

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, April 5, 2023
North Topsail Beach Town Hall

The Town of North Topsail Beach Board of Aldermen held its regular meeting on April 5, 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, Police Chief Younginer, Fire Chief Soward, Planning Director Hill, Finance Officer Elliott and interim Town Clerk Avery.

Call to order

Mayor McDermon called the meeting to order at 11:00 am.

Alderman Pletl gave the invocation and led the Pledge of Allegiance.

Approval of Agenda

Manager Derian requested her report be moved under Presentations and a new item be added under New Business as item D. NC Resilient Coastal Communities Program with a presentation by WK Dixon and projects for the town and possible action via resolution to apply for grant funding of priority projects. Alderman Fontana asked to remove and postpone to next month item 9c on the bike lane as he does not have information yet. Mayor Pro Tem Benson asked to pull the minutes from the Consent Agenda to Continuing Business for corrections.

Motion - Alderman Pletl motioned to adopt the agenda as amended as referenced above; seconded by Alderman Fontana; unanimously approved.

Public Hearings

A. Application from Carrigan Family Foundation LTD to install Electrical Vehicle Charging Station (EVCS) at Palm Tree Market, Tiki Bar and Restaurant.

Mayor McDermon opened the Public Hearing at 11:04 am.

Planning Director Hill explained the Carrigan Family Foundation LTD submitted an application to install electrical vehicle charging station at their property locate at 2181 New River Inlet Road. The site includes a convenience store and Tike Bar and restaurant. The requested charging

station meter panel will be installed at the south end of the bar outside, approximately five feet above ground. Charging units will be mounted at grade level. Requested use is compatible with the zoning ordinance. Application requires site plan review and all staff comments are included in your packet. Staff indicated no issues. The Planning Board recommended approval.

Discussion

Alderman Grant stated we do not need to amend the text to grant this application is that correct? He said he wants to make sure we do it right the first time. Have we put everything in the changes to the ordinance that it will be streamlined going forward?

Planning Director Hill replied that is correct. This is the first commercial site use we are approving and that requires changes to the ordinance. We have approved residential use before.

Mayor Pro Tem Benson asked if the charging station meets state standards.

Planning Director Hill said state standard requirements will have to be met as part of the approval.

Alderman Fontana asked if these will be open to the general public?

Applicant Chris Carrigan answered that charging stations will be open to the public.

Motion - Alderman Leonard motioned to close the Public Hearing at 11:19 am; seconded by Alderman Pletl; unanimously approved.

Motion - Alderman Pletl motioned to approve the application to install electric vehicle charging stations as presented: seconded by Alderman Grant; unanimously approved.

Attorney Edes stated the approval needs to be based on the condition that it is approved if it meets all state law requirements.

B. Proposed text amendment to UDO Chapter 4 (Use specific), Table 4-1 to add Definitions for Electric Vehicle Charging Stations (EVCS)

Motion - Alderman Leonard motioned to open the Public Hearing at 11:20 am; seconded by Alderman Grant; unanimously approved.

Planning Director Hill recommended a proposed amendment to Table 4-1 Use Table of the Unified Development Ordinance (UDO) to allow for EV charging stations 1 and 2 by right in all residential districts and charging stations 2 and 3 by right in both B-1 and B-2 zoning districts to include the appropriate definitions in Article 11 for clarification when receiving applications.

Discussion

Alderman Fontana asked if we could mandate that commercial level two charging stations be open to the public.

Planning Director Hill said she thinks by the nature of it being commercial makes it open to the public.

Alderman Grant said by passing this we are not precluding the permitting process, is that correct?

Planning Director Hill said applications will still have to go through the permit process.

Motion - Alderman Grant motioned to close the Public Hearing at 11:29 pm; seconded by Alderman Pletl; unanimously approved.

Motion - Alderman Grant motioned to adopt the proposed amendment to Table 4-1 Definitions in the Unified Development Ordinance as presented; seconded by Alderman Pletl; unanimously approved.

Open Forum

None

Manager's report

Beach Projects:

Phase 5

- ST Wooten completed their work with the Phase 5 project. Approximately 178,305 CY's have been placed as of March 10th during this segment of the project, with approximately 300,000 cubic yards (CY's) placed in total. CM Mitchell has started Tranche 2 of the project and is actively hauling sand. As of April 3rd they have placed 58,336 CY's of sand and will continue to haul sand through the end of this month.

