

# *Town of North Topsail Beach*

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

Aldermen:  
Richard Grant  
Tom Leonard  
Susan Meyer  
Connie Pletl



Chief Younginer  
Interim Town Manager

Danyale Lundy  
Town Clerk

## *Nature's Tranquil Beauty*

### **Board of Aldermen**

### **Regular Meeting**

### **Minutes**

**September 2, 2021**

### **Sneads Ferry Branch of the Onslow Public Library**

**Present:** Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant, Leonard, Meyer and Pletl; Interim Town Manager Younginer; Finance Officer Elliott; Acting Town Clerk Winzler; Town Attorney Edes; Coastal Engineer Way

#### **I. Call to Order**

Mayor McDermon called the Meeting to order at 6:30 PM.

#### **II. Invocation**

Alderman Grant led attendees in an invocation.

#### **III. Pledge of Allegiance**

Mayor McDermon led attendees in the Pledge of Allegiance.

#### **IV. Approval of Agenda**

Mayor Pro Tem Benson made a motion to approve the Agenda. Alderman Grant seconded.

During discussion, the Mayor Pro Tem recommended the following additional items:

1. Update from a recent meeting with the Army Corps of Engineers regarding the New River Inlet Environmental Impact Study (Public Presentation Item B)
2. Discuss North Topsail Beach's nominations to the NC Coastal Resiliency Committee (Continuing Business Item C)
3. Discuss possible at-large appointment to TISPC (Continuing Business Item D)

Mayor McDermon recommended a new item to discuss whether the Board should allow alcohol at an event in town park (to be discussed before adjournment).

Alderman Meyer made a motion to adopt the Agenda as amended during discussion. Alderman Leonard seconded. The Motion passed unanimously, 5-0.

**V. Manager's Report**

Interim Town Manager Younginer delivered the monthly report. First, he spoke to the construction progress at town hall. There have been some delays, but he believes the building should be operational by November. Next week, flooring will be placed. Second, the Labor Day holiday is this weekend. Public Works Director Scott Anders increased the frequency of bathroom cleanup and trash collection. Mr. Younginer also announced that town hall will be closed on Monday in recognition of the holiday. Third, the new town clerk reports next week. The Board also has the packets for the leading town manager candidates. Interim Manager Younginer will be looking to the Board to schedule interviews soon. Lastly, sea oats planting should begin next Tuesday.

Mayor McDermon mentioned the Town's lease for its temporary town hall. She asked staff to review notice of termination requirements and communicate with the property owner.

**VI. Open Forum**

Acting Town Clerk Kate Winzler reported that no public comments were submitted prior to the Meeting and no attendees signed-up at the Meeting to provide a public comment.

Mayor McDermon asked if any attendees would like to address the Board. Hearing no requests, the Mayor moved to the next Agenda item.

**VII. Public Presentations**

**a. Coastal Engineer Update**

Mr. Fran Way of ATM Consulting provided an update (see attached). The Hurricane Dorian Category G Project is in the permitting process. The original project has been divided into two phases, because the presence of sandbags can slowdown permitting. By separating the project, the Town hopes to keep momentum moving forward.

The truck haul is scheduled for November 16<sup>th</sup>. When the Town applied for its permit, it received permission to perform a project that exceeds the FEMA-approved scope. Mayor Pro Tem Benson and Mr. Way are looking at possible state funding resources so that the Town can afford a larger project.

Permitting for the Phase 5 Category G is ongoing. If CAMA approves, then the Army Corps of Engineers must also approve before the final permit is

issued. Preliminary discussions with the agencies did not reveal any negative feedback. Mr. Way commented that the proposed project is smaller in scope than the previously planned and approved Army Corps of Engineers project, so he is hopeful that the new project will be approved.

Mayor Pro Tem Benson offered a clarifying point for the dune profile around Station 1100. The Town is restoring the dune as allowed by FEMA. However, he would like for citizens and residents to understand that it is not the full, pre-Hurricane Florence dune.

