

Board of Aldermen Regular Meeting  
Wednesday, February 5, 2025  
DRAFT MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on February 5, 2025. A quorum of the board was present. Town Manager Derian and Attorney Ferguson were in attendance.

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

Board members absent: Mayor Joann McDermon

#### CALL TO ORDER

Mayor Pro Tem Leonard called the meeting to order at 11:00 am. Alderman Olszewski gave the invocation. Mayor Pro Tem Leonard led in the Pledge of Allegiance.

#### APPROVAL OF AGENDA

Mayor Pro Tem Leonard asked if there were any changes to the agenda.

Motion – Alderman Benson made a motion to add the AP check listing to the Consent Agenda as it was inadvertently left off of the Consent Agenda and to approve the amended agenda; seconded by Alderman Olszewski; unanimously approved.

#### MANAGER’S REPORT

Manager Derian provided the following report to the Board.

##### *Beach Projects and Operations*

The Army Corps of Engineers project is in progress right now as we speak. They notified me on January 28<sup>th</sup> that they were starting to conduct dredging of the Atlantic Intracoastal Waterway and channels to Jacksonville and place beach compatible material on the Phase I Shoreline. The before dredge survey came in at 77,805 cubic yards, slightly less than what they anticipated out of the possible 88,000 they had in their bids, so they anticipate at this point with the feedback she has received that they are still placing sand but a little bit less than what they originally thought.

The Phase 4 project for placement of 150,000 cubic yards of material was contracted to be substantially completed on or before January 1, 2026. That was at the contractor rate of \$38 per cubic yard. The contract which included mobilization, demobilization, as well as performance and payments bond totaled \$5,796,572. I received notice from our engineer that the contractor could be wrapped up with this portion of the project in February and therefore requested change orders for an additional 70,000 cubic yards of sand to be placed along Phase 4. These change orders were reflected in the Consent Agenda in today’s meeting for consideration and approval and those totaled \$2,676,184. Fran (Engineer Way) has indicated that it is anticipated that this sand could reach the entirety of the Phase 4 area. I reiterate this is not a dune project but a project

that places sand on the active part of the beach. They will continue to haul this season to the extent they have dredged sand available. Any balance in the contract quantity will be hauled in 2025. There is a possibility that they complete Phase 4 this season however there is absolutely no guarantee. I cannot stress that enough. I do not want to convey to everyone that for certain they will be there and then they cannot for various reasons. That is the plan as it is right now but it has been obviously very fluid and changes continually. There is also one remaining change order pending for approximately 10,000 cubic yards of sand that is going to be relocated from the previous contractor stock pile.

#### *Potential Cyclone # 8 dune project – the unnamed storm*

The recovery scoping meeting was held on January 10<sup>th</sup>. Many representatives from FEMA and the state were in attendance at that meeting here at Town Hall. Weekly meetings have continued and we will continue as required. I have two meetings scheduled for this week. One site meeting was requested to view the Marina Way crossover. I will actually be on site with them tomorrow starting here and then moving on the Marina Way crossover for them to look at it and document and take pictures as well. I have relayed to the Board that FEMA indicated that the Town needs to move forward with the IFB for the project, which is an invitation for bid and the obligation of funds will follow. Fran (Engineer Way) is finalizing the IFB and he anticipates to have that completed next week. I have asked him to include language in the IFB that a contract will be awarded based on funds obligated by FEMA. We do not know if they will officially obligate the funds yet and we have no assurance yet that they will and the state of FEMA being in flux right now as an agency. I would like a consensus from the Board that you are comfortable with moving forward with the IFB as soon as Fran has it completed. That way we are not wasting any time. We have relayed to FEMA that it would be ideal to get a project initiated this spring based on the current conditions specifically in Phases 1 – 3. Should a project be initiated for PTC # 8 this spring, it could affect Phase 4 progress depending on sand and contractor availability. These are all moving parts that change daily.

Consensus – the Board gave unanimous consensus to move forward with the Invitation to Bid as soon as it is completed.

#### *Villa Capriana*

We have contacted NCDOT to request the pre-construction meeting which was our understanding was the next step in that process. They have given us approval to move forward and relayed the meeting is not needed since we used TAPCO as the vendor. We have contacted TAPCO to confirm that and requested a construction timeline. Once I have everything in writing back from them that we are good to go and confirm their schedule I will post that on a project page and make an announcement of when the construction will take place.

