

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

Danyale Lundy
Town Clerk

Nature's Tranquil Beauty

**Board of Aldermen
Regular Meeting Minutes
Wednesday, April 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; Finance Officer Elliott; Town Manager Derian; Town Clerk Lundy; Planning Director Hill; Town Attorney Edes.

Via Zoom: Coastal Engineer Way.

I. Call to Order

Mayor McDermon called the meeting to order at 11:01 AM.

II. Invocation

Mayor Pro Tem Benson led attendees in an invocation.

III. Pledge of Allegiance

Mayor McDermon led attendees in the Pledge of Allegiance.

IV. Approval of Agenda

Mayor McDermon requested approval of the agenda. A discussion was held.

Mayor Pro Tem Benson requested to take the approval of the minutes out of the consent agenda and placed them directly after the approval of the agenda.

Alderman Swantek made a motion to approve the agenda with the above request. Alderman Grant seconded. The motion passed unanimously; 5:0.

Approval of Minutes

Mayor Pro Tem Benson suggested amending the minutes to reflect Alderman Harte's absence.

Alderman Grant made a motion to approve the minutes with the above change. Alderman Swantek seconded. The motion passed unanimously; 5:0.

V. Manager's Report

Town Manager Derian delivered the monthly report which included the following:

DEC Associates

- Closing was held as scheduled in March and all closing logistics have been completed for the Special Obligation Bonds.

Beach Projects

- Phase 5 project: ST Wooten is moving forward at the expected production rate. To date, ST Wooten has placed 55,000 CY's of sand and expects to place 100,000CY's by the end of the month. Operations will be paused at the end of this month and resume in November following turtle season.
- The Oyster Lane public beach crossover was repaired in March and back open for use.
- Continued Dune Restoration – The technical correction to remove the 50% match requirement for \$1.5 million in state funding has been executed and signed off by the Governor. As soon as the fully executed contract is received from Kevin Hart at the NC Division of Coastal Management the paused areas in the dune restoration project will proceed from St Regis to the north of the pier area.
- County Dune project – Followed up with Attorney Edes and Fran to get the county dune project started. Mr. Edes is comfortable with a change order, so a budget amendment was included on the Consent Agenda for North Topsail Beach to proceed with the project so we can complete the project and request reimbursement from the County. The fear is if we do not get it done by April 30th funding from the County may be lost. It is felt the county will not roll over the money they approved from this FY to next, so North Topsail Beach needs to proceed and complete.

FY 2022-2023 Budget

- North Topsail Beach Budget workshop was held on March 30th with a draft budget presented. Another workshop is scheduled for April 13th and April 14th from 8:30 am to 4:30 pm. Thank you to the Department Heads for their input and diligence with their requests and to Finance Officer Elliott for all her hard work

and effort that goes into the budget process. North Topsail Beach will continue to work on a 5-year forecast in preparation for the next workshop.

Grant Submissions

- Two grants were submitted to Onslow County for their non-profit agency assistance grants. The first is for \$10,000 to assist the Ocean City community with initiatives such as rain garden installations, gateway signage, and landscaping. The second is \$200,000 for assistance with annual debt service payment for the 2015 beach renourishment project. Town Manager Derian requested more than what was historically requested due to North Topsail Beach refinancing using Special Obligation Bonds and refunding the USDA loan which provided an accelerated repayment schedule down to a 5-year term. Mrs. Derian also did a presentation to the County on March 24th regarding both applications.
- A letter of intent was submitted for the 2022 Environmental Enhancement Grant Program for \$250,000.
- A grant for a living shoreline project that can be installed at the Richard C. Peters Town Park will be submitted soon. In the winter months, Town Manager Derian had requested the Coastal Federation to look at the Town Park site and identify other areas where living shoreline projects can be pursued. The park site is particularly beneficial because the Town Park can be used to do a couple of different living shoreline demonstrations to provide an example of what can be done. North Topsail Beach is in a good position grant-wise right now from being located in the Stump Sound Watershed which is a priority for resiliency projects and the location is ideal for public education on these types of initiatives. Manager Derian met with the Coastal Federation on-site last Friday and will present the project to the Board and submit an application soon.

Vegetative Debris Pick-Up

- The next vegetative debris pick-up is scheduled for the week of April 25th. A reminder will be going out at the end of this week. Residents will need to have eligible debris placed in the right-of-way the week before pick up.

