

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, May 4, 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, Pletl, and Swantek. Chief Younginer; Finance Officer Elliott; Town Manager Derian; Town Clerk Lundy; Planning Director Hill; Town Attorney Edes.

Absent: Alderman Harte.

Via Zoom: Coastal Engineer Way; Chief Soward

I. Call to Order

Mayor McDermon called the meeting to order at 11:05 AM.

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

Alderman Grant made a motion to approve the agenda with the above request. Mayor Pro Tem Benson seconded. The motion passed; 4:0.

V. Manager's Report

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

Beach Projects

- **Phase 5 project:** ST Wooten has completed the first phase of this project. To date, approximately 120,000 CYs of sand have been placed, which exceeded the expectation of 100,000 CYs. Coastal Engineer Way is working to obtain final volumes from the surveys completed last Friday. Operations have officially paused and will resume in November following turtle season.
- **CAT B Dune Restoration Project:** After North Topsail Beach received the technical correction to remove the 50% match for the \$1.5 million state funding, it took a considerable amount of time and follow-ups to receive the fully executed contract from the state. Mrs. Derian reported North Topsail Beach did receive the full \$1.5 million on April 21st and received the permit extension on April 26th. Work officially resumed on Monday, May 2nd, and will continue through Friday. After Thursday a determination will be made if the project will be complete at this time or will need to resume on Monday and Tuesday of next week. The Jenkins Access has been closed this week while the contractor is working. If additional work is required beyond Friday, the intent is to open the access for the weekend and close it again on Monday. Work started on the north end of the project area near Marina Way and worked back to the Jenkins Way Beach Access. From there the work plan dictates work from the south end of the project near the pier and to work back to the Jenkins Way Beach Access.
- **County Dune project:** Town Manager Derian communicated to the County Manager that North Topsail Beach is getting close to completing the dune project at Beach Access #4 and provided a plan showing the Hatteras ramp being re-installed. Approximately 2,200 CYs of sand is anticipated to be placed. The contractor will be working from the landward side of the dune as much as possible. The removal of the lattice panels will be coordinated once the word is received from the County and indicated. Mrs. Derian will be scheduling a meeting on-site with anyone interested from their staff and ours to coordinate. An extension is in place until May 20th.
- **Sea Oats Planting:** Coastal Transplants began mobilizing this week in preparation for Sea Oats planting to begin next week. North Topsail Beach's Public Works Supervisor delivered the water meter from ONWASA to Steve Mercer.

Beach Access Signage

- Staff finalized the list for beach access numbers, and 57 signs (9”x12”) were ordered that will be installed on public beach accesses on the beachside only. The signs will be blue and white that read Beach Access with a number. As soon as the signs arrive, staff will install them.

FY 2022-2023 Budget

- North Topsail Beach’s Budget workshops were held on March 30th and April 13th. The board has been polled to establish the next workshop along with Public Hearing which is to be determined on May 18th or May 19th.

RCCP (Resilient Coastal Communities Program)

- Phase 1 Community Engagement & Risk/Vulnerability Assessment and Phase 2 Planning, Project Selection, and Prioritization have been completed. Kleinfelder is closing out the portfolio list and deliverables. After several months of meetings and public open houses, the 3 towns are in agreement at this stage to apply for Phase 3 Engineering and Design Services grant application for sections of roadside stormwater infiltration systems. The anticipated request is \$135,000 and the grant application is due June 3. Mrs. Derian provided a list of all potential island-wide projects and the last page shows a ranking of prioritized projects based on the open house results with the number one being stormwater and two being beach nourishment and dune restoration projects.

Richard Peters Park

- North Topsail Beach’s Fire Department and Public Works staff completed an extensive clean-up of Richard Peters Park last week. Thirteen dump truck loads of debris/dead trees were hauled out of the park that was in the natural areas compromising the Live Oak trees. An arborist is assessing the trees to determine what measures should be taken to ensure their survival. Three magnolia trees were planted for Arbor Day and a meeting took place with a landscaper to re-establish the maintained areas and make improvements over the next few weeks. The lawn will be treated next week and more clean-up will start by the landscaper the week following. Thank you to the Fire Department and Public Works staff for all of the work that was put into this initiative. All staff across departments have been active in participating in several initiatives this past month including the trees and plants planted throughout Town Hall grounds on Earth Day, magnolia trees planted for Arbor Day in the park, and participation with Onslow County Tourism and the Long Board Association to do a beach sweep this week. Thank you to all for your hard work and dedication to the community and residents.

