

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



Alice Derian, ICMA-CM
Town Manager

Aldermen:
Fred Fontana
Richard Grant
Tom Leonard
Connie Pletl

Nancy Avery
Interim Town Clerk

**Board of Aldermen Regular Meeting
Wednesday, September 6, 2023
MINUTES**

The Town of North Topsail Beach Board of Aldermen held its regular meeting on September 6, 2023. A quorum of the board was present. Attorney Edes was in attendance.

Board members present: Mayor McDermon, Mayor Pro Tem Benson, Aldermen Connie Pletl, Fred Fontana, Richard Grant and Tom Leonard

Staff present: Town Manager Derian, IT Director Ricky Schwisow, Finance Officer Elliott, Code Enforcement Officer/Project Facilitator Conant and Interim Town Clerk Nancy Avery.

Call to order

Mayor McDermon called the meeting to order at 11:00 am. Alderman Pletl gave the invocation and led in the Pledge of Allegiance.

Approval of Agenda

Alderman Leonard requested the addition of Resolution of Appreciation to the Town Manager to the agenda.

Motion - Mayor Pro Tem Benson motioned to adopt the agenda as amended with the addition of the resolution; seconded by Alderman Pletl; unanimously approved.

Manager's report

Town Manager Derian reported:

Sea Oats:

- Since our last BOA meeting, TI Coastal has confirmed completion of the Sea Oats project.

USACE Letter of Acknowledgement/ Letter to Residents:

- At the last BOA meeting, I reported that I provided a letter of acknowledgement to the US Army Corps of Engineers regarding their intent to construct the Surf City portion of the Coastal Storm Mgt project for the Town of Surf City. Again, there will be a transition between the two towns that will extend approximately 1,000 feet into the southern town limit of North Topsail Beach and include a tapered placement of sand into this transition

area. The Town of Surf City will be securing any necessary easements. The intent of the letter was to acknowledge the project and to say we will assist in communications with

- residents at the appropriate time regarding the portion of the project occurring in North Topsail Beach. Since our last meeting I worked with Surf City's Town Manager on a joint letter that was to be distributed to residents by Surf City within the project area that was mailed the week of August 25th to obtain easements. All information is posted on our website's project page.

Environmental Impact Statement – USACE:

- Our EIS call with USACE that was regularly scheduled for August 30th was postponed due to Hurricane Idalia. Chapter 4 has been received and reviewed by USACE and Dial Cordy was expected to have Chapters 5 and 6 submitted by August 15th. We have another meeting scheduled for September 12th.

Tropical Storm Idalia:

- Monitoring and updates started early and were continual and timely throughout the event. I met with staff on Monday to prepare for the pending storm. Staff were busy visiting contractor sites, encouraging tie downs and emptying of dumpsters, doing beach surveys to pick up abandoned items and securing items at our access points.
- A CodeRed notification was sent to all subscribed on Monday, August 28th, a state of emergency was declared on Tuesday, August 29th without imposing any restriction. The state of emergency was rescinded on Friday, September 1st at 12:00 noon.
- We deployed our drone to capture pre-storm conditions along the beach and once again at EOD on Friday, September 1st to capture post-storm conditions. I touched base with TI Coastal and ATM yesterday about conditions seen from drone footage and asked their professional opinions. It is felt that an engineering survey specific to Idalia is not necessary and there is not a federal declaration in NC, therefore we would not be reimbursed. TI Coastal was out yesterday at my request to survey current conditions from the ground. Overall, they felt that the beach fared well. The truck haul section had light run up marks to the dunes, but no damage to the dunes and an intermittent edge of berm scarp (6-8 inches here and there and some very isolated areas of a taller oceanfront scarp about 12-18 inches). The upland dry beach is still 60 ft wide here.
 - Just north of Myrtle Drive (Access 30), a small dune scarp started (just south of here there was some run up onto the dune face which may have killed a few sea oat plants, but no scarping). Dune scarp just north of Myrtle Drive is about 18".
 - Hampton colony still had a small dune scarp and beach berm scarp
 - Access 33 (parking lot by Town Hall) probably had the largest fresh dune scarp at waist high (2' or so)
 - Onslow Access 4 had smallest beach area by far and a large dune scarp just north of the beach access area (3-4')
 - Access 38 had a small dune scarp. The beach is only about 30-40 feet wide here.
- Overall, the beach looked pretty good considering the long duration of elevated sea conditions and the super high tides we had last week. Not great, but manageable for sure.
- I worked closely with the trash contractor to determine and communicate the schedule.
- I kept in communication with surrounding Town Manager's and County Manager to share information and provide updates.

