

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

**DRAFT Board of Aldermen Regular Meeting  
Wednesday, October 4, 2023  
MINUTES**

The Town of North Topsail Beach Board of Aldermen held its regular meeting on October 4, 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.

Board members absent: None

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

Call to order

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

Approval of Agenda

Mayor Pro Tem Benson requested the addition of three items to the agenda as follows:

1. Host a candidate forum on October 28<sup>th</sup> at Town Hall
2. Update on the north end flooding from engineer Chris Gibson
3. Staff directive

**Motion** – Alderman Grant motioned to adopt the agenda with the addition of items 1 and 2 but not item 3; seconded by Alderman Leonard; unanimously approved.

Mayor Pro Tem Benson stated item # 3 he suggested for the agenda is about notification to permit holder and the property owner when a permit is issued. Mayor McDermon said the owner gets a copy of the permit. This is a process matter that can be worked out with the Manager, not the Aldermen. Alderman Leonard said he agrees it is a manager and staff process, not for the Aldermen. Mayor Pro Tem Benson withdrew his request to add item # 3 to the agenda.

Manager's report

Town Manager Derian provided the following report to the Board:

**Environmental Impact Statement – USACE:**

- Our next EIS call with USACE is pending while waiting on Dial Cordy to submit Chapters 5 and 6 to USACE.

**Tropical Storm Ophelia:**

- Monitoring and updates started the week of Sept. 18<sup>th</sup> and updates were continual and timely throughout the event. I met with staff prior to the event to prepare with securing loose items, roadway and beach patrols removing abandoned items pre-storm.
- A CodeRed notification was sent to all subscribed on Friday, September 22<sup>nd</sup> along with the state of emergency that was declared on Friday, September 22<sup>nd</sup>, without imposing any restriction. The state of emergency was rescinded on Saturday, September 23<sup>rd</sup> at 5:00 pm.
- I touched base with TI Coastal and ATM on Monday following the storm to request they survey current beach conditions from the ground. Overall, they felt that the beach fared well and looks very similar to their previous assessment following Idalia with some intermittent berm and dune scarping, but nothing serious. They photo documented the same locations as the previous post storm drive for comparison.
- I worked closely with the trash contractor to determine and communicate the schedule and verified operations as I went through assessments on Saturday.
- I kept in communication with surrounding Town Managers and County Manager to share information and provide updates.
- Public Works worked to re-secure the gate to the drive on-area post storm where the screw was pulled out of the post.
- I surveyed the Town at daybreak on Saturday, September 23<sup>rd</sup>, photo documenting flooded areas to provide updates and notices that were published throughout the day. We once again experienced flooding near Gray Street and Richard Peters Park and rerouted traffic on Saturday near Gray Street.

**Beach Projects:**

- The Phase I permit modification is still pending. We anticipate having an answer on this next week. This modification would allow us to start early November with the remaining Phase 1 work.
- Phase 5 is on schedule to start November 16<sup>th</sup> and work will continue through February and will be completed.
- Phase 4 is anticipated to start February.

**ONWASA Booster Pump Project:**

- The construction contract for the booster pump station to be built at Town Hall went out to bid. The pre-bid meeting with prospective contractors is scheduled for Wednesday October 11<sup>th</sup> from 2pm to 4pm here at Town Hall.

**Events:**

- Wednesday, November 15<sup>th</sup> is the date for the 2<sup>nd</sup> Annual Christmas Tree Lighting that will be held at 6:00pm here at Town Hall. Staff created and published the event details. Santa will be here for the tree lighting, the Sneads Ferry Presbyterian Church Choirs will be here to perform, we will have face painting, Karen Beasley Sea Turtle Hospital will be here, and the Sneads Ferry Girl Scouts Troop # 361 will be helping to serve hot chocolate and cookies.
- A reminder of our First Annual Howl O Ween Pet Parade and Pet Costume Contest. Again, 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 25<sup>th</sup> 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. It is free to attend, just bring a non-perishable food item for Share the Table.
- Vegetative Debris pick up will be October 23<sup>rd</sup> through October 27<sup>th</sup>. Please have your debris placed near the roadside in the Right-of-Way the week prior to the scheduled pick-up. Public Works will be providing the pickup as a one-time sweep only on the aforementioned dates. You can go to our website for more details on the pick-up.

**Grants:**

- We executed the Memorandum of Agreement for the Cybersecurity grant in the amount of \$13,527.
- I received communication that we will be receiving grant funds in the amount of \$34,000 to acquire an additional drone and beach vehicle.