Board of Alderman Meeting

Chief Soward reported on North Topsail Beach's Fire Department Inspection results thanking the Fire Department staff for all their hard work in preparation for the inspection. Mr. Soward reported North Topsail Beach Fire Department maintained a score of a four; receiving a 69.11 in a range of 60-69.99 being very close to receiving a score of a three. Fire Chief announced some deficiencies were identified, but nothing detrimental. One deficiency identified was the water pressure which Mr. Soward disclosed falls under ONWASA and isn't within the town's control.

Mayor Pro Tem Benson asked the Fire Chief to explain how the community fire rating system affects the insurance rates.

Chief Soward stated the state's scoring is based on a one through ten scale in which the lower the number the cheaper your fire insurance becomes. Mr. Soward disclosed that there are only 6,900 Fire Departments countywide that have a rating of a four or better.

VI. Open Forum

Town Clerk Lundy reported that Mike Afify signed up to speak at the open forum. Mr. Afify stated that he is a Structural Engineer by trade and a Project Manager and wanted to talk about the town considering changing waterfront pool guidelines. Mr. Afify spoke about the process of working with CAMA to obtain approval stating that "CAMA is the most stringent entity in the federal government that we deal with." Mr. Afify said CAMA spends a lot of time and money on research and development of rules for what can and cannot be done. Mr. Afify stated he owns property in all three cities and wants the barrier island to be protected forever, but also looks at it in terms of revenues for owners, tax value, as well as rental value in some cases. Mr. Afify disclosed what was agreed upon five years ago when this issue was brought forward to the board, he felt, was a good compromise that benefited both the community and protected the island and dune structure. Mr. Afify reminded the board when comparing North Topsail Beach to other municipalities "one of the reasons we had this conversation five years ago when we didn't allow it was that CAMA allowed it and other towns around us allowed it, and we didn't want to be the one town that stood out that wasn't allowing a product for safety purposes but also enjoyability for our residents." Mr. Afify reiterated he had a lot of experience in dealing with pools as a structural engineer daily and he would gladly attend and offer input at any form of a workshop that wanted to be held to discuss any restrictions being considered placed regarding pools on the island.

VII. Public Presentations and Hearings

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

- Phase 1 and Phase 2 Dune Truck Haul are being completed.

Board of Alderman Meeting

- ST Wooten started hauling sand near Gray Street on February 28th.
- Hurricane Dorian Phase 1 FEMA Category G: Separated from Category 5 permitting due to sandbags. Minor Mod for DCM. To occur in the next environmental window (Nov 16, 2022, to April 1, 2023).
- 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) beginning in May and will be hand planted.
- County Beach Access #4 has an extension until May 20th, and should only be about a three-day project.

Mayor Pro Tem Benson disclosed that he and Mr. Way were on a phone call in which Brennan Dooley stated the Army Corps maintenance work plan includes about three million dollars and plans are to start vetting contracts for dredging the channel to Jacksonville in September. Mr. Benson urged the need for good coordination between Coastal Engineer Way and the Army Corp regarding the placement of sand within the category G area.

Alderman Grant inquired if it will be possible to place 500,000 cy of sand in Phase 5 within the time frame of November 2022 – April 2023.

Coastal Engineer Way responded the timeframe will be a tight schedule, but he does think it can be done.

Mayor Pro Tem Benson asked if North Topsail Beach will be able to use the state fund money in the Coastal Mitigation Fund in COBRA areas?

Mr. Way answered that is something he will have to look into because many times it depends on the state funding interpretation and is something that should be investigated further.

Mayor Pro Ten Benson stated there are about 25,000 linear feet of the dune that needs restoring and now the fill rate is four-fold less than the fill rate before the project was paused. Mr. Benson asked Mr. Way how the fill rate volume computes with what was being done last season.