- Public Works staff worked to scrape sand from shoulders in two areas to allow more water to divert and collect on River Rd Extension. We placed road closed/ high water signage on the roadway on NRI Rd at the intersection near The Reef on Tuesday, August 29th and they remained up until yesterday. Due to King Tides, we left the signage up and 4x4 Drive on area gate locked until yesterday morning. Residents and emergency personnel could still get through; however, we wanted to deter traffic to this area as much as possible.
- We started surveying the Town at daybreak on Thursday, August 31st and worked to pick up debris from River Rd extension, New River Inlet Road and pumped water from flooded roadways near Gray Street and Richard Peters Park. Administrative offices were closed on Thursday, however; we had the main line manned from 5:00 am through 5:00 pm. Updates and notices were published throughout the day.

Light ordinance:

- Last week, I met with our Code Enforcement Officer and Karen Beasley Sea Turtle Sea Turtle Hospital to receive feedback on a draft light ordinance that will be presented to the BOA. We are working to finalize a draft for BOA review and feedback in October. We will also be working on educational initiatives to have at Town Hall that will be coming soon such as a light display that shows amber and LED lighting and to have the availability for homeowners to purchase amber lights at Town Hall.

Events:

- Wednesday, November 15th has been chosen as the date for the 2nd Annual Christmas Tree Lights that will be held at 6:00pm here at Town Hall.
- The Town will be holding the First Annual Howl O Ween Pet Parade and Pet Costume Contest. I would like to give a big thank you to our sponsor, Pet Supplies Plus who I contacted and has graciously agreed to pay for this event. This will be held on October 25th from 5pm to 7pm at Richard Peters Park. You will be supporting Share the Table by bringing a non-perishable item to the event and we will have raffle tickets for purchase that will benefit Paws 4 Cause. We created a fb event page for you to pre-register your pets. Pets that are pre-registered will receive a goody bag that is also being provided by Pet Supplies Plus. I will be emceeing the event and our BOA will be the judges of the costume contest. We will be serving pup cups to the pets and will have cider and cookies for their people, as well as photo booth ops set up and music. It is free to attend, just bring a non-perishable food item for Share the Table.

Grants:

- We received notice of intent to award for a Cyber Security grant in the amount of \$13,527 that was applied for.
- I have submitted an Amendment to the Phase 4 \$10.5 million renourishment State grant contract on August 14th and sent an extension request, which if approved will be until December 18, 2025. We asked for an extension now for the grant to allow for project completion based on environmental window restrictions and project production rates. The regulatory turtle nesting/hatching no-work window (May to November 15) represents 6.5 months and is the largest impact on production. Basically, the contractor only has 5.5 months out of the entire year to perform the work. The non-grant portion (Phase 5) is

- anticipated to be completed by the end of February 2024 with work starting on the CSDM grant in March 2024, continuing to April 30, 2024 (when the nourishment season ends). The contractor will still likely need a portion (November 16, 2024 to February 28, 2025) of the next nourishment season to get all the CSDM grant funded material on the beach. The contractor has been trying to ramp up the production rate and work faster but there are limitations (as well as weather/mechanical delays) that we are including for the above time estimate.

Discussion

Alderman Grant – I think generally everybody knows on Phase Four we did not have to put anything up. That is the \$10.5 million grant. That will allow us to finish up Phase Five. In looking at the financials and talking to you (Manager Derian), you do not believe we will have to do SOBs (Special Obligation Bond) for Phase Four, that we have the financial ability to not have to borrow the money to do Phase Four, is that right? That is a huge savings for us in terms of cost. It shows where we are in terms of the beach. That will allow us to basically go almost all of the way through Phase Four at the end of this thing, correct?

