

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

Melinda Mier
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen

Regular Meeting Minutes

Wednesday, July 6, 2022, at 11:00 A.M.

North Topsail Beach Town Hall

2008 Loggerhead Court, North Topsail Beach, NC 28460

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Harte, Pletl and Swantek. Chief Younginer, Chief Soward, Town Manager Derian, Finance Director Elliott, IT Director Schwisow, Planning Director Hill, Town Clerk Mier, Attorney Edes.

I. CALL TO ORDER

Mayor McDermon called the meeting to order at 11:00 A.M.

II. INVOCATION

Alderman Pletl delivered an invocation.

III. PLEDGE OF ALLEGIANCE

Mayor McDermon led attendees in the Pledge of Allegiance.

IV. APPROVAL OF THE AGENDA

Alderman Swantek made a motion to approve the agenda. Alderman Grant seconded the motion. The motion passed unanimously, 5-0.

Mayor Pro Tem Benson asked for discussion adding and item under New Business about the NC State Legislative initiative for improved beach safety, mainly large holes on the beach.

Alderman Pletl made a motion to approve the amended agenda. Alderman Harte seconded the motion. The motion passed unanimously, 5-0.

V. CLOSED SESSION

Alderman Harte 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)). Mayor Pro Tem Benson seconded. The motion passed unanimously, 5-0.

The Board entered closed session at 11:04 p.m.

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

The Board came out of closed session at 11:41 p.m. Mayor McDermon stated that no action was taken during the closed session.

VI. MANAGER'S REPORT

Town Manager Derian presented the July 6, 2022, Town Manager's Report to the Board.

Beach Projects:

Phase 5 project

ST Wooten has completed the first phase of the Phase 5 Project. The final volume placed was 120,051 CY's of sand. The project is paused until November when at that point in time after turtle season the contract will resume. I have had conference calls with Mr. Carter and Engineers to discuss the second scheduled tranche in October. Fran has indicated that that the full 630,800 CY's are permitted. Fran is working to finalize the IFB for the second tranche for bids to be received by mid-September to press for the October LGC meeting.

Coastal Storm Damage Mitigation Fund Grant – Session Law 2021-180 Allocated \$18M to the Division of Water Resources to be used to provide grants to units of local government.

Per statute (G.S. 143-215.73M) the fund may only be used for costs associated with beach renourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damage to the ocean beaches and dune systems of the State.

The BISAC has recommended that the Town move forward with a grant submittal for this one-to-one state matched grant. Included on today's Agenda under New Business is approval to submit an application that has been prepared for \$10.5 million dollars. This grant would enable the Town to extend the Phase 5 project 2.5 miles to the north to renourish Phase 4. Per statute, any project funded by revenue from the Fund must be cost shared with non-state dollars. Per clarification and confirmation from the state, FEMA funds would qualify as non-state dollars.

As I mentioned earlier, the IFB for Phase 5 is nearing completion and the intent is to amend this IFB to have Phase 5 as a base bid and the Phase 4 work that TI Coastal engineered to be an alternate bid that would be pursuant on the grant application. We will be issuing an IFB for 2 projects under one solicitation with the mindset of potential cost savings; particularly if the same contractor is awarded both bids to save on items such as mobilization. These will be considered 2 separate contracts. Tranche "A" for the FEMA work (Phase 5) and Tranche "B" for the Phase 4 work (Contingent upon grant funds).

Sea Oats Planting

Coastal Transplants continues to work on Sea Oats planting that resumed in May. July 6th through Mid-August they will be starting approximately 9,000 feet from St. Moritz and finishing at the Surf City town line. Mr. Gibson reported at the last BISAC meeting

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that there may be left over plants that will be available to residents at the end of August should they want to do additional plantings. When we get closer to this point and there are plants available, we will notify residents on our website/fb page.

Living Shoreline Project

I have been working with the NC Coastal Federation since last October to initiate the first living shoreline project for the Town. Tracy Skrabel has been meeting with marine contractors to identify the ideal project for the Richard Peters Park site. The conclusion is to install an Oyster Catcher Marsh Toe Revetment due to the low wave and boat wake energy and soft substrate. This demonstration will be situated between the two piers. I learned a couple weeks ago that we will be awarded 100% of the costs through the grant which is ideal. Typically, there is a 75% award with a 25% match requirement. Thank you to the NC Coastal Federation for their support on this project. Tracy Skrabel and Kerri Allen are a tremendous asset to the Town.

FY 2022-2023 Budget

On June 8th the Board unanimously adopted FY 22-23 Budget. The budget, along with the budget message and slides were uploaded to our website.