Open House for Contractors

- On Monday, April 11th at 10 am staff will be hosting an open house for contractors. The purpose will be to have a meet and greet for the new Building Inspector and Town Manager to communicate new regulations learned at Building Inspector Allen's continued education courses last week, walk through the Citizen Serve permitting process, the Planning Director will speak on frequent questions/ emerging issues such as flood vents and follow up with Q&A. Also included in the next FY draft budget is a tablet/workstation downstairs and funds allocated for an additional sign-in which will be available for contractors/residents to be able to use and have someone assist with the process.

Girl Scout Troop Project

- Thank you to the Girl Scouts Troop #361 in Sneads Ferry who made an American Flag box to retire flags. The box was installed on the front deck of

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Town Hall. Congratulations to them on earning their Silver Award for the project. The troop will collect the flags and hold a proper flag retirement ceremony. The first will take place in late April so if you have American Flags that need properly retired, you may place them in this flag box where the Girl Scouts will collect them.

ONWASA

- Staff met with the new ONWASA CEO last week to review the consultant's suggested location to alleviate low water pressure complaints during days of unusually high demand. ONWASA is looking to install a pumping booster station on Town Hall property (near the Police Department parking/storage area). The Engineer's concept was reviewed for the building that will house the pumps and controls. North Topsail Beach requested an updated site plan that shows the building shifted to the right (closer to the Town Hall building side) so the Police Department will not have to re-locate their storage structure that currently is situated on the property. The other items on the property can be stored under the structure they are proposing to build or removed. Once Town Manager Derian has an updated site plan she will share that with the Board. Upon approval of the selected site, it will take approximately 15 months to complete the design, competitively bid, and construct the project.

Mayor Pro Tem Benson urged the board to begin thinking about expanding the Police facilities in the future.

Alderman Grant inquired if ONWASA would be leasing from the Town, and Town Manager Derian clarified there would not be a lease, ONWASA would instead get easements to construct the building on town property.

VI. Open Forum

Town Clerk Lundy reported that Nancy Keeshan signed up to speak at the open forum regarding Lot 44 in Dolphin Shores in the Porpoise Place Building. Mrs. Keeshan stated a permit had been issued and she was concerned no local ordinance could turn over a CAMA permit which allows 20 feet of the secondary dune to be removed to build a pool. Mrs. Keeshan urged the board to consider this issue as they proceed forward.

VII. Public Presentations and Hearings

Mr. Fran Way of ATM provided an update as follows:

- Phase 1 and Phase 2 FEMA Cat B dune truck haul: Remaining ~mile is to be completed in the 2022 spring environmental window.
- ST Wooten started hauling sand for the FEMA Hurricane Florence Cat G beach project at the Gray Street access on February 28th. The Hurricane Dorian Phase 1 FEMA Cat G project had to be separated from the Cat B dune restoration

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permitting in other sections of Phase 1 due to the sandbags at the Topsail Reef Condominiums. The work requires a CAMA Minor Modification Permit from DCM. April permit window window is limited to the first two weeks with an extension.

- New River Inlet Management Master Plan EIS: Continued EIS processing and meetings.
- Working with NTB Finance Officer and DEC Associates regarding funding for upcoming FEMA and State Grant projects
- Sea Oat Planting (remaining Phases 1 to 4 and including Phase 5).
- County Beach Access.

Mayor Pro Tem Benson asked if the permits for the county access would be in place soon.

Coastal Engineer Way responded by assuring the CAMA DCM staff would be followed up with today, but Mr. Way felt the permits were on schedule.

Mayor McDermon requested Mr. Way look into ensuring sea oat planting will be occurring in Phase 5 as well. Mayor McDermon also asked if there is a risk of sand not being able to be placed at Topsail Reef in April due to the short environmental window that was mentioned.

VIII. Consent Agenda

The mayor will ask any Board Members with questions or concerns about any agenda item to identify the item, which will be removed from the Consent Agenda and considered separately. If an item is identified, no vote is necessary to move the item for separate consideration.

- A. Approval of Minutes ([February 26, 2022](#), [March 2, 2022](#)) – (removed from Consent Agenda)
- B. Department Head Reports
 - 1. [Finance Department](#)
 - 2. [Fire Department](#)
 - 3. [Inspections Department](#)
 - 4. [Planning Department](#)
 - 5. [Police Department](#)
- C. Committee Reports
 - 1. [Planning Board & PPI Committee](#)
 - 2. [Board of Adjustment](#)
 - 3. TISPC ([link to minutes](#))
 - 4. ONWASA ([link to minutes](#))
- D. [Budget Amendment 2021-22.11](#)
- E. [Budget Amendment 2021-22.12](#)

Mayor Pro Tem Benson made a motion to approve the consent agenda. Alderman Harte seconded. The motion passed unanimously; 5:0.