Update on north end flooding assessment

Engineer Chris Gibson stated:

- He looked at the beach with Mayor Pro Tem Benson and Town Manager Derian on September 16, 2023.
- We were looking at reasons why the back corner on River Road was flooding.
- There have been concerns by some of the folks up there that water is coming through the drive on access.
- The issue really there is more not so much water coming through this area as it is that those homes are extremely low.
- We did some calibrations and took some elevations.
- At the corner of River Road where it takes a bend, the elevation of the street is only three (3) inches above normal high tide.
- If you have any kind of New Moon, Full Moon or King Tide event, you are going to see flooding whether it is coming through this area on the beach.
- The beach elevation is actually much higher at five (5) feet whereas in the back down at the corner of River Road the elevation is two (2) feet.
- The beach is actually three feet higher than these lots.

- We did cross sections across the street. There is an uphill rise going toward the beach and there is an uphill rise going likewise the other way toward the ocean front beach (inlet).
- This is a depressed area.
- The big concern when you start trying to keep water out is that when it rains you keep water in.
- As the tide comes in it is higher at the inlet first. It then goes through the marsh and there is usually a lag when this happens.
- That is the reason why you are seeing water come in through the inlet access rather than coming through the back (marsh). It is a timing thing.
- The water is not getting out because it is jammed up in the back, but because the water level in the back (marsh) has risen to the point where it cannot get out.
- Raising or putting elevation into that ORV access cross through instead of it being at grade may be helpful for one (1) out of ten (10) events.
- Annually, October is peak tide. If the moon is in apogee during the full moon in October, that is the biggest tide for twenty (20) years. We are sitting smack dab in the middle of that.
- What people are seeing is a tidal event that is astronomical on a twenty (20) year scale. They will see this for each of the next two weeks. After the full moon, those tides will start decreasing.
- With King tides we are running a foot to a foot and a half above normal which means water is going to come in from the back.
- If I recommended anything to the Town to do, you could use some of the sand sitting in the park that had to be removed from the beach and place it in this area (ORV access). It might help with a small percentage of events.
- I would not recommend a major expenditure to raise the dune or install a Hatteras ramp to help vehicles from getting stuck.
- There is enough space to raise it up two (2) feet without doing a Hatteras ramp. This is relatively inexpensive.

*Discussion:*

Alderman Grant – I looked at it and full disclosure, my first job as an engineer was road drainage. It is really a bowl or a large catch basin. Once you block or trap it, it has to come in from someplace and it looked like it was coming in from that pond. The only thing to do is to raise it, but there is no way to do that. Are you saying do not spend any real money back there? Will the beach report address this?

Mr. Gibson – My recommendation is there is no big bang for the buck because you have water coming in from all directions to this low point. Marsh elevation in several places on the north side of the road is higher than the lots and asphalt. It is a wetland so it is constantly getting water. I have been told that there is some retention of water in that pond up there by private individuals that want to keep that as an amenity pond. That does raise the water table which reduces the amount that water can percolate through the sand. Once the water gets in that delays it getting out. At best, if you raise the elevation of the drive-through area it would impact about ten (10) percent of events. These homes are sitting where a retention pond should be. There is not a way to completely solve this problem. I would not spend a lot of money restructuring this area.

Mayor Pro Tem Benson – There has been a lot of social media comments that we need to fix the drainage in this area. What you have just explained to us is that water runs downhill. There is no drainage to fix there because the house and the road are at the lowest point.

Alderman Leonard – You talked about October peak tide time and the moon is in apogee (closest to the earth in its rotation). This peak tide is at the greatest it has been in or will be in for twenty (20) years, correct? The point is that we are being asked to do something about something that is effectively about the phases of the moon which is going to ultimately subside over time because you said we are at the peak action in a twenty (20) year cycle. Is that correct?

Mr. Gibson – Yes, it is cyclable with phases of the moon. The moon in apogee in October is the peak of the tidal epic which is a 19.8-year cycle where the moon and sun and the earth go through and get into the same position they were. It will go down and rise up. Additionally this time of year we have storms that add more to it. If these folks do not want to flood, they need to raise their own land. This is private property. The Town cannot go on there and raise private land.

Alderman Grant – The water table has to be high. Does that affect it too?

Mr. Gibson – Typically, the water level is at mean tide level. Back there with no alteration by man, the water table should be within about two (2) feet of surface. If the pond is raised up and retains rainwater, and it is higher than the water table, that can actually lift the water table level.

