property owned or operated by the town for longer than 24 hours;
- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days.

JUNKED MOTOR VEHICLE. An abandoned motor vehicle which also:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move;
- (3) Is more than five years old and worth less than \$500; or
- (4) Does not display a current license plate.

(Ord. passed 6-5-1991)

#### § 12-2 IMMUNITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen motor vehicle for disposing of the vehicle as provided in this article.

(Ord. passed 6-5-1991)

#### § 12-3 EXCEPTIONS.

Nothing in the provisions of this article shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. passed 6-5-1991)

#### § 12-4 ABANDONMENT PROHIBITED.

No person shall abandon any vehicle coming under the provisions of this article within the town; and no person shall leave or allow to remain any abandoned, junked or otherwise discarded vehicle on property under his or her control.

(Ord. passed 6-5-1991)

#### § 12-5 DUTY OF OWNER.

If a motor vehicle is abandoned on a public street or upon property owned or operated by the municipality, it shall be the duty and responsibility of the owner of such vehicle, after due notice, to cause the removal of such vehicle immediately and pay all costs incidental to such removal.

(Ord. passed 6-5-1991)

#### § 12-6 FAILURE OF OWNER TO REMOVE.

Any junked or abandoned motor vehicle located upon any occupied or unoccupied private property within the town which has not been removed after ten days' notice from the town to the owner or occupant, upon being declared a health or safety hazard by the Town Building Inspector, may be removed to a garage or storage area and disposed of, pursuant to the provisions of this article and G.S. § 160A-303 and amendments thereto.

(Ord. passed 6-5-1991)

#### § 12-7 REMOVAL AUTHORIZED.

Any junked or abandoned motor vehicle found to be in violation of this article may be removed to a storage garage or area; but no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the Board of Aldermen or a duly authorized town official or employee has declared it to be a health or safety hazard. The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof.

(Ord. passed 6-5-1991)

#### § 12-8 NOTICE OF REMOVAL.

When any junked or abandoned motor vehicle is removed under the provisions of this article, the town shall give written notice of the removal to the registered owner at his or her last known address according to the latest registration certificate or certificate of title on file with the Department of Motor Vehicles. The notice shall inform the owner of the possible sale or other disposition that can be made of the vehicle under this article. Notice need not be given to the registered owner of the vehicle when it does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

(Ord. passed 6-5-1991)

#### § 12-9 REDEMPTION.

The owner of any vehicle removed from property pursuant to the provisions of this article may regain possession of the vehicle by paying to the town all reasonable costs incidental to the removal and storage.

(Ord. passed 6-5-1991)

#### §§ 12-10 – 12-19 RESERVED.

### DIVISION 2. SALE, DISPOSAL OF ABANDONED VEHICLES

§ 12-20 AUTHORIZED.

After holding an unclaimed abandoned motor vehicle for 30 days, the town may sell or dispose of it as provided by this division.

(Ord. passed 6-5-1991)

§ 12-21 DISPOSITION AS JUNK.

If an abandoned vehicle appears to be worth less than \$100, the town may dispose of the vehicle as a junked motor vehicle as provided by Division 3 of this article. With the consent of the owner, the town may remove and dispose of any motor vehicle as a junked motor vehicle without regard to the value, condition or age of the vehicle, and without holding it for any prescribed period of time.

(Ord. passed 6-5-1991)

§ 12-22 SALE AT AUCTION.

If an unclaimed abandoned motor vehicle is worth \$100 or more, it shall be sold at public auction.

(Ord. passed 6-5-1991)

§ 12-23 NOTICE OF SALE.

Twenty days' written notice of a sale authorized under the provisions of this division 2. shall be given to the registered owner at his or her last known address, the holders of all liens of record against the vehicle, and the Department of Motor Vehicles.

(Ord. passed 6-5-1991)

§ 12-24 REDEMPTION.

Any person having an interest in an unclaimed abandoned motor vehicle may redeem it at any time before the sale by paying all costs accrued to date.

(Ord. passed 6-5-1991)

§ 12-25 DISPOSITION OF PROCEEDS.

The proceeds of a sale authorized by this division 2. shall be paid to the Town Treasurer, who shall pay to the appropriate officers or persons the costs of removal, storage,

investigation, sale and liens in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the town for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited in the town's General Fund and the owner's rights therein shall be forever extinguished.

(Ord. passed 6-5-1991)

#### § 12-26 ISSUANCE OF TITLE CERTIFICATE.

When it receives a town's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as provided in this division, the Department of Motor Vehicles shall issue a certificate of title for the vehicle as required by law.

