



Town of North Topsail Beach
Town Hall - 2008 Loggerhead Court, N. Topsail Beach, NC

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Board of Aldermen Regular Meeting Minutes

Wednesday, October 05, 2022, at 11:00 AM

Board Present: Mayor McDermon, Mayor Pro Tem Benson, Alderman Grant, Alderman Pletl, Manager Derian, Town Clerk Mier, Attorney Edes.

Online participants: Fran Way, ATM Coastal Engineer, and Andrew and Doug Carter, Carter Associates

I. CALL TO ORDER. Mayor McDermon called the meeting to order at 11 am

II. INVOCATION. Mayor Pro Tem Benson gave the invocation.

III. PLEDGE OF ALLEGIANCE. Mayor McDermon led the group in the pledge of allegiance.

IV. APPROVAL OF AGENDA. Mayor McDermon requested a motion to adopt the agenda.

Mayor Pro Benson made the motion and Alderman Pletl seconded. It was approved unanimously. (3-0)

V. MANAGER'S REPORT. Manager Alice Derian presented the following report for October.

Beach Projects:

Living Shoreline Project – Richard Peters Park

- The contracts for the living shoreline project have been executed and since the last meeting we received our permit from the Division of Coastal Management right before Hurricane Ian hit. We are waiting on the contractor to propose a new date since it was originally going to be planned for October 4th.

New River Environmental Impact Statement (EIS)

- On September 21, 2022, Mayor McDermon, Mayor Pro Tem Benson and I had a conference call with Mickey Sugg, the Regulatory Chief for the Wilmington District of the USACE on the status of the New River Inlet Management Master Plan Environmental Impact Statement (EIS). There was no new information provided at this meeting to report. I provided him the scope of the modeling work that is underway.

Channel to Jacksonville

- There was a meeting on Sept. 20th with USACE in regards to the ICW Crossing and to discuss the channel to Jacksonville disposal area. USACE has awarded a contract to Cottrell contracting to place approximately 173,000 CY's of sand that will be placed along the inlet area. In the past, the contractor did not always follow what was the best placement for NTB and we wanted to ensure that we relayed to them what would be of most benefit to the town and to ensure USACE holds them to that scope of work. We requested they begin at the south and pump north working with the current, not against it. They were holding a pre-construction meeting with the contractor later that same week and will be following up with us to schedule another meeting soon. We relayed that we would like this project to occur first and then come in after with our FEMA project that is expected to place an additional 16,000 CY's of sand.

Abandoned Vessel Removal Request

- Our joint request on behalf of NTB and Onslow County to USACE to remove the abandon vessel, located on a sandbar in the southern side of the NRI was officially denied. They indicated it is not located within the current federal navigation channel. Therefore, it is not considered an obstruction, nor does it pose a hazard to navigation. Consequently, at this point in time the Wilmington District is unable to request and expend federal navigation funds to remove the vessel from the inlet.
- The request that I had submitted to the Marine Corps to remove the above water rigging has also been denied since they have looked at the rigging debris and have determined that it is outside their capabilities to remove safely. I have requested assistance from the Coastal Federation and have since submitted another joint request to State Wildlife. Response from these two agencies are pending.

Hurricane Ian Response

- Preparations have been underway since pre-season to be prepared for such event. We have been asking residents for weeks to sign up for CodeRed and Re-entry passes. We had issued over 300 re-entry passes before Hurricane Ian arrived and therefore did not have lines waiting out the door before the pending storm. I worked with our Public Works supervisor before the storm to obtain a pump that we used to divert over wash from flooding Richard Peters Park that we knew was likely to come from the County Access #4. We also had it ready, if need be, to deploy to other locations. Fortunately, we were able to keep it running in front of the park.
- CodeRed was utilized to notify residents a state of emergency was declared without imposing restrictions on September 29th and remained in effect until 12:01am on October 3rd.