The updated concert contract for the outdoor beach music festival planned for April 1, 2023 from 1pm to 6pm at Richard Peters Park has been received which reflects the amended date along with caveats for no vulgar language in the acts and that both parties may agree to a make-up date, in the same calendar year, with line up scheduled to change and a non-refundable \$3,000 deposit. The total cost is \$18,000 for 3 bands (one being Band of OZ). The contract has been provided to Attorney Edes for final review.

Disaster Preparedness

Contracts were executed in preparation for disaster debris removal and monitoring services. Staff has also attended trainings the past recent months for WebEOC, Damage Assessment and the functionality of CodeRED. With hurricane season upon us, we are encouraging all residents to double check that they are signed up for CodeRED alert system to receive emergency communication alerts. It is critical to have a plan and stay informed. I would just like to say Thank you to Stacie Miles, Onslow County Deputy Director for Emergency Services who attended the 4-town meeting that we hosted last month to speak with officials from NTB, Topsail, Holly Ridge and Surf City on preparedness.

Holiday Weekend

Staff met prior to the holiday weekend to plan and schedule for the Ocean City Jazz Festival and the expected influx of visitors for the 4th of July holiday.

The Jazz Festival kicked off Friday evening with a monumental historic occasion for the Ocean City community being the NC Civil Rights Trail Marker unveiling. Community members, dignitaries (including Mayor McDermon who gave the welcome speech) and

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guests joined together to honor this special occasion. Between 2021 and 2023, the NC African American Heritage Commission will place 50 markers in counties across the state, highlighting and acknowledging tireless civil rights efforts. Ocean City is number 4 on this list! Thank you to Craig and Carla Torrey, Mr. Chestnut, and their committee for hosting such a memorable event and thank you to Staff, specifically the Public Works Dept, Fire Department and Police Department. The weather was a little uncooperative leading up to the event on Saturday, but all turned out well.

Police as well as two beach patrol individuals patrolled the beach throughout the holiday weekend. Police reported 2 accidents, 1 missing person, 15 firework calls, 6 Domestic calls, 13 assists with citizens, 4 medicals. Again, I want to say thank you to staff who did a phenomenal job this holiday weekend being proactive with patrols and responding as necessary.

VII. OPEN FORUM

One citizen addressed the Board.

Pat Maylan from 231 Seashore Drive. Ms. Maylan asked about why the ambulance on the island is only in the north end of the island and not in the middle of the town? She explained how a man fell in front of her house and it took a half hour for the ambulance to come. She stated the ambulance used to be down the other end of town and asked why can't it be in the middle? Mayor McDermon stated the Board can follow up. Ms. Maylan had a second question about debris pickup, asking why we don't have it? Mayor McDermon responded that we do have debris pickup and Town Manager Derian noted that we have three scheduled debris pickups, last one was around Easter and the next one is in the fall.

VIII. PUBLIC PRESENTATIONS AND HEARINGS

A. Case R-22-01 Jackson (Planning Director Hill)

Quasi-judicial: Town Attorney Brian Edes explained the need for all those who wish to provide testimony will need to be sworn in and they will be subject to cross examination. The applicant is entitled to a fair and impartial decision-making body which means that you base your vote today solely on the evidence adduced during this hearing. Attorney Edes asks the Board if anyone on the Board has a financial interest on the subject matter of this conditional R-15 rezoning application? Has anyone on the Board had any substantive discussion with staff about this application outside the context of this hearing? Has anyone made a site visit to the site for the purpose of assessing this application? Can any one of you think of any reason why you can't be fair and impartial and base your vote today solely on the evidence used during this hearing?

Alderman Swantek replied that he did have a financial interest. Attorney Edes recused Alderman Swantek from participating in the hearing. The remaining alderman answered in the negative to Attorney Edes questioning of the Board.

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Attorney Edes explained the way they will proceed is that they will hear from staff. Staff will be subject to cross examination and questions from the Board. Then we will hear from the applicant. The applicant and whoever else testifies will be subject to cross examination and questions from the Board. Then he invites anyone else to speak who has standing to address this matter. Attorney Edes then invites all those who wish to provide testimony to come forward and be sworn in, Planning Director Hill, Mr. Riggs, Mr. O'Donnell.