IX. Continuing Business

A. ST Wooten Contract Fuel Escalation Addendum

Coastal Engineer Way disclosed due to fuel costs increasing that a fuel escalation addendum needs to be made in regards to the ST Wooten contract and it is suggested to be evaluated weekly similar to how it is treated by the Department of Transportation.

Alderman Swantek made a motion to approve the fuel escalation addendum to the ST Wooten contract with the understanding it will be reviewed by Attorney Edes and Town Manager Derian. Mayor Pro Tem Benson seconded. The motion passed unanimously; 5:0.

B. Continued Dune Restoration

Town Manager Derian announced a technical correction to remove the 50% match requirement for \$1.5 million in state funding has been executed and signed off by the Governor. As soon as the fully executed contract is received from Kevin Hart the paused areas in the dune restoration project will proceed. Town Manager Derian requested a motion to proceed with the project that was slated from St Regis to the north of the pier area.

Alderman Grant made a motion to approve the recommendation of the Town Manager with proceeding on the continued dune restoration. Alderman Swantek seconded. The motion passed unanimously; 5:0.

C. Economic Development Summit

The Chamber of Commerce made a \$2,500 request to support an economic development summit that has not been approved by the surrounding Towns. Holly Ridge indicated they will consider it in their budget discussions. Manager Derian placed a marker on the Agenda if the Board would want to discuss approving it since it was brought up at the last meeting. Manager Derian stated this is not a budgeted item at this point, but can be discussed at the next budget workshop.

X. New Business

A. NCBIWA Spring Conference

Town Manager Derian informed the Board of Aldermen that the NCBIWA Spring Conference is scheduled to be held on May 5th and May 6th at the Islander Hotel in Emerald Isle, NC. Gold sponsorship of \$1,500 has been approved in the past which covers registration for 3 is included in this cost. Mrs. Derian inquired if the board wished to be a Gold Sponsor for the NCBIWA Conference as done in the past.

Alderman Grant made a motion for the board to give the Town Manager the authority to decide what sponsorship level is best based on the price and number of board members planning on attending. Alderman Pletl seconded. The motion passed unanimously; 5:0.

B. Memorandum of Understanding with TI Coastal

Town Attorney Edes stated the board members have a copy of the memorandum of understanding with TI Coastal. Mr. Edes disclosed after speaking with Chris Gibson, TI Coastal President that a retainer amount was agreed upon and this memorandum was developed. Mr. Edes divulged that the retainer amount and memorandum of understanding can be calibrated in the future depending upon how much time is required or not required of Mr. Gibson in the future. Mr. Edes stated the amount may be increased or decreased.

Alderman Grant requested to recuse himself from the vote due to a family member potentially becoming an employee of Mr. Gibson.

Alderman Swantek made a motion to recuse Alderman Grant from voting based on a potential personal conflict. Alderman Pletl seconded. The motion passed; 4:0.

Mayor Pro Tem Benson made a motion to approve the memorandum of understanding with TI Coastal. Alderman Pletl seconded. The motion passed; 4:0.

C. Beach, Inlet, and Sound Advisory Committee Update

Mayor Pro Tem Benson gave the following BISAC Update:

The BISAC members welcomed Thomas Garrison to the committee to represent Phase 2 of the Town's shoreline.

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Manager Derian, ex officio, reported on the status of the FEMA Cat. G and Cat. B projects underway along the shoreline noting that the Cat. G project is running smoothly and on schedule. Mrs. Derian noted that the US Army Corps' work on the Environmental Impact Statement (EIS) is moving very slowly as we wait for the public release of the Preliminary Draft of the EIS.

The committee had a good discussion around the topics of the BISAC vision and mission statement based on the draft BISAC charter led by Deborah Coltrane. The following was adopted:

Vision: The Beach, Inlet, and Sound Advisory Committee's vision are to advise and provide direction and recommendations on shoreline protection and environmental matters to the North Topsail Beach, Board of Alderman according to the BISAC Charter.

Mission Statement: The Mission of the Beach, Inlet, and Sound Advisory Committee is to serve as a long-term advisory committee to the North Topsail Beach, Board of Alderman by identifying management and financial opportunities for shoreline protection according to the BISAC Charter

Fund 30 discussion was held. With the BOA budget workshops coming up shortly it was important for the committee to delve into Fund 30 to understand budget revenues and expenses to be sure that the revenue stream will support future shoreline projects.

