

Board of Aldermen Regular Meeting
Wednesday, November 6, 2024
MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on November 6, 2024. A quorum of the board was present. Town Manager Derian and Attorneys Ferguson and Payton were in attendance.

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

Board members absent: None

CALL TO ORDER

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

APPROVAL OF AGENDA

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

MANAGER’S REPORT

Manager Derian provided the following report to the Board.

- *Beach Projects and Operations*

On October 18th as a result of the breach from Tropical Cyclone # 8 and the King Tides that we experienced, there was significant roadway flooding on New River Inlet Road at that time. I worked with CAMA to get a letter of refinement to our permit for the repair of the breached dune. Fran, our engineer, contacted S. T. Wooten for a truckload of sand and I met them on site that afternoon for placement. The emergency work that was completed has kept the road from flooding. We were able to work on this area in particular because we were able to do all the work from the landward side which did not require any operations or equipment along the beach.

A sea turtle release was coordinated on October 22nd with the Karen Beasley Sea Turtle Rescue and Rehabilitation Center. They released 6 turtles at the Jeffries Beach access. They are always an honor to work and coordinate with. Thank you to staff and the Police Department for directing traffic and the Fire Department for all of their set up and Ricky (IT Director) for helping me set up for the event.

I submitted another extension request to the North Carolina Department of Environmental Quality to extend our Phase 4 grant to December 18th, 2025. I received a fully executed copy yesterday, November 5th, so that has been fully executed.

Potential Cyclone # 8. (PTC)

Fran (engineer) has been asked to discuss the results of the beach survey and provide recommendation at today's meeting. To summarize, Phase 5 held up pretty well as a result of our recently completed nourishment project last season while Phases 1 – 3 experienced the greatest loss of sand. There was a total loss of 88,000 cubic yards. On October 19th, FEMA issued a public notice for PTC # 8 describing available FEMA assistance and proposed FEMA funded actions with public assistance that includes Onslow County. On October 23rd, I joined the applicant briefing meeting and later submitted a request for public assistance. We are looking at a project of around \$3.5 million.

- *North Carolina Department of Transportation (DOT) crosswalk project*

I received our encroachment agreement from NCDOT recently to construct a crosswalk at Villa Capriani. The next step will be scheduling a pre-construction conference that is required prior to beginning construction.

- *Roadway and shoulder repairs*

Repairs will be taking place on River Drive within the next week. I received the necessary quotes and am getting a contractor in place to do that repair on the shoulder area.

- *Fire Station No. 2*

The owner/architect/contractor meetings continue on a bi-weekly basis. A change order was executed after the last meeting regarding the size of the cement blocks. The North Carolina Department of Environmental Quality conducted a sedimentation and construction storm water inspection report on October 22nd and the site was found in compliance with the approved plans. There were no issues notated. Work done includes waterproofing elevator pit walls, running underground plumbing and electrical rough ins, coordinating and preparing lay down areas, an upcoming structural steel delivery with an ETA of November 8th.

- *Solid Waste Services Request for Proposals*

A Request for Proposals (RFP) was issued for 2025 residential and commercial solid waste services on October 25th. There is a mandatory pre-bid meeting scheduled for Friday, November 22nd at 3 pm. Bids are due on December 9th, 2024, at 3 pm. This is the joint RFP issued with the other towns of Topsail Beach, Surf City and Holly Ridge.

I have coordinated with Southern Metals Recycling who we will be partnering with to recycle Christmas tree lights again this year. Residents will be able to drop off their strands of lights that no longer work in the designated bin at Town Hall and we will recycle them for you. The bin will be set up in front of Town Hall on November 21st for the tree lighting event and you can drop them off anytime.

- *Richard Peters Park*

I have been working with the contractor to complete significant landscaping improvements. These improvements were made for our October event. I have walked the grounds with the owner to discuss another round of improvements that are planned for the spring of 2025. We

have replaced all of the mulch in the playground that was the bark wood chip mulch. We have replaced that with brown rubber mulch. I also worked with the contractor to replace the wood deck for the kayak launch which has been completed.

- *Events*

We had a successful Howl-O-ween event at Richard Peters Park on October 23rd. \$384 was raised for Paws for Purpose. Thank you again to Pet Supplies Plus for sponsoring the event. We would not be able to do the event without them and a huge thank you to staff who helped facilitate that event. A lot of work went into the event, and I received a lot of positive feedback from the community.

