



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, November 1, 2023
DRAFT MINUTES**

The Town of North Topsail Beach Board of Aldermen held its regular meeting on November 1, 2023. A quorum of the board was present. Attorney Edes was in attendance.

Board members present: Mayor Pro Tem Benson, Aldermen Connie Pletl, Fred Fontana, Richard Grant and Tom Leonard.

Board members absent: Mayor McDermon

Staff present: Town Manager Derian, IT Director Ricky Schwisow, Finance Officer Elliott, Code Enforcement Officer/Project Facilitator Conant, Police Chief Younginer, Fire Chief Soward, Public Works Supervisor Al Cablay and Interim Town Clerk Nancy Avery.

Call to order

Mayor Pro Tem Benson 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 the removal of item D (Planning Board membership) from the Continuing Business stating after discussion with Planning Board members and Chair it was suggested the Board of Aldermen meet together with the Planning Board to figure the right way to handle issues. He asked for consensus from the Board to do that.

Attorney Edes requested the removal of item E (Discussion and possible action regarding UDO Article 2, “et seq”) from Continuing Business. This item consists of three components:

1. Where in the Code of Ordinances or UDO are these things to be located
2. Rules of Procedure for the boards themselves
3. Ethics and procedure for appointment policy that we have been discussing

It will be best to address these after a joint meeting.

Motion – Alderman Grant motioned to adopt the agenda as amended with the removal of items D and E as referenced above; seconded by Alderman Pletl; unanimously approved.

Mayor Pro Tem Benson stated he is the Mayor Pro Tem and does not give up his right to vote on motions today even though he is chairing the meeting.

Manager's report

Town Manager Derian provided the following report to the Board:

Public Works:

- I want to welcome and introduce our new Public Works Supervisor, Al Cablay. Al has more than 45 years of municipal public works experience with degrees including Engineering Management and Civil Engineering. He brings with him significant experience in public infrastructure CIP projects and is a certified stormwater inspector. Welcome, Al to the Town and our team. I am confident that you are going to help with taking our Town to the next level with projects and services.

Fire Station No. 2:

- Worked throughout October on project and financing calendars for Fire Station project.
- Finalized bid specification documents with the Architect to get the Invitation for Bid issued.
- October 18, 2023 – IFB issued.
- October 24, 2023 – Specifications made available.
- October 31, 2023 – Receive Audit and send to LGC.
- November 1, 2023 – Board of Aldermen to consider/approve Resolution with broad authorization (\$8 Million). The original estimate was \$6-\$7 million that I previously reported on and this still holds true. I used \$8 million, so we do not have to start the process over with the LGC.
- November 1, 2023 – Board of Aldermen authorizes Public Hearing for December 6, 2023.
- November 7, 2023 – 2 pm is the final day and cut off time for questions from bidders.
- November 14, 2023 – Final Addendums to be issued.
- November 21, 2023 – Bids Due with public bid opening at 2pm.
- November 21 – November 29, 2023 – Review of bids
- November 29, 2023 – Bid Review completed with full recommendation for Board of Aldermen packet.
- December 6, 2023 – Public Hearing and consideration by Board of Aldermen to approve construction contract pending LGC approval.
- January 9, 2023 – NC Local Government Commission Meeting – Receive approval/denial.
- January 15, 2024 – Anticipated closing.

Beach Projects:

- The Phase I permit modification that would have allowed us to start early November to finish the remaining Phase 1 work was denied by the State. Fran has continued communication with the state permitting agency and USACE to work through this but the proximity of Phase 1 to the inlet is an environmental concern. In the meantime, the contractor was contacted to determine if they could perhaps fit both projects in during the same timeline. The contractor is agreeable with the work plan to proceed with both projects. Phase I work will now start on November 16th.
- Phase 5 is now on schedule to start November 13th, which is a few days ahead of schedule and work will continue through February and will be completed.

- Phase 4 is anticipated to start February.

ONWASA Booster Pump Project:

- The construction contract for the booster pump station to be built at Town Hall went out to bid. The pre-bid meeting with prospective contractors was held on Wednesday October 11th at Town Hall. 7 contractors had the plans; however, only 1 bid was received. The timeline to receive bids was extended to November 2nd. I spoke with Franky, and he is confident they will receive more bids by this deadline.

Events:

- Thank you to everyone who contributed and came out for our First Annual Howl-O-Ween Pet Parade and Pet Costume Contest last week. We received a lot of positive feedback, and many people thanked the Town for holding the event. Thank you to Pet Supplies Plus again who sponsored this event. Thank you to staff who assisted with the event; Wendy, Al, along with the Public Works crew, Keri from PD, Ricky and Caitlin who helped with the signage. Thank you to Barry who hung in there and sold \$425 worth of Town merchandise. Thank you to Splash who had staff on-hand to assist and Ms. Conant who sold raffle tickets. Thank you to everyone as well who donated raffle baskets that benefited Paws 4 Purpose.
- Wednesday, November 15th is the date for the 2nd Annual Christmas Tree Lighting that will be held at 6:00 pm here at Town Hall. Santa will be here for the tree lighting, the Sneads Ferry Presbyterian Church Choirs will be here to perform, we will have face painting, Karen Beasley Sea Turtle Hospital will be here, and the Sneads Ferry Girl Scouts Troop # 361 will be helping to serve hot chocolate and cookies.

