

Board of Aldermen Regular Meeting
Wednesday, April 3, 2024
DRAFT MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on April 3, 2024. A quorum of the board was present. The Town Attorney was in attendance.

Board members present: Mayor Joann McDermon, Mayor Pro Tem Mike Benson, Aldermen: Richard Grant, Tom Leonard, Connie Pletl and Laura Olszewski.

Board members absent: None

Staff present: Town Manager Alice Derian, IT Director Ricky Schwisow, Police Chief William Younginer, Fire Chief Chad Soward, Public Works Supervisor Al Cablay, Finance Officer Jessica Helms.

Call to order

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

Approval of Agenda

Alderman Grant requested two changes:

1. Removal of item C under New Business (DOT letter of intent) to the May agenda as DOT will be here
2. Addition of new item C under Continuing Business - Villa Capriani crosswalk

Motion – Alderman Olszewski motioned to approve the agenda as amended to include the referenced changes above; seconded by Alderman Leonard; unanimously approved.

Manager's Report

Beach Projects

- Phase Five work paused momentarily last week for the contractor to start and complete Phase One work. They were able to wrap up Phase One last week. Phase Five has resumed work this week. The Division of Coastal Management (DCM) has approved the Town to continue work through April. In mid-April, we will revisit the May extension where Fran (Way) will provide an update on progress and more conditions. As previously reported, we intend to wrap up Phase Five on April 30th but with the slow sand production and jumping to finish Phase One at this point in time there may be a need to request an extension early into May, usually a week or so. Work in Phase One started on the 25th and we wrapped up on the 29th. The contractor ended up placing sand on the Phase One area just south of Topsoil Reef to the southernmost buildings of St. Regis. We placed approximately 20,000 cubic yards of sand.

Sea Oats Cost Share Project

- She has been working with Coastal Transplants to establish the Sea Oats cost share project for the season. We will be putting out a notice this week for residents to sign up

for the program. This is available only to property owners of North Topsail Beach and not available to landscapers. The cost we share between the resident and the Town is a 50/50 split up to \$25,000. The program will be administered fully 100% by coastal transplants where residents will be able to sign up for the program through their website. On the order page, there will be a drop down to apply for the cost share program. It will charge the property owner half of that cost. At the time of the order the resident will be able to choose the delivery date. The predetermined delivery dates are May 10th, May 17th, May 31st and June 7th. These are all Friday dates. Their website will have the directions to determine how many plants you would need but if you prefer a representative will make their self available from Coastal Transplants to look at your dune in particular and advise how many plants they would need. Coastal Transplants will be at Town Hall on the Fridays that I mentioned from 10 am to 12 noon. Residents will meet the representative here in the parking lot at Town Hall and pick up their plants. Transplanting Sea Oats will be the responsibility of the buyers. There will also be an option if you choose to go forward if you cannot do the install yourself and you want to engage Coastal Transplants there will be an option there. It is not mandatory and that would be something that you would work out with them and that would be an additional charge. The Town would not contribute to that portion of the expense. Please note also at the end of the program Coastal Transplants will check to confirm the plants were planted at the property owners address they signed up for. This is to make sure that plants were not used elsewhere. It is my understanding that has transpired in the past. We budgeted \$25,000 for this initiative. \$25,000 on the revenue side and \$50,000 on the expenditure side. In years past the Town administered program and accepted payments. As I mentioned before this year it will be administered fully by Coastal Transplants. I just want to make that note and be transparent as far as the revenues coming in and the expenses of going out and how it was in the budget.

Fire Station

- Fire Station Number Two demolition will take place within the next two weeks. I requested a definitive timeline from the architect and contractor. I questioned the status because we were originally slated for demolition as you know this week. I spoke further with the contractor and architect yesterday and the contractor reported that he had a slip on getting the site package ironed out with some of the verbiage. That has now been addressed from what I'm being told, and they are working to get the pre-con submittals in review to move forward. If you drive by the site, you'll see that the fencing has been installed. I understand the portable toilets have been installed so they are setting up and getting ready. Once I do have a definitive day that they will be there. I will of course notice that and give a more defined timeline. But as of right now we expect it to take place within the next two weeks. We also had a meeting towards the end of March to discuss groundbreaking. This will be scheduled after demolition is completed and the site is cleared. So, I expect that to take place either sometime in May, but I will let the Board know once we have that schedule defined.

