

# *Town of North Topsail Beach*

Joann M. McDermon, Mayor  
Mike Benson, Mayor Pro Tem

Aldermen:  
Richard Grant  
Connie Pletl  
Alfred Fontana  
Tom Leonard



Alice Derian, ICMA-CM  
Town Manager

Nancy Avery  
Interim Town Clerk

## *Nature's Tranquil Beauty*

### Board of Aldermen Regular Meeting minutes Wednesday, March 1, 2023, at 11:00 AM North Topsail Beach Town Hall

The Town of North Topsail Beach Board of Aldermen held its regular meeting on Wednesday, March 1, 2023. There was a quorum of the Board present and the Town Attorney was in attendance.

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

Board members absent: None.

Staff present: Finance Officer Caitlin Elliott, Fire Chief Chad Soward, Police Chief William Younginer, Planning Director Deborah J. Hill, IT Director Ricky Schwisow, Interim Town Clerk Nancy Avery, Town Manager Alice Derian and Town Attorney Brian Edes

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

#### Approval of agenda

Mayor Pro Tem Benson stated agenda items listed under 'Open Forum, item A,' should be moved to 'New Business, item J'.

**Motion** – Alderman Grant motioned to approve the agenda as amended by moving items under 'Open Forum' to 'New Business'; seconded by Alderman Leonard; unanimously approved.

#### Open Forum – none

#### Public Hearing

Commercial Plan Review for Fire Station # 2

Planning Director Hill stated:

- Town is requesting development plan review and approval of proposed Fire Station # 2
- Procedures for Commercial Plan Review are in the Unified Development Ordinance (UDO) Section 2.06.07,

- Plans are in compliance with Federal Emergency Management Authority (FEMA) regulations,
- Board of Adjustment granted a variance on January 30, 2023, in accordance with UDO Section 7.04 from the Town's higher standard of enforcing V-zone development standards in the AE zone,
- The property is located at 3304 Gray Street with a metal building established in 1996 in disrepair and in need of replacement,
- Planning Board reviewed and approved at its February 9, 2023, meeting.

**Motion** – Alderman Grant motioned to open the Public Hearing at 11:11 am; seconded by Alderman Leonard; unanimously approve.

The architect with Becker Morgan Group, stated:

- Current building codes for design for an essential facility are 162 miles per hour (mph) wind loads, materials all extremely flood and water resistant, stout building to last more than 50 years, four bays elevated to maximum given proper slope for fire trucks, two and half percent above present grade,
- Operating quarters begin eight feet off the current grade and there is second floor above this,
- Entire facility is covered with a membrane roof glued to the surface that is not loose in any way and sloped in such a way to collect and drain water towards the intracoastal waterway,
- It is the same lot with the same amount of rain but this design will grab the rainwater in a pipe and send it out to Gray Street. With the current building, half of the rainwater is shedding to a northeast property,
- Footprint is 8,660 square feet with a turn onto Gray Street. Parking areas will be to the south with pervious pavement that drains. There will be an emergency generator, elevated to fourteen feet to protect it during storms or flooding,
- Second floor has meeting rooms, office space and workout areas. The residence next to it cannot see into the fire station as there are no windows on that side.

Public comments:

Evester Bailey, 2757 Island Drive, stated:

- He lives in Durham and owns the residence next to the fire station,
- He sent email to the Planning Board with a number of questions,
- He wants to go on record to say the Town does an excellent job with streaming meetings, Planning Director Hill has been very transparent,
- His family has owned the property since 1971,
- He recently rebuilt the house next door. It is considerably larger,
- He has worked cooperatively with the fire station in the past ,
- What is the buffer zone? He has a swimming pool in the back and he had to put in six-foot shrubs,
- He is concerned about the noise from the generator sitting by the bedroom that it will not be problem. He wants to ensure the Town has done its best to buffer that noise,
- What about set backs? It looks like it is almost putting the facility on the property line.

- He is used to a public safety facility being next door. He thinks it is beautiful fire station and will look a lot better. He does not want continued industrial use in that area since it is residential,
- He is happy with transparency and having this forum,
- He asked the Town to help him out with noise and buffering.

