

Board of Aldermen Approved Minutes from August 2, 2023, meeting

*Please note – these minutes have a watermark 'draft' that could not be removed.*

*I hereby certify these are the correct final minutes approved by the Board of Aldermen.*

  
Nancy Avery  
Interim Town Clerk

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, August 2, 2023  
MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on August 2, 2023. A quorum of the board was present. Attorney Edes was in attendance.

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

Board members absent: Mayor Joann McDermon

Staff present: Town Manager Derian, IT Director Ricky Schwisow, Police Chief Younginer, Fire Chief Soward, Planning Director Deb Hill, Building Inspector Ralph Allen, Wendy Conant and Interim Town Clerk Nancy Avery.

Call to order

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

Approval of Agenda

**Motion** – Alderman Leonard motioned to adopt the agenda as presented; seconded by Alderman Grant; unanimously approved.

Manager's report

Project Facilitator Position / Code Enforcement :

- I am pleased to welcome and announce that Ms. Wendy Conant has been hired to fill the new role of Project Facilitator/Code Enforcement. She comes to us having worked in municipal government for the past several years in code enforcement in SC, an investigator in law enforcement and worked as a paralegal. One of the projects she is working on right now is to prepare and finalize a draft light ordinance that will be presented to the Board

**Beach Projects:**

Sea Oats

- I am waiting on confirmation from TI Coastal/Coastal Transplants that the Sea Oats project has been completed and asked that they do a drive through to confirm.

USACE Letter of Acknowledgement

- I provided a letter of acknowledgement to the US Army Corps of Engineers regarding their intent to construct the Surf City portion of the Coastal Storm Risk Mgt project for The Town of Surf City. Based on discussions with the District and the Town of Surf City, there will be a transition between the two towns that will extend approximately 1,000 feet into the southern town limit of North Topsail Beach and include a tapered placement of sand into this transition area. The Town of Surf City will be securing any necessary easements. The intent of the letter was to acknowledge the project and to say we will assist in communications with residents at the appropriate time regarding the portion of the project occurring in North Topsail Beach.

Annual Monitoring

- Annual monitoring was completed in June and Fran has been working on a beach wide volume comparison with last year's survey. Fran's presentation will be pulled from the Consent Agenda for the September BOA meeting to discuss. The nourishment benefits in Phase 1 and Phase 5 are evident and there also appears to be some nourishment spreading benefits into Phase 4. The beach in the Marina Way area (Phase 2) lost material in addition to the Beach Access #4 area (Phase 3). Overall, an additional 424,000 CY's gain in sand was measured largely due to nourishment efforts.

- Below is a table showing the volume change between the annual monitoring's. Please review this information and be prepared to discuss it at the September BOA meeting.

Annual Monitoring Gain/Loss (CY)

Volume Limits	Dune to Depth-Of Closure {~300 yards offshore)	Dune to MLW	Dune to MHW
PHASE 1	+120,481	+56,267	+36,947
PHASE 2	- 23,352	-8,380	-3,866
PHASE 3	-28,884	-27,494	-22,790
PHASE 4	+100,335	+45,771	+11,008
PHASE 5	+255,868	+164,282	+114,411
TOTAL	+424,448	+230,446	+135,709

Environmental Impact Statement- USACE

- 1 had our monthly EIS call with USACE that was held last Thursday along with Mayor and Mayor Pro Tern. Chapter 4 has been received and reviewed by USACE and Dial Cordy is expected to have Chapters 5 and 6 submitted by August 15th. We have another meeting scheduled for August 30th.

2nd Annual Christmas Tree Lighting:

- Wednesday, November 15th has been chosen as the date for the 2nd Annual Christmas Tree Lighting that will be held at 6:00pm here at Town Hall.

- Since the last board meeting, I have ordered and received the 2 ft extension for the tree this year.

Recycling Pilot Project:

- I reported at the last BOA meeting that I have been in communication with a company called MyMatR to do a pilot recycling project at Richard Peters Park with an expected roll out in August. We have been working to get the Wi-Fi in place which is expected to be completed this week. The unit is scheduled to be deployed next week. The unit that holds 2 twenty-three-gallon containers, uses AI to sort what goes into it by determining what is trash and what is recycling. Again, the pilot project is free to test. I will be reporting on this initiative further and considering recommendations after installation. These units can determine and notify us when containers are full, provide monthly data and sustainability reports.

