

Board of Aldermen Regular Meeting
Wednesday, May 1, 2024
DRAFT MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on May 1, 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 Olszewski gave the invocation and led in the Pledge of Allegiance.

Approval of Agenda

Motion – Mayor Pro Tem Benson motioned to approve the agenda; seconded by Alderman Olszewski, unanimously approved.

Managers Report

Beach projects

- The Division of Coastal Management has approved our permit extension request to continue with Phase Five project through May 17th. The contractor has approximately 1200 feet of shoreline remaining, beginning approximately around 346 Seashore Drive and working northeast to around 113 South Permuda Wind Drive. The trucks will continue to access the beach at the Grey Street access. The contractor is progressing approximately 100 feet per day. As long as the weather continues to cooperate, and we do not have any other issues with sand mine production. We are scheduled to finish the Phase Five project this season. Notice was also published yesterday as an update that went out to social media and to our website.

Sea Oats Cost Share Project

- Notice was published on April 8th for residents to participate in the Sea Oats Cost Share project for the season. This is available again to property owners in North Topsail Beach where the cost is shared between the resident and the town in a 50/50 split up to \$25,000. Delivery dates are scheduled for May 10th, May 17th, May 31st, and June 7th. Please again go to Coastal Transplants website to participate in the program. As far as participation so far, I touched base with Coastal Transplants yesterday and we have reached around

\$21,000 so there has been a lot of interest this year. I am happy to report it appears to be a good successful project.

Fire Station # 2

- April 1st was mobilization. April 9th through the 24th demolition occurred at the existing fire station. Notice of demolition was issued prior to that starting. April 11th through the 18th, temporary construction insurances were established along with installing the sediment and erosion control. April 29th through May 3rd site clearing is ongoing. Groundbreaking Ceremony is scheduled for May 15th at 10 am. I sent a notice out on Friday, just making everyone aware that the contractor will also be working on a notice. It will go out to the media as well. I have been waiting for the architect to review proposals for companies to perform special inspections and construction materials testing services. That is what I asked the Board to amend the agenda to include today. I received a recommendation on Monday requesting approval to proceed with ECS South East LLC to provide the services in order to keep the project moving forward. I felt it was necessary to add it to this month's agenda to get approval. The company provides qualified engineers to provide reporting testing inspection services that are required for earthworks soils, concrete structural masonry and asphalt pavements based on the scope of services and the fee schedule that they have submitted the estimate the cost of services to be \$49,822.50. This will be paid for out of this year's Capital Improvement Fund budget as part of the project.

North Carolina Beach Inlet Waterway (NCBIWA) conference

- Registrations and sponsorship have been made for the spring NCBIWA conference that will take place on May 9th through May 10th in Emerald Isle, North Carolina this year. I will be attending along with Aldermen Pletl and Leonard as well as the Beach Inland Sound Advisory Committee Chair Larry Strother.

Crosswalk installation update

- The tentative schedule for the crosswalk at Villa Capriani that the Board has recently approved is as follows; NCDOT approval of selected lighted sign manufacturer we anticipate to take place on May 17th and NCDOT approval of selected electrical contractor May 24th, issuance of a town purchase order to the manufacturer May 24th, issuance of town purchase order to the electrical contractor on May 31st, issuance of NCDOT encroachment permit June 14th, issuance of a Notice to Proceed issued by the Town will take place June 17th. We anticipate projected start date of installation July 15th and anticipated NCDOT approved turn on date July 31st.

Announcements

- The Town participated in NCDOT's Spring Litter Sweep on April 20th. I would just like to thank the Public Works Department, the Fire Department staff and the residents who participated. They collected in total eight bags of trash.