Manager Derian – Yes, that is correct. It is why we have been working on the front end to line everything up with the engineers and the Carters (Doug Carter and Associates) on the financing part to make sure we do not need to amend anything. Should we need to we will come back to the Board and let you know. As far as it stands right now, SOBs will not be necessary.

Alderman Grant – For the record, what is amazing is that if we went back three years ago before we had done the planning, since these were reimbursable projects such as FEMA Phase Five, we did not have the financial wherewithal to do these projects, so we have come a long way in terms of getting that together.

Open Forum

1. Lori Edmunds, 301 Bay Circle – I have three different major things:

- I have lived here for years and never knew where the beach access with free parking at mile marker 20 is because you cannot see it. It is in a bend. I think there should be a crosswalk. I finally found it by going on the beach and coming out. It is not marked. Even though there are signs there is not a crosswalk. This is a safety issue.
- I walk the beach every night and send pictures to the Police. They say they are sending them to the patrol person. I heard the original patrol person died. I would be happy to patrol part time. I have been in touch with Wendy who said the person did a great job. No he did not. Every night there is stuff on the beach. Every night. I go from St. Regis to the Reef. I do turtle walks in the morning south of here. There is always stuff on the beach. I was told we allow people to keep things in the sand under their stairs. If we are a turtle sanctuary, that is not where they belong. They belong up on the deck. I found eight bikes connected to the pilings. A turtle came up and did a crawl right there. Turtles cannot get through with bikes or tents. Another person had a huge tent. I told those guests they are not allowed to do that and there is supposed to be a \$50 fine. I want to see the fines. I tell people to get off the sandbags. I tell people to get off the dunes. Are we giving \$500 fines to anyone? I do not see anyone giving fines to anybody. This gets me upset. Holes on the

beach are awful. I am going to break or twist an ankle and no one is doing anything. I am out there regularly. People know they are not being fined. Dolphin Shores is awful.

- I have lived on Bay Circle and Bay View for four years. The neighbors who lived there for thirty years (Jenkins) said once St. Regis put up a wall at their entrance, we get flooded every time. And not just for hurricanes. Four of us, not the whole neighborhood. They said it had never happened before.

Discussion

Mayor McDermon – I appreciate you coming in. I was not aware of some of these issues. I suggest after the meeting, the manager will follow up with you. Some of these we can look into. The fining issue is a whole different animal. I will use sandbags or the dunes as an example. The Police Officers have to see people on them to fine them. She suggested to Manager Derian that after the meeting thy follow up with Ms. Edmunds.

Alderman Fontana – I definitely agree with you on that issue of a crosswalk. I want to go through the entire town and review where we need crosswalks. I think your location you mentioned is not the only area that needs a crosswalk. We need more crosswalks and we also need more signage. We can get with NC DOT since they are in charge of the roads. I think definitely we need to be addressing that.

Mayor McDermon – That is something on the list that staff are already looking into.

Manager Derain – The Fire and Police Chiefs have been tasked with looking at crosswalks in every area and come up with recommendations. We will have something soon on crosswalks. Our Fire Chief has reached out to DOT and met with a vendor on pricing.

Alderman Grant - This is a state highway and unless DOT approves it, we cannot do anything.

2. Joe Sowers, 26 Bermuda Landing Place – We have been homeowners/taxpayers since 1988. We are not full-time residents yet. At access 19 there is a realty sign for amended sale right by the access bridge/dune overpass. Could you explain that please? Why is it on the dune? For dune integrity, a break in the dune will cause the ocean water will come in and pull out the dunes. There is no dune in front of the home. If there is a big hurricane, it is going to pull all the water out. We are at 11th Avenue and Topsail Road. There are beach access signs from the ocean but there are none from the road. It is the first time we have seen a non-conforming lot for sale. It would be helpful to have signage.

Discussion

Mayor McDermon – I do not know the parcel you are referring to, but if it is considered a lot and owned by someone, they do have the right to transfer that ownership by sale. It may be up for sale. If it is a non-conforming lot, it means they cannot do anything except potentially a crossover. There have been other non-conforming lots for sale. It will not impact your public beach access. I do not mind looking into this for you sir.