NCDOT letter

- The North Carolina Department of Transportation correspondence, I received the letter from NCDOT which is included on the agenda under new business which has since been

removed and please be advised Mr. Allen Hancock the Assistant Division traffic engineer will be at the May 1 Board of Aldermen meeting to review the correspondence and then answer any questions that you may have.

Budget

- The fiscal year 24-25 budget is on the schedule today for the public hearing. The final step after today will be the budget ordinance adoption that will take place on May 1st at the scheduled Board of Aldermen meeting.

Announcement

- Last but not least one announcement. The Town of North Topsail Beach is registered to participate in the DOT annual 2024 Spring litter sweep. We will be participating on Saturday April 20. If anyone is interested or would like to volunteer, please feel free to let me know the DOT will be providing vests, gloves and bags. We will be issuing event information soon. That concludes my report.

Open Forum

1. Steve Smith, 202 Earnest Drive, requested use of the Town Hall facility meeting room for the Permuda Landing Homeowner's Association annual meeting, as they were allowed to do in the past. We used it every year before Hurricane Florence.
2. Flynn Howard, 2145 Wicker Street, expressed concern as a homeowner and taxpayer about the lack of water supply and pressure during peak times of the years when tourists are here.

Public Presentations and Hearings

A. Public Hearing for proposed fiscal year 2024-2025 budget.

Manager Derian stated the proposed budget was made available for viewing at the time of the notice of Public Hearing. The Town has received no comments.

Motion – Alderman Leonard motioned to open the Public Hearing at 11:24 am; seconded by Alderman Olszewski; unanimously approved.

No one came forward to speak.

Motion – Alderman Leonard motioned to close the Public Hearing at 11:26 am; seconded by Alderman Grant; unanimously approved.

B. Coastal engineer update

Engineer Way gave the following update to the Board:

- Phase 1 is planned for March placement.
- New River Inlet Management Master Plan Environmental Impact Study (EIS): Draft EIS is under development.

- State grant (Coastal Storm Damage Mitigation Fund) nourishment for placement of 303,000 cubic yards in Phase 4 connects with Phase 5 truck haul will start in November.
- He is getting Phase 5 beach nourishment updated volumes daily. They are working Saturdays.
- The Corps of Engineers AIWW/Channel dredging is planned for next season for the Phase 1 Project.
- USACE coordination on placement/volume needs to be done now, if possible.
- He is working with the Town's Finance Officer and Doug Carter and Associates regarding funding for the Federal Emergency Management Agency (FEMA) and State funded projects.
- Grant coordination is progressing.
- Permitting coordination for all projects is in process.

Mayor Pro Tem Benson stated he did a follow up with the Army Corps of Engineers. They estimate the Intracoastal waterway (ICWW) dredging will generate about 90,000 cubic yards to be placed on the beach. Two years ago, that volume was 160,000 cubic yards, about half of what was placed two years ago. And as Fran (Way) indicated, the Army Corps disposal area starts at Building One of Topsail Reef and moves south. Fran is suggesting we move that disposal area a little bit further south to start with so that sand will hang around in the north end for a longer period of time. We hope to get some money in the federal budget to continue dredging the channel to Jacksonville which would also provide some sand on the north end. That will be in future years. This year's work is clearing the ICWW at the crossing.

Engineer Way said it is really important for the the Town to interact directly with the Corps to make sure they can maximize that volume. More volume is better. It is very beach compatible sand.

Alderman Grant asked what is the Army Corps view? It does not make any sense to have a week's worth of work left at the end of the project and start over again. If that is why they are going to work with us to get it done quicker, that is fine, but otherwise you to have the whole thing started again to basically just to finish up.

Engineer Way agreed that is their story. Phase One projects usually have a tighter window because of the shorebirds and we always say they cannot do any work after April 1st. The regulatory agency says you need to have the project started before they can give an extension.