The third annual Christmas Tree lighting event will be held Wednesday, November 20th here at Town Hall starting at 6 pm. Santa will arrive on our Fire Truck, Girl Scout Troop # 361 will serve hot cocoa and cookies, the First United Church of Sneads Ferry is scheduled to perform. There will be face painting. The Karen Beasley Sea Turtle hospital be here. New this year is we have asked Share the Table to join us to collect nonperishable food items. They have put out a notice about a great need this year for cereal. The event is free to the community. We have been busy this week going from Halloween to Christmas decorations. There will be special North Topsail Beach merchandise available for purchase. Thank you to staff for helping prepare for this event.

OPEN FORUM

- Ann Hurst, 3659 Island Drive, said there are two wedding venues next to her. One is Topsail Manor at 3658 across the street and 3635 Seascape next to her. On October 18th, she was forced inside due to the light show and music playing. She requested the Board require wedding venues to hold receptions inside.

PUBLIC PRESENTATIONS AND HEARINGS

A. Life Saving Award

Fire Chief Soward presented a life saving award to Michael Szymanik for rescuing a person trapped on the third floor of a residence on fire.

B. Evidentiary Public Hearing Special Use Permit (SUP) #24-000004 application from Capital Asset Topsail Development LLC

Mayor McDermon stated the hearing is evidentiary in nature and will be conducted with special due process safeguards. Attorney Ferguson requested all persons wishing to give testimony come to the front to take an oath. Town Manager Derian administered the oath to those wishing to testify during the hearing.

Attorney Ferguson asked Board members if there was any conflict of interest requiring recusal from the hearing. Mayor McDermon requested recusal from the hearing due to a work-related conflict of interest.

Motion – Alderman Leonard motioned to recuse Mayor McDermon from the hearing; seconded by Alderman Olszewski; unanimously approved.

Attorney Ferguson stated this is a quasi-judicial hearing and explained the order of business for the hearing.

Mayor Pro Tem Benson opened the evidentiary hearing at 12:21 pm.

Testimony

Planning Director Hill provided the following testimony:

- Applicant is Charles Riggs of Charles Riggs Incorporated who is representing his client Chris Playford of Capital Asset Topsail Development LLC.
- The property is located at 107 Lacosta Place.
- Request for the Special Use Permit is for site preparation and installation of a 20 x 37-foot pool, 6-foot concrete deck and a 6-foot-wide elevated slatted access to the normal high water and any future dockage or access to be permitted by the North Carolina Division of Coastal Management (CAMA).
- Property is zoned R5 and allows for pools by Special Use Permit.
- The application meets ordinance requirements.
- The Planning Board met, reviewed and voted on October 23, 2024, to recommend approval of the application for a Special Use Permit to the Board of Aldermen.
- The entire staff report with attachments as listed are testimony:
 - 1. La Costa Bay Commercial Pool Agent Authorization.
 - 2. Charles Riggs PLS undated letter Special Use for La Costa Bay Lots 1-8 and Common Area.
 - 3. Special Use Permit Application SUP24-000004.
 - 4. Special Use Plan of La Costa Bay by Charles F. Riggs PLS mapping date 9/26/2024.
 - 5. CAMA Minor Permit 43-24 issued 6/19/2024.
 - 6. August Nelson, REHS email dated October 2, 2024.
 - 7. August Nelson, REHS letter dated October 10, 2024.
 - 8. Legal Notice published October 19, 26, 2024.

Aldermen Olszewski expressed concern about kids jumping a four-foot fence and asked where the electrical feed would be.

Applicant Charles Riggs provided the following testimony:

- He is a professional land surveyor licensed since 1986 handling all types of surveying in eastern North Carolina.
- Originally the community was served by one community pool.

- The normal high water coastal wetlands (404 Federal) have all been delineated and approved by the US Corps of Engineer and CAMA.
- The minor CAMA permit for the pool construction and its amenities and associated improvements has been received.
- There is a 20-foot-wide emergency access coming off the side street which he envisions being the location of the electrical feed to the pool area.
- There are several easements throughout the property to access the electrical.
- Fencing meets code (ordinance) regulations but if the Board feels a higher fence should be installed, he believes that could be a condition of the request.

Discussion

Alderman Olszewski stated the hours of the pool dictated that there would not be lighting. She said she was concerned that at night, if someone jumps the fence to use the pool, they would not be seen without lighting in the pool. She said she did not see any detail about the type of lock to be used on the fence. She asked for clarification on what the county required regarding an analog phone.