Open Forum

1. Susan Myer said on behalf of the Planning Board that they feel streaming meetings live may constrain them when working through contentious items and asked the Board to take this into consideration when adopting a policy. Ultimately, the Board of Aldermen make the final decision.
2. Jeff Myer, 2224 New Inlet River Road, asked the Board to consider hosting a meet and greet for candidates on the ballot for the upcoming election.

Public presentations and hearings

Franky J. Howard, CEO of Onslow County Water Authority and Sewer Authority (ONWASA) introduced Matt Padgett, Facilities Administrator, who will be responsible for the booster station once we get it up and running. David Mohr was not able to attend as planned.

Mr. Howard provided the Board with a handout of the latest drawings of required easements for the proposed booster station operation at Town Hall. He gave the status of the project as follows:

- The project will go out to bid September 2023.
- Permit applications have been submitted to Department of Transportation (DOT) and Public Water Supply and we hope to have them in hand by August 28<sup>th</sup>.
- ONWASA will shift a water line west on the other side of the driveway at Town hall to not interfere with use.
- Windows were removed from the previous design for safety.
- He does not anticipate noise beyond the walls of the booster station. There is not a plug-in generator in the building. When we bring in a generator there may be some noise but it will gradually come off thus reducing noise level.

Manager Derian told Board members that staff reviewed the plans and there are no issues with them.

*Discussion :*

Mayor Pro Tem Benson - it would be nice if the building could resemble Town Hall to look like part of the facility. Will the police still be able to use the area underneath the structure for storage?

Mr. Howard – the plan is to allow storage underneath.

Alderman Pletl - how much traffic back and forth do you anticipate and will there be big vehicles parked back there?

Mr. Howard responded there will be minimal traffic and small trucks only.

Alderman Grant - what is the power source for the generator?

Mr. Howard replied it is diesel and will be mounted on a trailer.

*Discussion about current ONWASA services*

Mayor Pro Tem Benson - is a booster pump needed or a water tower? ONWASA just reported 14,000 new customers last year. Will this booster pump be able to maintain pressure needed? On the island, we are on pilings, not slabs. Will the booster pump be able to maintain the pressure in residences and condominiums as a water tower would?

Mr. Howard – a water tower is not 100% out of the question but has not been favored in the past because of this being a coastal area. We are re-evaluating and having a company review our water plan. We are not ruling out a water tower. It is a bigger challenge to get pressure up to a multi-story building.

Alderman Grant – this is not a supply issue but a pressure issue. You still have the issue on supply as the water line is a straw that everyone is drinking from. There is not much left at the end. With so much new construction on the other side of the bridge, this pump will help with pressure, but it is not a new water supply. The County Commissioners discussed a moratorium to catch up with water and sewer and electric needs. The demand per unit is different between a one-level house with one bathroom and a ten-bedroom house up on pilings.

Mr. Howard – this is taking an existing supply and helping to move it within our distribution system. We are looking at our current connection to the island. There are two connections, one at the bridge and one further north. The problem with the one further north is it is fed by a 6 inch and an 8-inch line. There are some limitations on connection to our main line on highway 210. An additional project we are looking at is extending that 12-inch line to a second connection for supply. We grew by twelve percent (12%) year over year just in the Dixon area alone. We are looking at three additional raw water wells for supply and some capacity expansions at the Dixon plant.

Alderman Leonard – is this new booster pump going to help the citizens that live north of Marina Way? What impact is all this high-density residential development going on the other side of the bridge going to have? At some point in time, the County is going to have to weigh in on all of this development which is taxing the infrastructure that is already overtaxed. Thank you for sending staff the next day after I called to resolve my issue.

Mr. Howard – it is designed to pump both north and south and will help past Marina Way. At some point, the County has to weigh in and put the brakes on what impact high density residential development over the bridge will have. The development will definitely have an impact and we need to have a water model done with this booster pump to make sure we are not taking water away.