Phase 1

- ST Wooten worked through March 30th to place 24,419 CY's of sand. The area immediate to the South of the Reef received sand that included buildings #5,6,7 and 8 to include 100 feet south of the Reef. We received notice from the state at EOD on Friday, March 31st that they granted a one-time extension of the permitted moratorium to allow work through April 14th. Fran has reached out to ST Wooten to determine if they can resume. They expressed concern with working further into the season because of seasonal/traffic issues. They will finish the remaining amount of work that the BOA has authorized when we resume in the fall.

BA#4

- Work was completed at BA#4 as of March 31st. 2,017 CY's of sand have been placed.

Richard Peters Park

- Renovations continue in Richard Peters Park. We will be scheduling painting the outside of the building and playground swings.

Fire Station Replacement:

- Since our last meeting, I have made applications for all permits. We have a meeting scheduled next week with the Architect to complete a page-by-page review of documents and I will be working on preparation of IFB documents.

NTB Music Festival:

- A lot of work went into the scheduled NTB Music Festival that was scheduled for April 1st. Leading up to the event, we had meetings with the vendor that manages the bands concerning weather. The decision was ultimately made to cancel the event in advance so

that we could get \$15,000 back on the contract for the bands and be able to give all ticket holders a 100% refund on their purchased tickets.

- We sold 181 tickets that included 6 children under 12 that were free of charge. \$5,250 in ticket sales. The vendor indicated that historically there are always a lot of tickets sold at the gate. The unrecoverable total cost for the concert was \$3,387. This represents a portion of the contract for the bands \$3,000 plus \$387 for the Trolley.

Budget:

- The next round of budget meetings for the FY 2023-2024 budget are as follows:
 - April 19th and April 20th –BOA Budget Workshops to be held from 8:30am to 4:30pm at Town Hall
 - May 10th – Public Hearing on the Budget to be held at 1:00pm at Town Hall
 - June 7th – Budget / Ordinance Adoption – Budget to be adopted during the regular June BOA meeting.
- Please note that while the budget workshops are scheduled over a two-day period, if tasks are completed within one workshop day, the second will not be necessary.
- This schedule will also allow for an additional workshop in May if necessary.

Shrimp Trawler Debris:

- I have continued to follow up with NC Coastal Federation and they have been working with several partners and their contractor to determine the feasibility of removing as much as possible of the metal rigging from the sunken shrimp trawler in the New River Inlet. They are contracting with commercial divers to remove the rigging to the extent possible. They may be able to work on the debris removal in the next couple of weeks. They have worked with this particular contractor to remove 100 vessels along the coast since 2021 . As I stated before, I am thankful to the NC Coastal Federation for their assistance and willingness to allocate funds throughout the last several months for this upcoming project. I will provide updates and advise once we have a firmer date and schedule for the project.

Coastal Engineer Report

Mr. Fran Way updated the Board on the status of projects with the following highlights:

- The Army Corps recently finished phase I placement of material at the end of March and placed 160,000 cubic yards of material. The sand is a good color and the beach is compatible.
- Phase 5 project is going well. They are still working south to Gray Street and material has been placed on two and a half miles of beach so far. It should spread south also, which is a good benefit. CM Mitchell asked this morning to extend the work into May. He thinks the agencies will be okay with it and we will have to get an ok from the turtle monitoring program.

Manager Derian asked if an extension is granted, how many more cubic yards will be placed?

Mr. Way responded approximately 40,000 more.

Consensus – proceed with extending the work by CM Mitchell into May.

- Phase 4 permit was issued today. It will start November and place 325,000 cubic yards of material will head up to where we are right now 2.5 miles of beach.

Manager Derian asked if there has been conversation about stockpiling for Phase 4 in advance? Mr. Way said yes. There may be additional costs and CM Mitchell is to get me an estimate.

- He viewed the County beach access dune rehabilitation project today and it is looking good. The Hatteras ramp is back.

Discussion

Mayor McDermon said if we are not planting, we will not have fully vegetated dunes.

