

Board of Aldermen Regular Meeting
Wednesday, January 8, 2025
MINUTES

The Town of North Topsail Beach Board of Aldermen held its regular meeting on January 8, 2025. A quorum of the board was present. Town Manager Derian and Attorney Payson were in attendance.

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

Board members absent: None

CALL TO ORDER

Mayor McDermon called the meeting to order at 11:00 am. Mayor McDermon asked for a moment of silence in recognition of the passing of former Mayor Martin. Alderman Benson gave the invocation. Mayor McDermon led in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor McDermon asked if there were any changes to the agenda.

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

MANAGER’S REPORT

Manager Derian provided the following report to the Board.

Beach Projects and Operations

The Army Corps project will be conducting dredging of the Atlantic Intracoastal Waterway and channels to Jacksonville to place beach compatible material along the Phase 1 shoreline. They will be pumping approximately 88,000 cubic yards of sands around 2342 New River Inlet Road and work south approximately 2,000 to 4,000 feet. It is anticipated that the nourishment may extend down to around Porpoise Place as an estimate. This is an Army Corps structured and funded project and the Town has limited input into the project construction. Work is expected to begin February 1st or earlier. The dredge is currently at Core Creek north of Morehead City and will begin mobilizing today for New River Inlet which will be the next stop.

Division of Coastal Management Beach assessment

I reported at the last meeting that on November 20th, DCM and staff met on the beach to review properties near Porpoise Place up to and including the Reef to look at the decks and compromised pools in that area. DCM declined to initiate letters so staff worked with DCM on the letters that went to the affected property owners outlining some of the temporary solutions along with the notice of violation and orders to abate. Some owners have complied at this point

and have received permits or are in the process of obtaining those permits. Staff continues to follow up as necessary.

Phase 4 project

The contractors started work as scheduled on December 9th starting at the south end of Phase 4 which is around 3686 Island Drive and will work approximately 8,000 feet until May 1, 2025, and place approximately 160,000 cubic yards of sand. Trucks are accessing the beach through the 2nd Avenue access which is beach access # 28 with the address being 518 Topsail Road. They are still using that access at this point in time. This is our crossover and is the crossover that has been used in past projects. The project announcement was published along with a notice that they did pause operations for the holidays and they resumed this week on January 6th.

Potential Cyclone # 8 dune project

The funding agreement was uploaded, and I had the explanatory call with FEMA on December 13th. The recovery scoping meeting is scheduled for this Friday, January 10th where we will meet in person throughout the morning. Next step I see is they will make the decision to obligate funds. I will have more on that at the next meeting. Once funds are obligated and I am sure they are obligated, then we can issue the project announcement.

Fire Station No. 2

Owner, architect, contractor meetings continue on a bi-weekly basis and work is still progressing. I have requested an updated schedule of progress and received it this week from the architects. I had a call with them and requested it be reviewed to determine where they can make up some time. Some time was lost in the early process with the elevator pit. We will meet on this more next week. They estimate completion in September. Plumbing rough-ins have been completed at the ground level. Earth compacting has been in progress and the concrete slab will be poured this month in January. There are multiple elevations because of the flood plains so they are compacting at each of the elevations required. There are three different elevations for the lower level alone. Steel will be erected next in February.

Holiday Season

Grinding of the Greens – residents may still recycle their Christmas trees. They can be dropped off, undecorated, at the Jeffries lot at 316 New River Inlet Road until January 13th. Free mulch will be available after January 16th.

OPEN FORUM – No one signed up to speak.

PUBLIC PRESENTATIONS AND HEARINGS

A. Onslow United Transit System

Executive Director Ferucci presented an update on the Transit System stating they provide services to passengers needing transportation to medical appointments, work, daycare, shopping, social and recreation activities and in fiscal year 2024, they provided 65,572 rides.

B. Onslow County Year End Report

Assistant County Manager Kari Sanders presented a year end report stating accomplishments for fiscal year 2025 were development of vision and mission statements and a strategic plan, alternatives for the EMS system, expansion of the Phase 5 landfill, increased DSS office capacity, expanded the Emergency Operations Center and completion of a multi-purpose building renovation project.

C. Legislative hearing regarding amendments to the Flood Damage Prevention Ordinance and conforming changes for the same to address development within the Areas of Environmental Concern (ACE) setback

Motion – Alderman Pletl made a motion to open the hearing; seconded by Mayor Pro Tem Leonard; unanimously approved.