2. Don Hibbert, 2264 New River Inlet Road, asked about fuel drips and drainage from trucks and drainage from Air Conditioner units.

The architect responded the oil from the trucks is captured and treated as wastewater rather than rainwater. It will be much better than what is in place today.

**Motion** – Alderman Grant motioned to closed the Public Hearing at 11:42 pm; seconded by Mayor Pro Tem Benson; unanimously approved.

*Board Discussion:*

Alderman Grant stated there is no ingress or egress to Island Drive, only Gray Street, correct?

Architect response: Yes

Alderman Fontana asked how will this compare to what the neighbors are looking at now?

Architect response: The edge of the roof is sixteen feet off the ground. The new brick line is twenty feet off the ground and this is two story while the current one is one story. The bay doors are taller.

Mayor Pro Tem Benson asked if it would make sense to have a soundproof wall where the generator is?

Architect response: the generator sound is roughly the same as a diesel truck.

Fire Chief Soward stated the truck noise is louder than the generator. We can schedule the time for the generator to run to mitigate noise.

Mayor Pro Tem Benson said the Topsail Island Shoreline Protection Commissioner (TISPC) is involved in resilient programs. The site chosen in North Topsail Beach for remediation is on Island Drive south of this fire station. Can the proposal to run gray pipe into the dune system to infiltrate be combined as part of this project to get water off of Island Drive?

Architect response: we can incorporate that but from a budget standpoint we need to delineate limits.

Town Manager Derian stated this needs to be looked at as two separate projects. The grant process is handled as a separate stand-alone project. We have to look at the fire station and park in this area and we are waiting for a cost estimate before going forward with the grant.

**Motion:** Alderman Leonard motioned to approve fire station #2 plans and authorize the Town Manager to proceed with bids for demolition and construction; seconded by Alderman Pletl; unanimously approved as follows:

<u>Roll call</u>	<u>Vote</u>
Alderman Pletl	Yes
Alderman Leonard	Yes
Mayor Pro Tem Benson	Yes
Alderman Fontana	Yes
Alderman Grant	Yes

Note: Mayor votes only in case of tie.

### Manager Report

Town Manager Derian reported the following on status of beach projects:

*Phase 5* – ST Wooten continues with Phase 5 project. Approximately 151,018 cubic yards have been placed as of February 23<sup>rd</sup>. The 2<sup>nd</sup> Avenue access was opened as approved to expedite the project and to aid in logistics with two contractors working the project. Trucks will continue to use the Gray Street access as well.

*Channel to Jacksonville/Phase 1* – USACE officially wrapped up its project. A project wraps up meeting was held Friday. They reported 160,000 cubic yards of sand were placed. They reached Building # 6 at the Reef before having to stop. Black material was starting to pump out so the project was stopped. As this project was coming to a close, we discussed options with the Reef in terms of access to proceed with Phase 1 project to place 45,000 cubic yards of sand within the permitted area of Phase 1 that was approved by the Board. The current plan is for the contractor to work south of Building # 8. Mr. Way, Town engineer, will meet the contractor on site following today's meeting. We have to provide the latest beach survey data and project fill layout to the Division of Coastal Management who enforce CAMA regulations prior to work beginning as well. Once the project officially starts, we can request an extension. The environmental window for Phase 1 closed April 1<sup>st</sup>.

*Phase 4/ Coastal Storm Damage Mitigation Fund Grant* – permit has been received. A one-year contract extension to the state has been approved to June 1, 2023, and is fully executed. We received funds of \$2,625,000 and a budget amendment was on the consent agenda to account for this.

*BA#4*- She continued communication with the County Manager in relation to the BA#4 dune project and the increased cost to remediate. We had to present a scope of work deemed acceptable by the state and retain the sand within the Area of Environmental Concern. The County Board Chairman approved to place this overage in the amount of \$26,059.7 on the agenda for the March board meeting for approval. She provided the full scope with the changes and photo documentation along with the funds allocated and the overage amount with assurance we had vetted all options that would be deemed acceptable by the state, and what we proposed was the most cost effective option. She anticipates we will be ready to proceed following the County board meeting on March 6<sup>th</sup>. Once this work is completed, we can officially request the \$178,000 that was rolled over from last fiscal year to complete the project along with the additional \$26,059.74 and close this project out.