Public presentation and hearings

Proposed text amendments to UDO for protection of wetlands

Planning Director Hill stated:

- I work routinely with Division of Coastal Management (DCM) and US Army Corps of Engineers (Corps) staff with processing subdivision permit applications as well as complaints of violation and referring those to the appropriate jurisdictional authority.
- Typically the results are remediation but not accompanied with fines.
- In addition to providing natural environment habitats, coastal wetlands dampen the impact of a storm surge and thus reduce the flood risk.
- The importance of this is reflected in the numerous references to wetlands in the Town's flood plain regulations.
- The Town's zoning regulations reflect open space management practices which are consistent with the goal of reducing hazard losses such as the preservation of wetlands and other flood prone areas in their natural state in perpetuity.
- In addition to the conservation district, the purpose of the RA residential/agricultural zoning district is to set aside and protect those lands suitable for agricultural, forestry, and wetland uses.
- Identification and recognition of wetlands begins when we have an application for a subdivision. A review by the Army Corps for 404 or DCM is required before the Town issues final approval.
- The current Coastal Area Management Authority (CAMA) Land Use Plan (LUP) states the Town accepts state and federal law regarding land uses and development in Areas of Environmental Concern (AECs) including all NCAC 7H standards. No policies exceed the standards and permitting requirements found in Subchapter 7H, State Guidelines for AECs.
- The effects of session law 2023-63 Senate Bill 582 which was passed but vetoed by Governor Cooper and recently overridden on June 27th are not expected to alter DCM's approach within the Town's jurisdiction.
- At its August 20, 2023, meeting, the Planning Board discussed wetland regulations with Mickey Suggs with the Corps of Engineers and Rob Mayers of DCM and unanimously recommends adoption of an ordinance amending the Unified Development Ordinance (UDO) by updating standards protecting wetlands pursuant to NC Senate Bill 582 and providing for certain enforcement penalties for unpermitted disturbance and an amendment to the Town's Fee Schedule appropriately.

Attorney Edes – The proposed ordinance has the correct session stated in the recital which is NC Session Law 2023-63. The sixth recital references Senate Bill 582 which is the same bill. I suggest everywhere in this ordinance and the proposed text amendment that the word 'wetlands' be capitalized as a proper noun and that we adopt the definition found at NC Session Law 2023-63 which is the same as Senate Bill 582 and as we are going to make it a proper noun, that way there is a concrete definition for what wetlands are.

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Planning Director Hill – We had discussed since the recent session law was to direct DCM to define wetlands that we would just simply state wetlands as defined by state and federal government.

Attorney Edes – It does say that in one portion but in another it defines wetlands as defined in 15A NCAC 2B.0202. There is also a definition for coastal wetlands and I think since it appears to me that that session law is to address recent developments in federal law, we can cite to that and then once rules are promulgated and adopted, we can bring back a text amendment.

Planning Director Hill – Rather than bring back a text amendment, if you want to do the reference just say as amended and then that way, we do not have to do that.

Attorney Edes – As may be amended from time to time.

Discussion

Mayor McDermon – On the Fee Schedule, the fine for damaged dunes is \$10,000 for the first offense and subsequent offense is \$10,000. I would like to see the same fine for the wetland protection. I do not know why that is only \$1,000.

Alderman Grant – I absolutely agree with that. Where it talks about any wetlands damaged during construction shall be restored to the original state. Its original state could take years. It is like grass in a dune. If I tear up the dune and I plant seagrass and it takes two years for the seagrass to go back to where it was, we are not going to fine somebody 365 times two years. We have to make it so that people do not do it on the front end of this type of thing. The idea is not to get fines. The idea is to keep people from tearing up the dunes and tearing up the wetlands. For someone building a \$3 million house, a small fine is not going to be material to them.

Mayor McDermon - From the wetlands perspective for a sound side home, if the pool is in the wetlands and is not where it is supposed to be, I understand they will be fined. Do we have the legal ability to also tell them they have to move it to be in compliance?