Alderman Fontana – would you recap the timeline for the whole project?

Mr. Howard – we are behind on the timeline. We expect the Notice to Proceed by November 2023 and to have the booster station up and running before peak season begins in 2024. From April to September we more than triple the demand for water on the island. During the July 4<sup>th</sup> holiday, we switched 1500 metered customers to the Surf City connection. We have just over 3,000 connections on the island. We felt that had an immediate impact on the demand and will be used until we can get other options available.

Manager Derian stated she requested a meeting with the County and ONWASA to talk about development. She is waiting to hear back from them.

Closed session per N.C.G.S. 143-318.11 (a) (3)

Motion – Alderman Leonard motioned to go into closed session at 11:35 pm as per N.C.G.S. 143-318.11 (a) (3) for consultation with the attorney; seconded by Alderman Pletl; unanimously approved.

**Motion** – Alderman Leonard motioned to return to open session at 12:15 pm; seconded by Alderman Grant; unanimously approved.

#### Consent Agenda

- Minutes from regular meeting April 19, 2023, budget workshop
- Minutes from June 7, 2023, regular meeting
- Minutes from July 5, 2023, regular meeting
- Budget amendment 2023-24.3 Police Department
- Budget Amendment 2023-24.4 County Contract for Awarded grant
- MOTV Tax Refunds in amount of \$46.68

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

#### Continuing Business

##### A. NCDOT Memorandum of Understanding (MOU)

Manager Derian stated that after a back-and-forth discussion with the NC DOT the Memorandum of Understanding (MOU) is ready for approval, if the Board wishes to move forward. A marked-up copy is in the agenda packet and the clean final copy is in front of you. This is for the design, surveying and permitting portion of the project for bike lanes on the shoulders of New River Inlet Road. The Board slated \$100,000 for this in the budget. Attorney Edes has reviewed and his changes are incorporated in the document.

*Discussion*

Alderman Pletl – this has been a long time coming. We have talked about it for many years since the early 2000s and it is a safety concern as much as recreation.

Alderman Leonard – I bike on that road every week. It is a public safety issue for vacationers and residents. In 2019, we talked with Representative Shepard about widening the road to add bike lanes with the next resurfacing. I appreciate Alderman Fontana’s work on this.

Alderman Grant – there may be a problem with the bridges as this is a resurfacing project, not a widening project.

Alderman Fontana – this is a pet project of mine. I think we definitely need to proceed. I was in New Jersey last week in a small community on a barrier island much like North Topsail Beach and there were bike lanes everywhere. There were more bicyclists than car traffic. It adds to the quality of the whole beach vacation experience with not feeling jeopardized on the roads. I know we have it on Island Drive. There are bicyclists on this road all the time. It may take years to get this done. This is the first step.

**Motion** – Alderman Fontana motioned to adopt the Memorandum of Understanding with NC DOT as presented; seconded by Alderman Leonard; unanimously approved.

New Business

A. Policy related to Board of Aldermen Committees and meeting streaming

Attorney Edes stated he would like to clarify the Board’s direction at the last meeting on live streaming of board meetings. His understanding was the Board of Aldermen and Board of Adjustment meetings would be live streamed; the Planning Board meeting would be recorded with the recording kept for six months or until the minutes were approved, but not posted on the website; and the BISAC meetings would be recorded and posted on the website in perpetuity.

*Discussion*

Alderman Pletl – the more open we can keep things, the better. The more people can see the better. What is the reason to not post and keep the Planning Board recordings? Why would we not keep them in perpetuity? The minutes are just a synopsis. Is the Planning Board allowed to go into closed session?

Attorney Edes said the Planning Board is not allowed to go into closed session.

Alderman Leonard – the policy is not consistent. We know the boards are different. I think we need to be mindful that our policy is not consistent.

Alderman Grant – under the Public Records act, you can get any recording we have. The reason we are treating the Planning Board differently is because of feedback from them. I have no problem live streaming and keeping everything. In reality, the meetings are open to the public anyway. We are streaming the Board of Adjustment meetings because they are quasi-

judicial and it is good to keep them. Planning Board members have a problem with posting or live streaming the meetings.