#### *Solid Waste Services*

A Request for Proposals (RFP) was issued and a deadline for submission was January 3, 2025. We received proposals from GFL while recycling tons of trash in East Coast Consolidated. For the RFP the solid waste committee met which was comprised of two staff members from each of the towns which consisted of us along with Surf City, Topsail Beach and Holly Ridge. It was determined that GFL was the lowest responsive bidder. We are in the process of preparing a

memorandum that outlines the recommendation and it will be presented at the March meeting for Board consideration. I also have a meeting scheduled next week with the GFL contract representative.

## OPEN FORUM

- Jonathan Edmonds, 547 New River Inlet Road, stated he wants to construct a 4 foot path way from his residence to the Town park on the DOT right of way and needs the Town to enter into a 3 way agreement to take over maintenance/repair once the path is constructed. There is currently no safe way to get to the park. He has a pre-approval from CAMA, guidance from DOT and has procured a contractor. He proposes no construction cost to the Town.
- Bob Gerkins, 142 Ocean View Lane, on behalf of Ocean Sound Village Association requested to know when the Phase 4 project will be completed and to be notified if it is not to be completed so they could do work on the beach.
- Shane Bartus, 13 Osprey Drive, said he was putting the Board, the Town Attorney and Manager on notice about the appearance of impropriety on holding closed sessions discussing the speed limit change request without letting the public know of the discussion, demonstrating no pressure from those not wanting the speed limit change, opening the Town to possible legal action due to safety issues, having continued business on today's agenda after a closed session to spend \$278,000 for six months of accounting work to GWI Tax and Accounting which should be a role filled by a full-time financial officer, financial mis-management, outsourcing everything, no employees and a Town Manager making 200% more than the salary.com recommendation, too much happening in closed session without availability for public comment and a Mayor Pro Tem that was not even elected. His next step is talking to the media.
- Mr. Anders, 136 Sea Gull, thanked whoever got the steps re-done at beach access # 45 in the northern end and reiterated the need for a beach access at the north end with a parking lot, bathrooms and a walk-over.
- Kevin Finger, 17 Osprey, said he is still waiting on an answer on the 35 mph speed limit request brought up last year. We would like to give the people asking about it a straight answer.

## PUBLIC PRESENTATIONS AND HEARINGS

### A. Coastal Engineer Monthly Report

Engineer Way presented the monthly report with the following highlights:

- The Phase 1 Corps Intracoastal Waterway project to place 88,000 cubic yards of material is the winter
- The final sections of the draft Environmental Impact Statement for the New River Inlet Management Plan is under development
- The State grant nourishment project to place 250,000 cubic yards of material in Phase 4 has begun and is going well with about 70,000 cubic yards being placed a month
- FEMA/NCEM coordination has begun on the post tropical cyclone # 8 survey for costs, dune analysis and bidding
- Investigations are on-going for the on the disposal area 143 beneficial reuse for nourishment of Phases 1, 2 and 3

Mayor Pro Tem Leonard asked if we can request a deadline on the completion date for the Environmental Impact Statement (EIS) from Dial Cordy and Associates. Alderman Olszewski asked Mr. Way if he would prefer the Board to make the request. Alderman Benson stated they have regular meetings with the Corps on the review, but the Corps is not getting the response back from Dial Cordy and Associates.

Consensus – Issue a request in writing from the Town to Dial Cordy and Associates on the deadline for completion of the Environmental Impact Statement (EIS).

## CONSENT AGENDA

Consent agenda items include:

- Board of Aldermen January 8, 2025, minutes
- Budget amendment 2025-25.13 General Fund 10 transfer out \$2,000,000 to Beach Maintenance Capital Project Fund 31
- Budget amendment 2025-25.14 Shoreline Protection Fund 12 – transfer out \$4,000,000 to Beach Maintenance Capital Project Fund 31
- Budget amendment 2025-25.15 Beach Maintenance Capital Project fund 31 transfer in \$6,000,000 from Fund 10 and Fund 30
- Budget amendment 2025-25.16 Capital improvement Fund 12 Transfer out \$1,000,000 to Fire Station # 2 Fund 50
- Phase 4 Beach Project – ST Wooten Change Orders
- Purchasing Policy Revision
- Fire Station No. 2 - Brawley Change Orders
- Finance report

Motion – Alderman Benson motioned to approve the Consent Agenda as amended with the addition of the AP check listing; seconded by Alderman Grant; unanimously approved.