There is a project specifically for beach nourishment, not dune restoration, for Phases 1 & 2. For Phase 1, the Town is seeking a permit for an amount of sand that exceeds FEMA reimbursement. The Town is pursuing State funding for the additional sand placement. For Phase 2, the Town hopes to extend the beach 40-60 feet. Speaking specifically to the Marina Way area, Mr. Way noted that this is the only non-CBRA section of shoreline that is not engineered. Aside from the direct benefit this area of beach would receive, placing sand here could help neighboring areas by way of sand drift.

Mayor McDermon asked Mr. Way if he would check on the area of beach near Topsail Dunes. Due to a grandfathering provision, she believes it may be eligible for sand placement. Mr. Way agreed to review.

Alderman Grant asked about a \$1.5 million grant the Town expects to receive. Mr. Way reported that the current language of the grant only allows for Phase 2 projects, but the proposed change would expand the potential project area to Phases 1-4.

Phase 5 Category G Project will be divided up into phases. The dunes are healthy, so the focus will be beach nourishment. The Project is not as large as the originally proposed federal partnership project. However, Surf City's continued participation in the project will indirectly help North Topsail Beach. Alderman Grant explained to Mr. Way that when the time comes, the Board will be looking for his professional opinion on what sections should be prioritized. He also asked Mr. Way to doublecheck the address referenced; he has reason to believe it is not the correct starting point.

Lastly, Mr. Way reported on the collaborative efforts between the Town and Onslow County to restore the County's Beach Access #4.

Mayor McDermon noted that the public will be interested in the progress of these projects. She requested that staff organize a public information effort to keep the public informed.

b. Update from a Recent Meeting with the Army Corps of Engineers Regarding the New River Inlet Environmental Impact Study

Mayor McDermon reported that she, Mayor Pro Tem Benson, Interim Manager Younginer and Planning Director Hill met with Mr. Mickey Sugg of the Army Corps of Engineers to discuss the New River Inlet EIS. She was surprised by the information, because it seemed to conflict with the Board's understanding of the process. Mr. Sugg explained that the end result will not be a decision from the Corps. This is the regulatory process in which agency officials review the options put forth by the Town as well as some alternatives.

The Board members agreed that they believed the end result of the EIS would be a decision from the Corps on which solution is the preferred alternative.

Mayor McDermon explained her new understanding based on the recent meeting. At this stage, the Army Corps of Engineer reviewers represent the regulatory side of the Agency, which does not necessarily speak to the engineering aspects of projects.

Mr. Way explained that each alternative will receive the same depth of analysis, and this is the basis for the EIS. The current Corps reviewers review the third-party analysis and provide a large report that becomes the foundation of the Town's permit application.

The Mayor added that it is her understanding that the Board of Aldermen will make the final decision, based off the EIS analysis, as to which solution to pursue. The Mayor asked Mr. Way to redistribute the CP&E Report to the Board so that each official can refresh his or her understanding of the process in light of these new explanations from the Corps.

Mayor Pro Tem Benson reported that the US Army Corps of Engineers missed a recent deadline, which is stalling the process. He suggested the Board closely track deadlines and hold the Corps accountable. The Mayor Pro Tem emphasized that the Town needs the review of the third-party report to happen soon so that the scoping meeting can take place in December.

Alderman Leonard suggested the Board recruit the assistance of federal representatives to enforce deadlines.

On a similar note, Mayor McDermon noted that the Corps previously referenced a public comment period. Unbeknownst to the Town, the Corps expects the Town to collect those comments. Mr. Edes suggested that the

Interim Manager determine who is best to collect those comments so that everyone is on the same page and the comments are properly delivered.

### **VIII. Consent Agenda**

- a. Approval of Minutes (June 3, 2021; June 14, 2021 continued on June 18, 2021; June 22, 2021; June 25, 2021; June 28, 2021; July 1, 2021; August 5, 2021)
- b. Department Head Reports
  - i. Finance Department
  - ii. Fire Department
  - iii. Inspections Department
  - iv. Planning Department
  - v. Police Department
- c. Committee Report
  - i. Planning Board & PPI Committee
  - ii. Board of Adjustment
  - iii. TISPC
  - iv. ONWASA
- d. MOTV Tax Return
- e. Budget Amendment 2021-22.1

Mayor Pro Tem Benson made a motion to approve the Consent Agenda as presented. Alderman Leonard seconded. The Motion passed unanimously, 5-0.