Planning Director Hill – To prevent that from ever occurring is why I require a wetlands delineation by bearings and distance. If it is 404, it has to be confirmed by the Army Corps of Engineers (Corps). There were complaints early on that that was taking quite a bit of time. That was discussed with the Corps and they are being turned around a lot faster than they were. It is not enough to just show the delineations on a plat of survey. Chances are the pool installer may or may not look at it. One of the other requirements in the ordinance that the Building Inspector and I do is ensure silt fences are installed and maintained. When we went through with the storm the day after Tropical Storm Idalia, the Building Inspector was calling contractors letting them know they needed to get their silt fences back up. That fence is a visual demarcation where those Wetlands are. If a pool was installed that encroaches into the Wetlands, it would be inconsistent with the CAMA permit and the permit the Town staff signed off on and they would need to move the pool.

Alderman Grant – The alternative to that is that you fine them \$10,000 a day until they move the pool which is going to make them move the pool anyway.

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Mayor Pro Tem Benson – I strongly support what the Mayor and Alderman Grant are saying. The idea that we are not going to fine someone for unknowingly or intentionally intruding into a wetland area and the idea that it can be restored in fourteen (14) days is ridiculous. It takes years to restore our ecosystem like that. There needs to be a penalty for intruding into the Wetlands.

The Coastal Resource Commission (CRC) changed the thirty (30) foot setback law to thirty-five (35) feet in their last meeting. When the CRC regulations change, how does that filter down to the town? Does it come through the DCM. Is there some kind of bulletin put out?

Planning Director Hill – By the conditions included on the CAMA permit that I review as part of my overall review before I issue any zoning or flood permits. Typically the first document I look at is did they receive CAMA approval and what were the conditions of that approval. The other thing I look at was whether DCM was given the same plat and information that I was given so we are not working off of different plats or information.

Mayor Pro Tem Benson – The local CAMA permitting office is the place where CRC changes are incorporated into their approval for permits.

Planning Director Hill – The local CAMA permitting office is the boots on the ground for CRC changes.

Mayor Pro Tem Benson - Does the language in resolution on page 25, 10.07.05 Install and Maintain Effective Sedimentation and Erosion control measures; items A-D apply to any lot in town not just one that fronts a wetland, is that correct?

Planning Director Hill – Not necessarily. You may have lots that do not require silt fences. Particularly those items that I pulled are standard for the CAMA permit. The reason for including them in the ordinances is so the Building Inspector and I have the language for enforcement authority.

Alderman Leonard – Where are we with the fine? Have we decided?

Mayor McDermon – A \$10,000 fine.

Alderman Leonard – I support that too. To me the fine is preventative, a deterrent rather than a retribution.

Consensus – Board of Aldermen agree on a \$10,000 fine.

Attorney Edes – Does the DCM or the Corps do the delineation? We need a clearer definition of Wetlands.

Planning Director Hill – They have a private firm do the delineation which is then put on a site plan that goes to DCM or the Corps. The definition either needs to be 401 (state) or 404 (federal). To keep up with the changes in both, my recommendation is to say wetlands as defined by state or federal government.

Mayor Pro Tem Benson – Ms. Hill - in the federal part of your information prepared for the Board you reference a 401 wetland. Is that a federal designation? It is only mentioned one time in this document. Mostly we are talking about coastal Wetlands. I wonder if we do not need to be consistent, if there is a difference between federal and state Wetlands.

Planning Director Hill – Federal is 404. We deal with 404 and 401 equally. 404 Wetlands are not uncommon. It is between the staff of DCM and the Corps, one of which takes jurisdiction. Federal is 404, not 401.

Attorney Edes – The Administrative Code is what the Senate Bill deals with, which is 15A NCAC 2B.0202. I suggest we use the definition as Administrative Code 15A NCAC 2B.0202 and any other applicable state and federal law as may be amended from time to time.

Planning Director Hill – I agree with that as it incorporates the federal definition also.

Alderman Grant – If federal and state law are inconsistent, where one is broader than the other, do we need to go with the more restrictive one?

Mayor McDermon – The intent of what we are looking for is captured here. I recommend you take this offline to capture and define the Wetlands and bring it back.

Consensus – Town Attorney and Planning Director to work on clarification of definition of Wetlands associated with the proposed text amendments and bring it back to the Board.

Public Hearing

Motion – Alderman Leonard motioned to open the Public Hearing at 10:02 pm; seconded by Alderman Grant; unanimously approved.