Closed Session

Motion – Alderman Grant motioned to go into Closed Session as per NCGS 143-318.11(a) (3) Consultation with the attorney and (5) Acquisition of property at 11:40 am; seconded by Alderman Leonard; unanimously approved.

The Board returned to open session at 12:31 pm. Mayor McDermon stated no action was taken in Closed Session.

Consent Agenda - items included:

- Approval of Minutes for February 27, 2024, budget work session, March 6, 2024, regular meeting and March 13, 2024, budget work session
- Budget amendment 2023-2024.9 (fire truck loan)
- MOTV Tax Refund
- Contract for consulting services for Interim Town Clerk
- Fire Department Fixed Asset Disposal

Motion – Alderman Grant motioned to approve the Consent Agenda as presented; second by Alderman Olszewski; unanimously approved.

Continuing business

A. Beach, Inlet, Sound Advisory Committee (BISAC) Update

Mayor Pro Tem Benson stated the Board of Alderman approved the permitting process for the five-year plan that Chris Gibson outlined several months ago. Hopefully, what is called the One Stop meeting will occur in June. This is where all the federal and state agencies that have any say in coastal development come together to look at the five-year plan that he presented to the Board. The plan will turn Reaches (coastal engineering term rather than Phases) 1-3 into an engineered beach hopefully by 2025-2027. That One Stop meeting is an important part of the permitting process because it gets all the agencies on the same page as to what the plan is. We are looking forward to that occurring on time.

B. Town Hall Meeting Room Use

Alderman Olszewski stated she made several calls to other towns to find out how they use their Town Hall meeting room. She spoke with Oak Island, Emerald Isle, Wrightsville Beach, Oriental, Whiteville, New Bern, and Surf City. Where towns typically have a recreational hall or facility, sometimes they allow meetings there. Some towns allow their boardroom to be rented for business meetings and a couple actually rent for social meetings. She thinks we still need to consider allowing Town Hall to be rented or given up for an hour and a half so that we can allow the citizens to use their Town Hall, which they pay for, for a meeting once a year with the Homeowners Associations (HOAs) who do not have a facility on their premises to have a quorum of their residents at their annual meeting. The towns that do allow it have a schedule as to what they charge and what type of meetings they allow.

Alderman Pletl asked how many HOAs do we have in the town?

Alderman Olszewski said she thinks it is more than 20. Some of the larger communities have their own space to use, but the smaller ones do not which would probably be under 20. Maybe half of those would ask to use Town Hall once a year, so it is not a high frequency thing of a couple hours use.

Alderman Pletl explained that in the past when we did it, there was no audio-visual equipment at all, and we had a police officer be in the building.

Mayor McDermon stated she has serious concerns about saying that we can limit them to the annual meeting for any HOA. There may be other things they might need to get their membership together for such as a special assessment. She is concerned about the amount of money just in the artwork alone and the equipment that we have here now that we did not have then.

Mayor Pro Tem Benson said he is concerned about the \$75,000 worth of audio-visual equipment in the room that would have to be secured somehow. He believes that if we were to do this it would have to be during regular business hours. We cannot ask staff to work overtime on a weekend or whenever an HOA might want to meet. He does not know how the food service area would be handled.

Alderman Leonard said it would have been helpful for purposes of this discussion if each of us had a piece of paper with each of the towns that was contacted and what their basic policy is and what they allow and when. This room is not the room it was years ago when it was being used routinely by homeowners' associations and others for things such as a funeral reception.

Alderman Olszewski explained she stands strong that the citizens of North Topsail Beach paid for this room. Most of them are pretty responsible folks and to be able to have an HOA meeting here, whether it is an annual or a special meeting or anything else if they ask the Town and they sign up, they are going to be responsible. They can also sign something that says they are liable if there is any damage. It is certainly the folks who pay their taxes, and it is their equipment as well. They are not signing up to use the equipment. This is something we should do because what we are doing is telling our own citizens to go off the island, go away from your own Town Hall, that we cannot accommodate you. She does not think that is the right message to send to our citizens.

Mayor McDermon asked Manager Derian if there was a fee to rent Town Hall included in the budget. Manager Derian said there was a fee in previous years. Since she has been here, there have been maybe two requests in total.