Planning Director Hill explained that the Board of Aldermen directed the Planning Board provide changes to the ordinances to address development within the CAMA setback for environmental concerns, beach erosion, and public health and safety. The Planning Board met December 12, 2024, and voted to recommend the Board adopt amendments to the Unified Development Ordinance in Articles 4 (Use Regulations) and 7 (Flood Prevention) as well as the CAMA Land Use Plan to address concerns. She reviewed the proposed amendments:

- The amendment to Article 4 states ‘swimming pools may be permitted landward of the ocean hazard setback for development as determined by the DCM in 15A NCAC 07H.0306.’
- The amendment to Article 7 states ‘All new development and accessories shall be located landward of the ocean hazard setback for development as determined by the DCM in 15A NCAC 07H.0306 and comply with the exception of unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less; uninhabitable, single-story sheds with a foundation or floor consisting of wood, clay, packed sand or gravel and a footprint of 200 square feet or less and prohibition of swimming pools within the ocean hazard setback.’
- Amendments to the CAMA Land Use Plan states ‘allowed development within the defined areas of environmental concern is consistent with the Unified Development Ordinance and 15A NCAC 7H use standards and prohibits unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less; uninhabitable, single-story sheds with a foundation or floor consisting of wood, clay, packed sand or gravel and a footprint of 200 square feet or less and swimming pools within the ocean hazard setback.’

Engineer Chris Gibson stated he is the consulting engineer for the Town. The setback varies but is mostly a 60 foot buffer to protect development. When things are put into the setback, it removes the buffer. If you build all the way to the line with perhaps a shed or gazebo, you can

expect that shed to end up in someone else's yard after a storm. Fiberglass pools will float, even filled with water. He said it is not a good idea to be allowing these structures in the buffer.

Public Comments:

- John Jongerius, 134 Oceanview Lane, read a letter on behalf of the Homeowner's Association President for Ocean Sound Village which expressed concern that this item was a last minute addition for the Planning Board with no notice to the public; stated the Board of Aldermen agenda had this item buried under a non-descriptive item with no indication of the scope or intent without appropriate input from owners, real estate brokers and other interested parties; asserted the lack of transparency provides an additional basis for legal challenges and major interference with ownership rights; stated the proposed ordinance will have adverse affect on property values; agreed beaches and dunes need to be augmented and protected; and the HOA strongly disagrees with the approach contained in the proposed ordinance.
- Carol Irvine, 134 Oceanview Lane, stated the problem she sees is with a new State of North Carolina law about down zoning and she believes the Town's ordinance is going to go against the state law and open the Town to lawsuits. The new law requires municipalities to get written authorization from each landowner impacted. It applies to zoning density and reduction of permitted uses. She said this will also devalue oceanfront properties. She never would have moved to North Topsail Beach if she could not have built an oceanfront pool. She is a pro-dune person. The simple solution is to use concrete pools, not vinyl, if you are worried about things floating away. She recommended the Board table this or kill it until they have legal interpretation.
- Anthony Ricciardi, 748 New River Inlet Road, asked when this would go into effect, and how it would affect those that already have permits and those that just bought houses.

Motion – Alderman Grant motioned to close the hearing; seconded by Alderman Olszewski; unanimously approved.

Motion – Alderman Grant made a motion to approve the language set forth and provided (amendments to Article 7 (Flood Damage Protection), and Article 4 (Use Regulations), and the CAMA Land Use Plan regarding development in the AEC setback); seconded by Alderman Pletl;

Discussion

Alderman Grant stated this has been discussed for 2 years and is in the Planning Board and Board of Aldermen minutes about what this is doing to the beach. To say that this snuck up on you is to say you were not paying attention. The Town plans to spend hundreds of millions of dollars over the next 20 years on the beach. It is hard for him to vote to spend this money if we are not protecting the dunes. Topsail Beach is much more restrictive than what we are doing. According to the beach engineer, if we do not protect the landward side then we are undermining

the money going to the beach. By definition, the ocean hazard setback term tells you we should not be putting a lot of things in that area. This is not to keep people from building pools. In a 60 foot setback, 30 feet is a dune that cannot be built on, and a 5 foot buffer. We are talking about stepping things back 20 feet to protect that area. Losing the beach and dunes is going to affect the value of the property a lot more than having a pool. CAMA does not let houses be built in these areas, but they do let other things. The vegetation line does not protect the Town enough.

Alderman Olszewski stated we have to do what is fiscally responsible and what is for the greater good. She believes protecting these setback areas is the responsible thing to do.

Mayor Pro Tem Leonard stated he concurs with remarks made by both Aldermen Olszewski and Grant. We have to look at the big picture which is restoring and preserving our shoreline. If we are going to spend tons of money to buy sand we have to make sure we do everything possible to make sure it remains in place. Putting pools or any structures here that create a breach point and remove the established buffer in the setback is bad business. Please look at the bigger picture than what is just in front of your house.

Alderman Benson concurred with his colleagues. He said erosion can occur overnight. We have to think about protecting our dune system and keeping that ocean hazard setback area as what it was intended for which is a buffer zone from man-made structures.

Alderman Pletl also agreed with her fellow Board members. This has been in the works and talked about since April of 2022. This is not about banning pools, but about protecting our ocean setback area, our dune lines and the environment as well as people's property and our natural resources. Once something is done to compromise a dune, it compromises the dunes in other areas as well.

