

Board of Aldermen Regular Meeting  
Wednesday, October 2, 2024  
MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on October 2, 2024. A quorum of the board was present. Town Manager Derian was in attendance.

Board members present: Mayor Pro Tem Mike Benson. Mayor McDermon attended the meeting telephonically.

Aldermen: Richard Grant, Tom Leonard, Connie Pletl and Laura Olszewski

Board members absent: None

CALL TO ORDER

Mayor Pro Tem Benson called the meeting to order at 11:00 am. Alderman Leonard gave the invocation and led in the Pledge of Allegiance.

Mayor Pro Tem Benson stated Mayor McDermon is attending the meeting telephonically and requested a motion to allow the mayor to participate in discussion during the meeting.

**Motion** – Alderman Pletl motioned to allow Mayor McDermon to participate telephonically in the discussion during the meeting; seconded by Alderman Olszewski; unanimously approved.

APPROVAL OF AGENDA

**Motion** – Alderman Grant motioned to add to the Consent Agenda as item F ‘\$9,142.00 change order for the Fire Station # 2 project; seconded by Alderman Leonard unanimously approved.

MANAGER’S REPORT

A. Municipal Legal Services

A Request for Proposal for municipal legal services was issued August 2, 2024. Since the last meeting, I have interviewed two firms that submitted proposals and supplied those questions and answers to the Board for review and consensus back. I included on the agenda for the Board to make a motion to approve the contract for legal services with Sumrell Sugg, P.A. Law Firm as presented to be effective October 2, 2024.

**Motion** – Alderman Grant motioned to approve the contract for legal services with Sumrell Sugg, P.A. Law Firm as presented effective October 2, 2024; seconded by Alderman Leonard; unanimously approved.

Manager Derian asked two attorneys from the firm, Trey Ferguson and Chip Payson, to take a seat at the dais.

Manager Derian provided the following report to the Board.

- *Beach Projects*

I am pleased to report that we received our CAMA permit for the beach matting. I had to amend the order for the length of the matting for the field inspection. I revised the order to make one access longer and one access shorter. The final order was two five-foot-wide sections of matting; one at 110 feet long and one at 73 feet long. Mats are expected to be shipped the second week in October. Because of the active storm season, I will pause installation to the end of November.

- Storm updates

We have had a very active month since the last meeting with Tropical Storm Debby and potential Tropical Cyclone # 8. I reported at the last meeting for post storm Debby, the Board provided consensus on moving forward with an emergency push in the area of Topsail Dunes in the amount of approximately \$7,000. This may change based on the unnamed storm event that was potentially Tropical Cyclone # 8. I requested our beach engineers to do a full survey that started on September 17<sup>th</sup>. We may have to pivot and discuss a truck haul project pending those survey results. I contacted TI Coastal for an update. They finished surveying last Friday and they are processing the work. They hope to get the maps and volumes completed at some point today. I expect to share the results with the Board this week for review and discussion by our engineer at the November meeting for recommendations at that time. Staff from multiple departments, including Fire, Police and Code Enforcement Departments, have been out on the beach removing debris since September 17<sup>th</sup>. As of yesterday, the largest majority of debris has been removed. It mostly consisted of wood, construction items, and items from wooden crossovers either from our area or other areas. We completed an assessment of our town owned crossovers following the storm. Two required repairs; one at Marina Way, which was more severely damaged and one at Oyster Lane. I am in the process of reviewing quotes to repair Marina Way now. Thank you to the staff that worked on all of the post storm tasks. The Fire Department was instrumental in pumping all of the water off of Island Drive area and helped scrape sand from the roadway specifically on the north end. Thank you to our Code Enforcement Officer who was on the beach daily picking up loads of debris nonstop. The Police Department assisted with removing debris as well and deploying road signage for when they needed to be closed, particularly up on the north end. Thank you to the IT Director who always helps me get everything posted in a timely manner. I spoke with the County Manager to relay our conditions for when he spoke with Senator Lazaro. I also spoke with the Assistant Director for North Carolina Emergency Management. My discussion with them prompted them to contact the County Emergency Management Team. We received notification that Governor Cooper amended his executive order # 314 on September 18<sup>th</sup> expanding the emergency area to additional counties which will include Onslow County. I, along with the Fire Chief, met with the County Emergency Management Director and the Assistant the next day to ride the beach and see the areas of erosion. They took plenty of pictures and documentation. It was fortunate that I had the conversation with the state because Onslow County was not on the radar to include at that point in time. FEMA has not

made any declarations at this point in time, but it may become one of those situations that becomes a latent declaration and the situation is also dependent on if the state and county meet threshold limits for these types of events. We have tracked everything related regardless of declarations to be proactive in the event we are able to submit for any type of reimbursement. Our Spectrum internet service was affected so we deployed our Starlink satellite system that we recently purchased, so we were able 100% operational. Thank you to our IT Director for setting this up and keeping us going.

