



Town of North Topsail Beach Planning Board Regular Meeting Minutes

Thursday, November 9, 2023, at 5:30 PM

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

(910) 328-1349 | www.northtopsailbeachnc.gov

Planning Board: Chair Hanna McCloud, Lisa Brown, Vice Chair Susan Meyer, Teri Ward

ABSENT: Scott Morse, Alternate Stu Harness

Staff: *Deborah J. Hill MPA AICP CFM CZO – Planning Director, Kate Winzler CMC, NCCMC – Clerk*

I. CALL TO ORDER

Chair McCloud called the meeting to order at 5:31 p.m. and made the following announcements.

November is American Indian Heritage Month. The tribal community of North Carolina is the foundation of the rich history of our state.

North Topsail Beach is home to about 125 service members and veterans. This Saturday, November 11th, we honor all men and women who have served and sacrificed to preserve our freedoms and continue to make a positive impact in their communities.

Wednesday, November 15th at 6 pm, is the 2nd Annual Christmas Tree Lighting, with Santa, hot cocoa & cookies served by Girl Scout Troop #361, the Sneads Ferry Presbyterian Choirs, face painting and the Karen Beasley Sea Turtle Rescue and Rehabilitation Center.

II. ADOPTION OF AGENDA

Motion to adopt the agenda made by Ms. Brown, seconded by Vice Chair Meyer. Motion passed unanimously, 4-0.

III. APPROVAL OF MINUTES, PLANNING BOARD SPECIAL MEETING - OCTOBER 19, 2023.

Motion to approve the October 19, 2023, Special Meeting Minutes made by Vice Chair Meyer, Seconded by Mrs. Ward, motion passed unanimously, 4-0.

IV. PUBLIC COMMENT

Alderman Grant addressed the Planning Board. He said he wanted to make sure there was a discussion. He had read through the stuff in the planning board packet. When he had a discussion with your chairman, it was about organizational issues. That's the only reason that he wanted to pull all the stuff off the other agenda. Because he thought after talking to the chairman that we needed to sit down together - both Planning Board and the Board of Aldermen - work through all the stuff that we've got and see what the right way to proceed was and so we're moving forward with that and that he believes what's going to happen from talking to Alice is that the the town attorney will be there too to kind of work

with all of us so he thinks that's a good way to go forward on it. But just a clarification because he saw on there he really didn't have anything on there the other thing too and that he actually mentioned to the chairman when he came in somebody posted on Facebook that he was in favor of a three-person Planning Board and that is not what he said. He said that what he said was the statute says three people. He stated that he was not in favor of a three-person planning board. He said that he thought that would be a mistake but he is only one person. He stated that he did not know how that got out there and that it is one of those things that keeps getting posted. He stated that he wanted to assure the Planning Board and that he was looking at the Planning Board Bylaws and it says that the mayor may appoint one member of the Board of Aldermen as a liaison member to the Planning Board and that it was not going to be him. He stated that when he talked to the Chairman, they were talking about the need to get the organizational issues resolved, figure all that kind of stuff out, so we can move together forward.

V. NEW BUSINESS

A. USE STANDARDS FOR OCEAN HAZARD AREAS EXCEPTIONS

Planning Director Hill presented the following background information:

On August 2, 2023, the Board of Aldermen reached consensus directing the Town Manager to work through the Planning Board and Director to address the following issues and come back to the Board of Aldermen with recommendations at its October meeting:

The Planning Board reviewed and discussed 15A NCAC 07H .0309 Use Standards for Ocean Hazard Areas: Exceptions. at the regular meeting on August 10, 2023, and continued at a special meeting held on October 19, 2023. As new members may not be as familiar with the subject matter and background, the Planning Board discussed options on how to proceed; table it, make a decision, send it back, or request a joint workshop for clarification of the Board's expectation.

The consensus of the Planning Board was to request a joint workshop with the Board of Aldermen, as the questions were considered too general and lacked specificity to facilitate proper analysis. The Planning Board requested that Ms. Hill gather additional information for review, to include items in C. Moore, Executive Officer, Wilmington-Cape Fear Home Builders Association email and other coastal towns' oceanfront setback requirements.

The request for a joint workshop was included in the Planning Board Committee Report to the Board of Aldermen. On November 1, Alderman Grant made a motion to remove from the agenda, under IX. Continued Business: D. Planning Board membership (Alderman Grant) and E. Discussion and possible action regarding UDO Article 2, "et seq"(Attorney Edes). He stated that he had a number of discussions with the Planning Board Chair and some of the members they had a suggestion, which he supports that the Board of Aldermen and Planning Board have a meeting rather than going back and forth.