Alderman Pletl – I thank you Mr. Gibson for the detailed explanation. This is something we have been in contact with homeowners about. You have given us a lot of answers to the questions.

Alderman Fontana– Thank you Mr. Gibson for speaking in laymen’s terms that I can understand.

#### Open Forum

1. Martin Willet, 209 Sea Shore Drive, said:

I am for bicycle advocacy along highway 210. I know the road is in two counties and is a state highway. I know bike infrastructure is not a priority of any government. I ride for fitness and destination. I ask you to consider if the road is wide enough and safe to use and is it clean? I encounter trash cans, broken bottles, construction vehicles, rocks and have to swerve into the road three to four times every time I ride. Electric vehicles and bikes are the future. The bike lane also becomes the defacto sidewalks. As a community, I think we should look at federal grants for helmets and education about wearing them. There is a big pile of broken glass by the county access.

2. Kip Malcolm, 3102 Green Street in Ocean City, stated:

I am here to give you an update on the Ocean City Beach Citizens Council. At the September 2<sup>nd</sup> meeting, there was a vote to replace Carla Tori who has served for many months and years as president and wanted to step down. Janelle Stoval was elected as the incoming president. I know everyone is familiar with Ocean City community and the Jazz Festival. I will help Ms. Stoval in her position. I relocated to this area from the DC area

about a year and a half ago. I have been watching the meetings virtually. This is my first time attending in person. I just wanted to introduce myself to you.

3. Hanna McCloud, 1835 New River Inlet Road, stated:

I am speaking as chairman for the Planning Board and Board of Adjustment. We were very encouraged with the response to the Town's request for volunteers for vacancies. We encourage other interested citizens to volunteer and attend meetings. All input is appreciated. Traditionally re-appointment recommendations and new member applications as adopted in our Rules and Regulations are presented to the Aldermen for approval. These re-appointments will allow the alternates to gain experience and continuing education provided by our Planning Director will allow for growth and fresh perspectives for our boards. We thank our Planning Director Deb Hill and her staff for their work and dedication to continuing education and presentations that give direction to these important decisions the boards have to discuss and make recommendations about. We hope the new appointments will continue the environmental and economic development of our Town.

4. Susan Meyer, 2224 New River Inlet Road # 138, stated:

I represent the Committee for Concerned and Informed Citizens. There will be a meet and greet at Splash next week tentatively on the 11<sup>th</sup> from 5 – 7 pm with light hors oeuvres. I will get back to you on the exact date.

Public presentation and hearings

None

Consent Agenda

- Minutes September 6, 2023
- Budget amendment 2023-24.5

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

Continuing Business

A. CBRA

Alderman Leonard – I reported last month that the staff director for the House subcommittee on Water, Wildlife and Fisheries had visited our Town during August when she was here on vacation. The manager and I were able to take her out and show her the town from one end to the other and identified to her where the CBRA areas begin and end. During that visit there was discussion about a possible upcoming House subcommittee hearing. I received an email from her on the 11<sup>th</sup> of September that the hearing had been set for September 28<sup>th</sup>. Later I received a written invitation to attend and talk. When I got there, there were other similar bills that were all addressed in the same hearing. Each of the Congressman, I think there were four (4) were given five (5) minutes to present oral remarks. We had already been requested to submit written remarks. The oral remarks were a summary of those. Once all testimony was provided, the Congressman were given five (5) minutes of time for Questions and Answers to those that had testified. Congressman Murphy introduced House resolution 2437, the bill he sponsored to remove our Town's area from CBRA. He filed that bill shortly after the Mayor, Manager and I

visited Washington, DC earlier this year in March. In his remarks, he stated the US Wildlife and Fisheries Service had wrongly designated the north end of Topsail Island comprising the Town of North Topsail Beach as being in the Coastal Barrier Resources Act (CBRA) system despite the fact it had been under development and had infrastructure in place and that his bill would correct a forty (40) year error. Mr. Strickler from the US Fish and Wildlife stated that the department had reviewed this over and over again and is sticking with the maps being right and they were opposing the bill. No big surprise there. I presented and I am going to read my five (5) minutes of my testimony to be in the minutes so there is a record of it.