### **IX. Continuing Business**

- a. Update on Capital and Beach Projects Planning

Alderman Grant presented. He spoke to Mr. Doug Carter of DEC Associates, who pointed out that the Town does not have a financial model for its needs. There are a lot of moving pieces with current projects, future needs, the USDA loan commitment and FEMA's delayed reimbursement process. In order to have a full understanding of the Town's current financial position and needs, the Town needs a collaborative effort among the different decisionmakers to share information. The financial model will be a living document that reflects current information. One pressing objective will be an assessment of the upfront cash needs of the first part of the Phase 5 project.

Mayor McDermon and Alderman Leonard spoke to the Sinking Fund and asked those who are building the model to incorporate it in their analysis.

- b. Parks and Recreation Committee Outline

Aldermen Meyer and Pletl met to discuss. They recommend a seven-person committee with no more than two aldermen acting as liaisons. They believe thirty days is an adequate time to solicit applications. Once the Committee is formed, they hope the members can form their mission statement, meeting dates and goals; this information should be presented to the Board of Aldermen.

Mayor McDermion asked the Committee to include the Public Works Department in their discussions to keep communication and expectations clear.

Alderman Pletl made a motion to form a Parks and Recreation Advisory Committee, composed of seven members, five of whom are residents and two are at-large, and no more than two aldermen liaisons. Alderman Leonard seconded. The Mayor directed Acting Town Clerk Wenzler to call the roll:

- Alderman Grant: Yes
- Alderman Meyer: Yes
- Mayor Pro Tem Benson: Yes
- Alderman Leonard: Yes
- Alderman Pletl: Yes

The Motion passed unanimously, 5-0.

c. North Carolina Division of Coastal Management Community Action Team

Mayor Pro Tem Benson spoke to the NC Department of Environmental Quality Resilient Coastal Communities Program grant opportunity, currently managed through the Topsail Island Shoreline Protection Commission (TISPC). At this point, each town must nominate members for the Community Action Team to represent North Topsail Beach.

Alderman Grant made a motion to request applications for representatives for the North Carolina Division of Coastal Management Community Action Team. Alderman Meyer seconded. Town Attorney Edes asked the Mayor Pro Tem for clarification; does he want the advertisement posted on the Sunshine List? Mayor Pro Tem recommended both the Sunshine List and website. The Motion passed unanimously, 5-0.

d. Nominations for the Topsail Island Shoreline Protection Committee (TISPC)

Alderman Leonard reported that he and Mayor Pro Tem Benson, as the Board's representatives on the Committee, spoke to the two applicants.

Mayor Pro Tem Benson and Alderman Leonard are putting forward Mr. Fred Fontana as their suggested replacement.

Alderman Grant made a motion to adopt the recommendation for the TISPC seat. Alderman Meyer seconded. The Motion passed unanimously, 5-0.

## **X. New Business**

- a. Resolution Opposing The US Fish & Wildlife Service's Proposed Designation of Critical Habitat Unit NC-5 for the Rufa Red Knot

Mayor Pro Tem Benson presented an overview of the proposed federal legislation (attached). There is a concern that the legislation is too far-reaching. While the Town supports conservation efforts, it has reservations about legislation that could go as far as preventing residents and visitors from enjoying the beach.

Alderman Grant made a motion to adopt the Resolution as presented. Alderman Leonard seconded. The Motion passed unanimously, 5-0.

- b. Resolution in Opposition to Environmental Budget Provisions Included in Senate Bill 105 (The Appropriations Bill)

Mayor Pro Tem Benson presented the attached Resolution. Proposed state budget provisions have introduced far-reaching rules that would usurp the Town's authority on specific actions, such as tree removal and outdoor advertising, that it has traditionally regulated. Mayor Pro Tem Benson would like for the Board to approve the Resolution and direct staff to send it to Senator Lazzara.

Mr. Edes spoke to the Board about another proposed legislative act that would inhibit local governments' ability to regulate short-term rentals. He suggested the Board add its opposition to the proposed resolution.