(Ord. passed 6-5-1991)

#### §§ 12-27 – 12-29 RESERVED.

### DIVISION 3. SALE, DISPOSAL OF JUNKED VEHICLES

#### § 12-30 AUTHORIZED.

After holding an unclaimed junked motor vehicle for 15 days, the town may destroy it or sell it at private sale as junk.

(Ord. passed 6-5-1991)

#### § 12-31 NOTICE.

Within 15 days after final disposition of a junked motor vehicle, the town shall notify the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

(Ord. passed 6-5-1991)

#### § 12-32 DISPOSITION OF PROCEEDS.

Any proceeds from the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfying any liens of record on the vehicle have been deducted therefrom, shall be held by the town for 30 days and paid to the registered owner upon

demand. If the owner does not appear to claim the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited in the town's General Fund and the owner's rights therein shall be forever extinguished.

(Ord. passed 6-5-1991)

§§ 12-33 – 12-39 RESERVED.

#### DIVISION 4. REMOVAL AND DISPOSITION OF VEHICLES DECLARED TO BE PUBLIC NUISANCES

##### § 12-40 DEFINITIONS.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**JUNKED MOTOR VEHICLE.** A vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100.

**NUISANCE VEHICLE.** A junked motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance or unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Aldermen; or

(8) So offensive to the sight as to damage the community, neighborhood or area appearance.

(Ord. passed 6-5-1991)

#### § 12-41 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(a) It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the Town Building Inspector may determine and declare that a vehicle is a health or safety hazard or a public nuisance as defined above and order the vehicle removed.

(Ord. passed 6-5-1991)

#### § 12-42 REMOVAL OF VEHICLE – PRETOWING REQUIREMENTS.

(a) A vehicle to be towed or otherwise removed because it has been declared to be a nuisance vehicle shall be towed only after notice to the owner or person entitled to possession of the vehicle. If the names and mailing addresses of the owners of the vehicle or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall be given to both by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained, notice shall be given by affixing same on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(b) If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance vehicle, such appeal shall be made to the Board of Aldermen in writing, heard at the next regularly scheduled meeting of the Board and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(c) A nuisance vehicle may be removed without giving the minimum seven days prior notice, only in those circumstances where the authorizing official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety and welfare.

(Ord. passed 6-5-1991)

#### § 12-43 SAME – POST-TOWING NOTICE REQUIREMENTS.

(a) Any vehicle which has been determined to be a nuisance vehicle may be removed to a storage garage or area by a towing business contracting to perform such services for the town. Whenever such vehicle is removed, the Building Inspector shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) A description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicles; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(b) This notice shall be mailed to the owner's last known address, unless waived in writing.

(c) If the vehicle is registered in the state, notice shall be mailed within 24 hours. If the vehicle is not registered in this state, notice shall be mailed to the owner within 72 hours from the removal of the vehicle.

(d) Whenever a nuisance vehicle is removed, and such vehicle has no valid registration or registration plate, the authorizing town official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information as set forth in subsections (a)(1) through (a)(5) above.

(Ord. passed 6-5-1991)

#### § 12-44 SALE OF VEHICLE – RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE.

After removal of a vehicle declared to be a nuisance vehicle, the owner or other person entitled to possession may request, in writing, a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the Magistrate in the county where the vehicle was towed. The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provision of G.S. § 20-219.11.

(Ord. passed 6-5-1991)

#### § 12-45 SAME – PROCEDURE FOR UNCLAIMED VEHICLES.

(a) With the consent of the owner, the Building Inspector may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time.

(b) Any unclaimed junked motor vehicle as defined by this article shall be held for a period of at least 15 days. The owner of any such vehicle may claim his or her vehicle during the 15-day retention period by exhibiting proof of ownership to the Building Inspector and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If after the vehicle is held 15 days it remains unclaimed, such vehicle may be destroyed or sold at private sale as junk.

(c) Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

(Ord. passed 6-5-1991)

#### § 12-46 SAME – DISPOSITION OF PROCEEDS OF SALE.

The proceeds of the sale of a junked motor vehicle declared to be a nuisance, after all costs of removal, storage, investigation and sale, and satisfaction of any lien of record on the vehicle have been deducted therefrom, shall be held by the Town Finance Officer for 30 days and paid to the owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the town's General Fund and the owner's rights therein shall be forever extinguished.

