

Town of North Topsail Beach

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

Aldermen:
Richard Grant
Tom Leonard
Richard Peters



David J. Gilbride
Interim Town Manager

Laura Oxley, JD, MPA
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Regular Meeting Minutes Thursday, June 4, 2020

Present: Mayor McDermon; Mayor Pro Tem Benson; Aldermen Grant and Leonard; Alderman Peters (remotely); Interim Manager Gilbride; Town Clerk Oxley

I. Call to Order

Mayor McDermon called the Meeting to order.

II. Invocation

Mayor McDermon delivered an invocation.

III. Pledge of Allegiance

Mayor McDermon led the attendees in the Pledge.

IV. Approval of Agenda

Mayor Pro Tem McDermon made a motion to approve the Agenda as presented. Alderman Grant seconded. The Motion passed unanimously, 4-0.

V. Manager's Report

Interim Town Manager Gilbride presented his monthly report. The town park renovations should be completed by July 4th. He discussed tentative plans to hold a ribbon cutting ceremony.

Mayor Pro Tem Benson requested that the vendor who presented the paid parking proposal modify initial estimates so that the plan encompasses the entire town.

*There are attachments

*All open forums are subject to a 3-minute limit

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Alderman Leonard suggested that the Planning Board, who was directed to make a recommendation to the Board of Aldermen, should discuss the issues first. Then, based off the presented recommendations, the Board can discuss goals and concerns with the vendor.

Alderman Grant suggested that the Planning Board include in its review 1) areas that parking should not be allowed and 2) needed signage.

The full manager's report is attached.

VI. Open Forum*

Staff will collect questions ahead of the Meeting and present to the Board of Aldermen.

VII. Public Presentations and Hearings

Town Attorney des recommended discussing the Special Use Permits first, because there was an error that should be promptly addressed. The Board did not object.

A. CASE SUP-19-01; SUP-19-02; SUP-19-03; SUP-19-04

Town Attorney des stated that the applicants did not receive a copy of the staff report. Additionally, an adjacent property owner stated that he did not receive written notice or a draft of the proposal. These parties request that the hearings be continued.

Planning Director Hill believed the parties did receive notice of the hearing, but they may have not received notice of the staff report available for inspection.

The Town Attorney recommended postponing the hearing until June 24th.

Alderman Leonard made a motion to continue the hearing. Mayor Pro Tem Benson seconded. The motion passed unanimous, 4-0.

B. Update: ongoing beach projects

Mr. Fran Way of ATM was participated remotely. Unfortunately, due to technology issues, the Board could not hear the report. The Board requested a written report from ATM at future regular Board meetings.

~~**C. CAS SUP 19 01; SUP 19 02; SUP 19 03; SUP 19 04**~~

(Planning Director Hill)

**D. Proposed Amendments to the Unified Development Ordinance
Article 7 Flood Damage Prevention and § 11.02 Definitions**

Planning Director Hill presented the proposed changes.

Mayor McDermon commented that the edits seemed minor. Planning Director Hill suggested that perhaps the most significant change is that a professional engineer is required to certify compliance prior to the issuance of a Certificate of Compliance Occupancy. This change removes some liability from building inspectors.

Alderman Leonard made a motion to open the public hearing. Mayor Pro Tem Benson seconded. The Motion was unanimous, 4-0.

The Mayor announced that hearing open and invited anyone from the public to approach and address the Board. No one came forward.

Alderman Leonard made a motion to close the hearing. Mayor Pro Tem Benson seconded. The Motion passed unanimously, 4-0.

Alderman Leonard made a motion to approve. Mayor Pro Tem Benson second. The Motion passed unanimously, 4-0.

The staff report is attached.

VIII. Consent Agenda

- A.** Approval of Minutes ([April 24, 2020](#); [May 6, 2020](#); [May 7, 2020](#); [May 21, 2020](#))
- B.** Department Head Reports
 - 1. [Finance Department](#)
 - 2. [Fire Department](#)
 - 3. [Inspections Department](#)
 - 4. [Planning Department](#)
 - 5. [Police Department](#)
- C.** Committee Reports
 - 1. [Planning Board & PPI Committee](#)
 - 2. [Board of Adjustment](#)
 - 3. TISPC ([link to minutes](#))
 - 4. ONWASA ([link to minutes](#))
- D.** Surplus Item- Fire Department Hummer
- E.** [Budget Amendment 2019.20.4](#)

F. Amendment to Personnel Policy

Mayor Pro Tem Benson made a motion to approve the Consent Agenda. Alderman Leonard seconded. Alderman Grant requested to abstain from the vote as he was only recently appointed to the Board. The Motion carried without any objection.