Alderman Leonard made a motion to approve the Resolution with the added suggestion. Alderman Meyer seconded. The Motion passed unanimously, 5-0.

## **XI. Attorney's Report**

Town Attorney Edes reported that he already touched on his topic of discussion, which was the effort to limit local governments' ability to regulate its own short-term rentals.

## **XII. Mayor's Report**

Mayor McDermon thanked the members of the public who participated remotely and in-person. She is receiving positive feedback from her monthly report. She noted that it is a collaborative effort from the Board and staff. She welcomed citizens' feedback and questions.

### **XIII. Aldermen's Report**

Alderman Pletl announced that the turtle volunteers are no longer walking in the mornings, but their evening walks will continue through October. The volunteers report 103 nests on the Island this season. Alderman Pletl noted her appreciation for the Mayor's monthly updates. She reminded listeners of the Town's upcoming 9/11 stair climb. Her heart goes out to the Hurricane Ida victims. She encouraged Town residents to make hurricane kits and plans. Lastly, she asked for everyone to keep a member of staff who recently lost a close family member in their prayers.

Alderman Leonard thanked staff for their hard work. As the final summer holiday draws near, he noted the season overall was calm and successful. The fall NCBIWA Conference will be November 4<sup>th</sup> and 5<sup>th</sup>. Alderman Leonard took a minute to reflect on the tragic loss this country recently experienced in Afghanistan. He recommended everyone check on the Veterans in their lives. He then read the names and ages of the Marines, Sailors and Soldiers who passed away in the most recent attack:

- Sgt. Johanny Rosario Pichardo, 25
- Sgt. Nicole L. Gee, 23
- Staff Sgt. Darin T. Hoover, 31
- Cpl. Hunter Lopez, 22
- Cpl. Daegan W. Page, 23
- Cpl. Humberto A. Sanchez, 22
- Lance Cpl. David L. Espinoza
- Lance Cpl. Jared M. Schmitz, 20
- Lance Cpl. Rylee J. McCollum, 20
- Lance Cpl. Dylan R. Merola, 20
- Lance Cpl. Kareem M. Nikoui, 20
- Navy Corpsman Maxton W. Sowiak, 22
- Staff Sgt. Ryan C. Knauss, 23

Mayor Pro Tem Benson seconded Alderman Leonard's call for support and remembrance. He stated that the loss was disheartening.

Alderman Meyer thanked staff, who are pulling double and sometimes triple duties. She sends her condolences to the families of the thirteen servicemembers who lost their lives.

Alderman Grant seconded the appreciation Alderman Meyer expressed for staff and their work during shortages. Regarding the financial modeling he



previously discussed, he noted it will take time to develop, but it is an encouraging first step. Lastly, he described the recent events in Afghanistan, specifically the airport in Kabul, as heartbreaking.

Alderman Leonard made a motion to enter closed session for the matters stated on the Agenda. Alderman Meyer seconded. The Motion passed unanimously, 5-0.

**XIV. Closed Session:** to address personnel matters and 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.

Alderman Leonard made a motion to return to open session. Mayor Pro Tem Benson seconded. The Motion passed, 5-0.

Mayor McDermon announced that no action was taken in closed session.

Alderman Grant made a motion to direct the Town Attorney to assist the County Attorney in civil litigation for Rogers Bay tax evaluation. Mayor Pro Tem Benson seconded. The Motion passed unanimously, 5-0.

Alderman Meyer made a motion to suspend Town ordinance for the Mountains to Coast Ride special event on October 9<sup>th</sup> to allow for the sale and consumption of alcohol with the following conditions:

- The applicant and vendor will obtain required ABC permits.
- The applicant will submit a complete special event application to the Town.
- The Town will be a named and endorsed party on the event's insurance policy.
- The event organizers will take necessary steps to ensure alcohol is served and consumed in a safe and reasonable manner.

Alderman Leonard seconded. The Motion passed unanimously, 5-0. Interim Manager will follow-up with the applicant.

**XV. Adjournment**

Alderman Leonard made a motion to adjourn. Alderman Meyer seconded. The Motion passed unanimously, 5-0.

The Meeting adjourned at 9:06 PM.