Mr. Way said we came in under budget. We could use that money for planting.

Manager Derian said that was never part of the original scope with the County on the project and they will have to agree. This is a formality we will have to go through.

Consensus - plant using the under budgeted funds with the Manager approaching the County and staying under budget for the project.

Manager Derian asked Mr. Way to get her a cost estimate for planting and the scope of work.

- We can wrap up the FEMA Category G Dorian project that placed 15,000 cubic yards near Topsail Reef Villas. The New River Inlet Management Master Plan Environmental Impact Study Notice of Intent has been published. The County beach access project is complete besides mounds of sand and vegetation.

Consent Agenda

Alderman Grant asked Finance Officer Elliott stated highlights are what we thought we would collect for property taxes is over and we have probably collected all we will; interest is up because interest rates are up, sales tax is at \$1.86 million and the whole budget is \$1.89 for the year and that is good, paid parking is a problem and will not catch up will it and expenses are at about 60% for the year and if there are no glitches that is good and for Fund 12 we have collected \$1 million and budgeted \$990,000 and expenses look good. Fund 30 is on target with collection of \$1.5 million with a budget of \$2 million. We are looking good on revenue with expenses under control and no expected glitches.

Finance Officer Elliott said paid parking will not catch up. She sees no major glitches.

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

Continuing Business

- A. BISAC update - Chair Strother read his report from the Beach, Inlet, Sound Advisory Committee (included in minutes) stating the committee recommends the Board of Aldermen request the County to adopt an ordinance banning the use of unencapsulated polystyrene in dock floats in county waters similar to what the town adopted.

Consensus - Mayor McDermon to make recommendation to County to adopt ordinance as referenced.

B. Washington DC trip update

Alderman Leonard stated he, the mayor and manager were in Washington DC from March 20 - 24 to meet with legislators. He presented a power point slide show to the Board and requested it be included as part of these minutes. Highlights from the slide were:

Meeting schedule:

- Tuesday, March 21
 - TISPC In briefing with The Ferguson Group
 - Mr. Ryan Hambleton, Staff Director, House Subcommittee on Water Resources and Environment
- Wednesday, March 22
 - Senator Ted Budd and Staff
 - Senator Thom Tillis Key Staff
 - Congressman David Rouzer and Staff
 - U.S. Army Corps of Engineers
- Thursday, March 23
 - Mr. Kiel Weaver, Staff Director, House Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries
 - Congressman Greg Murphy and Legislative Assistant Ray Celeste

House Bill 2437 was introduced by Congressman Murphy on March 30, 2023, and co-sponsored by Congressman Rouzer. It was referred to the House Committee on Natural Resources on March 30th. The bill contains language to correct existing CBRA Map unit L04 language.

What's Next

- Resolution thanking Congressmen Murphy & Rouzer
- Continue discussions with Congressman Murphy's office
- Continue discussions with The Ferguson Group
 - Companion Senate Bill - Mike McIntyre

How you can help

- Write to Congressmen Murphy and Rouzer
- Write to members of House Committee on Natural Resources:
 - <https://naturalresources.house.gov/about/members.htm>
 - No NC Members on Committee
 - Out of State Property Owners
 - Ask Representatives to please support H.B. 2437

Mayor McDermon said previously we drafted a CBRA letter for residents to take from the website to send to legislators. Alderman Leonard responded he would work on that.

Motion – Alderman Leonard motioned to approve resolutions thanking Congressmen Rouzer and Murphy for assistance with filing a bill regarding the CBRA Map L04 amendment; seconded by Mayor Pro Tem Benson; unanimously approved.

C. Minutes from March meeting

Mayor Pro Tem Benson said there are two corrections to the March minutes: 1) on page 34 of the packet, after the last bullet item on coastal engineering report, the context should say 'at county beach access 4'. This is necessary for there to be context and 2) on page 39, 'RISPC' should be 'TISPC'.

Motion - Mayor Pro Tem Benson motioned to approve the March 2023 minutes as amended; seconded by Alderman Leonard; unanimously approved.

New business

A. Increase in Sneads Ferry housing on public safety

Alderman Grant stated we do go off island to help and we have an agreement with the County for assistance. The Sheriff's department is understaffed and that may be an issue with all the new development occurring in Sneads Ferry.

