

Board of Aldermen Regular Meeting
Wednesday, June 5, 2024
MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on June 5, 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 Leonard gave the invocation. Mayor McDermon led in the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion – Alderman Leonard motioned to add one item to New Business as item A ‘Ocean City road repair’; seconded by Alderman Olszewski; unanimously approved.

MANAGER’S REPORT

Beach projects

- Phase 5 beach nourishment project is complete. The hauling and fill were completed on May 15th and equipment was demobilized from the beach through May 17th. The Gray Street beach access was reopened upon completion. We placed approximately 636,000 cubic yards of sand along 18,500 feet of shoreline. I have been working with engineers to get roadway repairs completed within the project area that had been affected. We documented conditions prior to and then closing after those repairs were done. We amended the agenda this morning so we can move forward with a change order with S.T. Wooten later on in the agenda so we can take care of that item. The road repairs will be completed in the month of June in preparation for the Jazz Festival.
- I am pleased to announce that we have procured beach matting to be installed at two beach access points at the Jeffrey’s Beach access. Once permits are received and Public Works completes the training for maintenance they will be installed in those two areas. The matting will also feature the Town’s logo on small sections of the matting. The matting is being placed to assist the elderly people with disabilities who require a wheelchair. It is also helpful for families that carry a large amount of beach gear to the beach. This will be a great amenity for people with low mobility to assist with getting them to the beach.

- Memorial Day kicked off the start of a very busy summer season. Parking lots were full for the duration of the holiday weekend. 4x4 areas were closed around noon both on Saturday and Sunday which was maxed out at 250 vehicles. Our beach ambassadors started working to educate beach patrons as well as our overnight person who is collecting and disposing of personal items that are left on the beach. We have instituted a new program through iWorks that staff has been directed to utilize that pins interactions where items were collected in quantities. I will provide the report to the Board post season which highlights the number of staff interactions, with items removed, holes filled, etc. Anything beach related and our interactions are being documented to provide feedback on how to move forward.

Sea Oats cost share project

- The final deliver date for sea oats is scheduled for this Friday, June 7th. Many residents participated in this project for the season. The cost was shared between the property owner and the Town in a 50/50 split up to \$25,000 which resulted in 25,200 sea oats being planted. I talked with Coastal Transplants to use any remaining funds to do another project in October where we will once again do a cost share with residents to make American Beach grass available.

Grants

- I am pleased to report that the Emergency Management Disaster Relief Mitigation grant that I submitted in January for two storm water projects has been selected for funding. Included on today's Consent Agenda is the Memorandum of Agreement (MOA) that is required to take on this grant. We have been selected for funding up to \$1,261,607. Final approval is conditional on submitting the MOA that is for consideration and approval at today's meeting. The period of performance is up to 36 months which runs through June 30th, 2027. I included in the Scope of Work the engineering design of two critical areas that we identified on Island Drive at the South end Fire Station, which we refer to as Fire Station Number 2 and New River Inlet Road at Richard Peters Park and then implement these solutions through construction. The Town will go through a bid process to select an engineering firm to develop construction plans and manage the process associated with permitting and approval of the projects along with construction. These will be the first storm water projects for the Town which is very exciting and will abate two critical areas that have serious flooding. The Scope of Work on Island Drive will include installation of storm water inlet structures connected to pipes which will transport the stormwater to city property several hundred feet away where an underground storm water storage structure will be constructed. As the storage structure is at a higher elevation, a pumping station will be needed to raise the storm water into the structure. At the second project on New River Inlet Road which is at Richard Peters Town Park a different storm water solution is being considered. A combination of permeable pavers in our parking lot over a two-foot gravel base with reconfiguration of swells on the road shoulder and a new level spreader is envisioned for that area. This is not a matching grant but a 100% funded grant.

Fire Station Number 2

- Groundbreaking was held on May 15th. Thank you to everyone that attended including the County Commissioners. We appreciate your support. The agreements with ECS Southeast was executed following the May Board of Aldermen meeting who is providing all the necessary testing and inspection services up to this point. Backfill and grading has been ongoing this past month and they are starting the below slab plumbing work at this time.