- *North Carolina Department of Transportation (DOT)*

I have spoken to many different branches of the DOT throughout this month for all areas that we have been working on for different things. With the Intent to Repeal the Speed limit ordinance for the 3.392-mile section of New River Inlet Road, no further communication has been received from DOT. Once it is received, we will place it on a future agenda for the Board's consideration. I talked to DOT yesterday about the status of the encroachment permit for the crosswalk project at Villa Capriani. DOT is requesting additional documentation that specifies we will take responsibility for the maintenance of the crosswalk. I responded that the documentation is included with the request.

- *Roadway repairs*

Since the recent storms, roadway erosion was reported near 2342 New River Inlet Road. Onslow County Maintenance is reviewing this.

- *Fire Station No. 2*

Owner/architect meetings continue on a bi-weekly basis. Stone selection has been completed. There have been discussions on a pull mounted transformer. The change order for \$9,142 was recommended by Becker Morgan group to convert the north and south walls of the elevator from 8-inch CMU to 10-inch CMU, which are concrete blocks. The wall thickness needed to be increased as per the elevator manufacturer to house the controller panels. The elevator we proposed has openings on two sides and we need to accommodate the control panels on each side which required the upgraded blocking.

- *Announcements*

The Howl-O-Ween event at Richard Peters Park is October 23<sup>rd</sup> at 5 pm. Thanks to Pet Supplies for sponsoring the event. It will be a pet parade costume and contest and is free to attend.

## OPEN FORUM

- Susan Meyer, 2224 New River Inlet Road, explained she was speaking on behalf of the Planning Board. She asked the Board to consider moving the meetings to the second Thursday for two reasons: one it was changed mainly to fit Attorney Edes' schedule and two it allows the Planning Board time to make the Board of Aldermen current agenda rather than a month behind. She also asked the Board to consider filling the two vacancies as per the Unified Development Ordinance (UDO).
- Jeff Meyer, 2224 New River Inlet Road, said Topsail Reef has a concern with people cutting through their property using their accesses. He requested the Board to consider re-

opening the public access to the north of the Reef. He understands that property was donated to the Town years ago for public access and has been closed since Florence (hurricane). That would help alleviate some of the traffic through the Reef.

- Pat Moylan, 231 Sea Shore Drive, asked why the Town does not have bulk pickup for yard waste. Surf City has it.

## PUBLIC PRESENTATIONS AND HEARINGS

### A. Coastal Engineer Monthly Report

Engineer Way provided the following update on beach projects:

- Recent Tropical Storm and King Tides caused some erosion, but the beach held up well.
- Phase 1 Corps AIWW Project is out for bid (~88,000 cubic yards estimated).
- New River Inlet Management Master Plan Environmental Impact Study final sections of the draft are under development.
- State Grant Nourishment in Phase 4 is expected to begin November 16th with ~303,000 cubic yards.
- Post Tropical Storm Survey has been completed and it will be compared with pre-storm annual monitoring survey.
- Disposal Area 143 beneficial reuse for nourishment of Phases 1, 2, 3 may yield between ~1.9 and ~2.6 million cubic yards. Investigations are ongoing, then permitting.
- He is working with the Town's Finance Officer and DEC Associates regarding funding for FEMA and State funded projects.
- Grant Coordination is ongoing.
- Permitting Coordination for all projects is ongoing.

## CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Minutes from July 3, 2024.
- MOTV Tax Refunds for total of \$40.26 and \$11.55.
- Budget amendment 2024-25.1 for \$3,180.10.
- Budget amendment 2024-25.2 for \$46,145.40.
- Budget amendment 2024-25.3 for \$28,497.00
- \$9,142.00 change order for Fire Station # 2

**Motion** – Alderman Leonard motioned to approve the Consent Agenda as modified (with the removal of item F ‘\$9,142 change order for Fire Station # 2 project’ upon adoption of the agenda); seconded by Alderman Pletl; unanimously approved.

## CONTINUING BUSINESS

### A. BISAC update

Chair Strother provided the following report:

- At the September 17<sup>th</sup> meeting, the committee discussed the pros and cons of rope and post crossovers instead of wooden stairs.
- Engineer Chris Gibson updated the committee on the status of the 5-year beach plan and provided the following estimated timeline:
  - October/November 2024 - One Stop Meeting with state agencies
  - March/April 2025 - Issue contract to a contractor
  - May through September 2025 - Clear and grub the borrow area and prep it for a dredge
  - October 2025 - Start mobilizing to lay pipelines
  - November 15, 2025 - Begin to work on the beach.
  - March/April 2026 - Finish the project, which is for Reaches (Phases) 1, 2, 3.
  - The Town has a project scheduled this winter for Reach 4.
- A study of Disposal Area 143 indicates a possible yield of between ~1.9 and ~2.6 million cubic yards of material.