Planning Director Hill introduces the case R-22-01, application by Mr. Charles Riggs for his clients Douglas and Lisa Jackson. Property located at 3621 Island Drive. Requesting to rezone the property from R-20 to conditional district R-15 single family only. Currently the property is vacant. Property is just to the south of Rodney Knowles town park. Property is approximately 38,295 sq ft. The request is consistent with the comprehensive plan and classified as low density with the future land use map. It's in a flood zone AE with base flood elevation of 11 ft. There's no wet-land delineation indicated on the plat. Property is served by both ONWASA water and Pluris sewer. Conditional districts, property may be placed only in response to all owners to be included, specific conditions may be proposed by the petitioner or the local government or it's agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Attached to the staff report is a copy of the public notice and legal description of the property which is included in Mr. Riggs application. Response to the standards. The Planning Board heard this case as their meeting and unanimously approved, with the condition of single family only. Ms. Hill stated the notice was posted at both the Town Hall and the Towns website, published in the paper twice as well as at the property. Ms. Hill received two phone calls asking what was the intent of development? And also, three emails that were in opposition. Attorney Edes interjected and directed the Clerk to mark the emails for purposes of the record an email from Connie Gilman dated June 24th, 2022, sent at 4:45pm, an email from Bill O'Donnell dated June 13th, 2022, at 9:50am and an email from Marcia Fitzwater dated June 20th, 2022, at 12:06pm. Collectively those will be marked as exhibit 1. (Attached)

Attorney Edes asked Mr. Riggs if he had any objections to the three emails? Mr. Riggs indicated they have no objections to that coming into evidence.

Ms. Hill speaks about the response to standards and the five conditions. Exhibit 2 (Attached)

Attorney Edes asks Mr. Riggs if he has any objections to receiving this entire portion of the agenda packet related to this item into evidence as Exhibit 2?

Attorney Edes recommends to Madame Mayor that we accept this portion of the agenda packet pages 1 through 17 in the red lettering as Exhibit 2 without objection.

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Attorney Edes asks Mr. Riggs if he has any cross-examination questions of Ms. Hill and Mr. Riggs declines. Attorney Edes then asks Board members if they have any questions for Ms. Hill?

Mayor Pro Tem Benson asks if this variance be approved would there be any concern over driveway connections in that area? Attorney Edes corrects Mayor Pro Tem Benson that this isn't a variance it's a conditional re-zoning but asks Ms. Hill to respond. Ms. Hill states that it would be a straight driveway just like any other connection along Island Drive.

Alderman Grant asks to clarify that they have 2.63 acres and they want to re-zone so they can have two homes on it? Ms. Hill responds by explaining with it being R-20 they do not have the lot width or size to subdivide it. But if it was conditional district R-15 than they would meet the dimensional requirements to subdivide the lot into two separate lots for single family homes.

Mayor McDermon raises the question if they were subdivided, they would be close to the same size as the neighboring parcels?

Ms. Hill responded saying R-20 is a minimum of 75 ft. and this lot would have to be at 150 ft. but are at 133 ft.

Alderman Pletl asks if this is approved as conditional R-15 and the current owners don't develop on it, does the conditional use transfer over if they sell it to someone else? Or do the conditional as single-family homes stand? Ms. Hill states it that conditional district stands until it is changed and approved by the Board in writing between the town and the owner.

Attorney Edes points out that under 160D, if there are any conditions appended to the approval they have to be consented to by the applicant. That both the zoning and the condition would be a pertinent which means it would run with the land and binding with subsequent purchasers. The only way they could come back and get re-zoned out of that conditional zoning status would be to apply for a re-zoning. He pointed out the Planning Board decision was unanimous and recommended the condition would be single family only, when they subdivided the lot that will apply to that entire parcel subdivided or unified.

Mr. Riggs introduces himself and states he's here today to represent Douglas and Lisa Jackson. Mr. Riggs explains the property dimensions, states they can meet those standards and provided a map to show the entire R-20 zone that surrounds the property. Mr. Riggs points out the Jackson property has more width than any other parcel. Of all the properties the average lot width is around 74 ft. Thirty Three percent of the properties zoned R-20 in this area are not compliant with the 75 ft. The three emails that were against this rezone, only one is only 38 ft. wide. To maintain the integrity of the property the Jackson's would like to request R-15 zoning and to maintain the integrity of the property we were going to use the R-20 setbacks. We will still use the 30 ft. front and 10 ft. sides. All the Jackson's are asking for is the R-15 conditional so we can use our lot width reduction, get two single family lots, which is the goal here. Mr. Riggs states they are protecting the environment by keeping the zoning setbacks and fire safety compatible. They are

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compatible with other property owners in the area. Compatible with the land use plan. He addressed the concern for traffic congestion and agreed there would be additional traffic because you would be creating another lot but doesn't feel a single-family lot would create additional congestion. Mr. Riggs made it a point to say this isn't considered spot zoning, because we are going from single family to single family. The remainder of the property is all zoned conservation and will remain CON-D. Mr. Riggs closing comment was that this was recommended for approval by the Planning director and the Planning Board.