1. Michael Afify of A 'N' A Builders and a local homeowner – As a contractor and a licensed realtor I see a lot of different perspectives. I caution the Board with fining something that is already a fineable offense through multiple different agencies. Wetlands are a very cherished thing. Some of the Wetlands are coastal and have setbacks. Some do not have a setback. Millions of dollars go into the study of these things. Right now you have fines in place that can be seen as a deterrent but they can also be looked at as taking of private property as well. You have a five-foot buffer off a CAMA setback. Now there are two separate entities to argue with. On a recent project, I had a federal permit but not one from the Town. You were more restrictive. I believe that opens you up to some culpability and liability. We want to protect the products that protect the homes we build. Wetlands and dune structures are a way to do this. To give someone the opportunity to correct something is a good thing.
2. Laura Olszewski, 25 Bermuda Landing Place – I think we do have to be careful with making things punitive. The Board should also consider whether the surveyor has errors and omissions insurance and it is not the homeowners problem. A \$10,000 fine can be punitive and does not give the homeowner the option to go back to the surveyor who made the mistake the contractor then built with. We have to take into consideration whose stamp is on the drawings and who is responsible for the plot plan. I think if the

state regs cover the federal regs as well, we should go with the state regs. Have we looked at other towns' legislation that falls in line with what the state is doing, so we are not out of line with what others are doing.

Motion – Alderman Leonard motioned to close the Public Hearing at 12:07 pm; seconded by Alderman Fontana; unanimously approved.

Alderman Fontana – One clarification - are we all agreeing the fine should be \$10,000?

Consensus – All Board members agreed the fine should be \$10,000.

2. Coastal Engineer Update

Mr. Fran Way gave his September 2023 update stating it is geared towards the annual monitoring results with the following highlights:

- The beach wide overall gain of 424,000 cubic yards over the last year was largely due to nourishment efforts
- Phase One will have placement of 20,000 cubic yards this winter
- New River Inlet Management Master Plan draft Environmental Impact Study is under development
- Phase Five Beach Nourishment placed 411,000 cubic yards. The remaining volume is 226,000 cubic yards
- Annual monitoring was completed in June with these results:
Annual Mean High-Water Change in feet was:
 - Phase One +24.8
 - Phase Two +10.9
 - Phase Three + 0.2
 - Phase Four + 8.5
 - Phase Five +36.8
 - Total +19.1

Said presentation is herein incorporated as part of these minutes.

Discussion

Alderman Grant – Thank you for updating the schedule for me. I also updated it again and put in the percentages and cost by phase. Seventy million has been spent overtime. Sixty-nine percent is in Phase 5, thirty percent is in Phase One, zero in Phase Three and Two. The urban legend is that all the money has been spent up north when it has actually been spent in the south. We should have a continuous beach from Phase Five as far as we can get up into Phase Four, is that correct?

Mr. Way –That is correct.

Consent Agenda

- Minutes August 2, 2023

Motion - Mayor Pro Tem Benson motioned to approve the Consent Agenda as presented; seconded by Alderman Pletl; unanimously approved.

Continuing Business

- A. BISAC update – Chair Strother gave his report from the August Beach, Inlet, Sound Advisory Committee meeting stating the most important item the committee discussed was the five-year action plan and the thirty-year plan with TI Coastal. This discussion will be continued at the September meeting. The goal is to have all five phases be an engineered beach.

Discussion

Alderman Grant – We also discussed funding. Four million is going into the Beach Fund. The largest expense we have is paying off the Phase Five loan that is over two million dollars which is larger than the Police Department budget and the Fire Department budget. Mr. Gibson (TI Coastal) believes four million is sufficient to execute the plan but we cannot keep doing one-off projects. The beach has to be nourished every year.

Chair Strother – Yes, we hope to get an engineered beach in the five-year plan, then be in a maintenance program for the next thirty years. We hope to be able to do something each year towards maintenance. It is easier to maintain the entire beach

Alderman Leonard – The back history on the phases is that they came to be in the early 2000s. The Board started talking about nourishing the beach. Since there are 11.5 miles of coastline, it was financially not feasible, so it was broken into five phases.