- I activated our EOC at Town Hall with limited staff early Friday, Sept. 30th. Town offices closed at 12:00noon; however, EOC staff remained. We did assessments and responded throughout the weekend. NRI Rd at Sea Gull Lane was closed through Friday as well as the drive-on access at Beach Access #3. We recently acquired a street sweeper that was approved as part of the budget to provide maintenance of pathways and roadways and it certainly proved to be an asset to the town over the weekend. Public Works worked through Saturday to clean and ensure the roadways were passable. Staff completed damage assessments on Saturday. Damage was minimal to 13 properties of less than 10% in the \$50-\$60k range mostly in the Beach Club area.
- Beach surveys started on Monday. Staff as well as TI Coastal have been out surveying conditions post Ian. These are still in progress; however, a few isolated areas of dune scarping (about 1-2' tall) between the southern town line and Access 35, but overall, most of the losses are limited sea oat sprigs that were over washed, causing them to die. The dune system overall stayed intact but the beach took a decent hit. Per the engineer doing an assessment on Monday stated that most of the eroded sand has likely moved just offshore in the nearshore sand bars and will make its way back on the beach, but this will take a few months to happen. I expect a final briefing later this week. Staff is also finalizing our official damage assessment report and we will do an after-action meeting within the next week.
- We continue to take steps to improve upon storm preparedness and have since purchased a wind speed reader that will be installed on the building at Town Hall. Once it is installed, we will have a Davis weather link live added to our website to be able to share data in real time on our website. We also have which is new this storm season a 4G/5G internet service for a mobile network for all EOC communications, which includes phone and internet. We are essentially prepared to set up a command post anywhere and have a backup if we are at a location and they lose service. We can still communicate. I also approved this week the purchase of 2 additional portable two-way radios. This will provide additional radio communication for essential staff during/after an event. There is a cyber security grant coming available to the state. We are waiting on direction with this and monitoring to submit an application with recent purchases for potential reimbursement.

Thank you to all Department Heads and staff who have done an excellent job responding to the needs of the town during and following this event.

VI. OPEN FORUM.

Fred Burns was concerned about the new UDO rules to protect the dune system in town. He was concerned that exempting seashell collection on dunes would degrade dunes as town-wide there is the 'keep off the dune' UDO rule. He was also concerned about enforcement of the dune rules and asked for clarification on who is responsible for enforcement.

Steve Scheibner, a resident of the private Beach Club at the New River Inlet, would like to know if the Town can remove over washed/drifted sand in the private roadway that hinders vehicle access to their parking areas and place it on the town-owned lot in that same area.

- Mayor McDermon encouraged the owners in this area to think about forming an HOA to address this and other issues.
- Mayor Pro Tem Benson suggested that restoration of the sandbag revetment would alleviate a lot of the over washed sand from the roadway. He also suggested that the plaintiffs' representatives from the sandbag settlement agreement should be meeting with the town representatives to move forward with restoration work.
- Attorney Edes stated that the Town has fulfilled all its obligations in the settlement agreement and is ready to meet with plaintiffs' reps.

Sherry Fox (accompanied by Christopher O'Brian) outreach specialist from the Jacksonville Office of the United States Department of Veterans Affairs spoke about the program and its aim to help all veterans and their families by providing them with independent counselling, couples counselling, and therapy groups. Our office is a safe place for veterans just to enjoy a cup of coffee. She encouraged veterans in town to take advantage of this opportunity.

VII. PUBLIC PRESENTATIONS AND HEARINGS

Mr. Fran Way, ATM coastal engineer, updated the board on current shoreline projects

- The Phase 5 FEMA Category G Beach Nourishment project that was contracted by ST Wooten hauled and placed on the beach about 120,000 cy of sand this spring. This project will start up again November 16 with about 180,000 cy more sand to be hauled and placed.
- Bids for the 2nd Tranche for Phase 5 will be released soon.
- We still await word on the Coastal Storm Damage Mitigation grant application from the state that would extend the Phase 5 FEMA project the length of the shoreline in Phase 4.
- Truck-hauled sand for the Phase 1 Hurricane Dorian FEMA Category G (15,000 cy) project near Topsail Reef Condos will be placed in the next environmental window (Nov 16, 2022, to April 1, 2023). Bidding is next step.
- New River Inlet Management Master Plan EIS continues by the US Army Corps of Engineers (USACE).
- We are working with NTB Finance Officer and DEC Associates regarding funding for upcoming FEMA and State funded projects
- Sea oats planting in the restored dunes along our shoreline has been completed.