Mr. Bill O'Donnell, 3612 Island Drive: States he's owned property in that area for 40 years, it's R-20 and it's always been R-20, contrary to what was suggested.

Attorney Edes asks how close is your property to the subject property?

Mr. O'Donnell responds that it is diagonally across the street.

Attorney Edes asks do you contend that if this rezoning is passed you will suffer damages distinct from the rest of the community?

Mr. O'Donnell states that zoning downgrading and zoning tends to decrease property values it will also tend to increase traffic, we have enough of that already with the Rodney Knowles Park, so it's adversely affecting me and my neighbors two of whom have already sent emails to deb which she supplied to the Board, there's nobody in the area that I'm aware of that's in favor of such rezoning.

Attorney Edes asks do you have any evidence that if this is passed, you're going to suffer some damages?

Mr. O'Donnell responds that it is just common sense if you want to build a house in R-15 buy a lot in R-15. People buy R-20 because they're bigger lots.

Attorney Edes recommends we allow Mr. O'Donnell to testify and ask Mr. Riggs questions.

Attorney Edes directs his attention back to Mr. O'Donnell and say's he can go one or two ways, you can provide your own testimony first or you can ask Mr. Riggs questions first but let us not bleed the two together, so do you want to ask Mr. Riggs some questions?

Mr. O'Donnell responds oh I will and I am sure he's very welcome to answer them too, he alluded to lots having more narrow driveways but where the houses are built is on the wide part of the lot. Those lots are key shaped lots and at the time they were built they met zoning regulations. I want to ask you Mr. Riggs what property has been rezoned in this area?

Mr. Riggs responds saying yeah, I'm not aware of any rezoning I believe that there's a good chance that I handled the majority of the surveys. But however, the strategy or the interpretation of the zoning requirements was different 30 years ago or 20 years ago as it is today whereas 20 years ago when they said 75 ft. width it was interpreted that would be where the house would build and not with the driveway the interpretation today does not reflect that. today it says 75 feet you have to have 75 ft. a width if that interpretation was enforced 20 years ago then the majority of those lots would not exist you would have less lots. That's the history of it.

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Mr. O'Donnell continued his presentation by stating his lot is 75 feet wide. The other lots those key shaped lots did not exist when I bought my lot. It did not exist when my some of my southern neighbors bought theirs as R-20 lots where he is talking about the key shaped lots was one plot that could be like five lots. Five houses could be built meeting the 75 ft. width but the developer and I do not know who the developer was decided to gerrymander things such that he could get two houses where there was supposed to only be one. But he left the lot size where the house was built in the requirement of 75 ft. wide but allowed the more forward house to have a narrow driveway so that there could be a house built beside that narrow driveway also, he was just squeezing in more houses even though all of the portion where the house is built is 75 feet wide. That is not what Mr. Riggs is proposing at all but I don't think I have more questions for him so let me go ahead and do my presentation. I live at 3612 Island Drive as I have said I've lived on this island for 40 years I bought my current house as R-20 in 1987 because it had a large lot size and would be less crowded. That is why people buy R-20 because R-15 is a lot cheaper. In my 40 years on this island zoning has never been undermined like what's being proposed right now. It has always been respected; people buy a lot they expect that the zoning for that will stay the same and that's not what is being proposed now. As I said if you want R-15 buy R-15 if you want R-15 rules buy R-15. The fact that this lot was an R-20 was not a secret to anybody so I do not know if the Jackson's bought the lot originally or they bought it from somebody else. But I doubt that they were deceived about it being R-20. I feel that this will lower property values just as the fact that R-15 lots are less valuable than R-20 lots. I asked the Board to respect the current zoning and those of us who bought R-20 with a reasonable expectation that that would not be changed. I ask that you do not set such a bad precedent that people can go in and request their lots to be rezoned willy-nilly. When buy what you want and use what you buy. If you want R-15 buy R-15, they can sell their lots and go buy R-15 lots if they want that. Mr. O'Donnell had one final statement that he would like for the Board to consider having closed sessions at the end of a Board meeting.

Attorney Edes directs his question to Ms. Hill's staff report. Asking as to whether the criteria has been met if the approval is conditioned upon single family only and the use of R-20 setbacks?