B. CBRA

Alderman Leonard reported there was an impromptu opportunity in August to advance Coastal Barrier Reef Act (CBRA) legislation efforts. I received a call from Ray Celeste in Congressman Murphy's office that the staff director for the House subcommittee on Water, Wildlife and Fisheries was vacationing in North Topsail Beach in August. Our bill was advanced to that subcommittee earlier this year. He set up a meeting with her while she was in town and he and Manager Derian gave her a tour. We pointed out the CBRA and non CBRA areas and the fact that the idea behind the BRA bill was to discourage construction and building in CBRA zones. It did not really do that when you see all the construction in those areas. I think it is significant that someone wanted to take vacation time to learn more about our CBRA issue. The visit went well. The subcommittee meets this fall for a hearing on CRBA bill and we will be invited to speak. It is the first time someone has come down and looked at our situation to help.

New Business

A. NCBIWA 2023 Annual Conference

Manager Derian said the North Carolina Beach, Inlet and Waterway Association fall annual conference is scheduled for November 16-17, 2023, and will be held at the Aloft in downtown Wilmington. I recommend the Silver Level Sponsorship which is \$1,200.00 and includes two registrations. The cost of additional registration per member is \$200.00.

Motion – Alderman Leonard motioned to sponsor the Silver Level Sponsorship in the amount of \$1,200.00 for the NCBIWA Annual conference; seconded by Alderman Pletl; unanimously approved.

B. ONWASA liaison

Mayor McDermon said she spoke with Alderman Grant because of all of the growth and development happening in our area and how that overlaps or needs to be coordinated with the Onslow County and the utility companies. It is public knowledge that Onslow County Water Authority and Sewer Authority (ONWASA) is in the process of purchasing Pluris so that we would have one provider for water and sewer. Alderman Grant has the background in utility companies and he volunteered to take her seat on the ONWASA board. She stated she thinks this would be a benefit for our town. She asked if anyone on the Board had any concerns.

Discussion

Alderman Pletl – Mayor McDermon, will you still be his second?

Mayor McDermon – Yes, I will.

Alderman Grant – I used to run a utility. There is some planning going on with the County. The County is concerned about all the growth and it all ties into waterpower.

Alderman Leonard – Since Alderman Grant is the liaison to the County and this is a county issue, I support this.

Consensus – Alderman Grant to serve as liaison on the ONWASA Board with Mayor McDermon as alternate.

Open Forum

1. Mr. Meyer, 2224 New Rive Inlet Road, # 138, asked Alderman Leonard what percentage of the town is in the Federal versus CBRA area.

Alderman Leonard – It is about 60/30. There are 11.4 total miles of shoreline. About 6.9 miles is in CBRA.

Mr. Meyer – This change will be an enormous benefit to a good share of our town, correct?

Alderman Leonard – Yes it will. We talk a lot about the insurance aspect NFIP (flood insurance) and that relative to the fact that you cannot have a federally backed mortgage or use your VA in CBRA. When it comes to funding for storm relief for the beach, we can sometimes get funding for our CBRA beaches, but it is much more difficult than it is for our beaches not in CBRA.

2. Laura Olszewski – Alderman Leonard, what was the name of the person you met with?

Alderman Leonard – Her name is Annick Miller and she is a senior professional staff member on the House subcommittee on Water, Wildlife and Fisheries.

3. Joe Sowers – What is the construction going on at the Pluris site and why would ONWASA be taking over Pluris? How many acres is Pluris required to have? Environmentally, are we doing the right thing?

Mayor McDermon – ONWASA needed to increase capacity and Pluris who already services North Topsail Beach and surrounding areas wanted to sell. The eighty acres you reference is separate from this and it is being sold as commercial development space.

Alderman Grant – The restrictions we are seeing is on the ONWASA side. They told us they had twelve over twelve growth, which is unheard of. They are drilling wells and looking for other alternatives.

Mayor McDermon – The decision was already made by the ONWASA Board. It is not our decision.

Attorney report

None

Mayor report

Mayor McDermon – It is nice to see everybody out and online today. Thank you for coming. I echo what Alderman Leonard put into a resolution and thanks to the entire staff and all they do not just for that storm.