Alderman Olszewski said after the hurricane it was not an option. If we put it back on the fee schedule, she thinks we will get more requests because people will know it is available.

Alderman Leonard asked for clarification on how many towns were contacted and how many towns said they do and how many said that they do not?

Alderman Olszewski responded she does not have a count that way, but most did not use their boardroom that way. The ones that do allow it have separate recreational facilities. Responses were:

- Oak Island has an event center and Recreation Center and HOA groups and other resident, and nonresidential groups use those facilities for a fee. They do not typically allow others to use their board meeting room unless affiliated with the town.
- Emerald Isle has a room in their community center that they let people use.
- Wrightsville Beach does not have a meeting room that others can use.
- Oriental has rented for social events. They allow use for meetings if dates are available at no charge once the person has filled out their reservation form.
- Whiteville allows the use of council chambers. If the group is governmental in nature, there is no fee. If the group is nongovernmental, they have a fee schedule.
- New Bern and Surf City do not allow it.

Manager Derian said this list was distributed.

Alderman Olszewski said it is her understanding the fee is still on the fee schedule so if somebody calls it is still an option to rent it.

Manager Derian said it is still out there but there needs to be a defined policy, it needs to be redefined. She is not comfortable with making the decision. It is up to the Town Manager's discretion and in the past has been open to any kind of use, such as a birthday party with food.

Mayor McDermon said she is hearing that we need the Board's input as to whether this item should even stay on the fee schedule. She thinks that is the question. Should it stay on the fee schedule? If the Board says yes, it should stay on the fee schedule then shes think we need a more refined policy.

Alderman Grant said he does not have an issue if it is used during working hours at Town Hall.

Motion – Alderman Olszewski motioned to keep the fee for renting Town Hall Meeting Room on the Fee Schedule; seconded by Alderman Grant.

Attorney Edes stated he does not know that it is advisable to limit it to just HOAs or to organizations that do not have their own facility. If we are going to say it is at the Town Manager's discretion, that discretion needs to be tied to some specific objective criteria such as hours of operation, what the fees will be. The use may have come from an HOA that is an integral part of our community. What happens if hate group X says we are in eastern North Carolina this month and we want to rent your board meeting room. We need to have an objective policy with a clear understanding of the use of the facilities. Is it going to require a police officer here or an IT person here?

Mayor Pro Tem Benson stated the motion is whether we are going to leave the fee on the Fee Schedule.

Alderman Olszewski stated the motion is whether we are going to leave the fee on the Fee Schedule and if it passes, then she is recommending that we have a review of the policy around renting the room.

Alderman Pletl asked if we vote yes, it is staying on the Fee Schedule for the same fee?

Mayor Pro Tem Benson said we are trying to do two things with one motion, and we should simplify the motion. His point is until we have a policy, we should not have it on the Fee Schedule because the policy we have is not adequate.

The Board discussed with the attorney whether the room could be rented now with the policy and fee in place and what voting yes or no to the motion would mean as to whether the current fee and policy would be used.

Mayor McDermon took a roll call vote on the motion on the floor to keep the fee for renting Town Hall Meeting Room on the Fee Schedule:

- Alderman Grant – no, there is not enough clarity on this
- Mayor Pro Tem Benson – no
- Alderman Leonard – no
- Alderman Pletl - no
- Alderman Olszewski - yes

The motion failed by a vote of 4 to 1.

Mayor McDermon said her understanding is the fee will be removed from the Fee Schedule and the policy will not be active.

Motion - Alderman Grant motioned to suspend the policy (rental of Town Hall meeting room) pending a review of the policy to see what will be agreeable to the Board; seconded by Alderman Pletl;

Mayor McDermon took a roll call vote:

- Alderman Grant - yes
- Mayor Pro Tem Benson – yes
- Alderman Olszewski - no
- Alderman Leonard - yes
- Alderman Pletl - yes

The motion passed by a vote of 4 to 1.

Mayor Pro Tem Benson suggested Alderman Olszewski be the point person on reviewing the policy. Alderman Olszewski accepted.