(Ord. passed 6-5-1991)

#### § 12-47 IMMUNITY.

Neither the town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any junked, lost or stolen vehicle for disposing of such vehicle as contemplated by this article.

(Ord. passed 6-5-1991)

#### § 12-48 EXCEPTIONS.

Nothing in this article shall apply to any motor vehicle in an enclosed building, any motor vehicle kept or stored at a bona fide "automobile graveyard" or "junkyard" as defined in G.S. § 136-143 or to any motor vehicle that is used on a regular basis for business or personal use.

(Ord. passed 6-5-1991)

§ 12-49 RESERVED.

#### DIVISION 5. ABANDONED/JUNKED VESSELS – GENERALLY

##### § 12-50 PURPOSE.

It is recognized that boating and watercraft use in the Town of North Topsail Beach is a widely enjoyed form of leisure and recreation. It is equally recognized that some owners do not safely and properly dispose of their boats or watercraft.

The Town of North Topsail Beach Board of Aldermen hereby determines that the following rules and regulations are necessary to protect the health, safety and general welfare of citizens using the public waters within the jurisdictional boundaries of the Town of North Topsail Beach.

##### § 12-51 AUTHORITY; SCOPE.

(a) This article is adopted pursuant to the authority granted to the North Topsail Beach Board of Aldermen in Session Law 2023-27 S.B. 465 to regulate junked or abandoned vessels in navigable waters within the Town of North Topsail Beach jurisdictional boundaries pursuant to G.S. 160A-205.6 and to regulate the removal of such vessels pursuant to G.S. 160A-303.

(b) This article shall apply to all navigable waters within the jurisdictional boundaries of the Town of North Topsail Beach, North Carolina.

(c) This article shall not apply to vessels owned or operated in the official performance of duties by any federal, state, or local government authority.

(d) This article shall not apply to any shipwreck, cargoes, tackle, and other underwater archeological remains that have been in place and unclaimed for more than ten (10) years, and shall not be removed without the approval of the North Carolina Department of Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-23.

(e) This article shall not be construed to obligate the Town of North Topsail Beach to appropriate funds to implement the provisions herein.

##### § 12-52 DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vessel:*

(1) A vessel that is moored, anchored, or otherwise located for more than thirty (30) consecutive days in any one hundred eighty (180) consecutive-day period without permission of the dock owner; or

(2) A vessel that is in danger of sinking, has sunk, is resting on the bottom, or is located such that it is a hazard to navigation or is an immediate danger to other vessels.

(3) Shipwrecks, vessels, cargoes, tackle, and other underwater archeological remains that have been in place and unclaimed for more than ten (10) years shall not be considered abandoned vessels unless approved by the North Carolina Department of Cultural Resources, which is the legal custodian of these properties pursuant to G.S. 121-22 and 121-23.

Days means calendar days, where the term is used for computation of time.

Junked vessel means a vessel that has been left unattended and is in significant disrepair, such that the condition may affect the seaworthiness of the vessel or affect the safety of the public or the environment.

Navigable waters means all waters within the jurisdictional boundaries of the Town of North Topsail Beach that are subject to the ebb and flow of the tide, including rivers, waterways, streams (including intermittent streams), mudflats, sandflats, and wetlands.

Owner means a person, other than a lien holder, having the legal or equitable property interest in or title to a vessel, or the person's legal representative. For purposes of this article, where a vessel is determined to have been registered with the North Carolina Wildlife Resources Commission, or an agency of another state responsible for registration, such registration shall create a rebuttable presumption that the owner is the last registered owner of record.

Person means an individual, partnership, firm, corporation, association, or other entity.

Police Chief means the North Topsail Beach Police Chief, or such duly authorized officer or agent of the Chief.

Vessel means every description of watercraft or structure, other than a seaplane on the water, used or capable of being used as a means of transportation or habitation on the water.

§ 12-53 ANCHORING; DOCKING; MOORING: INTERFERENCE WITH NAVIGATION.

(a) It shall be unlawful for any person, except in the case of emergency or as required for maintenance dredging, to anchor, moor, raft-up or permit to be anchored, moored or rafted-up, or operate any vessel or carry on any activity including, but not limited to, the placing of crab traps, anchor lines, anchors, mooring buoys, pilings or similar objects in a manner which shall constitute a hazard to navigation or interfere with another vessel. Anchoring under bridges or in or adjacent to heavily traveled channels shall constitute interference if done during periods of heavy vessel traffic.

