

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, July 5, 2023  
MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on July 5, 2023. A quorum of the board was present. Attorney Edes was in attendance.

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

Staff present: Town Manager Derian, IT Director Ricky Schwisow, Police Chief Younginer, Fire Chief Soward, Finance Officer Elliott and Interim Town Clerk Nancy Avery.

Call to order

Mayor McDermon called the meeting to order at 11:02 am. Alderman Grant gave the invocation and led in the Pledge of Allegiance.

Approval of Agenda

**Motion** – Mayor Pro Tem Benson motioned to adopt the agenda as presented; seconded by Alderman Leonard; unanimously approved.

Manager's report

**Beach Projects and Operations:**

**Sea Oats:**

Coastal Transplants is currently working to complete Sea Oats plantings where they were asked to follow up from last season; 205-207 Goldsboro Lane; 3622 Island Drive and to assess St. Regis for follow-up as well.

**Beach Patrol:**

We have had two beach ambassadors who have been on-board since the season started and will continue to monitor hot spots throughout the summer. Their purpose is to monitor and educate.

Our part-time temporary individual for personal property removal from the beach in evenings was trained and started in June. This person will stay on board until the end of the season.

We received our new Mahindra Roxor for the season that has been on the beach and has recently assisted with locating a missing child on the beach. It is four-wheel drive capable,

weather resistant, and constructed with a fully boxed, truck-like, steel frame. Previous ATV type beach patrol vehicles have been proven to have a short life span due to corrosion of frame components. It also has a roof and windshield. I have a grant pending for us to obtain a second one. These will replace the two previous ATV's that are no longer in use.

**Budget:**

The FY 2023/2024 budget was adopted at the Board's special meeting on June 14th. The adopted budget and fee schedule has been posted to our website.

**Hurricane Season Preparation:**

We held a hurricane community forum on June 26th. Stacie Miles, Onslow County Deputy Director of Emergency Services, along with a representative from the National Weather was on-hand to present and answer questions. I also invited representatives from the utility companies who also spoke and were available to answer questions.

I encourage all residents who have not already obtained their re-entry pass to get one now. Visit the Town's website or stop by Town Hall. Also, please register for Code Red through our website. Signing up for Code Red notifications will ensure you receive timely communications from the Town in the event of any emergency, whether storm related or any type of emergency that the Town is under.

**Recycling Project:**

I have been in communication with a company called MyMatR to do a pilot recycling project at Richard Peters Park. This is a unit that holds 2 twenty-three-gallon containers that uses AI to sort what goes into it by determining what is trash and what is recycling. The pilot project is free to test. If the Town decides to purchase these units in the future, we will receive a discount by being part of a pilot project. I expect the project to roll out in August. The units can determine and notify us when containers are full, provide monthly data and sustainability reports. Some communities are testing these indoors, but a long-term vision would be to have these at beach access points as they continue to develop this product, which is why I want it tested outdoors. This unit in particular is \$4,000; however, I envision if this product is a viable solution for trash and recycling then it would be a prime opportunity for grants or even having them "wrapped" with sponsor logos. I do not intend on recommending the Town purchase if we do not obtain grants or engage sponsors. They are currently working on larger prototypes as well and I have asked about incorporating solar.

**Ocean City Jazz Festival:**

The Ocean City Jazz Festival was held this past weekend to include dedication of the community signs. The community signs and landscaping project were completed in the last week of June and accomplished through grant funding. At Friday's sign dedication and kick-off party, the Town was presented with an award for our contributions to the festival. Thank you to all staff and the Ocean City Community for the wonderful event.

**Announcements:**

Turtle Talks continue throughout the summer to be held every Tuesday at Town Hall from 9am to 10am here in the board room. This is a weekly educational session with members of the Karen Beasley Turtle Hospital and is free to attend. The sea turtle release was held as scheduled on June 21st at Jeffries Beach access and we had a huge turnout for that event.

If you have not seen it yet, we had a full-page ad in the Topsail Times Newspaper's July edition. We highlighted what NTB has to offer, basic information, current events, promote the Beach Clean initiative and beach and water safety measures. My intention is to continue with this initiative to highlight season specific information and pertinent town communications.