Mr. Riggs responded he could not address those topics as the surveyor, but the applicant will do what is required and best for the community. The pool will only be used by the eight homes in the area.

Alderman Grant said he assumes the pool is laid out in the back for aesthetics purposes. He said in terms of the environment it is much more invasive to put in a pool than a house. He asked Mr. Riggs if he is confident that whatever protections he has put in for the poolside at the wetlands will protect the environment on that side.

Mr. Riggs agreed and said he is confident proposed protections will protect the wetlands. The Army Corps of Engineers delineated the 404 Wetlands on the plot. The pool itself is 24.5 feet away from the 404 Wetlands. Pool and accessories are only using 25% of the uplands portion of the lot.

Alderman Olszewski said she noticed in the Coastal Aquatic Design for the pool there are steps in only one corner with nothing at the other end of the pool with a ladder to get out. She asked if that is the final design.

Mr. Riggs said he thought a ladder was shown in the example. The design has been signed and sealed and is the final one.

Mayor Pro Tem Benson questioned the construction type of the pool. Is it one piece fiberglass? Mr. Riggs responded the pool is concrete.

Findings of Facts

Motion – Alderman Grant motioned to accept the Planning Board’s documentation as Findings of Facts; seconded by Alderman Olszewski; unanimously approved.

Motion – Alderman Grant motioned that the use or development is located, designed and proposed to be operated as to maintain and promote the public health, safety and general welfare; seconded by Alderman Olszewski; unanimously approved.

Motion – Alderman Grant motioned that the use or development complies with required regulations and standards of this ordinance and with all other applicable regulations; seconded by Alderman Pletl; unanimously approved.

Motion – Alderman Pletl motioned that the use or development conforms with the plans for the land use and development of the Town as embodied in the Zoning Ordinance and the Town’s CAMA Land Use Plan; seconded by Alderman Leonard; unanimously approved.

Decision

Motion – Alderman Olszewski motioned to approve the Special Use Permit with three conditions; fence height of 5 feet, lighting submerged inside the pool, and a lock on the gate fence for safety; seconded by Alderman Grant.

Discussion

Attorney Ferguson asked Applicant Riggs if he consents to all three conditions. Mr. Riggs responded yes, he consents.

Aldermen Pletl and Leonard expressed concern that the conditions are micromanaging every detail when there are ordinances and requirements in place and the applicant is doing what is required.

Alderman Olszewski said she believes the conditions are in the interest of public safety.

Roll call vote

Alderman Pletl – nay

Alderman Leonard – nay

Mayor Pro Tem Benson – nay

Alderman Grant – nay

Alderman Olszewski - aye

Motion failed by a vote of four to one against with Alderman Olszewski in favor.

Motion – Alderman Grant motioned to approve Special Use Permit #24-000004 for Capital Asset Topsail Development LLC as presented without conditions; seconded by Alderman Pletl.

Roll call vote

Alderman Grant – aye

Alderman Olszewski– nay

Mayor Pro Tem Benson – aye

Alderman Leonard - aye

Alderman Pletl – aye

Motion passed by a vote of four to one in favor with Alderman Olszewski against.

Consensus – Planning Director Hill directed to draft the written decision with Findings of Facts and Conclusion for this decision.

Motion – Alderman Olszewski motioned to close the hearing at 1:09 pm; seconded by Alderman Pletl; unanimously approved.

The Board took a break, and Mayor McDermon resumed the meeting at 1:16 pm.

C. Coastal Engineer Monthly Report

Engineer Way provided the November 2024 update with the following highlights:

- Phase 5 project was just completed.
- Phase 4 state funded project will begin November 18, 2024.
- Phases 1-3 project is in the planning design stage.
- The Phase 1 Corps Atlantic Intracoastal Waterway (AIWW) project will place approximately 88,000 cubic yards of material this winter by Southwest Dredging.
- The post tropical storm survey from Tropical Cyclone # 8 was submitted to FEMA/NCEM for potential eligibility for placement of 61,000 – 88,000 cubic yards for dune repair in Phases 1 -3.