*Environmental Impact Statement (EIS)* – Mickey Suggs, from USACE reported that the Notice of Intent was published on February 27<sup>th</sup>. We shared the public notice and link on our website

and social media. The 2-year clock now starts. From our January 12<sup>th</sup> conversation, Dial Cordy and ?Associates stated they will provide to the USACE the draft EIS with 3-4 months. From there, they will conduct an internal review of the document to make sure it includes everything it needs to cover. Town Engineer Way reached out o her last Friday to advise that an estimate to construct a terminal groin today would be \$18 million. This is triple the original estimate, and she notes that this estimate will escalate each year.

Town Manager Derian reported the following on status of other projects:

*Richard Peters Park* – Renovations are in progress to the restroom facilities, stairway and ramp at Richard Peters Park and we anticipate them to wrap up with in a couple of weeks.

*Fire Station Replacement*: - Final drawings from consultants to the e Architects will be received on March 17<sup>th</sup> and will be reviewed. The target date is March 24<sup>th</sup> to be ready to issue an IFB. The civil engineers will be submitting a number of permit applications to a variety of agencies to include NCDEQ, NCDOT, Pluris, ONWASA and CAMA. The longest expected review is CAMA. Until that permit is fully approved, we cannot start site or building construction. We hope it will take 4-6 months but in reality, there are a lot of variables that go into that estimate. Technically, Division of Coastal Management has two 75-day review periods, but this application is pretty straightforward. We also need to be prepared for extensive material delivery delays.

*Budget* – the budget calendar for FY 2023-2024 was published as follows:

- March 14<sup>th</sup> and 15<sup>th</sup> – BOA Budget Workshops to be held from 8:30 am to 4:30 pm at Town Hall
- April 19<sup>th</sup> and 20<sup>th</sup> – BOA Budget Workshops to be held from 8:30 am to 4:30 pm at Town Hall
- May 10<sup>th</sup> – Public Hearing on the Budget to be held at 1:00 pm at Town Hall
- June 7<sup>th</sup> – Budget /Ordinance Adoption – Budget to be adopted during the regular June BOA meeting. Please note that while the budget workshops are scheduled over a two-day period, if tasks are completed within one workshop day, the second will not be necessary. Mr. Carter is scheduled to be at the budget meeting on March 15<sup>th</sup> in the morning. This schedule will also allow for an additional workshop in May if necessary.

*Grants and FEMA*: - Notification was received from FEMA that the request submitted Post Ian Cat B Emergency Protective Measures was approved for the full \$51,799.92. This includes \$41,800 for the beach survey work. Cat Z has also been approved for administrative costs in the amount of \$2,590.

Manager Derian stated we received notification from FEMA last week that our Assistance to Firefighters Grant was approved for PPE in the amount of \$78,571.42. Specifically for 11 Self Contained Breathing Apparatus units that include harness/backpack, face piece and 2 cylinders. The Town is required to contribute 5% of non-federal funds which equates to \$3,928.58 wad was incorporated into the budget.

A grant was submitted last week to Onslow County for the FY23-24 Tourism Grant in the amount of \$200,000 to use towards the Town’s annual debt service payment for the beach renourishment project completed in 2015. You will recall last year we restructured our original loan which shortened the life of the loan with debt being paid off by 2027. The restructure was

necessary to allow for lower financing costs and freeing up the large cash reserve that was originally required to be maintained.