Announcements

- We will once again be hosting a hurricane community forum here at Town Hall that will be held on June 12th at 6:30 pm. We expect it will last an hour depending on questions we receive. We will have representatives from the Town, Onslow County, the National Weather Service and the utility companies to review plans and answer any questions.
- The 14th Annual Ocean City Jazz City Festival will take place between July 5th and July 7th. In addition to a great line up of jazz musicians, there will be food and beverage vendors and merchandise booths on site. You can purchase tickets through their website. We will have a proclamation prepared for the next Board of Aldermen meeting celebrating the Ocean City Community's 75th Anniversary. The Town will present this proclamation on Friday, July 5th during the event. I, along with the staff have met with committee members to review the logistics to assist with the festival. We are looking forward to what will be a great event for the community.

OPEN FORUM

- Charles Walker, 115 Sea Gull Lane, expressed concern about resident parking in public parking areas. He thinks he is allowed two vehicles but has more than that and wants consideration for more than two vehicles if registered within the Town's limits.
- Marvin Prescott, 416 Riegelwood Drive, Jacksonville stated he is trying to appeal a parking citation. He has handicapped tags, but those spaces are always filled and asked if he will still get a ticket if he parks in non handicapped spots.

PUBLIC PRESENTATION AND HEARINGS

Public Hearing on NCDOT proposed speed limit change from 45 to 35 mph on 3.92-mile stretch of New River Inlet Road running northeast from Highway 210

Motion - Alderman Grant motioned to open the public hearing at 11:19 am; seconded by Alderman Leonard; unanimously approved.

Chief Younginer presented accident data from March 2021 to April 2024 as follows:

- 52 accidents
- 26 parking lot accidents
- Majority were from driver in attention

- Speed was a factor in one accident where a vehicle crossed Island Drive from New River Inlet and ended in the marsh area
- There was a vehicle versus pedestrian accident in June 2020 in Jeffrey's Parking lot where driver put vehicle in reverse, lost control, backed across New River Inlet striking a pedestrian and continued to reverse back across New River Inlet into parking lot striking another vehicle.

Alderman Grant asked if there were any injuries. Chief Younginer responded there were no injuries.

Alderman Grant presented data from the DOT website regarding speed change criteria that included alignment of the roadway, types of development along the roadway, density and number of driveways on a corridor, how far one can see on the road, crash history, and various speed data. He stated the Town was not notified that DOT was doing a speed study or considering dropping the speed limit. The DOT letter stated the speed data does not warrant a lower speed limit, but since there is a large residential presence along this road, DOT recommends a speed limit of 35 miles per hour (mph). DOT's website shows that in a ten-year history there has been one incident involving injuries where speed was not a factor, zero fatalities, and one incident every 3,650 days. Town data from March 2021 to April 2024 indicates fifty reported accidents on New River Inlet. Only one involved speeding, there were no injuries, and over 50% occurred in parking lots. He stated there is a lot of confusion about what is a golf cart and what is a low-speed vehicle. State statute definitions are:

- Low- speed vehicle – a four wheeled vehicle either electric or gas powered with a top speed greater than 20 mph but less than 25 mph.
- Golf cart – a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes not capable of exceeding speeds of 20 mph.

Stoney Matthis, Division Traffic Engineer with the Department of Transportation, explained they received requests from 10 citizens to review New River Inlet Road. A study was conducted and NCDOT determined 35 mph was the appropriate speed. He said that typical protocol is to do a study first and then notify the Town, but they can notify the Town first going forward.

Board comments:

- Are you justifying this just on crash data? (Grant)
- Are studies only initiated if residents request it? Part of the Town was left out of the study. Does DOT initiate studies on its own? (Olszewski)
- The letter did not include the factors considered. (Benson)
- When was the study done? Did DOT look at the accident that happened on June 4, 2020? The one the residents referenced. (Leonard)
- Is lowering the speed limit to 35 mph already a done deal or do we really have input? (Pletl)

Mr. Matthis' responses:

- Crash data was not the only criteria. Speed, curve of the road, pedestrian and bicycle use were also considered.
- Studies are normally responsive based only.
- The engineer judgement is the basis and that is not put in correspondence normally.
- The study was conducted January 2nd and 3rd
- He does not see the accident in June 2020 in his data.
- He wants to hear what is said today to consider. It is not a done deal.
- If a crash occurs at 45 mph, it will usually involve a severe injury

Alderman Leonard stated the Town is two different worlds in winter and summer and it is more realistic to do a study in the fall. The data is skewed because of when the study was done. The information gives a false narrative and did not include the accident that started in a parking lot. He wonders how we got here. He thinks it was using the accident which was a parking lot accident as opposed to speeding on the road.