- USACE AIWW/Channel to Jacksonville dredging bidding is underway. The disposal area for this work is the Phase 1 beach with 170,0000 cy of sand expected.
- County Beach Access #4 dune restoration will be permitted, bid, and completed this winter

VIII. CONSENT AGENDA. Mayor McDermon requested a motion to adopt the consent agenda.

Alderman Grant made a motion to approve the consent agenda. Mayor Pro Tem Benson seconded the motion which carried unanimously (3-0).

IX. CONTINUING BUSINESS

A. Chairman Benson gave the BISAC update. The committee recommended that an at-large member be added since several months had passed and no applications from Phase 3 had been received. The town manager was asked to notice this vacancy. The CRC at its September meeting approved the new inlet hazard areas for the shallow draft inlets in North Carolina which greatly expanded the New River Inlet Hazard Area. Recently, however, the DCM delayed adoption of the new rule until the CRC can consider some exemptions to the rules for structure at inlets at its upcoming November meeting. Chairman Benson also reported the need to develop grantsmanship for the Town given the billions of Federal dollars and millions of State dollars available for coastal resiliency. Alderman Grant added that ad hoc grant writers are at a premium with the competition for these funds.

B. Ordinance Amending Town Code §10-47 EXEMPTIONS. Planning Director Deb Hill talked about the language in Town Code §10-47 which takes out seashell collection on dunes and adds conservation activities as an exemption. Director Hill noted that the US Supreme Court has a case before it that could affect the definition of the US Army Corps definition of 404 wetlands. She also noted that the Division of Coastal Management's rules for coastal wetlands fall under 401 wetlands. She plans to bring rules for coastal (state) wetlands before the Planning Board at their next meeting as some communities in the state are adopting stricter wetland standards than the State.

Mayor McDermon called for a motion to adopt the updated language in Town Code §10-47.

Alderman Pletl made the motion and Alderman Grant seconded the motion which carried unanimously (3-0).

C. BOA Applicants. Mayor McDermon asked Clerk Mier to read the names of the 15 applicants for the Board of Alderman vacancy. The applicants were Anthony Baker, Fred Burns, Jon Caborn, Deborah Coltrane, Michael Curran, Fred Fontana, Phil Fowler, Edmond Kosmos, Cameron Kuegel, Tom Leonard, Kip Malcolm, Stephen Newbern, Laura Olszewski, Clay Riggins, and Steve Scheibner.

Mayor McDermon asked each Alderman to give a brief discussion of how they came forward with their recommendations. The three aldermen explained what they were looking forward in an applicant. Many applicants had very strong applications.

Attorney Edes then explained the nomination ballot method of selecting the two aldermen that had been used in the past by this board. With the nomination ballot method all applicants are considered nominated. The aldermen then write the name of their nomination on their signed ballot. The board agreed to use this nomination method. Mr. Fred Fontana received two votes and Ms. Laura Olszewski received one vote so the first alderman seat will be filled by Mr. Fontana. On the second seat ballot, Mr. Tom Leonard received two votes and Ms. Laura Olszewski received one vote so the second alderman seat will be filled by Mr. Leonard.

D. Amendment to Bond Order - Town of North Topsail Beach 2022A SOB. Mayor McDermon noted that Mr. Doug Carter was online to answer any questions about this bond order of the next two on the agenda. No one had a question.

Mayor McDermon asked for a motion to approve bond order 2022A.

Alderman Grant made the motion to approved seconded by Mayor Pro Tem Benson. The motion passed unanimously (3-0)

E. Bond Order - Town of North Topsail Beach 2022C SOB (FEMA)

Mayor McDermon asked for a motion to approve bond order 2022C.

Alderman Grant made the motion to approve seconded by Mayor Pro Tem Benson. The motion passed unanimously (3-0)

F. Issuance Resolution - Town of North Topsail Beach 2022C SOB

Mayor McDermon asked for a motion to approve the issuance resolution 2022C.

Alderman Grant made the motion to approve seconded by Mayor Pro Tem Benson. The motion passed unanimously (3-0)

X. NEW BUSINESS

A. NCBIWA Conference Registration Manager Derian noted seven full registrations for the meeting, thus she recommends a motion to approve a gold level sponsorship of \$1,500.