### Coastal Engineer Update

Mr. Fran Way, with Coastal Engineers, stated:

- The \$18 million cost is for the groin only. Other towns have done it for less but that was 5 or more years ago and they had a smaller area involved.
- The Town has eleven miles of shoreline separated into five phases that are not all the same size.
- CBRA delineations affect phasing.
- Phase I project has sand being placed.
- Phase 4 project is in the planning and permitting stage.
- The Corp dredging project stopped around building 6 at the St. Regis.
- Phase I has an overlap between where the Corps finished and the Town's template is. Permits have been updated to reflect this. We are working with CAMA/DCM staff to modify it to go south to buildings 6, 7 and 8 and further south. Timing is of the essence. The Corps project finished later than we thought by 2 weeks. We are trying to start this as soon as possible. He met with ST Wooten today. It is permitted and ready to go. The permitted area is not in CRBA zone.
- Phase 5 project is on schedule. Mechanical breakdowns slowed it down. It is starting at Gray Street and working south this week.
- He let CAMA know for the Topsail Reef project, we will need an expansion into April and CAMA is ok with it.
- Phase 4 project placing 300,000-325,000 cubic yards of material is on schedule to start next November.
- At county beach access four, we did get rid of sand fencing on the seaward side which is not good for turtles. The Fish and Wildlife folks are unhappy with the gravelly sand and we have to get rid of it. CM Mitchell is contracted to do this and will get started right away with separate equipment. The sand has to stay within the same environmental footprint and we will need to decide what to do with it.

### Consent agenda

- Capital Project Amendment (002)
- Capital Project Amendment 2
- Minutes 2.1.2023

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

### Continuing business

BISAC update –Mayor Pro Tem Benson said at the committee meeting last week, they covered several things. The report is part of the board packet. The committee worked toward electing a new chair and you will see this in the resolution section of the meeting that we elected Larry Strother as chair. Also, the Topsail Island Shoreline Protection Commission (TISPC) traditionally consists of one elected official, the chair of the its shoreline protection committee and one at-large member to serve as voting members. In the past, before the committee, the Town appointed an elected official in place of the chair of the shoreline (beach) committee as it

Town appointed an elected official in place of the chair of the shoreline (beach) committee as it did not have a committee. Now that we have a beach committee, the committee recommended the Board of Aldermen appoint Chair Strother to serve on the TISPC. The main focus of the meeting was a review by the coastal engineer advisor concerning the 30-year plan. We want to move forward in the committee with developing the 30-beach plan. We talked about how to use shallow draft funds to move sand and provide funding.

#### New Business

##### A. Budget Amendment 23.4 Police Chargers

Chief Younginer stated he has police cars on a 5-year rotation plan. Vehicles are hard to get these days. It generally takes eight to ten months. We ordered new vehicles that are now in but we budgeted them in next year's budget because we did not expect them so soon. He wants to purchase them and take it from next year's budget cycle. Cost is \$90,000.

#### *Discussion*

Mayor McDermon asked if we have the funds.

Town Manager Derian replied that we do.

**Motion** – Alderman Pletl motioned to approve budget amendment 23.4 for purchase of police vehicles (Chargers) as presented; seconded by Alderman Leonard; unanimously approved.

##### B. Greater Topsail Community Alliance

Mayor McDermon stated she would like to stay on the Greater Topsail Community Alliance committee and have a backup. She spoke with Alderman Pletl about being backup and she has agreed.

**Consensus** – Mayor McDermon to remain as representative to the Greater Topsail Community Alliance and Alderman Pletl to serve as alternate.

##### C. Full time Public Works position

Manager Derian said that there are two part time positions in Public Works that have been vacant for a while. She recommended eliminating two part time positions and consolidating to one Full Time position. The benefit outweighs the cost. It is helpful for the department to have a Full-Time position. The available Funds are available from the two vacant part time positions for this year. Total cost difference is under \$5,000 annually.

**Motion** – Alderman Pletl motioned to approve consolidating two part time positions in Public Works into one full time position as presented; seconded by Mayor Pro Tem Benson; unanimous approved.

Attorney Edes asked if the vote is enough to reclassify the position?

Both Finance Officer Elliott and Manager Derian answered yes, it is enough.

##### D. Temporary housing for Fire Station # 2 personnel during demolition and construction

Manager Derian stated she wants to be in a position to move forward sooner rather than later and asked the Board to authorize her and the attorney to negotiate a lease for temporary housing for this project.