- We have been working on initiatives over the past several months in anticipation of sea turtle season. Weekly turtle talks will resume here beginning Tuesday, June 4th at 9 AM. The sea turtle vision display has been built and placed in Town Hall in the back of the boardroom for anyone who wants to take a look at it before you leave today. It will be here for turtle talks this season as an educational item for demonstration. It shows a difference in how sea turtles view amber lights, red lights and white lights. We have procured and have available the sea turtle friendly lights for purchase at Town Hall now. This initiative is to encourage and make it convenient for oceanfront homes to change their lights over to the amber turtle friendly lights. So those are now here at Town Hall and available for purchase. We also approached Karen Beasley Sea Turtle Hospital about partnering to design and procure doormats that will read lights out May through October with sea turtles on them. This will be a helpful educational initiative that property owners along the oceanfront and rentals can purchase and place to remind guests to turn their lights out. We will have them again available for purchase at Town Hall and they will be available for purchase at the Karen Beasley Sea Turtle Rescue. By partnering with them we are able to order large quantities at a much lower price. And with both of us having them we can reach more rental homes, not only on North Topsail Beach but all of Topsail Island. We expect delivery of these mats this week so they will be rolled out soon. The light ordinance was drafted and is pending review, and we will have probably more discussion on that in the June meeting.

Open Forum - None

Public Presentations

A. North Carolina Department of Transportation (NCDOT) Assistant Division Traffic Engineer D. Allen Hancock stated his department did a number of speed limit studies, reviewed signage and pavement markings, and drove the 3.92 -mile section of New River Inlet Road northeast from highway 210 within the Town's limits. At 45 miles per hour (mph) you see a major difference from 35 mph. There have been 22 accidents in the last five years, 8 of which were rear end collisions. They recommend the speed limit be changed to 35 mph.

Alderman Pletl said she wants this delayed. She understands it was initiated by letters from one particular neighborhood. She wants to hold public hearings for other communities, condos, residents on New River Inlet Road to give their view, if possible. She said we owe it to citizens to give them a voice.

Mr. Hancock stated they received between 10-12 requests, mostly from the same development but not all.

Alderman Leonard stated the NDOT letter states the data does not warrant a lower speed limit but then you say you are still recommending lowering the speed limit. It contradicts itself. The development you received the letter from is the first one on the road. There has to be a balance

for the people that live further up that road. He agreed with Alderman Pletl about delaying to get more input

Mayor Pro Tem Benson agreed more input is needed. This is only from a fragment of residents. He asked if DOT considered the plans to add bike lanes to this road next time it is resurfaced in 2-3 years which will make it a wider and safer road. Residents complain about the interface between the concrete bridge abutments and the pavement that has sunk which is a 2 inch gap that needs to be addressed again.

Alderman Olszewski asked if DOT's study looked at Island Drive down to the Surf City line because North Topsail Beach is not just north of the Police station here and Town Hall. Down by 11, 13 and 17th avenues, we are on a straight away and speeds get up higher. 45 mph is a suggestion, but we are seeing people at 50 and 55 mph.

Mr. Hancock said they looked at Island Drive in the last year and recommended keeping the speed limit at 45 mph.

Alderman Grant stated the first .7 mile has no houses on it. There is an enforcement issue. During the summer, we are lucky if we can go 20 mph. Maybe a rotary at highway 210 would be good. Most of the commuters on the island going to work live on the north end.

Mayor McDermon said everyone agrees we need to get more information from other residents and put this on the June agenda. She asked for Mr. Hancock's assistance with speeding up the Villa Capriani crosswalk delay.

Manager Derian stated the Board needs to let her know if it is their intent to have a special hearing and when.

Consensus – Delay decision on speed limit change until more input is received.

B. Coastal Engineer Report

Engineer Fran Way presented the following status update on beach projects:

- Phase 1 completed March placement.
- New River Inlet Management Master Plan Environmental Study (EIS) draft is under development.
- State grant nourishment of 303,000 cubic yards in Phase 4 connects with Phase 5 truck haul.
- Phase 5 beach nourishment ongoing with work on Saturdays and updated volumes received daily.
- US Corps of Engineers Intracoastal waterway channel dredging is planned for next season for the Phase 1 project.
- He is working with the Town's Finance Officer and Doug Carter and Associates regarding funding for FEMA and State funded projects.

- Grant Coordination is ongoing.
- Permitting Coordination for all projects is ongoing.