Alderman Grant explained why the BOA had to decide to decline participation in the long-awaited US Army Corps, Coastal Storm Risk Management Project with Surf City, since the funding requirements for the Town were magnitudes beyond our revenue resources.

Alderman Grant went on to explain that the only revenue source the town can manage is the property tax stream that currently contributes about \$1.3 million annually to Fund 30. A period of questions and discussion ensued as the committee worked to understand the Town's shoreline protection needs over the next 5 years. After careful consideration, the committee decided that the current revenue stream for Fund 30 is adequate for the next 5 years.

Recommendation to BOA from BISAC: There is no need to increase the revenue stream from personal property taxes for Fund 30 in the coming budget cycle.

Environmental protection: A proposal from the NC Coastal Federation to the Topsail Island Shoreline Protection Commission was made that would ban the use of unencapsulated Styrofoam in structures such as floating docks and walkways or other water-borne structures. Unencapsulated Styrofoam breaks down in the environment into small 'microplastic-sized pieces' that are toxic to fish, other aquatic animal life, as well as birds in the saltwater marsh when they are ingested. The commission in turn asked the three towns to consider an ordinance to ban unencapsulated

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Styrofoam. The Town of Topsail Beach has already agreed to develop an ordinance, while Surf City is still considering the proposal from NCCF.

Considerable discussion among BISAC committee members followed on the need for a town ordinance.

Negatives:

- Are there that many structures with Styrofoam float in NTB to warrant an ordinance?
- If this is a state coast-wide issue why doesn't the CRC, make a state-wide ruling?
- As far as the effect on construction costs to use an encapsulated Expanded PolyStyrene (EPS) product that doesn't break down into micro-plastics there appears to be an increase in cost for the encapsulated product (pers. comm. Steve Smith, TISPC chair, on March 24, and Kerri Allen, NCCF on Mar. 25).

Positives:

- With the Town's commitment to making decisions that have the least impact on the environment isn't it the right thing to do to acknowledge our effort to protect the environment with an ordinance?
- Oftentimes granting agencies look to the efforts towns have made in protecting the environment when considering funding for town projects, so wouldn't this public acknowledgment to protect the environment have future benefits?

Eventually, the committee decided that the positives outweighed the negatives. Possible parameters for the ordinance were discussed with an agreement to consider the general conditions for an ordinance at the April meeting.

Recommendation to BOA: Expect a draft of an ordinance to ban the use of unencapsulated Styrofoam in future construction projects involving floating structures for the May BOA meeting.

Alderman Pletl made a motion to approve the BISAC vision and mission statement as listed above. Alderman Harte seconded. The motion passed unanimously; 5:0.

D. Recommendation Regarding Construction of Ocean Side Swimming Pools

Mayor McDermion indicated that the normal procedure when an ordinance or rule needs to be reviewed or evaluated is for the Planning Board to review and discuss the issue and then the Planning Board makes a recommendation to the Board of Alderman. Mayor McDermion stated with mention of the BISAC reviewing and making recommendations as well; it is imperative that both those organizations coordinate together as these

things arise to ensure one unanimous recommendation to the Board of Aldermen.

Alderman Grant assured the board that the Planning Board and BISAC would work together and one recommendation would be presented to the board when these issues arise.

Alderman Grant acknowledged in regards to the construction of oceanside swimming pools there is a difference between what is allowed by CAMA, what is legal, and what the town should consider taking a look at. Mr. Grant recommended the Board of Aldermen request the Planning Board evaluate the rules, regulations, and ordinances involved concerning oceanside swimming pool construction to see if stricter regulations need to be established and implemented to preserve and protect the beach structure.

Mayor Pro Tem Benson directed the Planning Board to research and survey how other coastal towns are treating such issues along with the number of incidents where pools came out of the ground due to high water tables in which the ocean dune was breached. Mr. Benson recommends the Planning Board present this data when proposing a recommendation to the Board of Aldermen.

E. [New Position Request](#)

Town Manager Derian stated a review was done of numbers of what North Topsail Beach has been paying an outside contractor to provide IT-related services. North Topsail Beach is currently paying \$42k per year and for budget purposes, additional services will be needed going forward into the next FY that will be added to the \$42k. Mrs. Derian announced she met with an IT professional; as well as gathered job descriptions and salary range information. Mrs. Derian disclosed a new IT position will remove all IT-related tasks that the current staff has been performing, such as being present at town meetings to run the streaming equipment and updating the website, phone lines, and social media information. Town Manager Derian disclosed having a dedicated IT person for EOC operations in events where evacuation is necessary and having someone to be able to set up/tear down, troubleshoot, along with other public safety initiatives that North Topsail Beach has been researching such as a drone program for beach assessments particularly after events such as Nor'easters, King tides, etc. would be highly beneficial. North Topsail Beach has also been looking at security camera installations and of course, ensuring the new website will be kept up to date given the initial investment and to be able to expand communications which are all job duties that would be assigned to the new IT position.