**Motion** – Alderman Leonard motioned to authorize the manager and attorney to negotiate a lease for temporary housing for demolition and construction of a new Fire Station # 2 project as presented; seconded by Alderman Pletl; unanimously approved.

E. Coastal Engineer use in developing a beach plan.

Proposed resolution 2023-02 exempting Town from General Statute 143.64.31 to exempt contracts for design services from the qualifications-based selection requirements.

Alderman Grant stated:

- The Board directed the Beach, Inlet, Shoreline Advisory Committee (BISAC) to work on development of a beach plan,
- The structure that Topsail Beach followed is for a professional to draft the plan, then the beach committee reviewed it and gives input and brings it to the Board. We want to move forward with getting a professional on board to begin the plan,
- We need to exempt ourselves from the statute.

Attorney Edes stated to be exempt from the statute (Mini Brooks) the expected cost has to be less than \$50,000.

*Discussion*

Mayor McDermon asked if funds are available in the budget today.

Manager Derian said yes there is some money budgeted for this and she is getting a cost estimate. She is looking at what we can pay for this fiscal year and what might roll into next fiscal year.

**Motion** – Alderman Pletl motioned to adopt resolution 2023-02 exempting the Town from General Statute 143.64.31 to exempt the contracts for design services for the beach plan from qualifications-based requirements; seconded by Alderman Leonard; unanimously approved.

A. Bike lanes shoulders along 210 to north end of New River Inlet Road

Alderman Fontana stated:

- We looked at a multi-use path a while ago at a cost of \$7 million.
- Department of Transportation (DOT) has looked at a bike lane rather than a multi-use path at a cost of \$3 million per DOT. This would be four-foot bike lanes on both sides of New River Inlet Road. The stumbling block are the bridges. DOT suggested stopping and restarting at the bridges. The Town's share would \$1.2 million. DOT got creative and began using resurfacing funds rather than new construction funds for this type of project. The State pays for the resurfacing and the Town pays for the utility work, base gravel, mobilization, etc. and right of way acquisition.
- This work requires a Coastal Area Management Authority (CAMA) permit which the State would obtain.
- DOT wants to know if the Town is committed for the local match. DOT's budget for this project would be fiscal year 2025.

Mayor McDermon stated:



- We included an original multi-use path study from 2016 which was not done because we did not have the funds to do that large of a project.
- There is a huge safety issue on New River Inlet Road. We want to mirror what we have on Island Drive.
- Surf City has bike lanes going through its town.
- My concern is CAMA may not approve all the way down New River Inlet Road because of how close some areas are to the sound.
- The \$1.2 million estimate gets us to the beach club which is where our state road ends.
- There is not a wide distance further down.
- I would like us to approve this knowing this is the best estimate for New River Inlet Road.
- The big unknown is CAMA and whether they will approve it. If the Board approves, we can at least get through the CAMA process to know where we are.

Alderman Fontana stated the \$1.2 million would be over one to three years or \$400,000 each year for three years. DOT is supportive of the project as we are a recreational location.

**Motion** – Alderman Leonard motioned to commit to the NCDOT local match of \$1.2 million for bike lanes on 210 to the north of New River Inlet Road; seconded by Alderman Pletl. No vote was taken on this motion.

*Discussion points:*

This has been in the works for a long time. Bike lanes on 210 came about because of this resurfacing project. It is long overdue for all issues including safety, tourism, and people walking. We can work with the folks in Raleigh to whittle down the check writing for the Town. (Leonard)

This is a fantastic idea especially from a safety standpoint. Is there any way to expedite it? Is 2025 as early as possible for this project? (Pletl)

New River Inlet Road has to be eligible for resurfacing for this to happen and that has to be determined. (Fontana)

From a funding perspective, the further out the better with the other projects and the five-year capital projects we have such as the bid for fire station # 2. (Derian)

How do we make an open ended commitment to \$1.2 million for something that will happen three years out? Can we commit a future board with a non-contractual project? What do we do if they do not do it? If the bid comes in higher, what do we do? We want to make sure we do not contract for something open ended. I agree with public safety and tourism. It is dangerous on a bike out there. (Grant)

We do not know what DOT is asking us to sign or if they are asking our approval to go forward. (McDermon)

DOT does not want to go through with CAMA application and design without a commitment from the Town. (Fontana)

**Consensus** – Alderman Fontana to reach out to DOT contact to obtain what form of commitment is required such as a resolution, Memorandum of Understanding, Memorandum of Agreement and then work with the manager and attorney.