Ms. Hill states she believes that the application has been met and with reference to the standards this conditional district came about with the adoption of the 160D general statutes to allow property owners more flexibility

Attorney Edes responds saying you would agree from your many years of planning experience that there is no such thing as a vested right and continued zoning designation? People can apply for resolving in fact we have several sections of our code that allow for people to apply to reasonable property.

Ms. Hill responds saying that is correct.

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Attorney Edes states just so I am clear on your answer with the two conditions that the applicant agrees to. Single family only and R-20 setbacks. It is staff's position that the criteria have been met.

Ms. Hill states yes and it's also consistent with the town's comprehensive plan as adopted.

Attorney Edes goes through the evidence and takes inventory of it. He starts off by saying we first heard from Ms. Hill who introduced the item. Mr. Riggs decline cross-examination. Ms. Hill was subject to questions from the Board. We then heard from Mr. Charles Riggs on behalf of the applicant, he was subject to questions from the Board and Mr. O'Donnell and myself. We then heard from Mr. O'Donnell and then we then heard again from Ms. Hill. The Planning Board recommended this unanimously with the condition Ms. Hill described. Staff's opinion is that the criteria has been met and the applicant has agreed that if this is approved, they would agree to the conditions of single family only and the use of R-20 setbacks.

Each of the four voting aldermen voted to approve the motion in a roll call vote of the motion. Alderman Swantek did not vote because he was recused from the hearing. The motion passed unanimously, 4-0.

B. Proposed Amendment to the Unified Development Ordinance Table 4-1 and §4.03.23 Docks, Piers and Floating Walkways (Planning Director Hill)

On May 4th, 2022, there was a Board of Alderman meeting and Mayor Pro Tem Benson presented a report on unencapsulated polystyrene and requested that the Board direct the Planning Board to review BISAC proposed unencapsulated polystyrene ordinance and consider these guidelines as they reflect on the use of floats in docks, piers and floating walkways and construction of these structures. On May 12th the Planning Board reviewed the ordinance and considered the guidelines. It was recommended amending the UDO table 4-1, to include floating walkways as a use along with docks and piers as an accessory and principal structure and adding a specific standard prohibiting unencapsulated polystyrene in new construction of these structures. A policy statement to the CAMA Land Use Plan and the use of unencapsulated polystyrene as a floatation device for floating dock systems, floating walkways and floating structures. And at the Planning Boards recommendation Mr. Matthews made a motion to recommend the text amendment to 4.03 4.0323 docks, piers and floating walkways and to include the CAMA Land Use Plan policy statement. Mr. Dorazio seconded the motion. Vote was 4-1 for the motion with Mrs. Dixon voting against. In the event that the Board of aldermen approves or adopts the Planning Board's recommendation the CAMA Land Use Plan policy statement would have to be sent to the CRC.

Mayor McDermon requests a motion to approve the updated ordinance with modification to remove aquaculture and direct town staff to submit the policy statement to the CRC for approval.

C. Proposed Amendment to the Unified Development Ordinance §4.03.09 OUTDOOR SWIMMING POOLS, SPAS AND HOT TUBS (Planning Director Hill)

On April 6th, 2022, Board of Alderman regular meeting Alderman Grant requested a review of the campus standards, including recommendations for the Town of North Topsail Beach adopting higher standards than CAMA regulations. Mayor McDermon asked for the allowance of polls on the sound side to be reviewed as well. During the Planning Board meeting on April the 14th and in response to the Board of Alderman April 16th directive. Mr. Fontana made a motion that we request the Planning Director to review six compatible cities in towns similar to North Topsail Beach. Surf City, Topsail Beach and Emerald Isle all do not have sewer systems, so they were looking particularly at towns with larger lots similar to North Topsail Beach and came back with a recommendation as to whether or not we need to amend the current ordinance. Mr. Dorazio's second the motion the motion passed unanimously four to zero. On May the 12th as directed by the Planning Board, the following results are outlined in the report. During the Planning Board meeting on June the 9th and in response to Mayor Pro Tem Benson's June 1st request. Planning Board members considered the comments as they work to move forward with Alderman Grant's request to review of a possible swimming pool ban that would go beyond the CAMA rules and regulations for swimming pools and other structures in the dunes. The Planning Board unanimously recommends no changes to the most recently adopted texts in section 4.0309 outdoor swimming pools spas and hot tubs which is attached to the staff report.

Alderman Grant discusses the change in text, raises several questions to Ms. Hill and Mr. Riggs and stands behind his belief that we need to do something so that people putting in swimming pools don't disturb the dunes period.