**Oral Statement of Tom Leonard, LtCol, USMC(ret.)  
Alderman, Town of North Topsail Beach, North Carolina**

**H.R. 2437  
September 28, 2023**

- Chairman Bentz, Ranking Member Huffman, and Members of the Subcommittee, thank you for the opportunity to provide testimony today on H.R. 2437.
- This legislation will correct a mapping error made by the U.S. Fish and Wildlife Service over 40 years ago when it incorrectly designated the northern end of Topsail Island, now the Town of North Topsail Beach, as a Coastal Barrier Resources Act, or CBRA, zone.
- North Topsail Beach is one of three small towns located on Topsail Island, a 26-mile-long barrier island between Jacksonville and Wilmington, North Carolina, and adjacent to Marine Corps Base Camp Lejeune. Due to our proximity to Camp Lejeune, many of our residents and visitors have a military connection, including myself, a retired United States Marine Corps officer with 30 years of service.
- Like you, North Topsail Beach plays an important role in the collective federal, state & local effort to preserve and maintain barrier islands. As the primary law that protects barrier islands, CBRA is a law that we hold in the highest regard and with the greatest respect.
- As effective as CBRA has been collectively for the federal government, the taxpayers, and the environment, the application of the law in North Topsail Beach has not been wholly positive or successful.
- In fact, both North Topsail Beach and the U.S. Fish and Wildlife Service recognize that Topsail Unit L06 is one of the most developed CBRA System units in the United States.
- CBRA has been overwhelmingly successful at deterring development, so the question must be asked, “Why did CBRA not deter development in North Topsail Beach?”
- Development continued in North Topsail Beach after the passage of CBRA because the Town already had a full complement of infrastructure in place before the enactment of CBRA in October of 1982.
- Having a full complement of infrastructure is one of two primary criteria the U.S. Fish and Wildlife Service uses to determine if an area is developed and thus not eligible for inclusion in the Coastal Barrier Resources System; the other being the density of development.
- A full complement of infrastructure is defined by law as
  - (1) a road with a reinforced roadbed
  - (2) a wastewater disposal system
  - (3) electric service, and

(4) a fresh water supply...

all of which must be sufficient to serve each lot or building site in the area.

- A thorough examination of records and documentation, which is summarized in my written testimony, shows that the north end of Topsail Island had a full complement of infrastructure that meets the requirements outlined in the Service's own guidance and the law.
- Roadways have existed along the entire length of Topsail Island since the 1940s. A 1982 zoning map shows that all lots on the northern end of Topsail Island had direct access to a road with a reinforced roadbed.
- Jones-Onslow Electric Membership Cooperative has provided electrical service to the island since the 1940s. Maps supplied by Jones-Onslow show that even the most northern reaches of Topsail Island had electrical service by 1980.
- North Topsail Water and Sewer was established in 1979 to provide water and sewer services to North Topsail. Onslow County began to construct its own water system to service the island in 1980. Records establish that water and sewer utility lines ran to the northernmost reaches of the island by the end of 1981.
- Hundreds of structures were built in North Topsail before the enactment of CBRA, and hundreds more were built in the years following, due to the substantial infrastructure investments made on the island by both public and private entities.
- There was so much growth in the area that in 1980, West Onslow Beach, which is now North Topsail Beach, was nominated as a statewide quote, "growth center," close quote.
- It is clear that Congress did not intend to include areas in CBRA with such significant on-the-ground infrastructure investment by private entities and local governments.
- We agree with Congress, which said that quote, "...an area which has full complement of infrastructure (i.e., some combination of roads, waters, sewers, electrical lines, etc.) but not structures, suggests that the area is, as a practical matter, already developed," close quote.
- Being included in CBRA has no doubt had an impact on our community. Our residents cannot qualify for federal flood insurance; our Town cannot apply for federal grants and loans or named storm assistance; and our veterans cannot access federally backed mortgage products, including V.A. loans.
- But H.R. 2437 is about equal treatment under the law and is in no way an attempt to subvert CBRA. This bill will just allow our community to be treated like any other community that was not mapped into CBRA, including the other two towns on Topsail Island.
- On behalf of the Town of North Topsail Beach, I urge you to support and approve H.R. 2437.
- Thank you again for this generous opportunity.

For the Record attached and incorporated herein as part of these minutes are the Final Oral Statement and the Final Testimony given by Alderman Leonard at the hearing.

Alderman Leonard stated that Congressman Murphy asked him two questions at the hearing:

1. Why I thought our Town's inclusion in CBRA was incorrect?  
My response was that the full complement of infrastructure had been there prior to 1982; and how the analysis for CBRA was not done correctly but by an overflight in a small



plane taking aerial photos. They missed a lot of the roads and the water and the utilities. The other issue is that it should have been an either or in that to disqualify of from CBRA we need to have structure or need to have the infrastructure but not both. The areas where we were put in CBRA is the areas where we had buildings. They missed and they did not discount all the areas where we had just the infrastructure.