C. Villa Capriani crosswalk

Alderman Grant said the consensus of the Board was that Villa Capriani crosswalk was unique in terms of the warning and everything else. His concern after discussing it with a couple of people

is he does not want to wait until next fiscal year. He understands there is money in this year's budget.

Motion – Alderman Grant motioned to go ahead and move forward with improvements to the Villa Capriani crosswalk now in this budget year and not wait until July or next budget year; seconded by Alderman Pletl;

Mayor Pro Tem Benson stated he thinks it is a great idea, but he also wants to bring the point that we did not discuss whether crosswalks will have cautionary signs that are at several different locations in town. When approaching the crosswalk area, the cautionary sign should also have the little placard below the big diamond that says 35 miles per hour to warn motorists that there are people crossing the road ahead and they should be slowing down. It may not be a legal speed limit, but it is a cautionary speed limit. He thinks we should be getting those cautionary signs put up on all of the warning crosswalk signs in town. The only place that he has seen it throughout the whole town is Richard Peters Park.

Mayor McDermion said we were not presented with those costs. We need to stick with this one motion right now. It needs to be added to the list for staff to provide cost estimates for the signs Mayor Pro Tem Benson referenced.

Vote – motion passed unanimously.

New Business

A. Policies and Procedures

Alderman Grant said we passed policies and procedures about applications to serve on different boards. Openings are posted now, and people interested in serving should look at that and understand when they have to apply and what the qualifications are. We have had over 10 people already apply that we are going to be looking at in May. We are going to review some of our policies and procedures to make sure they are clear.

Attorney Edes stated there is an error in the existing Appointments policy in section E, where it talks about not being eligible to serve if you have already served two consecutive terms. The word 'not' needs to be added between 'would' and 'be' to read 'The policy may be waived if the Town Board of Aldermen determines that the individual's reappointment would not be detrimental to the functioning of that board, commission, committee or authority'.

Registration and Sponsorship for N.C. Beach, Inlet and Waterway Association (NCBIWA) 2024 Local Governments Meeting May 9 and 10, 2024 in Emerald Isle, N.C. at the Islander Hotel

Board members discussed who would attend the meeting.

Motion – Alderman Leonard motioned to approve the Silver Level sponsorship at \$1200 for attendance at the NCBIWA Local Governments Meeting in May; seconded by Alderman Grant; unanimously approved.

Open Forum

1. Hanna McCloud, 835 New River Inlet Road, stated:
 - When she was president of the Topsail Dunes association prior to hurricane Florence she called several times to get this facility. She was told nobody was here on Saturdays, so it was not rented on Saturdays. St. Regis has rooms, and the library has rooms for \$25. Charging a fee is something we should do. HOA meetings are always on Saturday.
 - It is important to have alternates on the Planning Board and Board of Adjustment. Alternates should be moved up if there is a vacancy, because they are familiar with procedures. They have gone through training and been to the meetings. Right now, we are short members. Last week we had someone who had to recuse themselves and someone who could not attend because you have changed our meeting dates and times. This is making it even harder for people who were on the board. Please take this into consideration.
2. Jeff Meyer, 2224 New River Inlet Road, # 138 said when we hire new police officers, and new fire personnel and even new staff here at Town Hall, we take time at a meeting to introduce these people in person. Putting a face with a name goes a long way.

Mayor's Report

Mayor McDermon:

- Thanked staff for all the work on the budget and streamlining the process for the Board. She expressed a deep thank you to Fire and Police for their work during the unfortunate house fire that we had. It has been a rough time for that family with the fire at the duplex a few years back. The family is also very appreciative for all the efforts of North Topsail Beach so thank you.

Aldermen Reports

Alderman Pletl:

- Thanked everybody for coming and for watching at home.
- Reminded everybody that May 1st begins turtle nesting season so turn out those oceanfront lights. As the warmer weather attracts the sea turtles, we also have a lot of people that will be visiting our beach and as such safety is one of our highest priorities here.
- Expressed concern about already seeing beach issues and other issues such as climbing on the dunes and digging holes. Our ordinance states no holes deeper than 12 inches. And it's a deadly thing. We all saw the news report of the little girl that died in Florida. She has also noticed other additional issues such as road hazards like bicyclists riding two and three abreast and inattentive drivers looking at the seagulls and stuff. These are public safety issues that we really need to address as a Board.