Mayor Pro Tem Benson – I thought the Planning Board recording would be posted on the website until the minutes were approved and then the post would be removed. That is different from not posting them and asking the public to come through a Public Records request. When you are in a meeting and having a discussion, you go through a lot of variables and it does not matter whether you have 50,000 or two people sitting in the audience listening to what you are saying. I do not understand the objection to posting the Planning Board meetings.

Alderman Fontana – Sometimes you massage, for lack of a better word, the minutes so some people look a little better or so some comments are not misinterpreted. The full recording is better and it might as well be posted if we have it. I agree with Alderman Pletl that some things on the minutes get left out or written slightly different from what may have happened. If we have it, we should post it. You may not get what occurred from the written minutes.

Manager Derian – I want to address the comment about the minutes being massaged. The Town Clerk takes the minutes and distributes them for any inaccuracies and feedback, so any changes or mistakes may be corrected before adoption.

Alderman Fontana - Massage may have been the wrong word. A better word is misinterpreted, but even that is not correct.

Alderman Grant – this is the same circle we talked in last time, so why not just agree to keep the recordings and post on the website with the only distinction that we are not live streaming the Planning Board.

Manager Derian – If you are not streaming and you are recording them and you are posting them to the website, you are still posting them on the website. I want to make sure everyone is clear on that. Even though you are not watching it stream while the meeting is going on the meeting will still be posted on the website.

Attorney Edes said the Board needs a vote on this. He suggested the Board consider a motion to adopt the following policy with respect to the following boards:

- Board of Aldermen meetings will be live streamed, posted on the Town's website, and kept in perpetuity.
- Board of Adjustment meetings will be live streamed, posted on the Town's website, and kept in perpetuity.
- Planning Board meetings will be recorded but not live streamed, posted on the Town's website, and kept in perpetuity.
- Beach, Inlet and Sound Advisory Committee (BISAC) meetings will be recorded but not live streamed, posted on the Town's website, and kept in perpetuity.

**Motion** – Alderman Grant motioned to adopt the following policy with respect to the following boards; seconded by Alderman Pletl; unanimously approved.



*Policy*

*Board of Aldermen – live stream meetings and post them on the Town’s website in perpetuity.*

*Board of Adjustment – live stream meetings and post them on the Town’s website in perpetuity.*

*Planning Board – record meetings, but do not live stream them, post them on Town’s website in perpetuity.*

*Beach, Inlet and Sound Advisory Committee (BISAC) – record meetings, but do not live stream them, post them on Town’s website in perpetuity.*

Attorney Edes stated that the Board of Aldermen and the Board of Adjustment are decision making boards and the Planning Board and BISAC are advisory board, but very important boards just the same.

B. Beach Protection

Alderman Grant stated he gets a lot of feedback from people that they do not like what is happening with new construction and whether it is damaging the dunes. Alderman Pletl just showed us a picture of a pool we had before. He would like this Board by consensus to direct the Town Manager to work through the Planning Director and Planning Board to address a couple of issues and come back to the Board of Aldermen with recommendations in a couple of months regarding:

1. Should any construction be done within the sixty (60) foot setback
2. What steps should we take to eliminate this?
3. How can we protect the dune structure we have now?

Just to be clear, the setback is not 60 feet, but 30 times the erosion rate. We do not allow houses to be constructed in the 60-foot setback but we are allowing pools to be built there. The things we are seeing built now are abutting or close to the dunes. You cannot do that with a house. The Town is putting \$40 million worth of sand over the next couple of years into the beach. The beach engineer has advised he has to deal with both sides of the dunes, that you cannot just put sand on one side of the dune and think you are protecting the beach.

*Discussion*

Alderman Pletl – Pools are a problem when they are within that setback area. We have seen it time and time again when they end up compromising the dune system and when they end up impacting the environment when hurricanes come through. It not only decimates the pool, but it also hurts the neighboring properties and properties across the street. We do not want to take the pools away, not at all, but want the pools done in a way that does not compromise the integrity of neighboring properties and the Town. We spend a lot of money on the dunes. The dunes are our protection much like the levees in Louisiana. We cannot have anything compromise them for the protection of the Town. We need to make it safer. It was brought to our attention that there was a big issue last year in Dolphin Shores.