(b) It shall be unlawful for any person to anchor, dock, moor, or store any vessel in the waters within the jurisdictional boundaries of North Topsail Beach for more than ten (10) days in a thirty-day period in any calendar year, except at a private dock or marina.

(c) For its first ten (10) days in North Topsail Beach waters in any thirty-day period in any calendar year, any transient vessel legally anchored and attended shall be deemed to have anchorage permission for provisioning, repairs, tourism, and recreational use, unless such permission is revoked in writing by the Police Chief for any of the reasons given below:

(1) The vessel has dragged anchor or is moored in an unauthorized area, or in a marked channel.

(2) Unless exempt pursuant to G.S. 75A-7, the vessel displays no evidence of current state, federal, or foreign registration, or, when asked by the Police Chief, the owner or operator of the vessel fails to present a current registration, cruising permit, or other official documentation of ownership upon which he or she is named as the owner or operator.

(3) The vessel is left unattended for a period exceeding twenty-four (24) hours. "Unattended" shall mean for the purposes of this section that the owner or operator has not been found on the boat or in its immediate vicinity and has failed to respond to any posting or citation left by the Police Chief.

(4) The vessel is slept on but is not equipped with a holding tank or the owner or operator fails to provide the Police Chief with receipts for regular weekly pump outs of the vessel's holding tank.

(5) Law enforcement officers have responded to complaints of excessive noise, thefts, firearms violations, controlled substance violations, or other disturbances of possible danger to the environment or any person, emanating from the vessel or its crew.

(6) The vessel is at any time within seventy-five (75) feet of any other legally anchored vessel, or any private mooring or private dock or marina without the written permission of the owner.

(7) If the Police Chief, or his designee, determines there are safety-related or environmental reasons for denying permission during a particular period of time, or in a particular place, or in a particular manner.

(8) During a hurricane warning each vessel operator shall secure their vessel to prevent the vessel, and/or its parts or contents from damaging the property of others.

(9) It shall be unlawful to anchor vessels without ground tackle to hold the vessel at anchor. Vessels at anchor shall maintain a firm anchor and the operator shall ensure that the vessel is not slipping anchor and changing its location.

(10) When necessary, the Police Chief may act or may join in action with other agencies to determine and abate any unsafe or environmentally hazardous conditions by towing, relocating, removing any vessel, or taking any other action reasonably necessary.

(11) The Police Chief shall post unattended vessels which are in violation until five (5) violations have been posted. The Police Chief shall then continue to monitor the violating vessel until ten (10) days have elapsed from the date of the first posting. If the person in control of the vessel returns, or contacts the office of the Police Chief, and abates the violation within that time, no further actions, other than payment of accrued fines, need to be taken.

(12) If the owner of any unattended vessel anchored, moored, docked or stored in North Topsail Beach waters fails to respond to notices or pay fines and fees as required by this section for more than ten (10) days from the first posting, the vessel may be taken into custody by the Police Chief and stored in a safe place of storage.

(13) The owner shall be responsible for the costs of towing and storage of the vessel. Any vessel towed, removed, relocated or impounded shall be subject to a lien pursuant to G.S. 44A.

#### § 12-54 JUNKED VESSELS PROHIBITED.

(a) It shall be unlawful to anchor, moor or ground any derelict vessel on the public land or waters of North Topsail Beach, or waters adjoining private property. Indicators that a vessel is derelict include, but are not limited to, the following:

(1) Improper, non-working, or no anchor light, which is a hazard to navigation, when combined with an owner/operator who is not tending to the vessel;

(2) Vessel is neglected, substantially dismantled, improperly maintained, or is not able to be used for navigation as intended;

(3) Vessel does not comply with current registration requirements, when combined with an owner/operator who is not tending to the vessel;

(4) Vessel is barnacle-laden;

(5) Vessel interior is exposed to the elements (rain, waves, etc.);

(6) Vessel is listing;

(7) Vessel is aground;

(8) Vessel is in danger or breaking its mooring; or

(9) Vessel is sinking.

(b) Upon identifying a derelict vessel, the Police Chief shall post a notice on board the vessel and shall attempt to notify the owner by certified mail or personal delivery of notice. The notice shall:

(1) Describe the vessel and location of the vessel, however the notice posted aboard the vessel need not include description and location;

(2) Identify the condition(s) identified that must be corrected;

(3) Inform the owner that a written plan for correcting identified conditions, or removal of the vessel and restoration of the affected surrounding environmental area, must be submitted within ten (10) days of the date the notice is served;

(4) Inform the owner that the identified conditions must be corrected, or the vessel must be removed from the waters or public lands and the affected surrounding environmental area restored, within thirty (30) days of the date the notice posted aboard the vessel;

(5) Inform the owner that failure to meet either the ten-day or thirty-day deadlines will result in the vessel being deemed abandoned, subject the owner to civil/criminal penalties, and that all costs associated with removal and disposition of the vessel and restoration of the affected surrounding environmental areas will be the responsibility of the owner.