Mr. Way replied verifying that the fill rate is still within the approved variable range. The area is non-uniform and prevents the ability to be able to specify an exact amount of cubic yards per linear foot. Mr. Way explained some areas were deemed more crucial to being protected before last season which is why some areas are being touched up sooner versus later with various amounts.

Board of Alderman Meeting

The Board of Aldermen directed Attorney Edes to investigate if there are any statutes, limitations, or conditions regarding the use of or restrictions on state funds and grants regarding various zones such as COBRA zones, etc., and report back to the board.

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 ([May 4, 2022](#))
- 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 2021-22.13](#)
- E. [Budget Amendment 2021-22.14](#)

Alderman Grant made a motion to approve the consent agenda. Alderman Swantek seconded. The motion passed; 4:0.

IX. Continuing Business

A. BISAC Report

The BISAC members welcomed Commissioner Tim Foster from the Onslow County Board of Commissioners as the county liaison to BISAC

Manager's Update. Manager Derian, *ex officio*, reported on the status of the FEMA Cat. G and Cat. B projects are underway along the shoreline noting that the Phase 5 Cat. G project has been granted a CAMA extension into May to allow additional sand placement on the beach. State funds in the amount of

Board of Alderman Meeting

\$1.5 million have been received and will be used to restart the paused Cat B dune restoration work north of the SeaView Pier.

Shoreline Protection Tutorial. Chris Gibson, coastal technical advisor, gave a tutorial to explain a typical beach profile and how sand moves in the dynamic environment among the dune, beach (berm), and underwater zone near the beach. Mr. Gibson explained that understanding this dynamic is key to shoreline protection and why even though sand may disappear from the beach during an erosion event much of it remains in the underway zone ready to come back to the beach when prevailing winds and currents favor onshore movement of that sand.

BISAC Charter. The committee discussed the charter and made suggestions for some minor changes. Attach is the final version of the charter as proposed by the BISAC.

Recommendation. The Board of Aldermen should review, make any changes needed and then approve the charter.

It was decided a vote on the Charter would be postponed until the June meeting when Alderman Harte is present due to Mr. Benson and Mr. Grant having a vested interest as members of the BISAC.

Unencapsulated Styrofoam Float Ordinance. The committee discussed tenets of our proposed guidelines (see attachment) for the Board to consider in developing such an ordinance.

Recommendation. The Board should now direct the Planning Board to consider these guidelines as they reflect on the use of floats in docks, piers, and floating walkways in the construction of these structures.

The Board of Aldermen gave consent to direct the Planning Board to review and consider developing an unencapsulated Styrofoam float ordinance suggested by BISAC.

Next Meeting – Tuesday, May 24, 2022, at 10:30 am.

B. Sandbag Revetment Restoration Update

Mayor Pro Tem Benson disclosed the sandbag revetment restoration process has been very frustrating for the town and property owners at the north end, inlet area of the island. Mr. Benson revealed the committee has been working with an engineer for approximately three years to agree on how to proceed. Mr. Benson revealed one problem is a liability for the town and Attorney Edes has advised the town to work with the engineering firm and have the contractor provide a waiver of liability for the town.

Attorney Edes clarified that there is a whole procedure that the settlement agreement lays out in regards to how the engineer was selected. The first engineer fizzled out so to speak and a new engineer was selected. Mr. Edes stated unbeknownst to the town, the engineer was in collaboration with another gentleman, and after he sent his first invoice the engineer essentially stated that the town would need to use the gentlemen that the engineer was collaborating with as a contractor. The engineer stated the town had the potential to get sued or face a lawsuit because the engineer had used this gentleman's design and possibly proprietary information. Mr. Edes divulged to the engineer that the town can't agree to something like that and the only way to allow this design to be used is if the town were to be indemnified stating the town had no contractual relationship with nor authorized the engineer to utilize this gentleman. Attorney Edes informed that the gentleman has since passed away but to date, the engineer has not been willing to give the town that indemnification. Attorney Edes drafted a waiver for the engineer to sign, but to date, the engineer is not willing to sign the waiver.

