

Town of North Topsail Beach

Daniel Tuman, Mayor
Joann M. McDermon, Mayor Pro Tem
Aldermen:
Mike Benson
Jerry Heid
Tom Leonard
Richard Peters



Bryan Chadwick, MPA
Town Manager

Laura Oxley, JD, MPA
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Special Meeting Minutes Tuesday, September 17, 2019 10:30 A.M.

Present: Mayor Tuman; Mayor Pro Tem McDermon; Aldermen Benson, Heid and Peters; Town Manager Chadwick; Town Clerk Oxley; and Town Attorney Edes

I. Call to Order

Mayor Tuman called the Meeting to order at 10:30 AM.

II. Invocation

Mayor Pro Tem McDermon led the attendees in the Invocation.

III. Pledge of Allegiance

Mayor Tuman led the attendees in the Pledge.

IV. Guidance for Special Meetings

Town Attorney Edes provided guidance. He explained that the UNC School of Government has a blog post on this topic. Because this meeting is not on the regular schedule, today's meeting is a special meeting. With special meetings, the Board cannot deviate from the reasons stated in the notice. In an effort to be as transparent as possible, the official notice included the agenda. With the exception that the board cannot add to the Agenda, the Board is free to hold this meeting and discuss topics advertised.

***There are attachments to these minutes**

V. Approval of Agenda

Mayor Pro Tem McDermon made a motion to approve the Agenda. Alderman Benson made an amendment to the motion to approve the Agenda with the exception that the Minutes from the Emergency Meeting be relocated to Continuing Business for discussion. Alderman Peters seconded the Motion with the amendment. The Motion passed unanimously, 4-0.

VI. Manager's Report

Town Manager Chadwick gave his report. It is attached.

VII. Open Forum- 3 minute limit

Mr. Rick Grant of 202 Sea Dunes requested to address the Board through the forum sheet. He is concerned about federal financing and CBRA. The Board asked him to make a meeting with the Town Manager.

Mr. Frank Rochelle of 4020 Island Drive requested to address the Board through the forum sheet. He received a notice of violation from the Town. The Manager asked him to call and set an appointment.

Mr. Norman Lewis requested to address the Board. He stated an opinion that Board meetings should be at night to accommodate those who have employment obligations.

VIII. Consent Agenda

- A.** Approval of Minutes (April 4, 2019; July 11, 2019; August 1, 2019; ~~September 4, 2019 (Hurricane Dorian Emergency Meetings)~~ relocated from "Consent" to "Continuing Business"
- 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
 - 2. Board of Adjustment
 - 3. TISPC (Topsail Island Shoreline Protection Commission)
 - 4. ONWASA ([link to minutes](#))
- D.** Motor Vehicle Tax Refunds

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

IX. Continuing Business

A. Improving Communications

Mayor Pro Tem McDermon reminded the Board that the Town has a great staff. She wanted to remind her colleagues of the procedures in place of working with the Town Manager to task staff, not around the Town Manager.

The Board discussed. The Mayor made a distinction for the role of Town Clerk. He stated that while the Clerk reports to the Town Manager, the Clerk serves the Board.

The Mayor Pro Tem suggested that it is still appropriate, as a matter of procedure, to include the Town Manager in discussions with the Town Clerk.

B. Revetment Committee Update & Action

Alderman Benson provided an update from the Committee. The Committee received a proposal from Arendell Engineers. The Committee met in July to review. The Committee submitted concerns to the engineer and the proposed agreement was revised.

Alderman Benson made a motion to direct the Town Attorney to review a hold harmless agreement between the Town and Arendell Engineers as it could potentially relate to the Town. The Town Attorney stated for clarification that the Board has not taken action to substitute the engineers. Until formal action is taken, the approved engineer is Greene, but the Attorney can review the agreement as it could potential become relevant to the Town's interests. Mayor Pro Tem McDermon seconded the Motion. The Motion passed unanimously, 4-0.

C. Hurricane Preparedness Plan

(1) Minutes from September 4, 2019 (Hurricane Dorian Emergency Meeting)

Alderman Benson believes his motion at the Emergency Meeting was misinterpreted by staff. He believes his additions to the Hurricane Plan were accepted. Alderman Benson acknowledged that the elected official who made the motion to approve the Hurricane Plan during the

emergency meeting was Alderman Leonard, who could not attend the Special Meeting. Alderman Benson made a motion to table the discussion and the approval of the emergency meeting minutes until Alderman Leonard could be a part of the discussion. Mayor Pro Tem McDermon seconded the Motion. The Motion passed unanimously, 4-0.

D. Resolution Designating Applicant's Agent

Planning Director Hill stated that she needs the Board to appoint agents who can provide signatures for reimbursements. Director Hill proposed herself and Mr. Chadwick. Alderman Benson made a motion to approve the nominations as presented. Mayor Pro Tem McDermon seconded. The Motion passed unanimously, 4-0.