IX. Continuing Business

A. Discuss Fill Board Vacancy

Mayor McDermon began by asking for the Board's preference on the voting procedure.

Alderman Grant stated that there were many applications to review. He was not comfortable voting at this meeting, because he was only recently appointed to the Board.

The Town Attorney recommend that each individual board member do his or her own interviews and research.

Mayor Pro Tem Benson stated that the public had ample time and opportunity to present information to the Board about qualifications. Some applicants provided less than adequate information about themselves. It is not the duty of the Board to pursue applicants and ask for supplemental information.

Alderman Leonard stated his preference was to defer the vote so that the newest member of the Board could have an opportunity to review.

There was a consensus to continue the topic until Tuesday.

X. New Business

A. Annexation and Town Charter

Mayor Pro Tem Benson introduced the item. He expressed prior administration and Board opinions that the opportunity to annex could be beneficial. However, given the restrictions enacted by the General Assembly, the Town's charter prohibits annexation across the Intracoastal Waterway.

The Board discussed the range of interests: from annexing properties owned by the Town to property owners who wish to voluntarily annex.

The Town Attorney advised that the process would involve a local act from the State Legislature.

There was a consensus from the Board to direct the Town Attorney to begin this process.

XI. State of Emergency

Mayor McDermon announced that she has not issued any changes. The Town Attorney's recommendation was to remain in a State of emergency.

XII. Attorney's Report

Mr. Des did not have a report for the Board.

XIII. Mayor's Report

Mayor McDermon announced that she attended her first ONWASA meeting as an official Town representative.

XIV. Aldermen's Report

Alderman Peters did not have a report.

Mayor Pro Tem Benson asked staff to publish the recent communications report so that the public may see the Town's improvements. He thanked town staff for their efforts.

Alderman Grant expressed his appreciation for everyone's help in his initial days as an alderman, especially staff's efforts.

Alderman Leonard recently participated in a call with the North Carolina Realtors Legislature Committee, which voted to support the Town's current CBRA-related bill. The North Carolina chapter is sending their recommendation to the nation association for its support. Alderman Leonard stated that the Town has never been this close to changing the CBRS maps designations.

Alderman Leonard made a motion to go into closed session. Mayor Pro Tem Benson seconded. The Motion passed unanimously, 4-0.

XV. Closed Session to:

- consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged

- consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

Alderman Leonard made a motion to return to open session. Alderman Grant seconded. The Motion passed unanimously, 4-0.

The Town Attorney announced that no action was taken during closed session.

XVI. Adjournment

Alderman Leonard made a motion to adjourn. Alderman Grant seconded. The Motion passed unanimously, 4-0.

Joann McDermon
Mayor

ATT ST:

Laura Oxley, JD, MPA
Town Clerk

Approved: 07 2020



Manager's Report – June 4,2020 Board Meeting

Revetment

An Agreement for professional services has been executed with Arendell Engineers to survey the revetment area, assess the availability of fill sand, develop sandbag installation objectives and criteria, and provide a preliminary assessment of probable costs. The agreement further addresses project design and permitting, contractor selection, and construction administration. The engineer will begin work approximately June 6th, and present findings in early July. Construction could begin shortly thereafter.

Florence Project

Fran Way of ATM Engineering has submitted the Truck Haul Permit Modification request to the Division of Coastal Management. This project would extend dune restoration from Public Beach Access 13B to just south of the Topsail Reef Villas. This effort was necessitated when it was discovered that proposed offshore sand sources contained excessive quantities of rock, and were unsuitable for placement on the beach. Sand for this project will now be sourced from sand mines recently used in NTB and Surf City projects.

USACOE Federal Project

We are still holding biweekly meetings between the Corps personnel and our partners at Surf City to assist in meeting deadlines set by the Corps. Cost estimates and financing options are currently being reviewed.

USACE Dredging ICW/New River Inlet Crossing/Channel to Jacksonville

While we have been unable to secure any written confirmation of their intentions, US Army Corps of Engineers contends that this dredging project, which is supposed to result in approximately 250,000 cubic yards of sand on the north end, is still projected for Fall of 2020. According to their representative the dredging company remains contractually obligated to complete the work.

Town Park Repairs

Repairs to the Town Park commenced several weeks ago, and are progressing rapidly with landscaping and irrigation largely completed. Photographs of the progress are posted weekly on town facebook and web pages, and the improvements are now extremely obvious to passing residents.

Though the contracted completion date remains July 24th, the contractor anticipates completion of the project prior to July 4th weekend, and the possible opening of portions of the park within the next two weeks. At this point there have been no significant change orders, and only a minor adjustment to the height of the electric service is anticipated. A replacement for the original bicycle rack has been authorized for a nominal charge.