Mayor McDermon asks if they can step back for a second and please make sure the whole Board is on the same playing field right now. And asks for a more educated dialogue on what the Planning Board is recommending.

Mr. Riggs states to the Board that they perform a topographic survey of the frontal primary dune. Explains that quite often you'll have a secondary dune and that's what he calls a secondary dune. Division of coastal management does not regulate that, other than calling it a dune.

Ms. Hill explains that CAMA for this town takes a lot and the regulations are changing all the time and there's a tremendous demand time wise, especially for the

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staff. She emphasized how we need to rely on all those state folks that do CAMA. That's all they study and they don't care who the owner of the property is, they don't care necessarily what the zoning is or what's planning or North Carolina general statutes 160D, they don't care about flood regs and CRS. they're just paying attention to that CAMA side.

Alderman Pletl agrees that the pool in question at Dolphin Shores was quite shocking to look at. Do we have other places in town that that could happen the same, to your knowledge?

Ms. Hill responds that she's not sure there is. She is not sure that there's another area that has primary dunes.

Mayor Pro Tem Benson believes we need to rely on CAMA for coastal regulation and say's when towns need to try to observe what CAMA is doing. He believes if there's any question something isn't right, we should be going to the Coastal Resources Commission with ideas about what they should be doing and how they should be changing their rules for everyone not just for our small town or development. He states there's so much concern about this for our town, so let's try to be more restrictive and have a better idea. Contact the CRC and find out what should and shouldn't be happening in terms of the of the CAMA rules.

Fred Fontana – Planning Board Member: Addressed the Board to explain how the Planning Board conducted the survey and determined it was very difficult to come up with a valid reason why North Topsail Beach should do something different than everybody else is doing that's in the same situation with the dunes. He stated maybe someone wants to write a letter to the CRC for further guidance.

Attorney Edes states it's a very dynamic environment so if you're going to go off of the CAMA definitions you have to have a workable definition that's not going to essentially prevent somebody from developing their property because a mound of sand build up after a storm. He has seen other towns try to vary the definition of dune from the CAMA definition and the logistics of that are difficult. Attorney Edes says that in such a dynamic environment so that ideally at the CRC they would pass more favorable rules to achieve what we're looking for here. But if we're going to go out of being more restrictive, we have to have a workable definition of dune that doesn't make every pile of sand a dune after a storm event or a wind event. If you do not have a workable definition of a secondary dune or something different than what CAMA finds as a dune, it's not going to achieve the objective.

Mayor McDermon points out Mayor Pro Tem Benson's suggestion on approaching the coastal management folks and see if we can have further discussion with them about what they consider dunes. What are they planning to do with allowing pools and placement of pools?

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Mayor McDermon agreed with Attorney Edes on finding a workable objective, workable definition, things that our staff can work with. She said as a Board, they don't want every single pool application coming up as a variance or an issue. So again, she asked, what do we need to do from here? She does agree providing the definitions of all the dunes to the Board from CAMA may get everyone on a level playing field. She also would like to see conversation with CAMA and see where they see this moving in the future? She also reminded the Board we've got all these soundside properties with wetlands and everything else surrounding them as well the oceanfront property and she needs everyone to not forget about those properties as well. Mayor McDermon said there was really good dialogue and we need to keep this as a topic. She wants staff to reach out to Mr. Spencer, find out CAMA's definition of a dune and until then the Board isn't ready to make any changes based on the conversation today.

D. Proposed Amendment to the Unified Development Ordinance §4.03.11 (H)(1)(c) Storage boxes (Rogers Bay) (Planning Director Hill)

1181c storage boxes Rogers Bay came about by an application request for approval of both a craftsman seven foot by four-foot resin storm storage shed and a seven-foot by seven-foot resin storage shed. This proposal will promote beautification of the park by reducing lot clutter and also assist in the reduction of debris scattered during high wind weather conditions.

On May 12th the Planning Board reviewed the application. Mr. Dorazio made a motion and recommended the text amendment storage sheds not in excess of seven feet wide four feet deep, eight feet two inches in height, properly anchored, shall not be placed adjacent to any roadway and one shed authorized per lot. The dimensions are specific to ensure uniformity and diagrams are included with the application. Ms. Dixon second the motion the motion passed unanimously five to zero. Staff and Planning Board requests approval of the text amendment.

Mayor Pro Tem Benson made a motion to approve text amendment. Alderman Swantek seconded the motion; the motion passed unanimously, 5-0.