Open Forum

1. Hanna McCloud, chairperson of the Planning Board and Board of Adjustment, said she wants the Town to know they would need and appreciate volunteers.
2. Deborah Mitchell, 201 Shell Street, Rogers Bay Campground, asked the Board to consider making the existing crossover near her location ADA compatible for her disabled husband who loves going to the beach. She said it is very difficult for them to use the existing crossover.

Public presentations and hearings

Danny Ferucci, Executive Director of Onslow United Transit System (OUTS) informed the Board about the services offered. He said the nonprofit organization's mission is to provide safe, reliable and efficient transportation for the citizens of Onslow County. OUTS operates general public transportation and ADA Complementary Paratransit Service for medical appointments, work, daycare, shopping, social and recreational activities. The agency provides non-emergency transportation only. In the event of a hurricane, OUTS would provide transportation to shelters 2-3 days prior. They will not operate when there are sustained winds of 40 miles per hour. They have two clients in North Topsail Beach and 191 in the surrounding area.

Consent Agenda

- Minutes from regular meeting May 3<sup>rd</sup>, Budget Workshop May 10<sup>th</sup> and Special Meeting June 14<sup>th</sup>

**Motion** - Alderman Leonard motioned to approve the Consent Agenda as presented; seconded by Alderman Pletl; unanimously approved.

Continuing Business

- A. BISAC update - Chair Strother gave his report from the June Beach, Inlet, Sound Advisory Committee meeting stating they continued the discussion of the five-year action plan and thirty-year beach plan; received a status report from the manager; discussed future agenda items and received one public comment about whether a jetty was approved or not. Mr. Strother stated that no jetty has been approved.

## B. NCDOT Memorandum of Understanding (MOU)

Manager Derian stated she added this item as a place holder in the event she received an update from the Department of Transportation (DOT). She has not received an updated MOU yet. She did ask DOT to add tentative payment dates and deliverable dates to the Memo of Understanding (MOU). She hopes to have something from them for the August meeting

New Business

## A. Streaming Meetings

Alderman Grant stated he wants to discuss something that probably will not be resolved today. At the county meetings he attends, there is a lot of talk about transparency. He said the main issue is transparency and whether we should be live streaming all of the meetings we have. We are going to have issues about fines, etc. and there may be a need for more transparency. From an accountability standpoint, he thinks there needs to be a discussion about how this should play out. He has not researched what other towns are doing. He said our (Board of Aldermen) meetings are live. He understands that everything is recorded so the question is whether it should be live. Minutes are always available but he would rather have what he said streamed rather than summarized in minutes if he was on the Planning Board.

## Discussion summary:

*Mayor McDermion*

All of the Town's meetings should be recorded or streamed for everyone to be able to see as it is public information and might help with getting more volunteers for the Planning Board and Board of Adjustment (BOA). It would help potential volunteers see and understand topics discussed. It is also public information and people should be able to see it. At the very minimum BOA and Planning Board should be posted. There are those that are not full-time residents who cannot attend.

*Alderman Pleil*

Her first inclination is she agrees that they should be posted but asked if there are any cons to it. She said she thinks it needs more looking into.

*Alderman Leonard*

He would like to hear from the attorney and the manager. The meetings are public and open. For the Planning Board and BOA to wrestle an issue when they need to is important. He thinks for now we ought to leave it the way it is.

*Alderman Fontana*

He would like specifics. Will this apply to the Beach, Inlet, Sound Advisory Committee (BISAC)? He knows BOA meetings are more legal and should be recorded. He suggests advisory board meetings continue to be recorded and Board of Aldermen and BOA meetings be streamed and everything else be recorded.

*Mayor Pro Tem Benson*

We are doing this on the fly. We should table this until we can get an opinion from the lawyer and the manager.