Mayor Pro Tem Benson reported unfortunately due to what was described above currently the sandbag revetment restoration is still paused, but relayed the town has been fortunate in that there hasn't been a situation that has completely breached the sandbag revetment. Mr. Benson affirmed that even though the situation is currently paused it is somewhat stable.

Mayor McDermon added that it is her understanding if folks are concerned about their homes' safety residents can pull a permit and put sandbags in front of their homes. Residents are not required to wait until this revetment committee comes up with a plan that's able to be implemented. Mayor McDermon stressed wanting everyone to know they are not helpless out there and can certainly protect their own home.

C. Parks & Recreation Update

Alderman Pletl reported that the Parks & Recreation Committee held an information session with volunteers Susan Meyer and JD Elliot. Both have filled out applications to be appointed to the Parks & Recreation Committee and Alderman Pletl asked for the board to consider appointing these applicants to the committee.

Alderman Grant made a motion to appoint Susan Meyer and JD Elliot to the Parks & Recreation Department. Mayor Pro Tem Benson seconded. The motion passed; 4:0.

Alderman Pletl disclosed the Parks & Recreation Committee would continue to hold meetings and try to get more volunteers to join the committee. The meetings will be held on the third Tuesday of each month at 6:30 pm at Town

Board of Alderman Meeting Hall. A mission statement, goals, and initial projects are being worked on. The Earth Day project which the Town Manager set up was a beautification event and some donations for flowers, mulch, etc. are being looked into to beautify North Topsail Beach.

Mayor McDermon disclosed North Topsail Beach is trying to organize a Beach Jam in the October timeframe and referred to the proposed agreement regarding compensation for the band. Mayor McDermon divulged compensation is \$18,000 which is non-refundable. Mayor McDermon indicated to lock in the date the contract would need to be signed and a deposit would need to be made.

Attorney Edes suggested adding a rescheduling mechanism in the event the concert date did not work as planned due to sickness, inclement weather, etc. Mr. Edes also requested proof of general liability insurance be required to be provided to protect and cover the town; as well as develop an understanding regarding the type of lyrics that will be used.

The Board of Aldermen gave consent to give the Town Manager permission in conjunction with the Town Attorney to approve the Black Water Band Concert Contract with the above conditions satisfied.

Mayor McDermon disclosed the Town certainly needs to budget for the concert expense; however, the board desires to be able to obtain donations, partners, sponsorers, sale of tickets, etc. to offset the costs as well.

X. New Business

A. Bada Bing Lease

Town Manager Derian announced that Bada Bing has once again requested to rent out the space in the Richard Peters Park complex. Mrs. Derian met with a representative from Bada Bing to renegotiate the lease going forward into this season. The lease agreement is for \$625 per month. The scope will take place from May 1st through September 30th with the option to operate during October if Bada Bing chooses to do so. The proposed lease agreement is included in the agenda for review.

The Board of Aldermen gave consent to authorize the Town Manager to execute the Bada Bing lease agreement.

B. Folkstone Road Lots

Mayor McDermon disclosed that within the agenda packet is the draft listing agreement for the Folkstone Road lot parcels. Mayor McDermon stated the Board of Aldermen is looking to provide direction to staff as to whether the

Board of Alderman Meeting

town would like to list the parcels for sale and use those funds for other opportunities. The reason that North Topsail Beach had considered selling the lots is due to all efforts trying to find a use for the lots over the years and the lots being too far away from town limits and would not be of value according to all of our department heads. Mayor McDermon revealed she has spoken with county officials over the years; as well as Holly Ridge and encouraged if they have any interest in the lots to please let the town know; however nothing was received regarding any interest.

The Board of Aldermen gave consent directing the Town Manager to move forward with the listing agreement for the Folkstone Road lots.

XI. Open Forum

Susan Meyer requested to speak regarding the proposed Beach Jam. Mrs. Meyer inquired if parking for the concert had been figured out.

Mayor McDermon responded that only initial conversations regarding the dates available for the concert had been discussed and a committee will have to be associated with the Beach Jam focused on figuring out details such as parking. A decision will have to be made in regards to utilizing a shuttle, etc.