Manager Derian said the new sheriff is having quarterly meetings with the police chiefs. If there are concerns, they can discuss at their level and bring them to me.

Alderman Leonard stated there was an article in the news about this and new apartment complexes are advertising themselves as minutes to the beach. This will put a drain on all our resources and it is not fair or just to put increases on the backs of taxpayers. We need to think about how we are going to approach who, when and why about the type of this development and the speed and impact. Sneads Ferry is unincorporated and we respond there often. Something has to give.

Alderman Pletl said these are good points. The County is struggling with budget but they will get new property taxes and she thinks the County needs to help with funding in the future. She said she has no problem with aid over the bridge but there is a cost associated with it.

Alderman Grant stated the County has volunteer fire departments and may not have funding for staffing or may not get people to volunteer.

B. Beach engineer to provide some background - CBRA

Alderman Grant said BISAC (Beach, Inlet, Sound Advisory Committee) discussed financial analysis of where beach money has been spent in town last few years. They want to put together a fact sheet for the Board to answer questions for educational purposes.

Alderman Leonard stated Topsail Island Shoreline Protection Commission (TISPC) did a short paper with a good summary on CBRA. Mayor McDermon said that paper should be on our website.

C. ECO Topsail

Manager Derian stated at the last Shoreline Protection meeting, ECO Topsail did a presentation asking towns to come forward with an ordinance to ban balloons on Topsail Island. She is not recommending any action at this point, this is informational for future consideration. If the Board

should go forward with this, we want to make sure the ordinance is comparable with other towns so it is not confusing.

The violation they proposed is civil with a fine of \$500 per balloon. She thinks this is somewhat excessive and there is the matter of enforcement.

Mayor McDermon said she does not know how you would enforce this. The problem she has with the majority of ordinances we have trouble with is enforcing them. She would not have an issue with a policy statement discouraging release of balloons, but no ordinance. Education is better and maybe the turtle hospital could add this to their talks.

Alderman Pletl said unless they announce a release of balloons, she does not know how we would enforce it. It sounds cumbersome.

Alderman Grant commented that if we find them, they are deflated, so we pick them up and dispose of them. It does not sound like a good use of our time.

D. Presentation by WK Dixon

Town Manager Derian said the Towns received an RCCP grant in the amount of \$135,000 that was filed jointly by the three towns (North Topsail Beach, Surf City and Topsail). The RCCP provided a phased framework to assess coastal risks and vulnerabilities, engage community stakeholders, and develop projects to strategically improve the resiliency of communities and their natural built infrastructure. Through this process, 10 sites/hot spots for NTB as we called them were identified.

WK Dickson presented at the last TISPC meeting (Feb. 24th) the finalization of potential storm water projects. I requested WK Dickson to provide a proposal for grant writing services on two of the projects presented (park and fire station area) and a probable cost of construction immediately following the TISPC meeting. The Site 4 (The Fire Station) Opinion of Construction costs is about \$671,000. This project utilizes the Topsail Ave "Paper Street" Site 8 (Richard Peters Park) Opinion of Construction costs is about \$338,000. Both projects are attached.

I have reviewed a proposed Resolution for LASII Funding which stands for Local Assistance for Stormwater Infrastructure Investments Program and amended it so it would not tie us financially to the construction costs. There is no match required for this grant. If the board chooses to proceed with these two projects and apply for LASII funding, it will essentially get us to the point where final design and permitting will be completed. We would then have the option to seek and apply for construction funds. I have provided a copy of that amended Resolution to the Town Attorney for review. The sense of urgency to add this item to today's Agenda revolves around grant deadlines for storm water projects. LASII has a deadline of May 1st and The RCCP Phase 4 : Implementation and Construction has a deadline of April 28th.