Manager Derian said all meetings are recorded Board of Adjustment and Planning Board meeting videos are not posted. Legally, recordings can be disposed of after the minutes are completed. She received a request for the videos after the last Planning Board and Board of Adjustment meetings and those have been released. There is no more burden on the staff either way. She recommends streaming all meetings for recognized committees which are Board of Aldermen, Planning Board, BOA, BISAC and Parks and Recreation (P&R) once meetings are held again. Posting and streaming are the same thing.

Attorney Edes said by statute you do not have to have a recording. If you do and someone asks for it, you have to provide it per the Public Records Act, if it is still in your possession. He recommended the Town have a policy on how long they keep the recordings. All of your meetings are open to the public and duly advertised. BOA recordings are legally more significant as decisions are appealed to Superior Court whereas Planning Board is advisory only.

Aldermen Leonard and Grant asked Hanna McCloud, Planning Board and BOA chairman, for her opinion.

Ms. McCloud stated we hash things out to determine pros and cons. There are professional people serving as volunteers on these boards. In her fifteen years of service she can count on one hand the number of people that attend the meetings. She would like to know how many requests have been received for the videos. People can take one sentence and blow it out of proportion. Doing this may make it harder to get volunteers. Sometimes meetings are just training sessions. It seems a minority is running the place with their criticism, but they do not volunteer to do anything. Her biggest concern is board members may feel stifled to ask questions. Knowing it is videoed may make them hold back. Planning Board meetings are being recorded now and she is comfortable with that.

Manager Derian suggested the Board ask Larry Strother, Chairman of BISAC, for his opinion as he is in attendance.

Mr. Strother said he thinks nonresident owners are not interested in these board meetings unless they are directly impacted. BISAC meetings impact everyone on the island. He has no heartburn with the meetings being streamed, although he thinks live streaming will not have many viewers. It may impact members' freedom to speak and bring more negativity.

Alderman Leonard said he agrees that a board member should not have to worry about being recorded when trying to decide.

**Motion** - Alderman Fontana motioned to stream Board of Aldermen and Board of Adjustment meetings and retain recordings for six months; seconded by Alderman Grant.

Alderman Grant stated he wanted to amend Alderman Fontana's motion to add 'post BISAC meeting recordings', stream Board of Aldermen and Board of Adjustment meetings and keep recordings for six months.

Attorney Edes stated only the maker of a motion may amend it.

Alderman Fontana withdrew his motion.

**Motion** - Alderman Grant motioned to record various meetings, to stream Board of Aldermen and Board of Adjustment meetings live, to retain recordings for either six months or until minutes are approved, and to post a link to the recording of the Beach, Inlet, Sound Advisory Committee on the website in perpetuity; seconded by Alderman Fontana; unanimously approved.

#### B. Golf Carts

Chief Younginer requested the Board repeal the current ordinance regulating golf carts and allow the police and parking vendor to use state law when issuing citations. State law requires golf carts to have tags, be registered, and be used only on roads with a posted speed of 35 miles per hour or less. Many towns are doing away with local laws to use state law. Citations will be issued by tag. If the owner is a rental company, they will settle it with the renter.

Discussion:

*Mayor McDermion*

Does state law allow kids to drive golf carts? Is it correct that if there is no tag, the police will issue the citation; but if the cart is parked, then the parking vendor will issue it.

*Alderman Leonard*

Is it correct that state law requires inspection and tags? How will golf carts with South Carolina tags be handled and will there be a grace period if we do this? There should be a timeframe on warnings.

*Alderman Fontana*

To clarify, if a golf cart is parked in an area where the speed limit is 45 miles per hour, would you issue a ticket?

*Mayor Pro Tem Benson*

If we pass this ordinance now, there has to be a grace period.

*Alderman Pletl*

What about carts that are registered with us now that expire in June?

Chief Younginer replied that the state requires drivers to have a license. Some rental companies have carts with South Carolina tags and we will address that. The renewal period on carts we have registered is up and we will not renew. There will be discretion on the officers' part with warnings. It is correct that if there is no tag, the police will issue a citation and if the cart is parked, the parking vendor will handle the citation. We would have to visually see a golf cart driving on a street with 45 mile per hour speed limit before we could give a citation.