Public Comments:

- Susan Meyer, 2224 New River Inlet # 38, said she lives up north where the speed limit is 35 mph. In summer, there are lots of golf carts, some not road legal, with children driving them. Changing the speed limit to 35 mph opens a can of worms because it opens it up to golf carts on the entire length of road. She would like to see a study done in summer.
- Gray Chapman, 13 Osprey Drive, explained she started the petition because of her concern about the speed limit on New River Inlet. There are always people speeding all year and she feels unsafe crossing the road. There were 575 total signatures. 357 were North Carolina signatures, 152 were local property owners (Sneads Ferry, Holly Ridge, Jacksonville) and 44 were registered voters in North Topsail Beach and 86 total signatures have properties in North Topsail Beach and only 23 of those were from Osprey Drive, so this is not just an Osprey Drive issue. 63 properties not in the Osprey Drive or Crystal Shores community agree with lowering the speed limit. She learned through this process that there is a lot of hatred and fear about golf carts. Lowering the speed limit will be safer. She asked the Board to have compassion for those that live in the 45 mph zone.
- Kevin Finger, 17 Osprey Drive, said New River Inlet was not built to safely handle the ever-increasing volume of traffic. We need to look to the future. 120 new homes have been built since 2018 with a lot of cars coming from that growth. He is for the 35-mph speed limit.
- Dean Brown, 5 Osprey Circle, said 45 mph is abused all the time. The speed limit is too fast and needs to be dropped to 35 mph.
- Julio Casanas, 33 Osprey Circle, stated the 45mph is too fast and people speed a lot of the time. This is safety issue. He is for 35 mph.

- Shane Bartus, 13 Osprey Drive, said he is for reduction of speed to 35 mph. There was a fatal accident in a 45-mph zone last May 4th last year. What does keeping the 45-mph speed limit do to Town's liability especially when they have been advised it should be changed.
- Jan Johnston, 35 Osprey Drive, stated she is supportive of lowering the speed limit to 35 mph. There is a lot of construction traffic in off season, and it is dangerous.
- Dan Ames, 11896 New River Inlet Road, stated he is a full time resident and drives the road every day. Most days he has to drop below 45 mph which tells him the speed is not naturally 45 mph. He lives in Ship Watch and most traffic drives 35 mph. Construction traffic has impeded travel a lot this year along with walkers and bicyclists on the road. This is not necessarily about accidents, but common sense.
- Jeff Meyer, 2224 New River Inlet # 38, expressed concern with the golf cart issue. He lives in a 35-mph zone. Most go at least 45 mph or more. There is an increase in golf cart usage. He is in favor of keeping 45 mph and wants to see more enforcement to slow people down. People will not change just because the speed limit changes. He is opposed to 35 mph.
- Fred Fontana, 1866 New River Inlet, stated that as a year-round resident, he wants the speed limit to stay 45 mph. Getting bike lanes built will assist in safety for pedestrians and bicyclists. People will drive what they think is safe no matter the posted speed limit. We could have two speed limits because we are a beach town. 35 mph in summer and 45 mph in winter. Nine signs would have to be changed out.
- Suzanne Van, 1921 New River Inlet, expressed concerned about safety. It is dangerous to have to park on one side of New River Inlet and cross the road to get to the beach. She asked the Town and DOT to look into flashing lights at all crosswalks on New River Inlet to satisfy concerns about safety.
- Cathy Baker, 2343 New River Inlet, said she lives at the far end of the road. People will still get in accidents even if the speed limit is lowered. Most times she drives, she can rarely go 45 mph because others are going slower. If there is a lower speed limit, the people will drive slower. She sees more people going under the speed limit, not over.
- Hannah McCloud, 1835 New River Inlet, lives in a 35-mph zone and most people exceed 35 mph. Lowering it to 35 mph will have golf carts everywhere. People have to back out onto the street because there is nowhere to turn around. 40 mph speed limit might help eliminate some issues.
- Steve Cramer, 1879 New River Inlet, said he is for a change to 35 mph. He has no dog in the hunt but feels strongly the speed limit is too fast. He lives in a 35-mph zone, but people go faster. He rides his bike only at sunrise because that is the only time he feels safe. There is lot of activity on this road and more enforcement by police would be great.
- Melissa Dulcimer, 28 Osprey, is in favor of the 35-mph speed limit. The majority of people go much faster. She expressed concern about the broken lines that allow passing

and there is a need for more crosswalks. Drivers do not stop to let you cross the road. This needs to be addressed as a safety issue.