2. How much area do we want removed from CBRA unit L06?

My response was we are looking at removing 590 acres out of a total of 5,865 acres or roughly ten (10) percent.

Congressman Murphy asked Mr. Stickler if he has ever been to this area. Mr. Strickler said he had never been there.

Congressman Murphy is on our side with this. His office emailed Mr. Strickler asking him if he is willing to meet with Alderman Leonard at North Topsail Beach to survey the 590 acres of land that HR 2437 would take out of the CBRA zone known as L06. I have no idea where this is going. Next, the full committee will meet. This is a big deal for the Town. For the record, I recognize the folks in Raleigh and DC for their help. We have been working on this for a long time. We will keep pushing this.

*Discussion*

Mayor McDermon – Thank you Alderman Leonard for your work and going to Washington to attend the hearing. I am very thrilled with the support from Congressman Murphy and those trying to help us get through this issue.

Alderman Pletl – As a twenty-seven (27) year resident I know the Town has been working on all of this for the whole time. It has been a big thorn in the side of the Town. I hope we have a positive outcome.

Mayor Pro Tem Benson – Thank you Alderman Leonard. You have put your heart and soul into this. We have gotten the most support we have had and are the closest we have gotten.

Alderman Fontana – I listened to the hearing. I think Tom (Alderman Leonard) should be proud of his professional representation. I am proud of what you have done.

Alderman Leonard – We have had a lot of support from Congressman Murphy. We have a personal friend up there, a retired marine and a friend of mine, we served together. Ray Celeste in his office has been phenomenal in keeping this up in the air.

B. Ordinance 23-03 and Amendment to Fee Schedule

1. Ordinance 2023-03 amending UDO sections 10.07.05, 10.07.06 and 11.01.12 regarding Wetland protection and definition.

**Motion** – Alderman Grant motioned to adopt Ordinance 2023-03 amending the UDO as presented; seconded by Alderman Pletl.

*Discussion*

Mayor Pro Tem Benson – I am not satisfied with section 10.07.06 Wetland Protection. We talked about this last time. We are putting the homeowner responsible for protection of the Wetlands. I think this section should emphasize that. I propose moving that section up to ‘A’ under this subsection. Secondly, I think that item D should become the second item so that the idea is to prioritize that the property owner is responsible for protecting the Wetlands. The Wetlands are described in the second bullet. The third bullet is ‘construction’ -there should not be damage but there is a fine. I was not happy at all that the Wetlands have to be restored in seven (7) days. That is not biologically possible. We need to come up with some kind of reasonable time period within which the Wetlands that have been damaged are restored. Finally, this talks about Wetland grasses – that should be the final bullet. Bullet E I think should be eliminated. Those are my suggestions to revise this section of the ordinance.

Alderman Grant – I oppose Mayor Pro Tem Benson’s comments. We had this discussion a week ago or whenever our last meeting was and the idea was it was presented to the Board and we directed the attorney and the Planning Director to come back with the language. If you want to propose something down the road, we can change it then, but not here. The second thing is the idea behind the fines is not to punish people but to prevent them from doing things that eliminate the destruction of the Wetlands. The reality is that it will take years to replenish the Wetlands. If someone is building a \$3 million house and they tear up the Wetlands to put in a pool or other things, and the only thing they get is a \$10,000 fine and nothing to follow up on that, that is a cheap price to go ahead and put in a pool and ignore everything else. I think we need an incentive to prevent it, the same as with the dunes. We have already hashed this out. I feel strongly about dune and wetland protection.

Mayor Pro Tem Benson – I do not oppose the motion. I am asking for the bullet points in the Wetlands Protection section be reorganized to put priority on what I think should be the first priority, which is the property owner is responsible for protecting the Wetlands.

Mayor McDermon – The homeowner is always responsible for what happens on their property.

Attorney Edes – For the record, the minutes are to reflect the following for clarification: “The restoration portion of the proposed ordinance is to fix whatever you have damaged. It is not the ecological evolution over time. I do not want the minutes to say it takes twenty (20) years to repair but we are requiring them to do it in seven (7) days. There is a difference between excavating and filling that back in versus once it is filled back in how long it is going to take ecologically to get it back. The repair is to restore it to pre-damage condition. If they remediate what they damaged, they will satisfy that condition”.

Mayor Pro Tem Benson – My counterpoint would be, you probably cannot find one of the eight (8) acceptable marsh grasses in seven (7) days.