Attorney Edes stated he expects DOT will want a resolution of intent. It should state a 'not to exceed' amount.

Manager Derian said once a form of commitment is obtained, the attorney and I can place it on the agenda.

Mayor Pro Tem Benson said to put this in perspective, the multi-use path study in 2016 that was projected to cost \$7 million was mostly cost to get across the wetland areas parallel to the bridges. With building the fire station and two fire trucks to buy, would it be anywhere in the next decade when we would have the money in the Capital Projects fund for this? Also there was a lot of resistance in the north end for the amount of right of way that would be taken from people's yards for this. The sooner we can get bike lanes the safer New River Inlet Road will be.

#### B. Beach, Inlet, Sound Advisory Committee (BISAC)

Mayor Pro Tem Benson said the committee nominated BISAC member Larry Strother as Chair of the committee and asked the Board to appoint him.

**Motion** – Alderman Grant motioned to appoint BISAC member Larry Strother as Chair of the committee; seconded by Alderman Leonard; and unanimously approved.

#### C. BISAC Topsail Island Shoreline Protection Commission (TISPC)

Mayor Pro Tem Benson explained the TISPC charter calls for membership of one elected official, the member of the beach protection committee and one at-large member. As the Town has not formerly had a beach protection committee, an elected official held that position. The BISAC committee recommends nominating Chair-elect Strother as the TISPC representative from the committee.

**Motion** – Alderman Grant motioned to appoint BISAC Chair Strother as the representative to RISPC from the beach protection committee for the Town; seconded by Alderman Pletl; unanimously approved.

#### D – North Carolina Beach, Inlet, Waterway Association (NCBIWA)

Manager Derian asked if there was a consensus on who is attending the conference? Historically the Town has always done a gold sponsorship. You could make a motion to move forward with the level of sponsorship based on number of attendees.

**Motion** –Alderman Leonard motioned to provide the level of sponsorship dependent on number of attendees and to let the manager make that call; seconded by Alderman Pletl; unanimously approved.

Attorney Edes stated categories are:

- Bronze \$350 -one attendee
- Silver \$1000 – two attendees
- Gold \$1500 – three attendees

Mayor Pro Tem Benson said in the past it has always been this Board, but we need to be cognizant of the fact members of the BISAC may want to attend or at least the Chair.

Open Forum

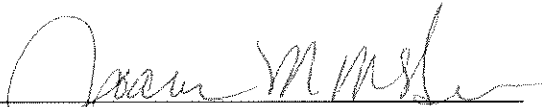
1. Jeff Myer of New River Inlet Road thanked Mayor Pro Tem Benson for allowing him to attend the BISAC meeting. It was very interesting. It sounds like the majority of sand is going from building 6 south. Will that not qualify the sand in front of the Reef as an engineered beach? Is it correct that if it is not an engineered beach, it will not be eligible for FEMA funds in the future if there is a hurricane?
2. Mr. Hubert, 2264 unit 105, stated the bike path sounds wonderful. Is there any way to get sloping drainage. Can we work with DOT on this?


**Motion** – Alderman Leonard motioned to go into Closed Session at 1:12 pm as per NCGS 143-318.11(5) attorney client and item (6) for a personnel matter; seconded by Alderman Fontana; unanimously approved.

The Board returned to Open Session at 2:03 pm.

Adjournment

Motion – Alderman Pletl motioned to adjourn at 2:04 pm; seconded by Mayor Pro Tem Benson; unanimously approved.

  
\_\_\_\_\_  
Joann McDermon, Mayor

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