X. New Business

**A. Resolution Expressing Opposition to
Offshore Drilling and Seismic Testing**

Alderman Benson presented the Resolution. He gave a brief history on the topic. The Town previously discussed and decided to wait before taking action until the Governor and General Assembly acted. Now, both entities have officially taken a stance of opposition to offshore drilling and seismic testing.

Alderman Benson stated that these actions could have a strong impact on the Town and contaminate the shoreline. The North Carolina Beach, Inlet & Waterway Association ("NCBIWA") requested that the Town assert its opinion. The other towns on the Island have already adopted resolutions similar to the one proposed by Alderman Benson. Alderman Benson made a motion to approve the Resolution as presented. Mayor Pro Tem McDermon seconded. The Motion passed unanimously, 4-0.

B. Utopia Street Request

The Town Clerk and Planning Director presented a proposal to the Board. A Utopia Street resident requested that the Town either build a wooden walkway or grant an easement so that he may construct the walkway. Staff recommended to the Board that both requests be denied. There was discussion. Mayor Pro Tem made a motion to follow the Town Manager and staff's recommendation to deny the requests. Alderman Heid seconded. The Motion passed unanimously, 4-0.

C. Donation to Jacksonville Onslow Economic Development

Mayor Tuman presented the request that was submitted to him on behalf of the Jacksonville Onslow Economic Development ("JOED"). The Mayor stated that the Town is responsible for approximately \$60 million in commerce generated by tourism. He urged the Board to support the donation to JOED who could represent the Town's interests.

Alderman Benson spoke against the donation. He commended the Mayor for his involvement with JOED. He acknowledged the difficult time that the Town has had with Onslow County as a governmental unit. His opinion is that if the Board does not support the donation, then it will send a message to Onslow County stakeholders. Alderman Benson made a motion to deny the donation. Alderman Peters seconded. The vote was split, 2-2. The Mayor voted against Alderman Benson's motion.

Alderman Heid made a motion to make the donation. Mayor Pro Tem McDermon seconded. The vote was split, 2-2. The Mayor voted in support of the Motion. The Resolution was approved.

D. Resolution Approving Financing Terms

Finance Officer Betsy Brothers presented to the Board. The actual cost of the vehicles is lower than she budgeted. She has strategically planned the financing on these assets so to not put a strain on the Town's finances.

Mayor Pro Tem McDermon made a motion to approve finance terms for the purchase of 5 town vehicles. Alderman Benson seconded. The Motion passed unanimously, 4-0.

XI. Open Forum

Mr. Jeff Meyer asked to address the Board. He asked for clarification that there is a fixed amount of money obligated and no additional money will be spent. The Mayor responded that the Town has no plans to make any further improvements. The Town Attorney stated that the Town agreed to contribute up to a fixed amount. The Board has discretion, but the Town's contractual obligation is fixed.

Mr. Grant thanked the Town's police and fire departments for quick responses and help. In his opinion, these efforts instill confidence in the community. The Town Manager described how fire and police brought in trash carts before Hurricane Dorian. He expressed his appreciation for their additional efforts.

XII. Attorney's Report

The Town Attorney began by reporting that House Bill 917 passed. The Legislation appears to expand the Town's authority during an emergency. The Town Attorney will update the Town's emergency ordinances. He also thanked his contacts in the State's General Counsel Office who helped keep the Town apprised of emergency updates.

XIII. Mayor's Report

The Mayor brought to the Board's attention that the public forum for the expansion to the Inlet Hazard Area ("IHA") will be on October 15th in Surf City. He requests that the elected officials look at the proposals. He would like to prepare a Town position and would like to receive the Planning Board's opinion.

XIV. Aldermen's Report

Alderman Peters stated his appreciation for the staff's work during Hurricane Dorian, especially giving up Labor Day holiday plans to prepare the Town for the storm event. He received very few negative comments on the Town's response.

Alderman Benson echoed the remarks made by Alderman Peters. He thanked the Town Manager, staff and emergency services. He also thanked the Clerk for her efforts to increase communication.

Alderman Heid also thanked staff, who managed the situation well in his opinion. He thanked the meeting's attendees.

Mayor Pro Tem McDermon echoed her colleagues' sentiments. She also thanked the Planning Director for putting together the call center. She reported that calls increased on Friday morning. She took the time to explain the CRC's proposal to the Inlet Hazard Area for those who may not understand. The proposal could impact setbacks. She invited public feedback.

Mayor Pro Tem McDermon made a motion to go into closed session. Alderman 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.

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

XVI. Adjournment

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

APPROVED:

Daniel Tuman
Mayor

ATTEST:

Laura Oxley, JD, MPA
Town Clerk

Approved: / /2019



Manager's Report – September Meeting

Hurricane Dorian

Overall, North Topsail Beach fared well during Hurricane Dorian. We had minor damage to approximately 12 homes and a small amount of debris.

There was a little loss of sand along the north end. From Bay Court to Surf City, we seem to have gained sand. Chris Gibson's team with TI Coastal has been surveying the beach for official estimates.

Once again, our staff did an amazing job preparing for the storm and working throughout. As you can imagine, the weekend and week prior to the storm was busy with preparations. They gave up their Labor Day holiday and holiday weekend dealing with the storm.