Mayor McDermon stated that since projects are wrapping up for turtle season, we will give Fran (engineer Way) a break for a few months on reporting and include reports on the consent agenda.

CONSENT AGENDA – Items included were:

1. Approval of Minutes - April 3, 2024, regular meeting
2. Proclamation National Public Works Week May 19th- 25th
3. Budget Amendment 2023-24.11 North End Fire Station
4. Budget Amendment 2023-24.10 Police Department
5. MOTV Tax Refund
6. Police Department Fixed Assets Disposal
7. Approval of contract with ECS in the amount of \$49,822.50 testing services required for the fire station project

Manager Derian requested the addition of item J approval of a contract with ECS in the amount of \$48,822.50 for testing services required for the Fire Station project.

Motion – Alderman Pletl motioned to approve the Consent Agenda with the addition of item J Approval of contract with ECS in the amount of \$49,822.50 testing services required for the fire station project; seconded by Alderman Leonard; unanimously approved.

CONTINUING BUSINESS

A. Fiscal Year 2024-2025 Budget Ordinance and Fee Schedule

Motion – Alderman Leonard motioned to adopt the fiscal year 2024-2025 Budget Ordinance and Fee Schedule; seconded by Mayor Pro Tem Benson; unanimously approved.

B. DC Update

Alderman Leonard gave a presentation on the April 2024 Washington, DC legislative visit with the following highlights:

- Participants were himself and Town Manager Derian.
- Trip objectives were to secure senate support for Coastal Barrier Resource Area (CBRA) bill house resolution 2437 passage, continue efforts with congressional staff on the bill passage and support, continue Corps of Engineers funding for dredging on New River and New Topsail Inlets, use of sand from the Corps intracoastal waterway disposal areas for beach projects (DA-143), and improve Federal Emergency Management Agency (FEMA) island wide disaster recovery coordination.
- On Monday, April 15th, the Topsail Island Shoreline and Protection Committee (TISPC) held an in-briefing with the Ferguson Group and met with Doug Levine of the House Committee on Natural Resources subcommittee on Water, Wildlife and Fisheries on house resolution 2437 regarding the budget office scoring process and timeline and monitoring progress.
- FEMA region 4 agreed to one Topsail Island PDMG per future storm event.

- On Tuesday, April 16th met with Senator Ted Budd and staff and requested and secured support house resolution 2437 and follow-on legislation.
- On Tuesday, April 16th met with Congressman David Rouzer and staff to give appreciation for house resolution 2437 co-sponsorship and requested continued support. Met with Congressman Murphy and legislative assistant Ray Celeste on continued support and assistance for house resolution 2437. Congressman Murphy requested US Fish and Wildlife Service visit North Topsail Beach to better understand the CBRA situation. Met with Senator Thom Tillis key staff to request and secure support for house resolution 2437 and follow-on legislation.
- On Wednesday, April 17th, met with Army Corps of Engineer on Town of Surf City Federal Project start date with no confirmation. The Corps agreed no further study was required for future use of DA-143 for projects and will coordinate same with Wilmington District. Discussed continued dredging funds for New River and New Topsail Inlets and connecting channels.
- House resolution 2437 was introduced by Congressman Murphy on March 23, 2023 and co-sponsored by Congressman Rouzer. It was referred to the House Committee on Natural Resources March 30, 2023. The Water, Wildlife and Fisheries subcommittee held a hearing on September 28, 2023. The resolution passed the full committee on November 15, 2023.
- Congressional Budget Office scoring is currently underway. It is expected to be brought to the House floor as part of a larger CBRA bill and Senate bill.
- Residents may help by writing to Senators Budd and Tillis and other members of Congress requesting support. Out of state property owners may ask representatives to support resolution 2437.

C. Use of Board Room for North Topsail Beach Resident Business Meetings

Alderman Olszewski said she is bringing back the policy for Board members to look at her changes to the policy and the reservation form and get back to her and then bring it back to the June meeting for a vote.

Mayor McDermon stated the Board has not decided whether to allow resident meetings in the room and needs to decide that first and then look at the policy, procedures and the fee schedule. She asked Board members to get changes and comments to Alderman Olszewski by May 15th.