Roll Call Vote

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| Alderman Grant | aye |
| Alderman Olszewski | aye |
| Mayor Pro Tem Leonard | aye |
| Alderman Benson | aye |
| Alderman Pletl | aye |

The motion to approve the language set forth and provided (amendments to Article 7 (Flood Damage Protection), and Article 4 (Use Regulations), and the CAMA Land Use Plan regarding development in the AEC setback) passed by a unanimous vote.

D. Coastal Engineer Monthly Report

Engineer Way provided the update with the following highlights:

- Phase I – Corps AIWW Project is this winter with an estimated 88,000 cubic yards of material done by Southwinds Dredging. Expected to begin in February.
- New River Inlet Management Master Plan Environmental Impact Study (EIS) final sections of the draft are underway.
- State Grant nourishment of approximately 250,000 cubic yards in Phase 4 has begun.
- Post tropical storm survey submitted to FEMA/NCEM for PTC # 8 is eligible for potentially 61,000 to 88,000 cubic yards. It focuses on Phases 1, 2, and 3.
- Disposal area 143 beneficial reuse for nourishment of Phases 1, 2 and 3 of between 1.9 and 2.6 million cubic yards project investigation is ongoing.

CONSENT AGENDA

Consent agenda items include:

- Board of Aldermen December 4, 2024, minutes
- Resolution R2025-01 Policy Prohibiting Viewing Pornography on Town Networks and Devices

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

CONTINUING BUSINESS

A. Police Department Fixed Asset Disposal

Motion – Alderman Pletl made a motion for the sale of weapons outlined in Chief Younginer’s memo and that sale made giving first refusal to Town of North Topsail Beach Police Officers. Any weapons not purchased by the officers will be sold to the highest bidder; seconded by Mayor Pro Tem Leonard; unanimously approved.

B. North Carolina Department of Transportation (NCDOT) Letter of Intent to repeal the speed limit 45 Ordinance No. 1033725 for the 3.92-mile section of SR 1568 (New River Inlet Road

Attorney Payson explained there are a number of options before the Board understanding that the the controlling statute is North Carolina General Statute 20-141(f). The Board may take no action. Should the Board wish to lower the speed limit themselves the statute is clear that NCDOT concurrence would be required. We do not believe from reviewing the statute that it appears that NCDOT can act unilaterally in this case.

Mayor McDermion asked if there was a motion and a second for discussion. Hearing non, she stated she understands the desire of the Board is to take no action.

OPEN FORUM

- Bob Gherkins, 142 Oceanview Lane, stated he was the president of the Ocean Sound Village Association. He said he was offended that some thought we were selfish because we opposed their view. Ocean Sound Village has always been more restrictive on where houses are with respect to the setback from what CAMA and the Town had permitted. We have been more conservative on the site of the crossovers which we believe is more responsible for dune damage. He requested transparency on where the Town is getting legal advice in relation to the new down zoning law. He requested to know when the Phase 4 project will be completed.
- Rusty Walker, 115 Seagull Lane, said the north end of the island is challenged for beach access. This is the widest part of the island with the densest population. There needs to be 2, if not 3 additional accesses north of St. Regis. Not for parking but walk-on access to the beach.
- Susanne Vann, 1921 New River Inlet Road, requested a status on crosswalks at Osprey, Villa, and the Town's crosswalk for safety.
- Jeff Meyer, 2224 New River Inlet Road, requested a statue update on the temporary retention structure and the CBRA issue.

ATTORNEY REPORT – Attorney Payson had no report and suggested the Board, by motion, give direction and instruction to the Planning Board about some of the issues and comments raised today with the new ordinance.

MAYOR REPORT– Mayor McDermon thanked the staff for their work.

ALDERMEN REPORTS:

Alderman Pletl apologized to the Oceanview residents stating it was not their intention to insult anyone or to imply that anyone was being selfish. She thanked the Manager and staff for their hard work.

Alderman Benson thanked everyone for attending the meeting.

Mayor Pro Tem Leonard said the one CBRA bill that was an administrative and map correction taking Barton Bay out of the CBRA was approved by the Congress and the Senate. The CBRA bill itself did not advance to the House floor prior to the conclusion of the last session. We are not done, we will fine tune what we have and begin again.

Alderman Olszewski thanked Onslow County employees for coming and speaking with us. She would like links on the Town's website for the OUTS program to help with the communication efforts to the citizens. She looks forward to seeing citizens at the meetings and volunteering to serve on the Town's committees.

Alderman Grant thanked everyone for attending.

CLOSED SESSION

Motion – Alderman Grant motioned to go into Closed Session as per NCGS 143.318.11(a)(3) to consult with the attorney; seconded by Alderman Olszewski; unanimously approved.

Motion – Mayor Pro Tem Leonard motioned to return to open session; seconded by Alderman Olszewski; unanimously approved.

Mayor McDermon stated no decisions were made during Closed Session.

ADJOURNMENT

Motion – Mayor Pro Tem Leonard motioned to adjourn; seconded by Alderman Benson; unanimously approved.

I certify these are the minutes of the Board of Aldermen January 8, 2025 meeting adopted by the Board in session on February 5, 2025.

*Nancy Avery
Interim Town Clerk*