- Mark Barefoot, 246 Sand Piper Drive, said he has been a resident for 17 years and is in favor of 45 mph in the winter and 35 mph in the summer. What has been done to prevent getting to this point? There needs to be speed bumps on Sea Gull because of speeding. This Board needs to unite the Town. Put ordinances in to deal with golf carts. This should have been taken care of decades ago.
- Cameron Kuegel, 3902 New River Inlet Road, said there needs to be more studies, data and stats. The volume of traffic will slow us down. He would hate to inconvenience anyone's walk to the beach. For his workday, he wants 45 mph.
- Bill O'Donnell, 3612 Island Drive, said he has lived here 40 years, south of Roger's Bay campground which is a dangerous area. He wants the Town wide speed limit of 35 mph for safety.

Mr. Matthis stated there is potential for a seasonal speed limit ordinance which would require the Town to change out the signs. The Town can pass an ordinance to ban golf carts. DOT can pass an ordinance restricting low speed vehicles.

Manager Derian stated she received 23 email comments against lowering the speed limit and 7 for 45 mph. Said emails are herein incorporated and attached to these minutes.

Motion – Mayor Pro Tem motioned to close the Public Hearing at 12:38 pm; seconded by Alderman Pletl; unanimously passed.

Board comments:

- Mayor McDermon said everything she heard was about safety. We are talking about a small portion of New River Inlet, and she likes the idea of a study done in summer. We have additional crosswalks and a crosswalk study in the budget this year. It will be a safety issue with golf carts if we go to 35 mph because there is no shoulder. She wants DOT to partner with the Board on a solution to make the entire town safe. She does not think just this small portion of New River Inlet is the solution.
- Alderman Grant stated he lives close to Osprey crosswalk and understands the speed issue. His fundamental issue is not changing the speed limit but changing it to 35 mph because it opens up more issues with golf carts and low speed vehicles. Golf carts are not banned on Town roads. Golf carts are under 20 mph, they are not street legal or have license plates. Only DOT can ban low speed vehicles. His issue is with the process, and 35 mph opens it up to town wide golf carts.
- Alderman Olszewski thanked everyone and DOT for participating. As a Town we have to consider everyone's thoughts. Her concern is safety. She sees speeds of 50 and 55 mph where she lives and wants DOT to expand the study. We need a more comprehensive approach for entire town.

- Mayor Pro Tem Benson said this is hottest topic in the 6 years he has been on the Board and the biggest crowd attending. He has promoted bike lanes and multi-modal paths, but that only helps bikers and walkers. Safety is a big concern. He is not sure the motives for why we are going about this change are in the right direction.
- Alderman Leonard said he appreciates everyone's points of view and is concerned if the speed limit is lowered it trades the potential hazard of speed for the potential hazards of golf carts and low speed vehicles. He proposed a compromise to lower the speed limit on the remainder of New River Inlet to 40 mph, not 35 mph, to make it safer crossing the road to get to the beach. This takes care of lower speed vehicles and golf carts, and he asked DOT to consider that option.
- Alderman Pletl stated she wants more studies and wants the Town to work with DOT. She likes 40 mph as a good compromise. The Town is adding and enhancing crosswalks this year and next year and also working with DOT on a bike lane. Her hope is for a safer town.

Mayor McDermon called for break at 12:45 pm.

Mayor McDermon resumed the meeting at 12:55 pm.

CONSENT AGENDA

Consent agenda items consisted of:

- May 1, 2024, minutes
- Memorandum of Agreement for Emergency Management Disaster Relief and Mitigation.

Motion – Alderman Pletl motioned to approve the Consent Agenda; seconded by Alderman Olszewski; unanimously approved.

CONTINUING BUSINESS

A. Use of Town Hall meeting room

Alderman Olszewski presented a draft policy with updates stating everyone was given an opportunity to give input. She asked for a motion to approve the newly drafted document for rental of Town Hall by community groups for meetings.

Motion – Mayor Pro Tem Benson motioned to approve.

Mayor Pro Tem Benson asked if we do not update the policy, does this mean we are using the current policy.

Manager Derian stated we do not have a current policy as we removed the fee for this from the Fee Schedule.

The motion died for lack of a second.

B. Ordinance parking lots

Attorney Edes said the parking committee came back with a recommendation to only prohibit vehicles greater than 23 feet in length in parking lots. He presented a new section, 6-104, to the Town code entitled 'Prohibitions in town parking lots' to read '(a) Vehicles greater than 23 feet in length are prohibited within Town parking lots'.

Motion – Alderman Pletl motioned to add to the parking ordinance prohibition in town lots of vehicles greater than 23 feet in length as section 6-104; seconded by Alderman Leonard; unanimously approved.