B. North Topsail Beach letter to state representatives requesting a shellfish moratorium in public waters around North Topsail Beach

Mayor Pro Tem Benson explained this is a continuing agenda item from last month. Counties to the north have passed moratoriums on new shellfish leases due to too much interaction and density of new leases along with existing leases. This has caused increases in new shellfish leases in our area. There are about 30 existing leases in the North Topsail Beach salt marsh area. Conflict has been created between recreational boaters, tourism, and commercial aquaculture. The proposed letter is to ask the state legislature to consider a moratorium on additional shellfish leases in Onslow and Pender County. The letter does not restrict any existing leases. Surf City and Onslow County have both approved moratorium resolutions. Pender County has it on its October agenda.

Alderman Grant said he does not mind the letter but does not know that it will need legislation. From his research, he thinks the commission can do it. The moratoriums have been in since 1989 and are not recent. Some of the sites are water columns which are a problem.

Alderman Leonard called for the question.

**Motion** – Alderman Pletl motioned to approve the letter to state representatives requesting a shellfish moratorium in public waters around North Topsail Beach as presented; seconded by Alderman Leonard; unanimously approved.

NEW BUSINESS

A. CAMA (Coastal Area Management Authority)

Alderman Grant presented photos of escarpments on the beach from recent storms. He stated the CAMA Land Use Plan is something the Town really needs to update given what is going on in the Town. In a conversation with the head of CAMA, he was told that CAMA is only the minimum. The Town can do a lot more than CAMA restrictions. He believes the Town needs to step back and look at what is allowed to be built. He asked the Board to consider by consensus seeing if the Town Manager can pursue revisiting the current plan and come back to us.

Alderman Leonard asked Manager Derian if she was good with this.

Manager Derian replied yes if it is a priority of the Board.

Alderman Pletl commented it is one of the priorities but there are other higher priorities that she does not want stopped. Put it in the shuffle when the Manager can get to it.

Alderman Grant said we do not have the resources to do this in any kind of reasonable timeframe, so we should use a third party.

Alderman Leonard agreed it would need to be done by a third party dedicated to doing this for a living.

Alderman Olszewski said it would be helpful to go to the County to find out what their hiring process was and what type of skill set they looked for.

Mayor Pro Tem Benson said there are environmental companies that specialize in this sort of thing.

Manager Derian said some of the recent agreements and contracts the Board approved at the last meeting included firms that have this in their proposals. It would be a matter of her contacting them for a scope and estimated cost to update the CAMA Land Use Plan.

#### OPEN FORUM

Mark Barefoot, 2456 Sandpiper, notified everyone that the Real Housewives of Topsail Island annual bike ride is this Saturday, so there will be a lot of bicycle traffic.

ATTORNEY REPORT – None

MAYOR REPORT– None

#### ALDERMEN REPORTS:

Alderman Grant – At the last ONWASA Board meeting, he mentioned leakage issues. The Board has asked the CEO to look at replacing old systems because there is no plan to do so. He is pushing the ONWASA Board to make sure they are safe in North Topsail Beach going forward.

Alderman Olszewski – no report

Alderman Leonard - This month marks the anniversary of the Beirut bombing October 23, 1983. A Memorial Service will be held on the 23<sup>rd</sup> at 10 am at the Lejeune Memorial Gardens. On October 17<sup>th</sup>, he will attend the elected officials working lunch hosted by the base commander. He will ride in the Real Housewives of North Topsail Beach Breast Cancer Awareness ride on Saturday.

Alderman Pletl – Thank you to the staff and manager for the response to the storm. Nine sea turtle nests were lost due to the King Tides. Two nests are left to hatch in North Topsail Beach and there is a total of 6 on the island. If anyone would like to donate items for the raffle at the Howl-O-Ween event, contact her or Alice (Manager Derian).

Mayor Pro Tem Benson – Thank you to Manager Derian and staff for their efforts during the storm. His thoughts are with the people in western North Carolina and eastern Tennessee impacted by the hurricane.

CLOSED SESSION

**Motion** – Alderman Leonard motioned to go into Closed Session at 12:20 pm as per NCGS 143.318.11(a)(3) to consult with the attorney; seconded by Alderman Olszewski; unanimously approved.

**Motion** – Alderman Leonard motioned to return to Open Session at 1:32 pm; seconded by Alderman Olszewski; unanimously approved.

Mayor Pro Tem Benson stated the Board took no action in Closed Session.

ADJOURNMENT

**Motion** - Alderman Leonard motioned to adjourn at 1:33 pm; seconded by Alderman Olszewski; unanimously approved.

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Joann McDermon, Mayor