

Town of North Topsail Beach

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

Aldermen:
Richard Grant
Don Harte
Connie Pletl
Bob Swantek



Alice Derian, ICMA-CM
Town Manager

Kate Winzler, NCCMC
Deputy Town Clerk

Nature's Tranquil Beauty

Board of Aldermen

Regular Meeting Minutes

Wednesday, June 1, 2022, at 11:00 A.M.

North Topsail Beach Town Hall

2008 Loggerhead Court, North Topsail Beach, NC 28460

Present: Mayor Pro Tem Benson; Aldermen Grant, Harte, Pletl and Swantek. Chief Younginer, Chief Soward, Town Manager Derian, Finance Officer Elliott, IT Director Schwisow, Public Works Director Poehiltz, Planning Director Hill, Deputy Town Clerk Winzler, Town Attorney Edes.

Via Zoom: Coastal Engineer Way.

Absent: Mayor McDermon.

I. CALL TO ORDER

Mayor Pro Tem Benson called the meeting to order at 11:00 A.M.

II. INVOCATION

Alderman Harte delivered an invocation.

III. PLEDGE OF ALLEGIANCE

Chief Younginer led attendees in the Pledge of Allegiance.

IV. APPROVAL OF THE AGENDA

Mayor Pro Tem Benson made a motion to add under continuing business a motion to approve the sale of Town property on Folkstone Road that we have been trying to sell for many, many years. We have a bid on that property now. Alderman Pletl seconded the motion. The motion passed unanimously, 5-0.

V. MANAGER'S REPORT

Town Manager Derian presented the June 1, 2022, Town Manager's Report to the Board (attached). Ms. Derian noted how busy the Fire Department was over the Memorial Day holiday weekend.

Alderman Grant thanked Ms. Derian and the Onslow County Manager for working together on the Onslow County beach access and rolling the beach access financing forward to next fiscal year. Mr. Grant asked that Town staff work to protect the Town Park located across the street from the county beach access from incoming high tides. He asked Ms. Derian to address drivers driving beyond the four-by-four limiting signage on the north end of the island. Ms. Derian explained there are two large signs on the beach, and once people drive passed them, the police department is poised to issue citations and will make the drivers move. Alderman Grant thanked the Police Department for their hard work over the Memorial Day weekend. Attorney Edes

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commended Town Manager Derian for her efforts with the Onslow County beach access dune renourishment. Mayor Pro Tem Benson recognized Ms. Derian for her efforts and asked if citizens could make budget comments until the June 8th meeting, to which Ms. Derian confirmed. Mr. Benson invited citizens to make budget comments by email to the Town Manager or to drop them off at Town Hall. Town Manager Derian thanked the Kiwanis for their support and the donation of a free little library to be installed at the Richard Peters Park in the next week or so. Mr. Benson stated an intention to have a free little library installation ceremony with Alderman Grant and several Kiwanis officers when the time comes. Alderman Harte asked Ms. Derian for an update on the concert. Mr. Derian replied that she is awaiting communication from the promoter with an April date. The promoter recommended postponing the concert date until April with three bands in the contract.

VI. PLANNING BOARD COMMITTEE REPORT

Planning Director Hill presented the Planning Board Committee Report to the Board of Aldermen.

Alderman Swantek made a motion to appoint Susan Meyer and Stu Harness to the Planning Board. Alderman Grant seconded the motion; the motion passed unanimously, 5-0.

There was discussion about the Dark Sky Ordinance. Alderman Pletl thanked Ms. Hill. Mr. Grant inquired if the Planning Board could think about turning ocean-facing lights off at night during turtle season. Ms. Hill noted the enforceability of such an ordinance and suggested a public education component, such as refrigerator magnets and turning off ocean-facing lights at night for vacation rental programs. Mr. Benson suggested an island-wide initiative to include the Beach Clean initiative, the Topsail Island Shoreline Protection Commission and the Sea Turtle Hospital become involved with the public education component of the Dark Sky Ordinance to increase the impact.