As I mentioned earlier, RCCP was proposed in phases. We completed Phases 1-3 and the next step would be Phase 4 Implementation. Our two projects require additional design and permitting to get them to be ready for construction. Having said that, I have fully vetted and started to prepare an application for Phase 4 through RCCP for the Park project. Having worked through all probable costs with WK Dickson yesterday, I landed on a \$399,520 request. Again,

this is for implementation, so this is for probable design, permitting AND construction costs. No match required. The downside if we choose to go this route for the project in lieu of including it in the LASSI application is the expected grant awards that DCM anticipates making, which range from \$50,000 to \$250,000. The park project far exceeds this range and could likely be declined. I can complete this grant application on my own with making the deadline; however, want to be fully transparent to the Board with the options and allow you to make an informed decision on grant direction should you choose to pursue these projects.

Mark Horstman, DK Dixon, stated:

- He has been working with the Town Manager to review the RCCP results.
- He will talk about some potential funding opportunities.
- Presented solutions utilize nature-based designs, implement as little gray infrastructure as possible and are designed to infiltrate as much runoff as possible.
- The solutions do not solve hurricane related events.
- The intent is to get the water off the road to allow safe travel during regular storm events.
- A lot of the solutions are on state roads, so approval from Department of Transportation would be needed.
- Proposed infiltration chambers within secondary dune systems as a solution.
- Another useful infiltration tool is the use of permeable pavers.
- ARPA LASII funding is available using some funding the state set aside for this. To qualify you have to document stormwater issues, demonstrate significant hardship raising revenue, and requires a Board resolution has to be approved.
- No matching funds are required and applications are due by May 1st.
- Two hotspot solutions identified were # 4 Site 4 Fire Station and Site 8 (Richard Peters Park)
- The Town can apply up to \$400,000 for both planning and permitting.
- Construction costs are not included in this funding.

Town Manager Derian asked Mr. Horstman to provide estimated construction costs from bid values collected over the last 6 months.

Discussion

Board member discussed maintenance issues with pumping and permeable pavement, how DOT bike lanes would be done during resurfacing, whether or not they could put more crown on the road to help with this and whether the infiltration swells are covered or open.

Manager Derian stated the recommendation if the Board decides to move forward with both or either of these projects is to proceed with the LASII grant funding application for design and permitting. The park project construction estimate is \$399,000 for planning, permitting and construction. State funding is limited to \$220,000 range and we might lose out. We would then miss this opportunity. If funding is received, we can then look at construction cost.

Mayor McDermon said it is a total of \$15,000 to write the grant for both projects, is that correct. Manager Derian replied it is a total of up to \$15,000 for both.

Mayor McDermon polled the Board members and the unanimous consensus was to move forward with spending up to \$15,000 to write a LASII grant for both projects.

Mr. Horstman stated to proceed, we will need a resolution.

- **Motion** - Alderman Grant motioned to approve the resolution for the not to exceed \$15,000 to proceed with grant application for design and permitting for two proposed sites identified as # 4 Site 4 Fire Station and Site 8 (Richard Peters Park); seconded by Alderman; unanimously approved.

Open Forum

None

Attorney report

None

Mayor McDermon stated a tremendous amount of work went into planning the concert and she is disappointed it had to be cancelled. We want to look at small things we can do in the park instead of trying to reschedule the concert.

Mayor Pro Tem Benson thanked the manager and staff and Susan Myer for the work on the concert.

Alderman Pletl thanked all that attended or watch the videos and asked that residents join us for budget meetings. She thanked the manager for her work on the shrimp trawler. She said we need volunteers on the Parks and Recreation committee.

Alderman Leonard said we have to keep pushing legislation on CBRA. The NC Beach, Inlet, and Waterway conference is coming up in May.

Alderman Fontana said he echoed what Alderman Pletl said. He has been walking the New River Inlet Road and there is a lot more traffic. He cautioned everyone to watch out for pedestrians.

Alderman Grant stated he attended the County Commissioner meeting. They are getting pressure on their budget and are going to talk to the General Assembly to try to increase the sales tax. He thanked and complimented the manager and staff on the budget report.

Closed session

Motion - Alderman Leonard motioned to go into closed session 1:37 pm as per NCGS 1430318.11(3) consultation with the attorney; seconded by Alderman Grant; unanimously approved.

Adjournment

Motion – Alderman Leonard motioned to return to open session and adjourn at 2:04 pm; seconded by Alderman Fontana; unanimously approved.

Joann McDermon, Mayor

ATTEST: _____
Nancy Avery, Interim Town Clerk