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Alderman Grant made a motion to approve the agenda with the above request. Mayor Pro Tem Benson seconded. The motion passed unanimously; 5:0.

F. Beach Clean Billboard Messaging

Town Manager Derian stated in regards to the Beach Clean messaging on the North Topsail Beach Town Hall digital sign, a question was posed by the Mayor of Topsail if the Towns were interested in providing funds for billboards to get the Beach Clean message out to the public which is estimated to be \$10,000 for billboard signage for the season. Mrs. Derian indicated this is not a budgeted item.

Mayor McDermon proposed North Topsail Beach wait to see and ensure all other towns are going to support the billboard messaging before deciding to commit financially since North Topsail Beach does already currently have digital billboard messaging signage.

G. Jazz Festival Staffing

Town Manager Derian announced Ocean City has submitted their special events permit for the Jazz Festival being held on July 2nd and July 3rd. As part of this request, they are requesting two police officers work the event and Ocean City will reimburse 50%. Mrs. Derian informed staff has also met with Ms. Carla Torrey this week to start discussing preparation and logistics for the event.

Mayor Pro Tem Benson made a motion to approve the Ocean City request to provide two police officers to work the Jazz Festival in which Ocean City will reimburse 50% of wages. Alderman Swantek seconded. The motion passed unanimously; 5:0.

XI. Open Forum

Town Clerk Lundy reported that Jeff Meyer signed up to speak at the open forum asking if the FEMA project in regards to the Reef was definitely on hold until November 15th? The Board confirmed that was the case.

Mr. Meyer also inquired about the status of crossover emergency beach signage that was discussed at the March Board of Aldermen Meeting. Town Manager Derian stated they are in the process of implementing a plan for the beach signage. Mrs. Derian stated she will have information at the following BOA meeting with proposed signage for North Topsail Beach to move forward with.

XII. Attorney's Report

Attorney Edes disclosed an opinion came down yesterday from the Court of Appeals dealing with vacation rentals stating that state law preempts local units of government from requiring permits or registration for vacation rentals. Mr. Edes stated it is too early to know if the decision will be appealed or not.

XIII. Mayor's Report

Mayor McDermon thanked everyone for coming out to the Board of Alderman meeting; as well as staff for all the work they put into the budget workshop. Mayor McDermon encouraged folks to attend the Contractor's Meet and Greet scheduled for April 11th.

XIV. Aldermen's Report

Alderman Pletl thanked those who joined the meeting. Alderman Pletl announced a meeting of the North Topsail Beach Parks & Recreation Committee that will take place on Tuesday, April 19th at 6:30 pm at Town Hall and invited any who are interested. Alderman Pletl announced the Karen Beasley Sea Turtle Rescue and Rehabilitation Center will be hosting a Turtle Talks Presentation at Town Hall on Tuesdays from 9:00 am – 10:00 am beginning the first Tuesday in May for both locals and visitors. Alderman Pletl disclosed while attending the Transportation Committee meeting in Jacksonville with other Onslow County representatives and the county commissioners it was announced there will be road construction in Sneads Ferry. Alderman Pletl closed by wishing everyone a Happy Easter!

Alderman Harte thanked everyone for coming out; as well as thanked staff for all their hard work regarding the budget meetings.

Mayor Pro Tem Benson seconded the Mayor encouraging participation in the Contractor's Meet and Greet and thanked staff for their hard work. Mr. Benson affirmed the board's desire to consider all aspects of issues that arise and to make the best possible decisions for the town.

Alderman Swantek thanked everyone for attending the meeting and ensured everyone that communication regarding all the beach projects and updates was a priority and the Town would be sure to put out updates regarding the projects.

Alderman Grant thanked everyone for attending. Mr. Grant disclosed attending a couple of the county commissioner meetings where budgeting was discussed. Mr. Grant feels the relationship with the County is a positive one in which the county seems open to working with North Topsail Beach going forward

- XV. **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 made a motion to enter 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. Alderman Swantek seconded. The Motion passed unanimously, 5-0.

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

Mayor McDermon reported that no action was taken.

- XVI. Adjournment

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

The Meeting adjourned at 1:30 PM.

End of April 6, 2022 Minutes