Mr. Benson complimented and thanked Director Hill for the time and effort put into storm water management, positioning North Topsail Beach well for coastal resilience. Ms. Hill welcomed the opportunity to work with Surf City and Topsail Beach on a solution for the whole community.

Mr. Benson voiced support for the Rogers Bay shed text amendment to decrease lot clutter and suggested removing the "use in aquaculture" verbiage from the CAMA Land Use Plan modification noted in the Proposed Unencapsulated Polystyrene Ordinance.

Ms. Hill suggested leaving it in to protect future changes in policy.

Mr. Swantek asked if the amendment protected frontal, secondary and primary dunes. Ms. Hill confirmed and noted the inclusion of the estuarine dunes as well. She did note that beach access and gazebo installation does include dune disturbance but suggested placing the onus on the inspector for the correction of such dune disturbance within a certain period after completion of the beach access or gazebo installation. If they do not correct it, a notice of violation may be issued. Mr. Swantek asked how did CAMA allow such dune disturbance while CAMA is not allowing beach access structures to be built? Ms. Hill noted that the original pool plan had the swimming pool built into the side of the dune, which is not consistent with the flood ordinance and was denied. Ms. Hill

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noted the Planning Director's responsibility for upholding the zoning and flood codes, as well as the CAMA Land Use Plan and an equal obligation to work with property owners to develop their property to the highest and best use within those regulations. CAMA did allow for the placement of the pool on top of the dune, and Ms. Hill verified with NFIP that it was consistent with the flood code. This gives the Town the opportunity to review the ordinance and to review the language and revise it and still allow for development that is consistent with the desire of the town. Mr. Swantek clarified that he was asking about the beach access, not the pool. Mr. Benson brought the discussion back to the topic of swimming pools. Ms. Hill offered to discuss the beach access with Division of Coastal Management to ensure that it is consistent with their CAMA permit. Ms. Derian stated that she forwarded Mr. Swantek's email with pictures to CAMA for confirmation that they are within their CAMA permits, noting that they received a CAMA permit for the post and rope up to the dune. Mr. Grant appreciated Ms. Hill's effort of checking the 1049(b) section for exceptions and loopholes. He applauded the work of the Planning Board in the language of the text amendment. He clarified that the intent is that a dune cannot be disturbed for installation, then fixed after. Mr. Grant thanked Ms. Hill again. Mr. Benson gave a statement about the swimming pool ordinance text amendment for the Planning Board to consider at their meeting on June 9, 2022. Mr. Grant stated his awareness of legal ramifications resulting from changing the ordinance. He noted sometimes you must spend money to protect the Town and warned the Board against not acting because of potential litigation. Town Attorney Edes agreed and suggested that enforcement is easier when the rules are consistent with the CAMA regulations, but the key to being more restrictive is having plain language and easy to understand definitions. The more discretion given to the individual enforcing the ordinance, the more likely you're susceptible to a legal challenge. Ms. Hill asked that any legal issues be addressed by the Town Attorney when presented to the Board of Aldermen. Mr. Benson agreed.

VII. OPEN FORUM: No one came forward to speak.

VIII. PUBLIC PRESENTATIONS AND HEARINGS
COASTAL ENGINEER UPDATE

Mr. Fran Way presented a slideshow "North Topsail Beach Coastal Update June 2022" to the Board. He noted these on-going projects:

- Phase One Projects:
 - Hurricane Dorian FEMA Category G Nourishment project permitting is being completed and the Town has funding. Work will begin November 16, 2022-April 23, 2023. Bidding is the next step.
 - New River Inlet Management Master Plan- Work is being done on the Environmental Impact Statement (EIS) plan in coordination with Dial-Cordy and Mickey Sugg with US Army Corps of Engineers (USACE).
 - USACE will be placing sand in this area. Bidding will occur in July, bidding results announced in August. Expect a scheduling update in September.
- Phases Two through Four:
 - Have dune project work.