Mayor McDermon asked for a motion to approve gold level sponsorship of \$1,500 dollars for the NCBIWA Conference, November 3rd and 4th.

Alderman Grant made the motion to approve seconded by Mayor Pro Tem Benson. The motion passed unanimously (3-0)

B. Request to Modify Text - Special Event Policy and Permit/Application. Manager Derian asked for approval of the modified text within the Special Event Policy permit/application to

require the additional insured endorsement for all events unless otherwise waived in writing by the Town Manager. The board has the full text before them. The modification ensures event organizers have liability insurance that would protect the town from liable at a non-Town sponsored event.

Mayor McDermon asked for a motion to approve the modified text within the Special Event Policy permit/application document.

Alderman Grant made the motion to approve seconded by Mayor Pro Tem Benson. The motion passed unanimously (3-0)

C. Memorandum of Understanding between the Town of North Topsail Beach and the Town of Topsail Beach. Manager Derian requested approval for a MOU with the Town of Topsail Beach to provide substitute personnel to conduct building inspections for the parties of agreement when their respective personnel are unavailable. Manager Derian noted that we already have such an agreement with the Town of Surf City which has worked well in the past.

Mayor McDermon asked for a motion to provide substitute personnel to conduct building inspections for the parties of agreement when their respective personnel are unavailable.

Alderman Pletl made the motion to approve seconded by Alderman Grant. The motion passed unanimously (3-0)

D. Resolution of Appreciation for Mr. Don Harte. Mayor McDermon read a resolution of appreciation for Mr. Don Harte.

XI. OPEN FORUM

No one came forward to speak.

XII. ATTORNEY'S REPORT. Attorney Edes had no report.

XIII. MAYOR'S REPORT. Mayor McDermon thanked staff for their hurricane efforts. She commended Manager Derian and her staff's performance for all the projects before the Town. She reiterated that a 'fact sheet' for the new Inlet Hazard Area would be developed and placed on the Town's website once the CRC gives final approval. Made note of the regional DOT Advisory Committee meeting in Topsail Beach that she would attend where she will champion for bike lanes on New River Inlet Road.

XIII. ALDERMANS' REPORT. Alderman Pletl thanked Manager Derian and her staff for their efforts during Hurricane Ian. She wanted to welcome the newly elected board members and thanked all those who applied. She also noted that all 110 sea turtle nests on the island (73 nests in NTB) have hatched.

Mayor Pro Tem Benson also thanked Manager Derian and her staff for their efforts during Hurricane Ian which occurred over the weekend. He thanked all the BOA applicants who applied and encouraged them to apply for other town committees.

Alderman Grant echoed thanks to Manager Derian and her staff during Hurricane Ian particularly in keeping the floodwaters pumped off of New River Inlet Rd at BA#4. He attended the Onslow County Board of Commissioners meeting where he received support of cooperation at all the county beach access areas in town. He also noted that there will be three board of alderman slots open for election in the November 2023 election.

XIV. CLOSED SESSION. Mayor McDermon requested a motion to go into closed session to “Consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged [G.S. 143-318.11(a)(3)] and to discuss specific personnel [G.S. 143-318.11(a)(6)].

Mayor Pro Tem Benson made the motion to go into closed session at 1:10 pm as per N.C.G.S. 143-318.11(a) (3) and (6) which was seconded by Alderman Pletl. The motion passed unanimously.

Mayor Pro Tem Benson made a motion to return to open session at 1:18 pm which was seconded by Pletl. The motion passed unanimously.

Mayor McDermon announced that no action was taken in closed session.

XVI. SUBSEQUENT ACTION.

Mayor McDermon asked for a motion to approve a salary adjustment for Manager Derian.

Alderman Pletl made the motion to approve a 5% merit increase in salary and a one-time \$5,000 bonus for Manager Derian which was seconded by Mayor Pro Tem Benson. The motion passed unanimously.

XVII. ADJOURNMENT.

Mayor McDermon asked for a motion to adjourn.

Alderman Pletl made the motion to adjourn which was seconded by Mayor Pro Tem Benson. The motion passed unanimously.

Joann McDermon, Mayor

ATTEST

Nancy Avery, Interim Town Clerk