Alderman Fontana noted that even though the Candidates Forum on Saturday was not a Town event, he thanked Ricky (IT Director) for being here to make sure it was streamed correctly so people could view it. He thanked Susan Meyer for her effort in contacting Topsail Times who attended and did a good job and for putting on the event for us.

Open Forum

Jeff Meyer, 2224 New River Inlet Road # 138, said he was recently at a forum where the topic of closed sessions came up. He asked if the Town Manager could tell us why they are held and why they are held in conjunction with regular board meetings.

Attorney Edes replied that these sessions are normally called Closed Sessions and are allowed by statute to be held for various reasons such as attorney consultation/legal advice on potential litigation, pending litigation, specific personnel matters which by statute are confidential, economic development topics, negotiating vendor contracts and purchase of property. The Board may discuss these things in open session but that would be waiving confidentiality. It is customary with every town he has worked with in ninety-nine percent (99%) of the cases to have a Closed Session at the end of a regular meeting. Sometimes it may be moved up to earlier in the meeting. The Board could call a Special Meeting for the purpose of having a Closed Session but it would have to be advertised.

Alderman Fontana asked the attorney to explain what has to be reported after a Closed Session.

Attorney Edes said it depends on what happens. Most of the time no action is taken during the Closed Session. If it is an employee matter, generally we will come out and talk about that. For lawsuits, statute states once a lawsuit is consummated, then it has to be announced.

Mayor Pro Tem Benson said the recording of the meeting is blank during the Closed Session. Maybe from a practical viewpoint we can stop the recording during the Closed Session so there is not a blank screen.

Susan Meyer, 2224 New River Inlet Road # 138, said she was speaking on behalf of the Planning Board and thanked the Aldermen. This is a great action taken to move forward for Board of Adjustment and Planning Board.

Public presentation and hearings

Coastal engineer Fran Way presented his monthly update with the following highlights:

- Phase I will have 20,000 cubic yards of material placed this winter
- New River Inlet Management Master Plan EIS draft is under development
- State Grant Nourishment will have 303,000 cubic yards in Phase 4 and connect with Phase 5 truck haul
- Phase 5 beach nourishment placed 411,000 cubic yards. The remaining volume is 226,000 cubic yards.
- He is working with the Finance Officer and DEC Associates regarding funding for FEMA and State funded projects.
- Permitting coordination is going on for all projects.

Engineer Way said the NCBIWA (NC Beach, Inlet, Waterway Association) conference is November 16th and 17th. He will be presenting about the North Topsail Beach truck haul projects and invited the Town Manager and Aldermen to speak at the conference.

Alderman Leonard said he thought Larry Strother, the Chair of the BISAC committee, should present.

Alderman Grant asked Finance Officer Elliott if we have cash in hand already from the state. Finance Officer Elliott replied yes, we have it.

Town Manger Derian stated we thought it was reimbursable but then we received the funds. We checked with the state and have it confirmed in writing.

Alderman Fontana asked Engineer Way how far we will get before we have to stop in May or before the project is finished.

Engineer Way responded it will take a total of five (5) months. Two and a half (2.5) months this winter with a possible extension into May. Then three months in November through January of next season.

Alderman Grant said he thought we had received the extension on Phase 4.

Manager Derian said we have received one extension so far and we put in another request just to clarify it which is pending an answer right now. All of the information is on the Town's website project page.

Alderman Grant said he received a comment from his presentation that said that the Phase 5 beach project was a wasted project that did not create any value. He quoted Mr. Way email's response on that to him "The 2015 project established Phase 5 as a FEMA 'engineered beach'. This is incredibly valuable".

Alderman Leonard stated he was on board when the project was approved. It was in place when Hurricane Florence came through. It spared a lot of homes. It was not wasted money. It did what it was supposed to do, which is to protect the shoreline, the infrastructure and the homes behind the shoreline.

Alderman Grant said that if that project had not happened, there would have only been dune renourishment, not beach renourishment. We picked up another 600,000 cubic yards of sand because it was an engineered beach.

Mayor Pro Tem Benson asked Mr. Way how wide a beach 20,000 cubic yards of material would build in Phase I?

Engineer Way responded it would be 40-60 feet wide, which is a good size beach, and it will spread and benefit other areas.

Consent Agenda

- Minutes October 4, 2023
- Budget amendment
- MOTV
- Financial policies (Cash Management and Investment, Credit Privilege, Education Assistance, Purchasing, Travel Authorization, Fixed Asset Disposal)

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

Continuing Business

A. CBRA

Alderman Leonard reported that the bill is going to go in front of the full committee at a date to be determined. Congressman Murphy has contacted via letter all republicans on the full committee requesting their support to advance the bill. If it is successful it will go to the House floor for a full vote. He was hoping to have a date for this, but he does not have it yet.