- Glad we are moving forward with the crosswalks. This addresses a big safety issue.
- More visible police presence on the road and on the beach with patrols is needed. We have some great officers, and she respects and appreciate them and what they do. We have limited officers and resources, but a visible police presence goes a long way. For an example she was at the four-by-four drive on access this weekend. There was an officer out of her car talking to people in a friendly manner, informing and educating them and really putting forth a great image for the Town. That was wonderful. It makes the Town and police look good and makes people maybe think before they do something they should not be doing. Not every violation has to end in a citation. Police visibility and engagement enforcement really make it safer. She is not calling for any new rules or regulations or ordinances. Just use the ones we already have for a safe, summer season.

Alderman Leonard:

- Expressed appreciation for everybody coming out.
- Police and Fire did a good job with the structure fire.
- The Washington DC trip is the 15th through the 17th of this month. A meeting with FEMA is scheduled for the 15th. Tuesday the 16th we will meet with Senators Budd and Tillis and Congressmen Murphy and Rouzer to talk about the CBRA bill as to where it is and what the prognosis is for the length of time to get it through the Congressional Budget Office scoring. On Wednesday, we have a meeting with the Corps of Engineers to talk about money for dredging and the New River Inlet money for the following year. Mike mentioned to me that we are short on budget wise for 2025 fiscal year projections for that so we will see what we can do about getting that into the mix.
- It seems we already have the issue we seem to have every season with the traffic to and from driving the beach. He was out on his bike Sunday and almost got run off the road a couple of times. There are big, loud trucks going fast. It is not cool when you are in a big truck on a narrow road and there are pedestrians and bicyclists. He wants to start enforcing our speed limit and noise ordinances as they pertain to motor vehicles up north. The state has a noise ordinance. If we start heavily enforcing up there on Saturdays and Sunday afternoons when these guys have been up there all afternoon, we can settle this down.

Mayor Pro Tem Benson:

- Thanked everyone for coming out.
- Wholly supports the comments of his two fellow aldermen.
- Expressed heartfelt sorrow for the people who lost their home in the fire.
- Thanked the fire departments from Surf City, Holly Ridge and Sneads Ferry for their support in keeping the fire contained because that house was very close to neighboring houses and there could have been a chain reaction.

Alderman Olszewski:

- We are already seeing unleashed dogs running on the beach and it creates a public nuisance when people do not understand our leash laws. She wants increased police presence on the beaches even during these times of spring break and the weekends now going forward because unleashed dogs with kids running around, is not good. Same thing with people already digging holes on the beach. She fell in one last year.
- She wants to have more police presence on the straightaway on Island Drive as soon as people hit North Topsail Beach. Coming from Surf City there is a long straight place there and we are seeing high speeds high again. She really thinks we need to see if we could get our officers and I appreciate everything you do. She wants to see police doing what they can to slow people down in that area.
- There is a large, cleared lot on Wicker Street and for the gentleman that came that is on Wicker Street with water problems. We need to take a hard look at what gets approved for development there if we know we already have water pressure issues in that area.

Alderman Grant:

- Went to two county meetings keeping a relationship going with them. They are going to be an important part of our budget this year.
- Attended the North Topsail Shores Baptist Church sunrise service for the first time and was surprised that there had to be close to 1,000 people there. One of our officers showed up at 7:20 am when people were leaving. We should look at getting police there earlier if there will be that many people there. It is a visibility thing as well.
- Thanked Alice (manager) and her team for the budget. He feels very good about where we are. We are not doing a tax increase and maybe not in the foreseeable future because of the planning that has been done and doing a lot of fix ups this year will put us in good stead going forward.

Adjournment

Motion – Alderman Leonard motioned to adjourn at 1:19 pm; seconded by Alderman Olszewski; Unanimously approved.

Joann McDermon, Mayor

ATTEST: _____
Nancy Avery, Interim Town Clerk