- Phase Five project truck haul:
 - First part:
 - One hundred twenty thousand cubic yards of material with good color and good consistency and good compaction have been placed over four thousand feet by the end of April 2022. The regulators are happy with this material.
 - There are one hundred seventy thousand cubic yards of material and seven thousand feet to go in this project which will resume November 16, 2022.
 - Second part:
 - They will begin bidding the second three hundred thousand cubic yards this summer. Funding coordination for this project is ongoing with Finance Officer Elliott and DEC Associates.
- Onslow County Beach Access Full Dune Replacement:
 - Coordination between DCM, CAMA, Town Staff, County, Wildlife Recourse Commission, and Town Attorney Edes
 - May 4, 2022, funding issue arose.
 - Two thousand, three hundred cubic yards of sand to be placed in November
- Sea Oat Planting:
 - Sea oat planting is going for the next several months in all 5 phases.
- State Grant Funding:
 - Mr. Way suggested that the Town look into this and offered his aid.

Alderman Grant voiced concern that last year's projects started late. He asked that the Town Manager require Mr. Fran and Mr. Carter prepare a Gantt chart to ensure that projects in the future begin on time. He noted that this may tie into the special obligation bonds (SOB) and reimbursement from FEMA which affect the Town's cash position. Mr. Benson asked if any one company has the capacity to haul all five hundred thousand cubic yards of sand in the four-to-five-month window starting November 16th. Mr. Way replied that the vendor placed about sixty thousand cubic yards a month previously, so in a five-month period, three hundred thousand was attainable. Perhaps seventy-five thousand or one hundred thousand cubic yards per month might be attainable but tough. Mr. Benson asked about than one drop-off site and two sets of off-road trucks working concurrently. Mr. Grant noted that the permit requires the complete layer of sand be placed, rather than a thinner layer to cover more distance. He asked that the engineers look at this a viable option to be able to place sand everywhere, rather than have sections missing sand placement. He asked that more than one vendor be considered and that everyone receive something.

Town Manager Derian stated that a meeting would be scheduled in the next week to nail down dates and timing, accounting for the bid award in September, Local Government Council (LGC) approval in October, and work beginning in November. She directed Mr. Way to lay out the scope of work in relation to Mr. Grant's request. She noted that FEMA reimbursement has been taking between three and six months, and there is one million, two hundred eighty thousand dollars outstanding for the category

G project that commenced one month ago, as well as one million, four hundred sixty thousand dollars outstanding for the category B project from Hurricane Dorian commenced 3 months ago. Mr. Grant requested that Ms. Derian give the Board an update on the SOB process and that Mr. Carter give the Board an update on interest rates at the next Board meeting.

IX. CONSENT AGENDA

Alderman Pletl made a motion to accept the consent agenda. Alderman Swantek seconded. The motion passed unanimously, 5-0.

X. CONTINUING BUSINESS

a. BISAC UPDATE

Mayor Pro Tem Benson stated that the Beach, Inlet, and Sound Committee (BISAC) met on May twenty-fourth, and discussed the North Carolina Beach, Inlet and Waterway Association (NCBIWA) meeting. He noted that BISAC members will be attending in the future. They also discussed the thirty-year engineered beach management plan, which is important for streamlining permit issuance for beach renourishment projects moving forward, in all five phases, over all eleven miles of shoreline in North Topsail Beach. The BISAC recommendation to the Board is to direct the BISAC Committee to begin initial scoping work needed for an engineered beach management plan with consultant costs to be covered by funds set aside in the proposed 2022-2023 budget in fund thirty and that we explore funding opportunities to cover Town costs in this, estimated to cost around one hundred-fifty thousand dollars over a three-to-four-year period. Mr. Grant noted that the Town is applying for a grant in July of which the funds may be used for beach engineering. If the Town is awarded that grant, it will help offset the cost of the beach engineering. Town Attorney Edes advised the Board that once the budget is passed, no action is necessary at this point. Each member of the Board individually accepted the BISAC committee's report.