IX. CONSENT AGENDA

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

X. CONTINUING BUSINESS

- A.** Mayor Pro Tem Benson regretfully informed the Board that Mr. Michael Pawelko has resigned from the BISAC committee. The Board has requested applications to fill the seat with a community member from phase three. Mayor Pro Tem Benson further noted that the committee has worked with engineer Chris Gibson who has

recommended the Board consider applying for the coastal storm damage mitigation grant.

- B. Alderman Pletl discussed the latest Parks and Rec committee meeting. She focused on the Town's plan to purchase a publicly displayed Christmas tree, which has been approved within budget. She reminds everyone of the next meeting which will be held July 19th at 6:30pm and she invites everyone to attend and always welcomes anyone who would like to become a committee member. The planned concert would not be held this October as scheduled but will be held in April of 2023. Alderman Pletl met with the Onslow County Parks and Recreation Director, Caitlin White to seek advice about projects and programs that were free, easy, budget friendly and relatively simple to do. Many of the ideas wouldn't take a large volunteer or staffing base and some will even bring in money for future events. Ms. White not only shared a variety of ideas, but also offered continued support from the county. Alderman Pletl reminded everyone that the Parks and Rec committee meets every third Tuesday of the month at 6:30 in the Town Hall. She welcomes anyone who has interest, whether you want to be on the committee or just simply participate with ideas, all are welcome.
- C. Town Manager Alice Derian noted that at the last Board meeting they discussed receiving an offer for full asking price in the amount of \$125,000 for the Folkstone Road properties. Per statute that governs the sale of real property, we issued a public notice regarding upset bids that was published on June 7th with a deadline for anyone wishing to upset the offer to submit a written bid by 5pm on Friday, June 17th. The bid received by Christopher and Tiffany Huie also accompanied the required 5% bid deposit. I am asking the Board to consider a motion to approve the offer to purchase and contract the Folkstone Road properties received by Christopher and Tiffany Huie in the amount of \$125,000.

Alderman Swantek made a motion to approve the sale of Folkstone Road properties. Alderman Pletl seconded the motion; the motion passed unanimously, 5-0.

XI. NEW BUSINESS

- A. Town Manager Derian stated during budget workshops we discussed the need to purchase a new Fire Truck to replace the 2007 Fire engine and we shared information on a 0% interest loan program that is available through Jones-Onslow Electric Membership Corporation. The latest quote we received through a vendor that is state approved is in the \$700,000 range. The first step is for the Board of Alderman to adopt a Resolution to provide to Jones Onslow that details that the Town is seeking funds to facilitate in the purchase of a new fire engine and that we have been made aware of certain interest free economic development funding available through Jones Onslow. This Resolution will then go to Jones Onslow for approval by their Board. This Resolution will not be problematic with the LGC, because this commitment would be from Ad valorem tax which is a different

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revenue source from our beach renourishment that goes before the commission for approval. Following approval from Jones-Onslow's Board at the end of this month, the Board will then be in a position to consider/authorize the purchase of the new truck which will take approximately a year to build.

Alderman Grant made a motion to adopt the resolution. Mayor Pro Tem Benson seconded the motion; the motion passed unanimously, 5-0.

B. Coastal Storm Mitigation Fund Grant Application

Looking for a motion to move forward and submit the grant application to the NC Department of Environmental Quality, Division of Water Resources for the Coastal Storm Damage Mitigation Grant in the amount of \$10.5 Million Dollars as engineered by TI Coastal.

Alderman Grant made a motion to move forward with the grant application. Mayor Pro Tem Benson seconded the motion; the motion passed unanimously, 5-0.

Attorney Edes states that in connection with the Storm Damage Mitigation grant there will be additional bidding type work that needs to be done. He asks the Board to entertain a motion to authorize Town Manager Derian, to accept the ATM proposal subject to the permit line-item terms mutually agreed upon with the Town Manager and Town Attorney.

Alderman Grant made a motion to authorized Town Manager Derian to accept the ATM proposal subject to the permit line-item terms mutually agreed upon. Alderman Swantek seconded the motion; the motion passed unanimously, 5-0.

C. Ordinance No. 2022-0001 Prohibiting Unencapsulated Polystyrene Docks

Mayor McDermon request for motion to adopt the Ordinance.

Mayor Pro Tem Benson made a motion to adopt the ordinance. Alderman Grant seconded the motion; the motion passed unanimously, 5-0.