Roll call vote:

- Mayor Pro Tem Benson aye
- Alderman Grant aye
- Alderman Pletl aye
- Alderman Olszewski aye

NEW BUSINESS

A. Ocean City Road repair

Manager Derian asked for approval of the proposal received from S.T. Wooten for a change order in the amount of \$48,661.58 for site restoration and road repair on Ocean City roads, an expense reimbursable by FEMA.

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

B. Golf Cart Ordinance

Alderman Grant informed the Board the Town's website uses the definition of low-speed vehicles for golf carts, which is wrong. The website states 'street legal golf carts operated on public streets in town must comply with NC State law which requires a golf cart to be licensed, insured and registered as a low-speed vehicle'. When we repealed the ordinance, he assumed we were taking care of golf carts on the roads. 'Street legal' is not a defined term. We need to clean the language up.

Attorney Edes said 'street legal' is a slang term that came about when people converted a golf cart into a low-speed vehicle.

Board members discussed the differences between a golf cart and a low-speed vehicle and whether or not they are allowed on town streets and whether the Town needed to take any action to clarify what is and is not allowed.

Consensus – the Town Attorney is to bring a draft ordinance to the July meeting banning golf carts.

C. Topsail Island Shoreline Protection Commission (TISPC) Charter

Mayor Pro Tem Benson presented a condensed and streamlined revised TISPC charter for approval stating most revisions were for wordsmithing and organizational reasons. He asked the Board to approve the revised charter

Motion- Alderman Leonard motioned to approve the revised charter as presented; seconded by Alderman Olszewski; unanimously approved.

D. Brookwood Baptist Church parcel donation regarding parcels 030655 and 032830

Manager Derian explained she received correspondence from the church about donating the parcels to the Town and asked if the Board wants her to pursue taking over the parcels.

Motion – Alderman Pletl motioned to accept parcel 030655 and 032830 from the church; seconded by Alderman Olszewski; unanimously approved.

E. Planning Board vacancies and applications

Motion – Alderman Pletl motioned to nominate the following applicants for consideration: Hannah McCloud, Jacob Smith, Keith Wilkerson, Cleeta Jan Bellamy -Genee, Christy Barefoot, Michael Torto, William O'Donnell, Fred Fontana, Jason Stahr, Kip Malcolm; seconded by Alderman Leonard; unanimously approved.

The secret ballot vote unanimously resulted in the appointment of Fred Fontana as a regular member of the Planning Board with a three-year term ending 5/15/2027.

Consensus – Town Manager to re-advertise for alternate vacancy on the Planning Board with appointment to be at the July meeting.

OPEN FORUM

- Susan Meyer, 2224 New River Inlet # 38 asked if Fred Fontana has to resign before the Planning Board can swear him in? She asked where the Beach Inlet Sound Advisory Committee stands with the 5 and 30 plans. Did the Board adopt them?

Attorney Edes said he is official in either capacity.

- Jeff Meyer, 2224 New River Inlet # 38 asked the Board to consider holding some meetings at night especially public hearings to allow other people to attend.

ATTORNEY REPORT – none

MAYOR REPORT - Mayor McDermon said it is a big deal we were approved for the stormwater grant, and she was pleased that the groundbreaking for the fire station happened,

ALDERMEN REPORTS

Alderman Pletl informed everyone that turtle talks started this week and thanked everyone for their attendance.

Alderman Leonard thanked the mayor for a good job running the Public Hearing and said well done on the storm water grant.

Mayor Pro Tem Benson reported BISAC took a tour last month to Topsail Beach to see what our beach will look like in 10 years when we have a two-dune system.

Alderman Olszewski stated today's comments brought to life the fact that safety is the main topic and priority for everyone. She attended an ethics class for elected officials, is happy about the stormwater grant and thanked the Town Manager.

Alderman Grant said he attended the Ocean City Homeowners Association meeting, the county commissioner meetings, the ONWASA meetings and pushed for the Town on water issues and pushed installing a water tank on the island.

CLOSED SESSION

Motion – Alderman Leonard motioned to go into Closed Session as per N.C.G.S. 143-318.11(a) Consultation with the attorney at 1:50 pm; seconded by Alderman Olszewski; unanimously approved.

The Board returned to Open Session at 3:34 pm.

ADJOURNMENT

Motion – Alderman Leonard motioned to adjourn at 3:36 pm; seconded by Alderman Grant; unanimously approved.

Joann McDermon, Mayor