b. PARKS AND RECREATION UPDATE

Alderman Pletl gave the Board the parks and recreation committee update. She reported that on May 17th, 2022, a committee meeting was held with five attendees: including the two official committee members, Alderman Swantek, Alderman Pletl, and one additional attendee. The committee voted to not recommend having the Town-sponsored music festival in October because of the limited time for planning the event, which may be a moot point as the event is being moved to April 2023. The committee is working on the details of the Parks and Recreation program. Ms. Pletl will be meeting with Caitlin White of the Onslow County Parks and Recreation Department. She has also spoken with and will be meeting with Jodie Padgett Shepard of Surf City Parks and Recreation Department. Several people have offered to help with the committee and Alderman Pletl encourages and invites all interested folks to attend the next meeting on June 21st, 2022, at 6:30 p.m. at North Topsail Beach Town Hall.

c. APPROVAL OF THE SALE OF TOWN PROPERTY ON FOLKSTONE ROAD

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Town Manager Derian stated that at a previous meeting the Board approved listing the Town-owned lots on Folkstone Road for sale. The Town received a full-price offer on those lots. Ms. Derian requested Board approval to execute the documents for the sale of the property for the full price amount of one hundred twenty-five thousand dollars. Town Attorney Edes stated that the Town needs to go through the ten-day upset bid process, and that the Board action would be to announce to the public that the Board intends to accept the offer, subject to the ten-day upset bid process, and suggested a motion to move forward with that offer and go through the statutory required upset bid process. **Alderman Grant made a motion to accept the offer and direct the Town Manager to move forward and comply with the statutory requirements including any upset bids.** Town Attorney Edes recommended that the Board considers the offer acceptable to the point that the Board is directing staff to move forward with the upset bid process, because the Town may reject the offer or any upset bid offer at any time the Board wants to. **Alderman Grant made a revised motion to consider the offer acceptable to the point that the Board is directing staff to move forward with the upset bid process. Alderman Swantek seconded. The motion passed unanimously, 5-0.**

XI. NEW BUSINESS

a. TEMPORARY EMERGENCY OPERATIONS CENTER

Town Manager Derian reviewed the interlocal agreement with Onslow County for the creation of an emergency operation center. The agreement permits North Topsail Beach to use designated areas of Coastal Elementary School and parking areas upon a request by the Town Manager or the Mayor in the event of opening an EOC (Emergency Operations Center) and/or staging area to respond to a federal, state or locally declared emergency.

Ms. Derian requested the Board make a motion to approve the interlocal agreement with Onslow County. **Alderman Grant made a motion to approve it.** Mr. Grant stated his assumption this agreement is standard. Ms. Derian confirmed the Town has had interlocal agreements previously. **Alderman Harte seconded.** Alderman Pletl asked for clarification that Board is not using the hotel off the island as an EOC. Ms. Derian stated that the school EOC is an option. Ms. Pletl stated she thinks it's a good option, and that the Town has done it in the past, setting up an emergency operations center at the other elementary school. This is the newer school on Folkstone Road.

The motion passed unanimously, 5-0.

b. RFP 2022-001 DISASTER DEBRIS CLEARANCE AND REMOVAL SERVICES

Town Manager Derian stated that the request for proposal (RFP) for these services was issued, bids were received May twenty-fifth for the services, and relevant staff has reviewed those proposals. This is an on-call contract, broken out by individual labor costs for debris management, site management, tree cutting, et cetera to be activated in case of a man-made or natural disaster requiring a large-scale debris cleanup throughout the town, with no fixed fee.

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Staff recommends that this contract be awarded to Crowder Gulf at this time.