## NEW BUSINESS

### A. NCBIWA 2025-2026 Legislative Goals

Mayor Pro Tem Leonard said he is on the Board of Directors for the North Carolina Beach, Inlet and Waterway Association (NCBIWA). He is looking for a motion to support the NCBIWA 2025-2026 legislative goals.

Motion – Alderman Grant motioned to approve the NCBIWA 2025-2026 legislative goals; seconded by Alderman Benson; unanimously approved.

### B. NCBIWA Beach and Inlet Management Plan

Mayor Pro Tem Leonard explained this document includes information on the economic effects beach communities bring to the state and it has not been updated since 2016. The request is for state legislators to spend \$500,000 to update the study.

Motion – Alderman Benson motioned to approve Resolution 2025-02 to support NCBIWA Beach and Inlet Management Plan funding; seconded by Alderman Olszewski; unanimously approved.

#### C. Topsail Island Shoreline Protection 2025 Advocate Goals

Alderman Benson said most of the 2025 goals are continued from last year. One additional goal is to be more of an advocate for reasonable insurance rates. He asked the Board to provide their input to Chairman Strother of the BISAC committee no later than February 20, 2025.

#### D. Beach, Inlet, Sound Advisory Committee Vacancies (4) and Applications

Mayor Pro Tem Leonard said there are 4 vacancies and applicants for consideration are D. Mike Benson, James Smith, Ian Gerdes, Larry Strother, Hanna McCloud, Stephen Newbern, Charles Walker, Jacob Smith, Phil Fowler. He requested Board members submit their written votes.

Written votes resulted in D. Mike Benson, Larry Strother, Ian Gerdes, and Charles Walker were selected to serve on the Beach, Inlet, Sound Advisory Committee for a 3 year term.

Motion - Alderman Pletl motioned to appoint D. Mike Benson, Larry Strother, Ian Gerdes and Charles Walker to serve a 3 year term on BISAC; seconded by Alderman Olszewski; unanimously approved.

#### E. Planning Board Vacancy (1 Member) and Applications

Mayor Pro Leonard stated there is one vacancy and applicants for consideration are James Smith, Brenda Morse, Keith Wilkerson, Charles Walker, Kimberly Sailer, Grey Chapman, Jason Stahr, Christy Barefoot, William O'Donnell, Cleta Jan Bellamy-Genee, Michael Torto.

Alderman Grant clarified the vacancy is for a permanent member.

Written votes resulted in a tie between Charles Walker and Keith Wilkerson. A second written vote resulted in the selection of Keith Wilkerson.

Motion – Alderman Benson motioned to appoint Keith Wilkerson to serve as a regular member of the Planning Board; seconded by Alderman Olszewski; unanimously approved.

Mayor Pro Tem Leonard stated that since Mr. Wilkerson is currently an alternate member on the Planning Board there needs to be a written vote to fill the now vacant alternate position.

Written votes resulted in a tie between several applicants.

Attorney Ferguson stated that Jason Stahr is currently serving on the Board of Aldermen and it is his understanding that policy does not allow someone to serve on two boards.

A second written vote resulted in a tie between Cleta Jan Bellamy-Genee and Kimberly Sailer. A third written vote resulted in selection of Cleta Jan Bellamy-Genee.

Motion – Alderman Grant motioned to appoint Clela Jan Bellamy- Genee as an alternate member on the Planning Board; seconded by Alderman Pletl; unanimously approved.

F. Consideration of Resolution 2025-03 local legislation to exempt Town from provision of Part III, Subpart III-K of SB 382 and to restore the original provisions of N.C.B.S. 160D-601(d)

Attorney Ferguson explained the Hurricane Helene disaster relief bill voted on by the General Assembly last month included some provisions dealing with local government’s ability to initiate down-zoning. Down-zoning is any type of zoning regulation for a commercial or non-residential zone that would create a non-conformity or any type of zoning regulations for residential areas that decreases the number of uses or density. It greatly hamstrings local government’s ability to have effective government initiated zoning regulations. A group of local government attorneys are requesting exemptions from this particular portion of that bill and reinstatement of the previous N.C.G.S. 160D-601(d) legislation which allowed government initiated down-zoning. This resolution requests that exemption and if the Board approves it will be forwarded to your General Assembly delegation.