(c) Failure of the owner to correct the dangerous condition, or remove the vessel from the waters of the jurisdictional boundaries of North Topsail Beach within thirty (30) days, after notice, shall cause the vessel to be defined as an abandoned vessel, and disposed of pursuant to Chapter 12-62.

§ 12-55 ABANDONED VESSELS PROHIBITED.

(a) It shall be unlawful to abandon a vessel on public land, submerged land, or waters of the Town of North Topsail Beach, or waters adjoining private property. This section does not apply to persons who abandon a vessel in an emergency for the safety of the persons onboard; however, after the emergency is over, the owner and operator of the abandoned vessel shall notify the North Topsail Beach Police Department or the United States Coast Guard and must remove the vessel within ten (10) days.

(b) Upon identifying an abandoned vessel, the Police Chief shall post a notice on board the vessel and shall attempt to notify the owner by certified mail or personal delivery of notice.

(1) Describe the vessel and location of the vessel, however the notice posted aboard the vessel need not include description and location;

(2) Inform the owner that the vessel must be removed from the waters or public lands and the affected surrounding environmental area restored, and/or claimed upon payment of all fines and fees, within thirty (30) days of the date the notice is posted aboard the vessel;

(3) Inform the owner that failure to meet the ten (10) day deadline will result in the vessel being deemed abandoned, subject the owner to civil/criminal penalties, and that all costs associated with publication of notice, removal and disposition of the vessel and restoration of the affected surrounding environmental areas will be the responsibility of the owner.

(c) Any abandoned vessel located on or below any navigable waters, or beached, or grounded adjacent thereto may be removed or relocated and impounded by the Police Chief.

(d) The owner shall be responsible for all costs of towing, relocation, removal and storage of the vessel, and restoration of the area surrounding the vessel, including costs owed to a third party, and costs incurred by the Town of North Topsail Beach or the North Topsail Beach Police Department. Any vessel towed, removed, relocated or impounded shall be subject to a lien pursuant to G.S. 44A.

§ 12-56 DISCHARGE PROHIBITED.

(a) It shall be unlawful to:

(1) Place, discharge or deposit, by any process or in any manner, offal, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredging, sludge, acid, or any other garbage or refuse matters, floatable or otherwise, in Town waters.

(2) Discharge, or cause or permit to be discharged, into Town waters any oil, oil refuse, fuel, or other inflammable matter.

(3) Discharge, or cause or permit to be discharged, any vessel waste into Town waters. For the purposes of this section, "vessel waste" shall mean sewage, whether treated or untreated, from marine toilets. Marine sanitation devices must be secured in a manner which prevents any discharge. Some acceptable methods are: padlocking overboard discharge valves in the closed position, using non-releasable wire tie to hold overboard discharge valves in the closed position, closing overboard discharge valves and removing the handle, locking the door, with padlock or key lock, to the space enclosing the toilets (for Type I and Type II marine sanitation devices only).

§§ 12-57 – 12-59 RESERVED.

#### DIVISION 6. ENFORCEMENT RESPONSIBILITY AND AUTHORITY FOR ABANDONED/JUNKED VESSELS.

#### § 12-60 ENFORCEMENT RESPONSIBILITY AND AUTHORITY.

(a) The Police Chief, or any law enforcement officer with territorial jurisdiction, is authorized and empowered to enforce this article.

(b) The Police Chief is authorized to board any vessel, as required, to enforce the provisions of this article, or any federal or state law, and such boarding in the performance of official duties shall not constitute a trespass.

(c) The Police Chief is authorized to seize, tow, remove or relocate the vessel from the public waters, and to store or dock the vessel in a safe place, as a result of arresting the operator, or taking any enforcement action that would render the vessel unattended, or without an operator of suitable age, discretion and competence.

(d) The Town of North Topsail Beach or the Police Chief may use staff, equipment, and material under its control or provided by any cooperating federal, state, or local government or agency; may authorize or contract with any private agent or contractor it deems appropriate; or may authorize or contract with any federal, state, or local government or agency for the removal, storage, or disposal of an abandoned vessel and restoration of the affected area.