Attorney Edes stated the only discretion, if any, to be delegated to the party accepting or rejecting it should be objective things such as number of people, time, etc. You can run into issues if you get into the purpose, context or content of a meeting. The Board needs to be cognizant of that.

Consensus – Provide changes and comments to Alderman Olszewski by May 15th to place on the June agenda.

NEW BUSINESS

A. Board of Adjustment Vacancies and Applications

Mayor McDermon stated the Board decided to vote by ballot and asked the attorney to describe how that works.

Attorney Edes explained there are two ways to appoint. One is aye and nay votes with the mayor able to break a tie. Two is by written signed ballots where you write down the person you are voting for. These are to be retained in the Clerk's office for public inspection. This method does not require the mayor to break the tie.

Mayor McDermon said applicants for consideration are Christy Barefoot (regular or alternate); Jason Stahr (regular or alternate); Lisa Lee Koslowski (regular or alternate)

Alderman Grant stated there is a regular and alternate position available and suggested voting for the regular position first and then the alternate position.

Manager Derian said the Unified Development Ordinance (UDO) requires five (5) regular positions and 4 alternate positions. Right now, there are four regular positions filled and only one alternate position filled.

Alderman Grant stated we have the option of not filling all vacancies.

Attorney Edes said you definitely want to have five (5) full members appointed as a variance requires a 4/5 vote.

Motion – Alderman Grant motioned to accept the three candidates referenced above for nomination; seconded by Alderman Olszewski; unanimously approved.

- Regular position written ballot results were four (4) votes for Lisa Koslosky and one (1) vote for Jason Stahr with Ms. Koslosky the new regular member for a three-year term to expire May 1, 2027.
- Alternate position written ballot results were unanimous for Jason Stahr or a three-year term to expire May 1, 2027.

B. Policies and Procedures for Appointments

Mayor Pro Tem Benson stated he was tasked with revising the Appointments to Policies and Procedures for Town committees and boards. All of the aldermen contributed revisions.

The main changes recommended were:

- Item A now defines a resident as being required to be registered to vote in Onslow County.
- Item B drops the policy about applicants of family members employed by the Town.
- Item H puts a time limit of six months on someone from the time they resign from a committee until they may reapply.
- Item 4 on page 3 adds individual appointments to be made by written vote of the aldermen with a simple majority vote required.
- Wordsmithing throughout the document for clarification purposes.

Motion – Alderman Pletl motioned to approve the revisions as presented; seconded by Alderman Leonard; unanimously approved.

C. Rules of Procedure and the UDO

Mayor Pro Tem Benson said he was informed by Town staff this week that the Rules of Procedure were not in the UDO. He said it was his understanding that the Rules of Procedure for the Planning Board and Board of Adjustment are in the UDO which makes updates/revisions difficult.

Attorney Edes stated they are in the UDO but are not development regulations, so he does not believe that there is a need for a public hearing or sending it to the Planning Board before modifying the rules. There is a policy for appointment to a board and then once on the board, the Rules of Procedure govern how members conduct themselves.

Alderman Grant asked the attorney to tell them what has to be in the UDO or not and what can be taken out of the UDO, so no public hearing has to be held to make changes.

Mayor Pro Tem Benson said he would like the Rules of Procedures for both boards to be put on the Town's website as supporting documents on each board page.

Alderman Olszewski clarified there are two questions. One is can those Rules of Procedure already in existence go on the website and two is can they be removed from the UDO?

Attorney Edes responded yes; they can go on the website. A third question is what is the process to remove or amend them in the UDO? The Board of Aldermen is the only board that can change them.

D. Speed Limits

Chief Younginer stated the parking committee recommended making the speed limit on side streets consistent at 20 miles per hour (mph). Some side streets have a speed limit of 25 mph.

E. Ordinance regarding speed limit on Town owned side streets, roads in the Ocean City neighborhood, and Topsail Road

Attorney Edes presented a proposed ordinance amendment to Chapter 6 (Public Safety), Article IV (Speed limits) section 79 (Speed limit on town owned side streets) to capture additional streets in different locations in the ordinance. Five (5) of the streets are already addressed in section 78 and Topsail Road is addressed in section 75.