We are already working on after action reports for the storm. India Mackinson (see below) has completed a communications report. It is extremely thorough and entails a complete synopsis of the pros and cons and what transpired. I have tasked staff with completing their own reports by December for any possible recommended changes.

Chad Ray from Onslow County came down last week and took drone footage to document the beach after the storm. We'd like to thank Onslow County for allowing him to do this for us.

Phase 5 Matthew Project

This project was previously approved by FEMA for damages sustained by Hurricane Matthew. If you recall, you approved the bid by S.T. Wooten for the Phase 5 Matthew Project. All contracts have been executed and stockpiling of the 168,000 cy of sand at the ST Wooten sand pit has started.

The truck-haul portion of the project is on schedule to start around November 16th.

Beach Renourishment

Florence Damage

The Shoreline Protection Workgroup has been working with ATM and Fran. He has recently completed his report for FEMA and needs assessment for sand lost during the Florence. FEMA now has it and it is going through their step process.

I have in today's package the proposal from Fran to prepare the bid documents for the Florence project. The Shoreline Protection Workgroup discussed this proposal with him. It has clarifications to the items previously questioned by the Board. This included rock remediation and the type of dredge utilized.

I am recommending this be approved by the Board of Aldermen. It is anticipated that these costs will also be reimbursed by FEMA for the total project.

This project will touch every phase of beach within North Topsail Beach. It includes Category G ("engineered beach") and Category B (dune restoration on natural beach).

US Army Corps of Engineers

NTB/SC Federal Project

Over the past 10 years, we have been advocating for Coastal Storm Damage Reduction project (Federal Project) for towns on Topsail Island. Because of some ineligible sections of our Town, we decided to partner with Surf City. (4 miles NTB and 6 miles SC). Topsail Beach has a separate project.

We have pursued "new start funding" at the federal level to construct the project according the plan. Each year, we have "scored high" on the list. Unfortunately, it was never approved and sometimes deleted through the budget process.

Congress passed a supplemental disaster relief bill that included over \$700 million to the USACE. The Corps has determined the significance of this law to mean that 100% federal disaster financing will be used for the top projects.

We have been working with Surf City to make this beach nourishment a reality. We have sent letters of support to Wilmington and all the way to Washington. We had a conference call with officials in Atlanta.

We were originally told it would be the end of August when we heard any news. At the last TISPC meeting, we were informed it would be a couple of more months before we would receive any word of whether our project will be included in this disaster relief funding.

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

The contract bids for a Corps project to dredge the ICW – New River Inlet Crossing and the Channel to Jacksonville were let in August. We have not heard if any bid has been awarded as of yet. This pipeline dredging project will place approx. 250,000 cy of sand on the north end of NTB sometime after November 16th. We will let you know when a bid has been awarded and with whom.

Town Park Repairs

The bid packets had to incorporate verbiage for needed insurance coverage. We have been working with the town attorney to make sure this is included. Once this is ready, they will be sent out.

Hurricane Florence Disaster Recovery Fund

NC Office of Recovery and Resiliency

We have received an award of \$250,000. The check came during Hurricane Dorian. This funding will be used for loan repayment and staffing. We will have a budget amendment ready for you in October's packet.

As you will recall, we submitted a grant for a larger amount. They did inform us they would revisit our application once more funding was approved. As you know, more funding was approved last week by the General Assembly and we are hopeful they will do that.

FEMA Reimbursement

We have received three reimbursements over the past 3 weeks. One was for \$107,500 which is the damages sustained to our crossovers. The other was for \$27,500 which is for the damages sustained to our fire departments. The third was for \$36,000 for signs destroyed during the storm.

Terminal Groin

We have the signed agreement regarding the 3rd Party Contractor writing the EIS. Mickey Sugg (USACE) has requested a meeting with those involved to discuss next stages and expected timeframes.

This meeting will be held on Thursday at the Corps office.

Meeting with the Coastal Federation

I had a meeting with Kerri Allen of the NC Coastal Federation the last week of August. Our main purpose was discussing various issues affecting our organizations. I feel it was a positive meeting. We covered the terminal groin, CBRA, sea level rise, and other issues of interests to us both.

We explained our positions on each one of the items. There are some we in which we know we won't agree. I do, however, feel we can have future meetings to discuss possible partnerships.

Jeffreys Lease

We received word last week that the Jeffreys (now LexiGray Property Management) have agreed to extend the leases for their properties for a 5 year term. It also includes another 5 years extension as well. Once we receive the documentation with our requests, I'll forward to you and the town attorney for your consideration.

This is good news for the Town to continue to have parking for visitors to our Town.

Lead for North Carolina at the UNC School of Government Fellows Program

India Mackinson is our new Lead for NC Fellow. Her official title is Project Specialist. She will be with us through June 30, 2020. It could be extended through 2021 if funding is available.

She is already working on several projects for the Town. As I mentioned earlier, she has composed an after-action report on communications during Hurricane Dorian. She will be involved in TISPC issues and meetings.

She is a great addition to the team.