Ms. Derian requested a motion. **Alderman Grant made a motion to approve it.**

Alderman Harte seconded. Town Manager Derian noted that these contracts are required for the cleanup funds to be eligible for FEMA reimbursement. **The motion passed unanimously, 5-0.**

c. RFP 2022-002 DISASTER DEBRIS MONITORING AND INSPECTIONS SERVICES

Town Manager Derian stated this is also related to disaster debris management services for monitoring. FEMA eligibility requirements suggest two bids. This RFP initially received only one bid submission. Ms. Derian re-posted the bid solicitation and extend the period to June 10th, 2022. This is an on-call contract to be activated along with the other contract the Board approved with Crowder Gulf. The purpose of this contract is to monitor and ensure compliance with the disaster debris removal process. Ms. Derian requested a motion to authorize staff to award a contract to the most responsive and responsible bidder as determined by the Town Manager and Town Attorney, and noted it will be ratified on the consent agenda for July. **Alderman Pletl made the motion.**

Alderman Harte seconded. Alderman Grant asked Town Attorney Edes if the second posting does not receive two bids, if the Town would be ok? Attorney Edes responded that it should be ok. **The motion passed unanimously.**

XII. OPEN FORUM: none.

XIII. ATTORNEY'S REPORT

Attorney Edes apologized for not getting the County access work finished; he appreciates the County's agreement to roll those funds over to next fiscal year. He again commended the Town Manager's herculean efforts to try and complete it this season.

XIV. MAYOR'S REPORT: The Mayor was not in attendance.

XV. ALDERMEN'S REPORT

Alderman Pletl thanked everyone for attending virtually and in-person. She noted how busy the holiday weekend was and commended the police department and fire departments for doing an outstanding job. She re-iterated Alderman Grant's earlier comment about public safety being our number one issue, and they do a good job. Thank you so much. It's sea turtle nesting season, and the Town is a sea turtle sanctuary. As of today, Topsail Island has eleven sea turtle nests, and eight of which are in North Topsail Beach. She thanked the beach patrol and public works for helping the turtle project this weekend, and she asked people to keep their oceanfront lights off and to close their oceanfront blinds. Ms. Pletl urged everybody to attend the budget meeting next Wednesday at 1:00 p.m. and to attend the Parks and Recreation meeting on June 21st at 6:30 p.m., and to have a safe and happy Fourth of July.

Alderman Harte thanked everybody for attending. He appreciates the fire department and police department very much.

Alderman Swantek thanked the police department for doing a great job, especially locating a lost child and monitoring the four-wheel drive section of beach.

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Alderman Grant thanked the police and fire department for doing a great job. He complimented Mr. Benson on the original idea for the BISAC committee. He thanked everyone for coming and wished everyone a great Fourth of July.

Mayor Pro Tem Benson said that he attended NCBIWA meeting at the beginning of the month and found it to be very productive. He is hoping the Town purchases a water level sensor to inform citizens when there will be sound-side flooding, as well as property and street flooding. The Topsail Island Shoreline Protection Commission met last week. They are working on the final stages of web presence for the Topsail Island Beach Clean Initiative with a launch goal prior to July 4th, and they hope to have an exhibit at the turtle hospital to educate the public. There is a virtual Washington commission meeting coming up on June 7th to speak with the congressional delegation and to other government agencies. Mr. Benson attended the virtual UNC School of Government's Ethics Class required of all elected officials with Alderman Harte. He thought it was a pretty good workshop.

XVI. CLOSED SESSION

Alderman Grant made a motion to go into closed session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged (G.S. 143-381.11(a)(3)). Alderman Swantek seconded. The motion passed unanimously, 5-0.

The Board entered closed session at 12:40 p.m.

Alderman Swantek made a motion to come out of closed session. Alderman Pletl seconded. The motion passed unanimously, 5-0.

The Board came out of closed session at 1:05 p.m. Mayor Pro Tem Benson said that no action was taken during the closed session.

XVII. ADJOURNMENT

Alderman Swantek made a motion to adjourn. Alderman Harte seconded. The motion passed unanimously, 5-0.

The Board of Aldermen meeting adjourned at 1:05 p.m.

Town Manager's Report
June 1, 2022

Beach Projects

• **Phase 5 project:** ST Wooten has completed the first phase of this project. The final volume placed for this phase of the project was 120,051 CY's of sand. The project will be paused until November.