Aldermen report

Alderman Pletl – I echo Mayor McDermon. When storms come up, we are grateful they are small ones that provide good training for the staff. We are still at the beginning of storm season, so do not let your guard down. Nesting season concluded at the end of August. We are still in hatching season for the sea turtles so please keep your ocean front lights off. We had sixty-three nests, Surf City had twenty-five and Topsail Beach had twenty nests.

Alderman Leonard – I appreciate everyone coming out. To staff a job well done with this last storm. It was a good dry run. The first of the month I lost Derrick Williams, my next-door neighbor. He was a hardworking county man. An honest and fine gentleman and I will miss him.

Mayor Pro Tem Benson – I echo what has been said about the great support that the Town Manager put in preparing for the storm. I thank the staff as some of them had to be here at 5 am to man stations to be prepared for the storm. A shout out to the staff for their extraordinary efforts.

Alderman Fontana – I sound like a broken record if you all know what records are. I thank Alice (manager) as well. One thing she told me that reflects the attitude of her and the staff was when I asked her if she had gotten any sleep and she responded no, she can sleep later but right now she needs to be here. Hurricane season is only half over so do not let your guard down. Hurricane Lee may head right towards us if you extrapolate the cone. Please adhere to the requests of the Town. Be prepared and not complacent.

Alderman Grant – I echo the other comments. There is a lot of misinformation around the town about finances. Look at the information that is on our website to get the truth. I have put together a power point and I am going to be meeting with different homeowners associations or individuals and will post it online. We have over seventy million dollars in projects that occurred since 2015 and about forty million in projects that are occurring in the last three or four years on

the beach. We have obtained over twelve million dollars in grants and or outside funds that did not cost the town anything. We have a fire truck loan at zero percent. We have paid off seven million dollars of the Phase Five loan so we are in a much better fiscal position than we have ever been in. We refinanced that loan as a special obligation bond and saved hundreds of thousands of dollars. We have a thirty-year beach plan under development, a Beach, Inlet, Sound Advisory Committee formed, we have CBRA progress, we established just in the last couple of years a Capital Project Fund to make sure we can build a fire house. We have funded a bike lane. Three or four years ago, we could not even have done the beach projects we've have talked about because every project is a reimbursable project which means you have to have the cash up front. This Town did not have the money up front. We have the single largest expenditure of one item right now, that is two million dollars to pay off the Phase Five loan. Once we get past that, we will be able to take care of building the fire house and doing those capital projects. Forty to fifty percent of the Town's budget is going to go into the Capital Fund and the Beach fund (35%). Town Manager Derian and her team have made a lot of progress in putting this Town in a position where we can actually pay for things. We do not want to be borrowing money right now at eight or nine percent. Kudos to the manager and her team and the aldermen for pushing these things. I am really frustrated because of the misinformation. The property tax change is because Onslow County does a four-year revaluation and home values went up. Only about forty percent of the property taxes you pay come to the Town, the rest goes to Onslow County. WE have also had success with Onslow County. We just received a check from the County for a little under \$500,000 going to our Capital Project Fund plus \$150,000 they are giving us every year to help pay off the loan for our beach projects,

Closed session

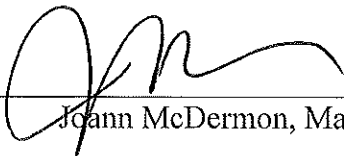
Motion – Alderman Leonard motioned to go into closed session at 1:10 pm as per NCGS 143-318.11(a) (3) consultation with the attorney; seconded by Mayor Pro Tem Benson; unanimously approved.

Return to open session

Motion – Alderman Grant motioned to return to open session at 1:45 pm; seconded by Alderman Leonard; unanimously approved.

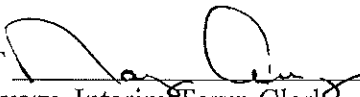
Mayor McDermon stated no action was taken in Closed Session.

Motion – Alderman Pletl motioned to adjourn at 1:47 pm; seconded by Alderman Leonard; unanimously approved.



Joann McDermon, Mayor

ATTEST



Nancy Avery, Interim Town Clerk