Susan Meyer stated there is potential for beach parking will be lost during the Beach Jam.

Rebecca Dixon spoke regarding the park stating her husband, Walt, had spoken to the Town Manager regarding concerns and was pleased that someone was sent out right away to bring the mulch back to a safe level. Mrs. Dixon wanted to know if there has been any checks on the playground equipment.

Town Manager Derian confirmed contact with the manufacturer had been made and the manufacturer was planning a trip to the area to assess the equipment and to check on what needed to be repaired. Mrs. Derian disclosed pictures of the equipment had been taken and sent to the manufacturer; as well as notes on concerns such as the welding at the seams where the powder coating has come off, but an in-person visit was being scheduled to determine what the manufacture will do.

XII. Attorney's Report

Attorney Edes announced his daughter turned 16 last Sunday and stated she was one when he first began working for the town and thanked North Topsail Beach for having him for 15 years.

XIII. Mayor's Report

Mayor McDermon thanked everyone for coming out to the Board of Alderman meeting; as well as stated it has been a busy month regarding the budget. Mayor McDermon stated the staff has done a fantastic job with the budget and made it painless for the board. Mayor McDermon announced she is appreciative of all the hard work done regarding the budget; as well as the Earth Day beautification project. Mayor McDermon announced she has a meeting with Senator Lazara in May.

XIV. Aldermen's Report

Alderman Pletl stated the Topsail Turtle Project held their first series of "Turtle Talks" at Town Hall yesterday and had 17 people in attendance. "Turtle Talks" are scheduled to be held at Town Hall every Tuesday from 9:00 am – 9:45 am. Alderman Pletl announced there have been three dead turtles found on the beach in the last two weeks and that information has been reported to the state. Alderman Pletl stated the budgeting process has been a balancing act with all of North Topsail Beach's needs as a town, but the staff has been amazing in helping with the budgeting process. Alderman Pletl announced she visited Morris Landing and observed the living shoreline and agrees with Town Manager Derian that a living shoreline would be a benefit to North Topsail Beach's Town Park.

Mayor Pro Tem Benson announced Topsail Island Shoreline Protection Commission had a meeting earlier this week and there was a coastal ocean plastics workshop Friday afternoon that many attended. The workshop was very enlightening and plays into the beach clean initiative that the Shoreline Protection Commission is fostering for all of Topsail Island in terms of responsible use of non-recyclable items and the effort of protecting the environment. Mr. Benson disclosed being proud of being the first town on the island to promote the Beach Clean Initiative through the use of the town's electronic signboard. Mr. Benson relayed to the group how much time was spent talking with the Coastal Engineer and working out details regarding the beach projects stating it's not just simply the dump truck backing up to the offload area and the sand going on the beach, but there's a lot of consideration that the Board of Aldermen and BISAC put into making it happen.

Alderman Swantek thanked everyone for coming out to the Beach Clean including the town's staff and announced he was surprised at how little trash was found with the majority being cigarette butts. Mr. Swantek stated his excitement for the Beach Jam being planned and thinks it will be really good for the town.

Alderman Grant thanked everyone for coming and reported attending two of the Onslow County Commissioners' meetings. Mr. Grant praised the Town Manager who has a very good relationship with the county.

Board of Alderman Meeting

Closed Session: To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee (G.S. 143-381.11(a)(6)).

Alderman Swantek made a motion to enter into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Mayor Pro Tem Benson seconded. The Motion passed, 4-0.

Alderman Swantek made a motion to come out of the closed session. Alderman Grant seconded. The motion passed, 4-0.

Mayor McDermon reported that no action was taken.

Alderman Swantek made a motion to provide Town Manager Derian a \$5,000 bonus regarding her excellent performance for the past six months. Mayor Pro Tem Benson seconded. The motion passed, 4-0.

XV. Adjournment

Alderman Swantek made a motion to adjourn. Alderman Pletl seconded. The motion passed, 4-0.

The Meeting adjourned at 1:41 PM.

End of May 4, 2022 Minutes