**Motion** - Alderman Pletl motioned to approve Ordinance 2023-02 repealing Article XI of the Code as presented; seconded by Alderman Leonard; unanimously approved.

C. Discussion on possible action regarding Project Facilitator/ Code Enforcement Officer position and associated budget amendment

Manager Derian stated as she talked about in budget meetings, she wants to ensure we are active instead of reactive with staffing. Feedback she has received from residents is they would like enforcement on items such as garbage carts being left out. This position is a step in the right direction to be proactive.

Discussion

Aldermen Grant, Pletl, Fontana and Leonard along with Mayor McDermon indicated this was a great idea and agree with the need for this position.

**Motion** - Alderman Grant motioned to approve the Project Facilitator/Code Enforcement Officer position and associated Budget Amendment FY23-24.1 as presented; seconded by Mayor Pro Tem Benson; unanimously approved.

D. Proposal to hire four seasonal, temporary, part-time firefighters in the Fire Department and associated Budget Amendment FY23-24.2

Chief Soward stated he has one staff member out on medical and another going out on medical soon. We do not have enough volunteers to cover this. Hiring four seasonal, temporary, part-time firefighters will help to keep staffing adequate and relieve current staffing.

Discussion

*Alderman Fontana*

Where will you find people to fill positions and can you get them trained and up and running?

Chief Soward said he gets calls from those in surrounding departments interested in part-time work, so they will come trained.

**Motion** - Mayor Pro Tem Benson motioned to approve hiring four seasonal, temporary, part-time firefighters in the Fire Department and associated Budget Amendment FY23-24.2 as presented; seconded by Alderman Leonard; unanimously approved.

Open Forum

None

Attorney report

None

Mayor report

Mayor McDermon thanked staff for assistance with the Jazz Festival. Ocean City also recognized and thanked our staff for their contribution. She thanked Onslow County Water Authority and Sewer Authority (ONWASA) for their help with the water problems this weekend.

Aldermen report

Alderman Pletl thanked those attending and viewing the streamed meetings. We have sixty turtle nests on the island with half of them in North Topsail.

Alderman Leonard thanked everyone for coming. He thanked staff and the manager for handling all issues this weekend. ONWASA has to come up with a better plan other than emergency situations. They need to come to our meeting and brief us on a long-range plan. He met Congressman Murphy at a social event in Jacksonville. The congressman took the time to explain where we are with the Coastal Barriers Resources Act (CBRA) legislation. His staff met with the Departments of Wildlife and Fisheries and Natural Resources, so they are actively working on the bill. He said it may be wrapped up into another bill. If so, we may have to send someone to Washington, DC to present and justify to the subcommittee.

Mayor Pro Tem Benson stated that the census lists 30,000 weekly summer visitors to North Topsail Beach and 80,000 to the island. We had a fairly safe Fourth of July and he thanked Fire, Police, and Public Works for their efforts.

Alderman Fontana said he echoes the statements about Fourth of July and thinks it went well. He gave a shout out to the turtle volunteers, particularly the coordinators Connie, Marie, and Pam. There are 300 volunteers on the island.

Alderman Grant said he thought July 4th was excellent. He had a sidebar discussion with the county people about issues with ONWASA. This and other utility issues are island wide. Big units are being built, not single-family homes and it is not going to get better. He has concerns about fire safety with buildings being constructed so close together.

Closed session

**Motion** - Alderman Leonard motioned to go into closed session at 12:44 am as per NCGS 143-318.11(3) consultation with the attorney; seconded by Alderman Fontana; unanimously approved.

Return to open session and adjournment

Motion – Alderman Grant motioned to return to open session at 1:59 pm; seconded by Alderman Fontana; unanimously approved.

Mayor McDermon stated no action was taken in Closed Session

**Motion** – Alderman Leonard motioned to adjourn at 1:59 pm; seconded by Alderman Fontana; unanimously approved.

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Joann McDermon, Mayor

ATTEST: \_\_\_\_\_  
Nancy Avery, Interim Town Clerk