Alderman Grant – So are you saying if it takes them two (2) years to get the grass, are they not allowed to do it for two (2) years? We need to rely on our inspection folks to make that determination.

Alderman Leonard – The spirit and intent of the ordinance is to not mess up the Wetlands and if you do, you have to fix it. The spirit and intent are pretty darn simple and I think it is fine the way it is.

Alderman Plet – The strict timeline and high fee are deterrents. We are not trying to make money off of it, but to deter people from destroying the Wetlands. Seven (7) days is a quick amount of time, but it is a deterrent and the contractor is still there.

Attorney Edes – I want to make this point again for the future. By repair, the ordinance means to restore it to the pre-damaged condition. If they remediate what they damaged, they will satisfy that condition.

Mayor McDermon asked the Clerk to take a Roll Call vote.

**Roll call vote:**

Alderman Pletl- yes

Alderman Leonard – yes

Mayor Pro Tem Benson – no

Alderman Fontana – yes

Alderman Grant - yes

**The motion** to adopt Ordinance 2023-03 amending the UDO as presented **carried** with a vote of four to one in favor with Mayor Pro Tem Benson against.

2. Amendment to Town’s Planning and Zoning Fee Schedule to add new civil citation for Wetland Protection

**Motion** – Mayor Pro Tem Benson motioned to amend the Town’s Planning and Zoning Fee Schedule to add a civil citation per UDO Section 10.07.0 Wetland Protection in the amount of \$10,000 each for first and subsequent offenses with the correction of a clerical error in the Fee Schedule presented to reflect the amount is \$10,000.000 not the value listed in the Fee Schedule presented; seconded by Alderman Grant; unanimously approved.

New Business

A. Planning Board

Mayor McDermon stated there are two members that need to be selected for the Planning Board. Along with the motion we need to make sure we include what the term is for the vacancy.

Attorney Edes asked the mayor if this will be a motion and vote and if so, he suggested that any motion to appoint be premised on serving whatever term at the pleasure of the Board, subject to any Code of Ethics, policies and procedures adopted by the Board as may be amended. The attorney asked the Board for consensus on this.

**Consensus** – Board members agreed that motions for appointment would be premised on serving whatever term at the pleasure of the Board, subject to any Code of Ethics, policies and procedures adopted by the Board as may be amended”

**Motion** – Alderman Grant motioned to appoint Teri Ward to the vacancy on the Planning Board for the term to expire May 15, 2026, subject to the terms and conditions described; seconded by Alderman Fontana; unanimously approved.

**Motion** – Alderman Pletl motioned to appoint Susan Meyer to the vacancy on the Planning Board with a term to expire May 15, 2024, subject to terms and conditions described; seconded by Alderman Leonard; unanimously approved.

Interim Clerk Avery asked for clarification if the appointments just voted on were to replace two members with expiring terms (Paul Dorazio and Gunnar Matthews) or for the two vacant positions on the Board.

Attorney Edes asked if it was the Board’s intention that the appointments just made were for unexpired terms.

**Consensus** – the Board confirmed the two appointments voted on were for the two positions with expiring terms not the two vacancies.

**Motion** – Alderman Fontana motioned to bring back any other vacancies to next month’s meeting for the Planning Board; seconded by Alderman Pletl; unanimously approved.

#### B. Board of Adjustment

**Motion** – Alderman Leonard motioned to appoint Kip Malcolm to the Board of Adjustment with a term to expire May 15, 2026, subject to terms and conditions described; seconded by Alderman Grant; unanimously approved.

**Motion** – Alderman Leonard motioned to appoint Stu Harness to the Board of Adjustment with a term to expire May 15, 2024, subject to the terms and conditions described; seconded by Alderman Grant; unanimously approved.

**Consensus** – Bring back any vacancies to the next meeting for review.

**Break** – Mayor McDermon called for a five (5) minute break at 12:28 pm.

**Return to session** – Mayor McDermon called the meeting back to order at 12:33 pm.

#### C. Activities update

Alderman Grant gave a presentation summarizing major activities of the Town with the following highlights:

- Over \$40 million dollars of beach projects either completed or under contract since 2019/2020 with minimal cost to NTB taxpayers (see later slide)
- Obtained over \$12 million in grants and/or outside funds
- Firetruck loan at 0% interest
- Paid off over \$7 million of Phase 5 USDA loan

- Refinanced as Special Obligations Bonds (SOBs) saving hundreds of thousands of dollars in interest
- 30-year beach plan under development and BISAC committee formed
- CBRA progress with federal officials
- Capital project fund established and South Firehouse moves to design and construction phases (construction to begin in 2024-bids due fall 2023)
- Bike lane study funded
- Clean Outside Financial Audits