CONSENT AGENDA

Consent agenda items include:

- Board of Aldermen October 2, 2024, minutes
- Agreement with GWI Tax and Accounting for professional outsourced accounting services
- Budget amendment 2025-25.1 LESO
- Budget amendment 2025-25.2 GF PO Carry Forward FY 2024
- Budget amendment 2025-25.3 Fund 30 PO Carry Forward FY 24
- Budget Amendment 2025-25.6 Onslow County Grant Debt Reduced
- Budget Amendment 2025.26.7 TI Coastal Contract Approved
- Budget Amendment 2025.25.8 SOBs Interest Payments

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

CONTINUING BUSINESS

Interlocal Agreement – Vitex Eradication Project

Manager Derian explained the Towns of Surf City, Topsail Beach and North Topsail Beach have been working on the joint beach vitex eradication project. She requested the Board approve the Interlocal Agreement as presented and possibly amended which shall be agreed upon by the Town Attorney and Town Manager for the implementation of a partnership of the Topsail Island Vitex Eradication Project using funding from the Coastal Storm Damage Mitigation grant.

Motion – Alderman Leonard motioned to approve the Interlocal Agreement as presented and possibly amended which shall be agreed upon by the Town Attorney and Town Manager for the implementation of a partnership of the Topsail Island Vitex Eradication Project using funding from the Coastal Storm Damage Mitigation grant; seconded by Mayor Pro Tem Benson; unanimously approved.

NEW BUSINESS

Resolution 2024-03 Adoption of 2025 Board of Aldermen Annual Meeting Schedule

Manager Derian explained adoption of Resolution 2024-03 puts in place the annual meeting schedule for the Board for 2025. One exception is the January meeting which falls on New Year's Day. The Board meeting is set for January 8, 2025.

Motion – Alderman Olszewski motioned to adopt Resolution 2024-03 adopting the Board of Aldermen 2025 Annual Meeting Schedule as presented; seconded by Alderman Leonard; unanimously approved.

OPEN FORUM

- Mark Barefoot, General Manager of 8121 New River Inlet Road thanked Board members for the pool discussion. He thanked residents for the two trailer full loads of donations to western North Carolina plus \$1200 in cash. He thanked Police and Fire for their assistance with the Real Housewives of Topsail Island event last month. He is working with the Town on getting a permit to hold a Gobble Wobble event and the possibility there may be a request to hold a parade.
- Susan Meyer, 2224 New River Inlet Road, expressed thanks for the Howl-O-Ween event. She informed the Board the beach in the Topsail Reef area really needs sand.

ATTORNEY REPORT – None

MAYOR REPORT– Mayor McDermon thanked the staff and Susan Meyer for the help at the Howl-O-Ween event. It was well attended.

ALDERMEN REPORTS:

Alderman Pletl thanked Manager Derian and staff for all the work done during the storms and the turtle release. She thanked veterans for their service. The Town will participate in the NC Biways conference.

Alderman Leonard said the Manager and staff make the Town proud with the events. He attended the Beirut Memorial Ceremony in Jacksonville and participated in the Real Housewives bike ride. He has been working closely with the Ferguson Group and the House Committee on Natural Resources to ensure the text of the bill and the maps for the Coastal Barrier Resources Act (CBRA) legislation accurately reflect the areas within unit L06 that the Town desires to have removed. He had to provide the reason for how this happened. According to his conversation with the former mayor, the language used was ‘all residential developable parcels not in con D that were in L06’, or words to that effect. This is the first time Natural Resources has come back and asked us for clarification for the language in the bill. He recognized the 249th anniversary of the founding of the U.S. Marine Corps and thanked veterans for their service.

Mayor Pro Tem Benson seconded his colleagues’ reports for the sake of brevity.

Alderman Olszewski thanked Manager Derian and staff for their efforts on recent events and reiterated her colleagues' comments. She stated she looks forward to attending the Marine Corps birthday ball this Saturday.

Alderman Grant said the Howl-O-Ween event was great and thanked everyone for their efforts.

CLOSED SESSION

Motion – Alderman Leonard motioned to go into Closed Session at 1:48 pm as per NCGS 143.318.11(a)(3) to consult with the attorney and (6) personnel matter; seconded by Mayor Pro Tem Benson; unanimously approved.

The Board returned from Closed Session at 3:09 pm.

Motion – Alderman Leonard motioned in conjunction with the annual review of the Town Manager to raise the Town Manager salary to \$175,000 retroactive to the anniversary this year of her hiring; seconded by Alderman Pletl; unanimously approved.

ADJOURNMENT

Motion - Alderman Leonard motioned to adjourn at 3:10 pm; seconded by Alderman Pletl; unanimously approved.

I certify this are the official minutes adopted by the Board of Aldermen in session on December 4, 2024.

*Nancy Avery
Interim Town Clerk*