• **CAT B Dune Restoration Project:** Work officially resumed on Monday, May 2nd and was completed on May 9th. This was the truck haul project in the area of St. Regis to north of the pier. The contractor placed approximately 8,100 CYs of sand. We exceeded the amount of 7,300. Mr. Way reported there is typically a higher tolerance for very small unit placements such as this. I have discussed specifically the Goldsboro Lane area with Fran and asked between now and November go back and see if that area needs

revisited in November.

- **County Dune project:** I worked daily on trying to facilitate the completion of the 2,200 CYs of sand to be placed at BA4. There was a lot of back and forth between us, the County and state in regards to permitting. Last week, due to another email received from the state, they indicated the Town would have no relief from liability under provisions of the Endangered Species Act and at that point in time we were losing time to guarantee the contractor could complete work early last week as opposed to Thursday/Friday of last week going into Memorial Day. I emailed the County Manager requesting that the funds be rolled over into next FY so we can complete the project in November, and she has instructed their Finance Director to roll the funds so they will be available for us to request reimbursement.
- **Sea Oats Planting:** Coastal Transplants continues to work on Sea Oats planting. They started work where they left off near BA 4 and started working South. They were scheduled to be near St. Moritz going south last week through Memorial Day. This week they will be planting northern limits of the project of BA 4 and will continue in this direction until approximately June 23rd. June 24th, they will flip back south starting approximately 3,000 feet south of St. Moritz and moving approximately 6,000 feet. July 6th through Mid-August they will be starting approximately 9,000 feet from St. Moritz and finishing at the Surf City town line.
- **Updated EIS:** The Mayor, Mayor Pro Tern and I met with Mickey Sugg from USACE and requested an updated timeline, which has been provided. They are on Task #6 which indicates they are working to prepare the draft EIS and public scoping report. This is scheduled to be completed July 31st. From there they will prepare the Biological Assessment and Essential Fish Habitat Assessment which will take until October.

FY 2022-2023 Budget

- Our Budget workshops were held on March 30th, April 13th, May 23rd and the Budget hearing on May 23rd. The budget is available at our office for public inspection, and we have a meeting scheduled on June 8th at 1:00pm to adopt the FY 22-23 Budget.

Holiday Weekend

- Staff met a couple weeks prior to the holiday to plan and schedule as necessary for the expected influx of visitors. We deployed the Town's VMS board at the foot of the bridge a week in advance of the holiday weekend to advise visitors of rules such as staying off the dunes, leash your dogs, no glass on the beach. Police as well as two beach patrol individuals patrolled the beach throughout the weekend. Police reported 41 glass bottle violations, 26 dog violations and 3 dune violations. Code enforcement also did a sweep in the overnight hours looking for personal property items left behind and did not find much.

New Business Items

- **Interlocal Agreement with Onslow County for Creation of Temporary Emergency Operations Center**

This Agreement provides for NTB to be permitted use of designated areas of Coastal Elementary School and parking areas upon the request by the Mayor or I in the event of opening an EOC and/or staging area to respond to a federal, state or locally declared emergency.

- **RFP 2022-001 Disaster Debris Clearance and Removal Services**

Bids were received on May 25th for the aforementioned services in which relevant staff has reviewed. This is an on-call contract that would be activated in the case of a man made or natural disaster event that would require a large-scale debris clean up within the Town. Staff recommends that the contract be awarded to Crowder-Gulf at this time.

• RFP 2022-002 Disaster Debris Monitoring & Inspection Services

Bids were due on May 25th for the aforementioned services. Due to only receiving one bid submission, I have re-posted the solicitation extending this until June 10th. FEMA eligibility requirements suggest you need to have two bids. This is an on-call contract that would be activated along with the contract for Disaster Debris Clearance and Removal Services. The purpose of the contract is to monitor and ensure compliance with the disaster debris removal process. Requesting a motion to authorize staff to award a contract to the most responsive and responsible bidder as determined by the Town Manager and Town Attorney. This will be ratified on the consent Agenda for July.

(End of Town Manager's Report)

APPROVED

This 3rd day of August 2022

Joann McDermon

Mayor

CERTIFIED

This 3rd day of August 2022

Melinda Mier

Town Clerk