Mayor Pro Tem Leonard commented that State Senator Lazarus said it should never have been passed and they are doing their best to get this rescinded. Alderman Grant said the County is also doing this.

Motion - Alderman Grant motioned to adopt Resolution 2025-03 local legislation to exempt Town from provisions of Part III, Subpart III-K of Senate Bill 382; seconded by Alderman Pletl; unanimously approved.

#### OPEN FORUM

- David Dulcimer, 28 Osprey Drive, expressed concerns about the section of New River Inlet Road that is just behind the Town Hall. It has a passing zone that extends from the parking lot to the public park. This area is dangerous because of the 45 mph speed limit where there are pedestrians, vehicles and bicyclists.
- Jeff Meyer, 2224 New River Inlet Road, asked which aldermen were duly elected by the citizens of the Town.
- Jonathan Edmonds, 547 New River Inlet Road, said most towns have an ADA complaint form on line and it might be good for the Town to do that. He agreed the park area is congested.

ATTORNEY REPORT – no report.

#### ALDERMEN REPORTS:

Alderman Pletl thanked Alice (manager) and her staff for all they do. She said most of her career she has worked with the media and she is intimately familiar with the Sunshine Law and Open

Meetings Act. There are very few things the Board can discuss in Closed Session. We act strictly in accordance to the law and we have the attorneys present to assure that we always stay within those parameters. Let me be clear there are no nefarious things going on in closed meetings. There is no closed door chicanery taking place.

Alderman Olszewski thanked all the citizens for bringing their concerns to the Board and thanked the applicants for serving as volunteers on the committees. It takes a group of people to run a town and we need community involvement for that. All of the Board of Aldermen members take their positions very seriously and we do not always agree. Do not assume all Board members have the same opinions or agree on the same points. Thank you to those that attend the meetings and watch the meetings on line.

Alderman Grant said there was a blip in the County's forecast on taxes which has been fixed. He thanked everyone for watching on line and said there is nothing wrong with showing up at the Planning Board or BISAC meetings to be heard.

Alderman Benson said he appreciated those in the audience that showed an interest in town activities and congratulated new volunteer appointments for Planning Board and BISAC.

MAYOR PRO TEM REPORT– Mayor Pro Tem Leonard applauded Manager Derian on the work involved in putting the agenda together, especially without a clerk. We did not get the CBRA bill through the last session. That does not mean we have stopped. We now have another draft bill from Congressman Murphy's office that we expect to have filed within the next two weeks. We are waiting on the response back from Congressman Rouzer's office so that he may be an original sponsor rather than a co-sponsor after it is filed. Congressman Murphy has a meeting on the 24<sup>th</sup> of February with two representatives of the House Committee on Natural Resources to review the draft bill and make sure they are good with it, as that is the first hurdle. Ray Celeste, an assistant in Congressman Murphy's office, has spoken with his counterpart Harrison Walker in Senator Tillis's office to attempt to get a companion bill on the senate side moving at the same time. We are in a good spot this year with the majorities we have in both chambers and he is working with the folks in Washington on this almost daily.

#### CLOSED SESSION

Motion – Alderman Benson motioned to go into Closed Session at 12:25 pm as per NCGS 143.318.11(a)(3) to consult with the attorney and (6) personnel; seconded by Alderman Olszewski; unanimously approved.

Motion – Alderman Benson motioned to return to open session at 2:00 pm; seconded by Alderman Olszewski; unanimously approved.

Attorney Ferguson stated no action was taken in Closed Session.

#### CONTINUING BUSINESS

A. Agreement – GWI Tax and Accounting agreement for professional outsourced accounting services

Attorney Ferguson stated the Board could make a motion on this agenda item.

Motion – Alderman Grant motioned to continue the GWI agreement

Attorney Ferguson asked if the motion is to table the GWI agreement to the next meeting.

Alderman Grant clarified the motion is to table the GWI agreement period; seconded by Alderman Benson; unanimously approved.

#### ADJOURNMENT

Motion – Alderman Pletl motioned to adjourn at 2:02 pm; seconded by Alderman Olszewski; unanimously approved.

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Tom Leonard, Mayor Pro Tem