Town Hall

Floor plans have been reviewed by the building inspector, the DPW director, the Fire Inspector, the Planning Director, and I along with the architect. Issues with the HVAC which plagued the facility in the past were addressed while maintaining the policy of replacing the facility “as it was”.

Parking

Parking enforcement has continued at a brisk pace, with part time employees writing tickets on weekends. The issue of paid parking remains on the table, with planning board advice sought to identify a viable strategy for side streets to prevent motorists migrating from paid lots to residential right-of-ways.

FY20/21 Budget

The Board was presented with a preliminary budget at the retreat of June 2nd. Problems associated with Covid19 precluded us from following long established procedures for budget development, so the preliminary budget was largely prepared by the Finance Officer and Town Manager. Adjustments suggested by the Board are being incorporated into a final document. The major issue with this budget is our inability to determine for certain what effect the Covid19 restrictions will have on revenues, specifically sales and occupancy taxes.

MAPS Study

MAPS Study recommendations were implemented on June 1, 2020, and adjusted salary and wage data (Option #2) were used in preparing 2020-2021 budget.

IT

Contract package proposals for the providing of IT services were submitted by our vendor, Computer Warriors, and reviewed in a meeting with Ms. Hill, Ms. Elliott, and me. A decision on how to proceed will be made based upon what the organization needs with an eye toward controlling costs.

TISPC

Monthly meeting saw discussion of ongoing projects at each of the three member towns. Lobbyist reports focused on Covid19, since both the state and federal legislatures are heavily focused there. Legislation to address NTB's CBRA designation is still pending.

Health Insurance

Competitive quotes for comparable coverage were sought and received. While keeping Blue Cross/Blue Shield would have resulted in a decrease in premiums for the town, a switch to CIGNA promises improved coverage and a rate reduction of over \$40,000. The board was presented with this info at the retreat.

Solid Waste

A dramatic increase in Tipping Fees at the Onslow County landfill will result in an increase cost to residents for solid waste removal of approximately \$1.09 per month.

Fire Hydrants

In discussion with Jeff Hudson of ONWASA it was requested that three inoperable fire hydrants in NTB be repaired. While all three were "bagged", it turned out that only one was actually defective, and that was promptly repaired. The other two actually had flow meters mounted on them for data collection, and our Fire Dept was notified as to how they could be used without harming the meters.



Town of North Topsail Beach
Board of Aldermen

PUBLIC HEARING

Date: 06/04/2020

Issue:	Proposed Amendments to the Unified Development Ordinance Article 7 Flood Damage Prevention and § 11.02 Definitions
Department:	Planning
Presented	Deborah J. Hill, MPA AICP CZO CFM - Planning Director
Presentation:	Yes

BACKGROUND

Each time FEMA provides the Town with additional flood hazard data, the Town must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data. The floodplain management regulations must also meet any additional State of North Carolina requirements and be adopted through a process that complies with the procedural requirements established by NCGS § 160A-364 for the adoption of ordinances or regulations.

A Letter of Final Determination (LFD) is sent by FEMA to the Chief Executive Officer and Floodplain Administrator of a local jurisdiction stating that a new or updated Digital Flood Insurance Rate Map (DFIRM) will become effective in six (6) months. The LFD also notifies each affected flood prone jurisdiction participating in the National Flood Insurance Program (NFIP) that it is required to adopt a compliant Flood Damage Prevention Ordinance by the map's effective data in order to remain a participant in good standing in the NFIP. Due to the LFD Date being December 19th, the Map Effective Date will be June 19, 2020.

North Carolina General Statutes require public hearings for adoption and amendment. All ordinances must be adopted prior to June 19th (preferably well in advance of that date).

The Planning Director will track codification to verify that all mandatory revisions have been address, as we are merging the document into the UDO, which is a different format from the Model Ordinance. The final product will reflect the mandatory language required by the State and higher standards adopted by the Town. Reasons for higher standards:

- Lower Flood Insurance Rates
- Community Rating System (CRS) Activity Points ability for community wide insurance discounts
- More Resilient Development
- Reduced Loss of Property & Displaced Households
- Reduced Impact to the Community
- Reduced Stress on Emergency Services
- Protect natural and beneficial function of the floodplain

RECOMMENDATION

On, March 12, 2020, Mr. Matthews made a motion that the Planning Board recommends that the Board of Aldermen conducts a public hearing on or before June 19, 2020 and adopts the amendments as indicated in the draft Unified Development Ordinance Article 7 Flood Damage Prevention and §11.02 Definitions (attachment 1) to be effective June 19, 2020. Mrs. Green seconded the motion; motion passed unanimously, 5-0.

ATTACHMENTS

1. Unified Development Ordinance Article 7 Flood Damage Prevention and § 11.02 Definitions (amended, draft).