Motion – Aldermen Leonard motioned to adopt a text amendment to section 6-79 to read that all Town side streets to include but not limited (list streets) to to be 20 mph; seconded by Alderman Olszewski; unanimously approved.

Approved amendment to read:

The speed limit on all Town-owned side streets to include but not be limited to those listed below is 20 mph:

Utopia Lane	Bird Lane	Seashore Drive	Sandlin Street	Makepeace Street
Haven Drive	Reeves Street	24th Avenue	23rd Avenue	22nd Avenue
21st Avenue	18th Avenue	17th Avenue	16th Avenue	15th Avenue
14th Avenue	13th Avenue	12th Avenue	11th Avenue	10th Avenue
9th Avenue	8th Avenue	7th Avenue	6th Avenue	5th Avenue
4th Avenue	3rd Avenue	2nd Avenue	Osprey Drive	Osprey Circle
Mason Court	Sea Dunes Court	Goldsboro Lane	Bay Court	Marina Way
Tradewinds Drive	Bay Circle	Bayview Drive	Grant Drive	Porposie Place
Bottlenose Drive	Port Drive	Coastal Drive	Oyster Lane	Gysgt DW Boatman Drive
Topsail Road (SR 1583)	River Road	River Drive	Carver Street	Chestnut Street
Gray Street	Green Street	Ocean Drive	Sea Gull Lane	Sand Piper Drive
Wicker Street				

Motion - Alderman Leonard motioned to repeal sections 75 and 78 in Chapter 6 of the Code of Ordinances; seconded by Alderman Olszewski; unanimously approved.

F. Ordinance regarding regulation of parking lots

Attorney Edes presented a proposed amendment to Chapter 6 (Public Safety), Division 2 (Prohibited, restricted on certain streets) to add a new section 104 (Prohibited in town parking lots) as recommended by the Parking Committee to read as follows:

- (a) Vehicles greater than 23 feet in length are prohibited within Town parking lots.
- (b) Property-Hauling Vehicles (including but not limited to “Trailers”), as defined by N.C.G.S. § 20-4.01(31), are prohibited within Town parking lots.*
- (c) Overnight camping is prohibited within Town parking lots.

*NOTE -N.C.G.S. § 20-4.01(31) defines Property Hauling Vehicles as follows:

- (d) (31) Property-Hauling Vehicles. —
- (e) a. Vehicles used for the transportation of property.
- (f) b., c. Repealed by Session Laws 1995 (Regular Session, 1996), c. 756, s. 4.
- (g) d. Semitrailers. — Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

- (h) e. Trailers. — Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle, including “pole trailers” or a pair of wheels used primarily to balance a load rather than for purposes of transportation.
- (i) f. Repealed by Session Laws 1995 (Regular Session, 1996), c. 756, s. 4.

The Board discussed the size of a parking spot of twenty-three (23) feet with the following highlights:

- The Police Chief had cited larger pickup trucks and vehicles, so the committee expanded it to 23 feet from twenty (20) feet. (Pletl)
- The intention is for one vehicle to take one space instead of taking up three spaces. (Leonard)
- A pickup truck with a camper will still only take up one space. At some point, will we have larger areas for them to park and charge more? Against giant campers taking up a lot of the parking. Maybe a special permit should be required. (Grant)
- Do we want designated areas for school groups and charge differently? A 50-foot-long RV needs spatial parking area and should be charged more. (Benson)
- Is there a piece of town owned property we can look at for this? (Olszewski)
- The end of the Jeffries lot maybe. (Leonard)
- Likes idea of opening a special area for larger vehicles and does not want to discourage people from coming but thinks they should not be allowed to camp. Has issue with expanding to 23 feet. Comfortable with B and C. (McDermon)
- There is no ordinance that says they cannot camp in parking lot. Need to define camping. (Younginer)
- Need something enforceable from Police Department perspective. On the second day, you are probably camping. (Edes)
- Like the verbiage of no overnight camping in parking lot with officer discretion. How do we codify it so it is enforceable? (Leonard)
- What about with trailers? (Olszewski)
- No trailers should be allowed. (Pletl)
- Suggest going back to the parking committee with this discussion. (Derian)

Consensus- Board agreed to send the discussion back to the parking committee to come back with ideas about what camping is.