Alderman Leonard – The word we are looking for is balance. We need to achieve a favorable balance to protect the dunes and the Town that does not infringe on property rights. The biggest issue from a personal perspective is just after Hurricane Florence, when riding the beach with the then Fire Chief, the pools were wide open where the dunes had come out. It was not just the north end where we had erosion problems, it was also down to the south end. We need to take measures to protect the dune line.

Alderman Fontana – In some cases, building a pool might be more destructive than building a house close to the beach. The closer you build to a dune, which is in fact a wall, you are going to risk the wall collapsing. We do not want to ban pools. We just want to make sure they are located in such a place that it does not do any damage to our investment or to the Town.

**Consensus** – Direct the Town Manager to work through the Planning Board and Planning Director to address these issues and bring recommendations to the Board at its October meeting:

1. Should any construction be done within the sixty (60) foot setback?
2. What steps should we take to eliminate this?
3. How can we protect the dune structure we have now?

Open Forum

Susan Myer said she thought the Board would have a vote on the Beach Plan at this meeting.

Alderman Grant replied that it has been delayed. The BISAC will see it in August to review and request changes. It will probably come to this Board in September. Worst case might be October.

Attorney report

None

Mayor report

None

Mayor Pro Tem

Mayor Pro Tem Benson – thank you to everyone watching online and those attending the meeting. Thank you to the ONWASA representatives for attending the meeting and explaining the situation with the booster pump as well as overall situation with the water.

Aldermen report

Alderman Grant - The County Commissioners are facing the same issues we are. They have hired a consultant to do new planning with them. They believe the current building plan is obsolete because of all the construction and infrastructure impacts. It is important that we have a seat at the table in these discussions. Thanks to everyone for coming.

Alderman Fontana - I appreciate the DOT MOU being passed. It has been on the agenda for six months. I think it has been six months that have been well spent with the opportunity for input from the Board members, the attorney and manager. We did our due diligence and I am looking forward to completion of this that has been on the books for twenty years. I appreciate everybody's input.

Alderman Leonard – thank you for coming out and watching on live feed. I appreciate ONWASA, particularly the partnership. Whenever I have called with any issues, staff is out that day or the very next. They are always very easy to deal with and are positive and helpful. We are working together on this and will get through it. I appreciate everything you do for us.

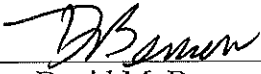
We have been in discussions with the staff director for the House Natural Resource Committee regarding our CBRA bill over the last thirty days. Discussions have been facilitated by Congressman Murphy’s staff. It now looks like this fall there will be put together an overall CBRA package in the House that will take all separate bills and combine into one. According to the director this will help insulate the bill from the Democrats. The best thing is that something is happening rather than having a bill that just sits there or dies in subcommittee. Because of Ray Celeste in Congressman Murphy’s office, they are knocking on doors, talking to people, sending emails, making phone calls and things are happening. With any luck there will be a hearing this fall and we will be invited to testify at the hearing and explain the detriment of having these areas in the CBRA bill.

There was an issue this summer with a veteran suicide in the Food Lion parking lot in Surf City. That young man had two purple hearts.


Alderman Pletl – thank you to everyone for coming out and watching at home. Thank you to ONWASA for attending. I am so pleased with how the Town is moving forward and I am especially pleased with the bike paths. Thank you, Alice (manager) and staff, for all that you do. Thank you to all the first responders for keeping the Town safe. There are 102 turtle nests on the island with a little more than half in North Topsail Beach. The nesting season runs through the end of this month. They will be hatching until the end of October. Please remember to keep your ocean side lights off. We have turtle talks every Tuesday in Town Hall at 9am. They last about 45 minutes.

Adjournment

**Motion** – Alderman Leonard motioned to adjourn at 12:55pm; seconded by Alderman Grant; unanimously approved.

  
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David M. Benson, Mayor Pro Tem

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ATTEST:   
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Nancy Avery, Interim Town Clerk