VI. NEW BUSINESS

A. BYLAWS, RULES OF PROCEDURE AND COMPOSITION

The Planning Director presented the following background:

At the Board of Aldermen meeting on November 1, 2023, Alderman Grant made a motion to remove from the agenda, under IX. Continued Business: D. Planning Board

membership (Alderman Grant) and E. Discussion and possible action regarding UDO Article 2, "et seq"(Attorney Edes). He stated that he had a number of discussions with the Planning Board Chair and some of the members had a suggestion — which he supports — that the Board of Aldermen and the Planning Board have a meeting (to discuss Oceanfront setback directive), rather than going back and forth.

Alderman Grant also requested to remove the second item, as he explained that essentially, it's a three-component thing; 1) Where — in our code of ordinances — are these going to be located, in the UDO or not?; 2) Rules and Procedures for the Boards, themselves; and then, 3) The ethics policy and procedures for appointment policy that they had been discussing. Alderman Grant stated that he thinks it's best to address those after a joint meeting.

Alderman Grant and the Town Attorney discussed that with the current board structure, the Planning Board can still meet and function and everything else; that the ordinance says we have a 7-member board and there are 2 vacancies right now. If you treat that the same way that you would the Board of Alderman on a vacancy, then a quorum would be 3; it's probably safer since it is a 7-member board, in theory, to have a quorum of 4, but as long as there's a quorum, they can continue to meet and conduct business.

The Planning Director presented background information on each of the following:

- Planning Board Duties and Responsibilities
- Bylaws (2002)
- Rules of Procedure (revised and readopted September 9, 2022).
- Composition (referencing Ordinances dated 3-5-1992; 6-6-2002)
- Comparison to Other Local Planning Boards

The Planning Director made the following recommendation.

Recognizing that the Board of Aldermen have the unquestionable and legal prerogative to amend the Planning Board Bylaws, Rules of Procedure and Unified Development Ordinance §2.02.02 (A) and (B), these documents have served to foster two well-organized and functioning boards. On this basis, that the Planning Board recommends to the Board of Aldermen, that no changes be made, as:

1. A 7-member, 2-alternate composition allows for the routine absence of some members, while still having the ability to have a quorum and carry out its duties and responsibilities, without delay;
2. 7 members and 2 alternates provide a diverse sampling of the overall concerns and priorities of the citizens of North Topsail Beach, while still allowing for civil dialogue to form a consensus and provide sound and reasonable recommendations to the Board of Aldermen;
3. 7 members and 2 alternates provide greater opportunity for interested citizens to serve the Town;
4. 7 members and 2 alternates provide for alternates to become regular members, after having gained training and experience by actively participating in the execution of the duties and responsibilities of the Planning Board.

Chair McCloud stated that she thinks that pretty much says why we need to fill our roster. If the Board of Aldermen want to change the ordinance, they have the right to do that. Hopefully at the workshop, we can bring some of these recommendations to them. We may have more recommendations, as well. She thinks that this is pretty comprehensive, but our major problem has been something unique in the 10 or 11 years that she's been on the board. In the last 18 months, we have had 5 people sell and move. Swantek's, Greens, Pat (Stigall), who was on both boards. Fred (Fontana). Chair McCloud asked Deb Hill if anyone on the list would be interested. Deb Hill responded that she did not get a chance to check on that today but fortunately we have both the town manager and Ricky here. Ricky might have set that up, she did not ask Nancy. Previously, all the applications submitted for any committees that were applying for Board of Alman approval went to her through the Town Clerk's gmail account. There was some discussion on past procedures for processing applications.

Manager Derian clarified that the applications are coming in right now directly through the account that goes to the town clerk's email and myself. The town no longer has any gmail accounts. Those have all been deleted with regular .gov email accounts. Applications that we received, the list is provided to Deb, which would in theory go to the chairman for you all to look at and then I would take those to the Board of Aldermen, so everyone would be kept in the loop. But the applications would be sent to the Board of Aldermen too because ultimately they make the decision on appointments. so that would be something that would be an made them a discussion at the Joint meeting to determine um if if they desire to continue with that or if they just want to change that process and then the applications just go directly to the Board of Aldermen, but she is sure that they would not have any issues with the applications being shared with everyone, so everyone's on the same page.

Chair McCloud stated that we just need to get some kind of process. But with all the changes that are made almost seems monthly and definitely quarterly whether it's staff or whether it is Aldermen or Planning Board. The last 18 months with changes and so this is something that needs to be looked at and get some kind of a structure so that we don't miss anyone because we need people.

Mrs. Ward asked if there was a precedent where someone was an alternate before they were on the boards or if that is the way it has always been. Chair McCloud stated that is the way it has always been and added, if they are available.

Mrs. Derian notified the Planning Board that she received a tentative date of November 30th at 10:00 a.m. for the joint workshop.

The consensus of the Planning Board is to recommend to the Board of Aldermen, the recommendations presented by the Planning Director.

VII. DISCUSSION

None.

VIII. ADJOURNMENT

Motion to adjourn made by Vice Chair Meyer, Seconded by Ms. Brown, passed unanimously 4-0.

Meeting adjourned at 7:15 p.m.