G. Infrastructure

Alderman Grant said we have more projects going on than we ever had. He thinks this Board should have a planning session to set priorities. We are looking at \$10 to \$20 million dollars in projects from an infrastructure viewpoint. What does the Board want him to tell the County Commissioners? He recommends a discussion about what is important and resources available.

Consensus – Plan for work session to dive into capital projects and growth discussion.

Open Forum

- Joan Green, 2000 New River Inlet Road stated she is against lowering the speed limit on New River Inlet Road as she lives at the far end and has to travel the length year round.

- Dennis Burgard stated his main concern is with the beach and he wants updated information on the website about beach projects. Changing the speed limit from 45 mph to 35 mph would not make the trip longer than four extra minutes.
- Hanna McCloud, 1835 New River Inlet Road, asked about the breach at building number 1 at Thompson Dunes and asked for sand. There is a blind curve at the 20-mile marker at beach access 1 that goes to 35 mph. If you make it 35 mph across the board everybody would go 50 mph. At least put a crosswalk so if people wanted to slow down they could. She asked the Board to consider by-laws, Rules of Procedures, and the UDO to know how many members are on the Planning Board and Board of Adjustment and to seriously consider making alternates the first choice to be first chose as a regular member because of the experience they have. She also asked the Board to be clear whether they want the Chairperson and Planning Director to make recommendations to fill a vacancy. It is so confusing right now.
- Gray Chapmen, 13 Osprey Drive, explained that three years ago a person was hit with child in a stroller. There have been so many close calls, so it is a safety concern. That is why we asked DOT to lower the speed limit.

Attorney report – none

Mayor report

Mayor McDermon stated she is thrilled that the fire station is moving forward and appreciates everybody coming out today and appreciates everything that staff is doing to just keep everything the wheels on the bus.

Aldermen report

Alderman Grant stated people do not realize there are a little over 3,000 water customers in the town. Last year we had the issue with 4-inch meter, which they (Onslow County Water and Sewer Authority ONWASA) turned around and put in an 8-inch meter which allows for more flow at Surf City. ONWASA is going to pick up about 1,100 of our 3,000 going forward right now. In theory we will have 1/3 of the people served by the Surf City connection. In October we hope to have the pump station in and ONWASA is pretty convinced there will not water problems this year. ONWASA is looking at putting in a water tank. We reached out to Senator Lazaro for assistance with this with OWASA. Cost would be \$3 million.

Alderman Olszewski stated Public Safety is really near and dear to her heart. We look forward to continuing the conversation with NCDOT about speed limits and crosswalks. Safety of our citizens is the key for having a fun summer.

Mayor Pro Tem Benson said the Topsail Island Shoreline Protection Commission (TISPC) met Monday and talked about the Coastal Resources Commission rules that were suspended by the rules revision commission for the purpose of trying to protect Jockey's Ridge from any kind of development or any kind of removal of sand.

Alderman Leonard attended the Ocean City ribbon cutting for the display Missiles and more on April 20th. He briefed the TISPC and Four Town meeting on CBRA status.

Alderman Pletl reminded everyone that it is the beginning of the season and the beginning of turtle season today. If you have ocean side lights, please turn them out or try to switch them out with the amber ones. We have an awesome display in the back of the meeting room here and you really ought to take a look at it.

Closed Session

Motion -Alderman Leonard motioned to go into Closed Session as per NCGS 143-318.11 (a)

(3) Consultation with the attorney

(5) Acquisition of property

Alderman Olszewski seconded; unanimously approved.

The Board returned to open session and Mayor McDermon stated no action was taken in Closed Session.

Adjournment

Motion – Alderman Leonard motioned to adjourn at 2:21pm; seconded by Alderman Olszewski; unanimously approved.