Alderman Grant explained the four major source of revenues excluding grant and awards are:

- Property taxes (\$6,933,750)
- Sales taxes (\$2,644,292)
- Accommodation (rental) fees (\$1,650,000)
- Parking fees of \$448,500

He stated the Town's largest budgeted expenses are:

- Phase 5 beach project, formerly a USDA loan, refinanced as Special Obligation Bonds at \$2,006,204
- Fire Department \$1,612,748 which does not include capital fund dollars of over \$1 million
- Police Department \$1,388,870

Alderman Grant's presentation included the following reasons for why property taxes increased:

- Every four (4) years Onslow County does an individual property revaluation which becomes basis for assessing taxes—occurred in 2022 but can be appealed
- NTB saw more than a 50% increase in total “value” although this varies by individual property and included “new construction”
  - Property values (including resales) and rentals soared over that period
  - Onslow has an interactive map showing these—eg my house value is in the 114% increase area
- NTB and Onslow actually dropped their “tax rate” - NTB from \$0.46 to \$0.43 and Onslow County from \$0.705 to \$0.655.
  - **NTB receives approximately 40% of the total property taxes paid in total, and we assume a 99.3% collection on our share (the \$0.43)**

Alderman Grant provided a breakdown on fiscal year 2023-2024 budget revenue and expenses for Shoreline Protection as follows:

- Revenues \$4,254,816.65 (31% of total revenue)
- Expenses (significant)
  - Phase 5 USDA (refinanced as SOB's) \$2,006,204.00 (47%)
    - Brings total payoff to over \$7 million of original \$15 million since 2021 with another \$2 million paid off this year
  - Future Projects \$1,076,612.65 (25%)
  - New River EIS \$280,000 (commonly referred to as the “groin” project)
  - Sea Oats and Vitex removal \$266,000
  - 30-year beach plan \$30,000

- Sandbag repair \$200,000

His presentation also included fiscal year 2023/2024 budget revenues and expenses for the Capital Improvement Fund as:

- Revenues \$1,743,695.92 (12.5%) –does not include approximately \$500,000 to be received from Onslow County
- Expenses
  - Fire Department \$930,562.50
  - Fire Truck fund \$153,187.50
  - Bike Path project \$100,000
  - Future Capital Improvements \$559,945.92

Alderman Grant stated that fiscal year 2023-2024 budget revenue and expenses for the General Fund are:

- Revenues \$7,591,076 (54%)
- Expenses \$7,591,076 (significant listed below)
  - Fire department \$1,612,748 -22%
  - Police department \$1,388,870 - 18%
  - Planning and inspections \$482,340
  - Public works (buildings, streets, trash rec) \$1,770,583
  - Contingency (storms etc.) \$532,756
  - Admin \$862,730

Alderman Grant said grants received were:

- North Carolina Phase 4 \$10.5 million matching
  - NTB used FEMA Phase 5 as match **so not cost to town**
  - Creates “engineered beach”
- Cyber security (no match) \$13,527
- FEMA Go, Assistance to Firefighters Grant for 78,571 (Town contribution of 5%, for AirPaks)
- Golden Leaf, Town Hall Grant for \$287,678
- NCDEQ, Large Sediment Sampling Grant for \$14,400
- NCDEQ, Shoreline Protection Funding for \$1,500,000 (no match or contributions)
- GEMS, PD Laptop Replacement Grant for \$23,433 (no match)
- Onslow County fire department (\$0.03 of property tax)
  - Annual around \$500,000 based on NTB property values
- Onslow County—debt assistance
  - \$150,000 per year applied to Phase 5 loan

Alderman Grant informed everyone that a summary of beach projects since 2013 based on data provided by the Town’s beach engineer is:

	total cost	town cost	%total	%town
Phase 5	41,765,460	16,800,000	60%	69%
Phase 4	11,474,000	446,000	17%	2%
Phase 3	0	0	0%	0%
Phase 2	0	0	0%	0%
Phase 1	11,150,000	7,258,333	16%	30%
Phase 1,2,3,4	3,972,150	0	6%	0%
Phase 1,2	1,020,000	0	1%	0%
	<hr/>			
	\$69,381,610	\$24,504,333		

The presentation also included a nourishment history since 2013 for all phases and an explanation for why the Town could not participate in the US Army Corps of Engineers project for nourishment. Said presentation is herein incorporated and attached as part of these minutes and is posted on the Town’s website at [www.townofnorthtopsailbeachnc.gov](http://www.townofnorthtopsailbeachnc.gov) for viewing.