B. Memorandum of Understanding (MOU) with NC Department of Transportation (DOT) regarding bike lanes and NCDOT TIP

Attorney Edes said this was discussed several months ago and the Board wanted more deliverables. In August, the Board executed the MOU. He suspects the TIP is a template to move forward. He has a concern that the TIP references attachments, but there were none included. The TIP also supersedes any other agreements.

The Board may authorize the Town Manager to execute the TIP subject to his final approval.

Motion – Alderman Fontana motioned to authorize the Town Manager to sign the TIP agreement subject to the Town Attorney’s final approval; seconded by Alderman Leonard; unanimously approved.

C. Activity update response

Alderman Grant said most responses he received were positive. He set up meetings in the next month with two HOAs (Homeowners Associations). People do not understand revenue neutral. When he first looked at it, he thought his taxes would stay the same but that is not how it happens. It does not drive personal taxes. He is working on an explanation to provide.

Alderman Pletl thanked Alderman Grant for bringing clarity to the misconceptions. Perhaps in January after the holidays we can have an open house to answer residents’ questions

Alderman Fontana said an open house is a wonderful idea. The room was full at the candidate forum. People are interested in the election and learning how the Town operates and where it stands on things.

Mayor Pro Tem Benson said the minutes need to show the idea of having an open house.

New Business

A. Crosswalk lighting with quote

Fire Chief Soward said he and Chief Younginer were tasked with an assessment of crosswalks for lighting needs. There are five (5) DOT approved crosswalks in town. He obtained a quote for solar powered lighting on each side of the crosswalk. One of the crosswalks in particular is in a dimly lit area and needs lighting the most.

Board members discussed with staff with the following items:

- Will these be push to walk style where the driver can see flashing lights?
- There is a need to look at all locations that could benefit from a crosswalk.
- Is there a requirement to get three quotes? We only have one quote here.
- Is the quote only for materials? If so, what about installation cost? Shipping and handling?
- How long will it take to install?
- Will the lights hold up in the salt air?
- Are we going to phase them in or do all at one time?
- Some of these are on state roads – have we looked at state funds for this?
- Have we looked at grant opportunities or can we use Powell Bill funds for this?
- What about signage – will it include ‘state law requires you to stop’?
- Do we know what DOT requirements are?
- Do we need to hire someone to get a count of how often these crosswalks are used?
- Maybe we could ask DOT to put in counters.
- What about the county access – there is a severe visibility issue there. Will we ask the county to take care of it?
- Who would do maintenance on this?

Alderman Leonard asked the location of the crosswalks.

Chief Soward responded they are at 790 New River Inlet Road, 465 New River Inlet Road, 272 New River Inlet Road, 4021 Island Drive and 3632 Island Drive.

Public Works Supervisor Cablay stated in his experience it will take about thirty (30) days to install because of the underground work that will need to be done. If all materials are received, then at least two to three (2-3) weeks. Signage is optional and has to be run by the DOT for their standard. We can do additional signage and stenciling. We would first have to meet DOT standards and then we could go from there. He suggested getting DOT's criteria first and bringing this back. He said his department would handle maintenance.

Consensus – Staff to bring a detailed review of crosswalks and lighting total cost options along with maps of locations, graphics and additional quotes to the December meeting and include funding/grant ideas, and ways to count traffic to determine where other crosswalks might be needed.

- B. Resolution R2023-06 Authorizing negotiation of an installment financing contract and providing for certain other related matters that includes the demolition of existing Fire Station No. 2 and the construction of a new Fire Station No. 2

Manager Derian stated the resolution outlines everything she detailed in the project timeline in her report. It authorizes us to go forward publicly with the project pending LGC approval and the scheduling of the required Public Hearing at the December 6th meeting and to proceed with demolition. Interest rates right now are at about 5%.

Motion – Alderman Leonard motioned to approve Resolution R2023-06 as presented to move forward with the Fire Station No. 2 project; seconded by Alderman Pletl; unanimously approved.

Open Forum

None

Attorney report

None

Aldermen report

Mayor Pro Tem Benson thanked everyone for attending and encouraged everyone to vote for who they want on this board.

Alderman Grant said he attended the ONWASA Board. They are looking at closing the Pluris deal. They are expecting \$200 million in capital expenditures over the next two years for water and sewer and they are trying to address water pressure.

Alderman Fontana asked everyone to take advantage of our right to vote next Tuesday.

Alderman Leonard said the NCBIWA fall conference is November 16-17th in Wilmington. People from this Board and BISAC will be attending. He appreciates everything that was done to

set the forum up, it was one of the best run ones he has attended. He encouraged everyone to vote. He said that Dave Gilbride, former town manager, passed away on Sunday.

Alderman Pletl thanked everyone for attending and watching from home. She thanked staff and Manager Derian for the work they are doing and on the new fire truck and Fire Department. The Howl-a-ween event was well attended. She will be attending the NCBIWA conference which is a valuable resource for the Board. Please join in for the upcoming Christmas Tree lighting. Please remember to vote.

Closed session

None

Adjournment

Motion – Alderman Grant motioned to adjourn at 1:58 pm; seconded by Alderman Fontana; unanimously approved.

D. Michael Benson, Mayor Pro Tem

ATTEST

Nancy Avery, Interim Town Clerk