D. Regulation of deep holes in the beach.

Mayor Pro Tem Benson was contacted by the Mayor of Nags Head, Ben Calhoun. He is seeking support across coastal North Carolina to look at state legislation that would assist public safety in their ability to regulate deep holes on the beach. Recent tragic accident at Virginia Beach where two children dug a deep enough hole that it collapsed on them. Bystanders couldn't get them out fast enough and they died. This event sparked Mayor Calhoun to seek out Mayors from across coastal North Carolina in an effort to introduce legislation in Raleigh to give more authority to the public safety officers in a situation such as this. Mayor McDermon spoke about an

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email that was sent from the Mayor that included observations and other specific incidents where people have been harmed by these big holes. We need to try and educate folks about not having the big holes in the beach and the harm it may cause. Mayor McDermon would like to support this legislation, stating it would be a positive thing for North Topsail Beach and obtaining additional tools in our toolbox in the event of large holes being dug. She's asking the Board to work on creating a resolution. Alderman Pletl agrees with supporting this and points out three factors that could benefit from making this change. The turtles, children, and emergency vehicles on the beach.

XII. **OPEN FORUM:** none

XIII. **ATTORNEY'S REPORT:** none

XIV. **MAYOR'S REPORT**

Mayor McDermon first recognized and thanked Town Manager Derian for the thoroughness with her report. She recognized and thanked the North Topsail Beach staff members for their help this past holiday weekend and understands all the hard work that goes into preparing for the Jazz Festival. She was thrilled to have had the opportunity to participate in such a historic event with the North Carolina Civil Rights marker.

XV. **ALDERMAN'S REPORT**

Alderman Pletl thanked the audience both in person and via the internet, she's extremely happy the pool dune issue is being kept alive and glad that the Town will consult with experts to gain more knowledge on the subject. She also attended the dedication ceremony for the Civil Rights trail marker and said it's very humbling and an honor that Ocean City Beach is located in this Town. She also thanked the staff for everything that they do, she said she's amazed by the work that is done to keep the town safe and running smoothly during this crazy season. She gave an update on a recent issue with a turtle being trapped under the Onslow County public access beach house. There's very limited access to assist a turtle out of that area but our Public Works department did a wonderful job and came out to assist. Alderman Pletl gave Steve many kudos with always helping place tags on fresh tracks. Right now the island has 76 sea turtle nests on the island and 48 of them are in North Topsail Beach.

Alderman Hart thanked Town Manager Derian for all her hard work with the grants and also thanked all those who attended the meeting.

Mayor Pro Tem Benson reported that he and Alderman Hart attended the Topsail Island Storm Protection commission meeting last month and he wanted to inform those members in the COBRA areas of North Topsail Beach. We are keeping our congressional delegation aware of the need for a technical correction to the cobra

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area. He's passing on the information that for North Topsail Beach development, before this big crush of building started going on 73 percent of the non-cobra areas developed, but 64 percent of the cobra area now has structures on it. The maps need to be corrected to take the developed sections of cobra out of the map. The Shoreline Protection Commission is also working on bringing out beach clean initiative to Topsail Island and if anyone is interested, they will be rolling that out over the summer. If anyone is interested in specific information about the beach clean initiative, please go to the website tispc.org or just search beach clean tispc. The North Carolina resilience coastal community program and Planning Director Hill played a key role in applying for a phase two grant upwards of around 135 thousand dollars to help identify areas across the island where flooding is a persistent problem. Specifically talking about road flooding and how to manage it. The American Shore Beach Preservation Association has had a series called Blue Flag series. This is very common in Europe and they are bringing it to the U.S. and sponsoring a plastics workshop. Mayor Pro Tem Benson has attended two sessions over the last two months and the last one was on microplastics. Microplastics are prevalent throughout our environment. A recent new article spoke about how these microplastics are in our bodies and are teensy tiny little plastic debris that you can't see and anyone who is interested in participating in the North Carolina Coastal Federation citizen science program on sampling beach microplastics should email him for more info. Mayor Pro Tem Benson closed with how moving it was to attend the Civil Right marker ceremony in Ocean City.

Alderman Swantek thanked everyone for coming out and thanked Town Manager Derian and her staff.

Alderman Grant thanked everyone for attending and thanked Town Manager Derian and her staff for all the hard work at quickly removing the refugee boat from the beach. He has his fingers crossed on the grant application because he thinks it would be a great thing for the Town.

XVI. ADJOURNMENT

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

The Board of Aldermen meeting adjourned at 1:57 p.m.

APPROVED

This 3rd day of August 2022

Joann McDermon
Mayor

CERTIFIED

This 3rd day of August 2022

Melinda Mier
Town Clerk