(e) The method of removal, storage, or disposal of the abandoned vessel, whether by the owner, a third party, the Police Chief, the Town of North Topsail Beach, or the state, must comply with all applicable federal and state laws, regulations, and rules.

(f) The owner shall be responsible for all costs of towing, relocation, removal, and storage of the vessel, including costs owed to a third party, and costs incurred by the Town of North Topsail Beach or the North Topsail Beach Police Department.

(g) The Town of North Topsail Beach, elected officials, the Police Chief, any law enforcement officer, or any contractor or any employee or agent thereof, acting under this article to remove or relocate a vessel from public waters, shall be held harmless for all damages to the vessel resulting from such removal or relocation, unless the damage results from gross negligence or willful misconduct.

#### § 12-61 PENALTIES FOR VIOLATIONS.

##### (a) Criminal penalties.

(1) A violation of this chapter shall be deemed a Class 3 misdemeanor punishable to the extent provided in G.S. 14-4, and shall carry a fine of one hundred dollars (\$100.00) per offense. A violation that either reoccurs or continues without cessation twenty-four (24) hours after a person has been criminally charged, either by arrest or citation, shall constitute a separate offense.

(2) A conviction under this section does not bar the assessment and collection of the civil remedies provided in this article.

(b) Civil remedies. In addition to, or in lieu of any criminal penalties set forth herein, any person, firm or corporation violating any provisions of this article shall be subject to civil penalties, as follows:

(1) A violation of this article shall be subject to a civil remedy in the amount of one hundred dollars (\$100.00) per offense. A violation that either reoccurs or continues without cessation after a twenty-four (24) hours period shall constitute a separate offense.

(2) Civil remedies shall be used in the recovery of the costs expended enforcing this article.

(3) Any civil remedy may be appealed to the Police Chief, the Town Manager, or his/her designee, within thirty (30) days of the issuance of the civil remedy. A hearing shall be held within fifteen (15) working days of the appeal. Such appeal shall be made in writing and presented to the Police Chief. The Police Chief shall then deny or grant the hearing based on the thirty (30) day threshold. The hearing, if granted, will consist of a three-person panel to include the Police Chief, Town Manager, and one designee. The decision of the panel will be deemed final unless appealed and overturned by a court with jurisdiction over these matters.

(4) Any decision of the Police Chief, Town Manager, or his/her designee, may be appealed to the District Court of Onslow County within thirty (30) days.

#### § 12-62 DISPOSITION/DISPOSAL OF ABANDONED VESSELS.

(a) An abandoned vessel, including all cargo, tackle and equipment, seized pursuant to this article, which remains unclaimed after notice, shall be deemed forfeited, as set forth in G.S. 14-399(g).

(b) A vessel having a value less than five hundred dollars (\$500.00) may be disposed of at any suitable solid waste facility.

(c) A vessel having a value of five hundred dollars (\$500.00) or greater shall be disposed of as provided in G.S. 44A, with the proceeds paying for the towing, removal, and storage charges, accrued civil fines, and environmental restoration costs. The remaining proceeds, if any, shall be deposited into the general fund of the Town of North Topsail Beach and designated for use to abate or remove abandoned vessels and restore environmental damage resulting from abandoned vessels.

(d) Any vessel, cargo, tackle, or equipment remaining unsold after being offered at public sale may be disposed of at any suitable solid waste facility.

(e) Within ten (10) days following the disposal or public sale of any vessel previously registered in any state, or meeting the requirements for registration prior to operation in North Carolina, the Police Chief shall provide notice to the North Carolina Wildlife Resources Commission, and the agency responsible for registration in the state of any previously registered vessel. The contents of the notice, shall include, if available:

(1) Vessel registration number;

(2) Manufacturer, model, year;

(3) NC title number (if applicable);

(4) Hull identification number;

(5) A description of the reason for being disposed of or sold as an abandoned vessel;

(6) Type of disposition and location;

(7) Full name and address of the purchaser (if applicable); and

(8) Date of sale and sale price (if applicable).

§ 12-63 SEVERABILITY.

If any article, section, subsection, sentence, or clause of this article is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this article. It is hereby declared that this article would have been passed, and each article, section, subsection, sentence, or clause hereof, irrespective of the fact that any one (1) or more articles, sections, subsections, sentences, or clauses might be adjudged to be unconstitutional or for any other reason invalid.

§§ 12-64 – 12-69 RESERVED