D. Host candidate forum at Town Hall

Mayor McDermon said there will be a candidate forum at Town Hall on October 28, 2023. Details will follow and will be posted on social media.

Open Forum

Mr. Chris Gibson, beach engineer, reminded everyone not to put beach vitex in the free debris pickup as it will spread on the beach once the debris is turned into mulch.

Attorney report

None

Aldermen report

Alderman Pletl – Thank you to the manager and the staff for another Tropical Storm event that we seemed to fly through very well. I am happy we did not have anything worse. It was good practice and they did a great job. Please come out to the Halloween event this month.

Alderman Leonard – I encourage everyone to come out on October 23<sup>rd</sup> to observe the 40-year ceremony of the Beirut bombing. From this area, all the units were assigned from Camp Lejeune. It will be in Jacksonville at 10 am at the Beirut monument.

Mayor Pro Tem Benson – I thank everyone for attending today. It was one of the best attendances. The manager and I attended the long-term Memorandum of Agreement workshop or quarterly meeting a couple of weeks ago. The two things to report from that meeting are (1) it was decided that for the shallow draft inlet which is a one to three match for local communities to keep their inlets navigable. Only local communities can apply for those funds. There was an effort at a higher level that the Army Corps would be able to use those shallow draft funds for the memorandum agreement work but that is not the case; (2) The Corps only has three (3) dredges for all of the east coast. You have seen the Merit in the New River Inlet from time to time and they expect it back in the middle of November. It looks like the Channel going straight out might be opening up across the bar so they might try to dredge that channel which will save mariners a little bit of time in getting out of the inlet out into the open ocean. That program is really underfunded and we really appreciate the extra funds we got last year to clean out the Cedar -Bush cut and the Channel to Jacksonville. That sand was disposed of in the Phase One area at no cost to the Town and it really protected the North End from flooding to a certain degree. That was the good news from that meeting.

Alderman Fontana – Thank you to everyone here and for attending online. With the upcoming election social media is being used more and more and is the main way of getting information out. I have seen a disturbing trend where many of the posts have been personal attacks on the mayor and the board members sitting here today. Let us all agree to use social media as a way to present the issues that are important to the voters of the Town and not as a way to personally attack individuals. I do not think it does anybody any good to criticize people. We all have our good and bad points and history. Let us just stick to the issues that affect everybody.

Alderman Grant – The new interim county manager was sworn in this morning. I attended the ONWASA board meeting. It looks like Pluris is approved. I guess the Local Government Commission (LGC) came back and approved that. They are looking to raise \$50 million in bonds at five (5) to five and a half (5.5) percent interest on tax free bonds. Per their budget, they are going to have to come up with \$250 million in the next five years for infrastructure. Thanks for putting up with my presentation.

#### Mayor report

Mayor McDermon – I want to echo everyone’s comments today. I appreciate all of the time that went into the packet and I appreciate everything the Town staff has done. I appreciate everyone sticking with us, I know it was a long meeting, so thank you so much.

#### Closed session

Alderman Grant said there seems to be confusion about what you can go into Closed Session for. I ask the attorney to go on the record and explain to people about Closed Session.

Attorney Edes said there are six grounds for going into a closed session and listed three of them:

1. To consult with an attorney employed by the Town to preserve the attorney client privilege.
2. To address personnel matters which are confidential by law.
3. To direct staff as to a position to be taken in negotiating a contract.



He said no decisions are made but the Board may reach consensus for lawsuits or property purchase for the amount to pay.

**Motion** – Alderman Plel motioned to go into closed session at 1:20 pm as per NCGS 143-318.11(a) (3) consultation with the attorney and (6) personnel matter; seconded by Alderman Fontana; unanimously approved.

**Break** – Mayor McDermon called for a five-minute break before going into Closed Session.

Return to open session

**Motion** – Alderman Leonard motioned to return to open session at 1:57 pm; seconded by Alderman Fontana; unanimously approved.

**Motion** – Alderman Leonard motioned to raise the manager’s salary to \$150,000 effective on the anniversary of her employment in 2023; seconded by Alderman Fontana; unanimously approved.

**Motion** – Mayor Pro Tem Benson motioned to adjourn at 1:58 pm; seconded by Alderman Leonard; unanimously approved.

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Joann McDermon, Mayor

ATTEST \_\_\_\_\_  
Nancy Avery, Interim Town Clerk