

# *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 Thursday, February 6, 2020 6:30 P.M.**

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

### **I. Call to Order**

Mayor Tuman called the Meeting to order.

### **II. Invocation**

Mayor Tuman delivered an invocation.

### **III. Pledge of Allegiance**

Mayor Tuman led the attendees in the Pledge of Allegiance.

### **IV. Approval of Agenda**

Town Manager Chadwick, based on the Attorney's advice, requested that the Board move two items until after closed session:

- 2020 Meeting Type and Schedule
- Location of Future Monthly Special or BOA Meetings

Alderman Benson proposed moving the Planning Board and Board of Adjustment appointment items from the Consent Agenda to New Business.

Alderman Benson made the Motion to approve the Agenda with the proposed changes. Alderman Peters seconded. The Motion passed unanimously, 5-0.

**V. Manager's Report**

Town Manager Chadwick delivered his report. It is attached.

**VI. Open Forum- 3 minute limit**

Mr. Nick Rulli, who lives on Topsail Road, addressed the Board. He reports an issue between 4<sup>th</sup> Ave and 2<sup>nd</sup> Avenue. After Hurricane Florence, the dunes and vegetation took a notable hit. Due to one home's closer proximity to the surf, his property has even less protection. He has had to replace his driveway twice. Mr. Rulli requests action from the Board. He recommends sandbags be placed around a neighboring house and property. The Town Manager will meet with the citizen to discuss concerns.

Mr. Jeff Meyer expressed a concern for the Board's meeting schedule. He did not know about the meeting in a timely manner, less than 48 hours. He expressed frustration that a regular meeting schedule is not established.

**VII. Public Presentations and Hearings**

**A. Town Park & Town Hall Projects**

Mr. Jim Stumbo of Stewart-Cooper-Newell Architects presented to the Board first on the matter of the Town Park. He reminded the Board and the attendees of the struggles with prior bids. The Board of Aldermen authorized Mr. Stumbo to work with the sole bidder from the second round of RFP's. The contractor was not responsive, and the bid was denied.

The next request for bids is scheduled for the following week. There were a few minor revisions incorporated in order to generate more interest in the project, such as alternate bid for landscaping and insurance.

Next, Mr. Stumbo presented information concerning Town Hall. He conducted a site visit on Monday. He provided the following time estimates:

- Release Bid: 3-4 months
- Time frame for gathering responses: approximately 30 days. During this time period, Mr. Stumbo's firm will obtain a better estimate for the project's cost.

Alderman Benson asked Mr. Stumbo if the design could include modifications that would make it easier for the Town to make adjustments to the building in the future.

Mr. Stumbo cautioned that modifications could increase price and may not be covered by insurance. He will include modifications to help fortify town hall against high winds.

Alderman Heid inquired about the time frame for actual construction.

Mr. Stumbo estimates approximately 6 months.

**B. Mr. Fran Way, Coastal Engineer with Applied Technology**

Mr. Way presented to the Board and began by providing a broad overview of the Town's eight projects. For this meeting, Mr. Way wanted to focus on Hurricane Florence recovery projects. For this project, the engineered section of the Town's beach will require over 600,000 cubic yards and the non-engineered beach will require approximately 137,000 cubic yards. Due to this volume, a truck haul is not practical. As a rule of thumb, a truck haul is not a preferred method when the volume of sand exceeds 200,000 cubic yards.

Mr. Way hopes to use an offshore borrow area, but he acknowledges the strong opposition from state and federal partners. There is plenty of material at the site, but there is a concern for rocks polluting the material. Mr. Way believes the issues can be resolved, but it will also cause delays. He reminded the Board of the issues the Town experienced in 2015. During that project, the Town used pickers and screeners to mitigate the effects of rocks. However, due to that project's issues, stakeholders do not want the rocks to come to the beach in the first place. There are some hurdles to overcome.

Mayor Pro Tem McDermon asked about Phases 2-4 and acknowledged that they need help. She specifically asked about a truck haul in these areas, because the volume needed is more manageable for a truck haul.

If the Town splits the project, Mr. Way believes the Army Corps of Engineers would be open to that proposal.

Alderman Leonard stated that it is his opinion, and he believes the Board agrees, that the inlet should not be dredged until a hardened structure is in place that can protect properties.

Alderman Heid asked if FEMA will adjust their cost sharing if a truck haul is the approved option.

Town Manager Chadwick responded that FEMA representatives expressed a priority in meeting environmental needs and seemed agreeable to adjusting their financial contribution.

Mayor Tuman asked for clarification. Could the federal project be placed on hold due to rocks? Mr. Way responded that it is possible.

Mayor Tuman suggested that when the "Florence Project" begins, the Town's engineer consider using the federal borrow site if there are rock issues with the other site.

Mr. Way responded that the Mayor's suggestion is a possible option. However, when a project goes "online," it receives priority and other projects may not get permission due to plans already in place.

Alderman Heid asked Mr. Way's opinion. Is it better to split the project?

Mr. Fran Way stated that in terms of timing, yes, it would be more expedient to split the project.

Alderman Heid acknowledged the current work in Phase 5. In an effort to help each phase achieve progress, it seems Phases 2-4 would benefit from the separation of projects.

Mr. Way agreed and stated that he would like to get bid packets out by summer.

Alderman Benson asked if Mr. Way could obtain more data about the borrow area to alleviate the Corps' concerns for rock. Mr. Way understood the thought process. There are ways to obtain more data, but the issue is whether the Corps will agree with the findings. A Corps project in South Carolina recently used material from a site that may have been comingled with rocks. Mr. Way is making inquiries to learn more about the Corps determination in that case.

Mayor Pro Tem McDermon stated that the project seems to have a lot of moving parts. She requested that Mr. Way provide monthly updates at Board meetings, even if by phone.

The Board, by consensus, asked for Mr. Way to explore the possibility of completing a truck haul for Phases 2-4 as an option. The Mayor also asked Mr. Way to provide dune designs.

## **VIII. Consent Agenda**

- A.** Approval of Minutes ([January 8, 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
  2. Board of Adjustment
  3. TISPC ([link to minutes](#))
  4. ONWASA ([link to minutes](#))
- D. MOTV Tax Refund Request
- E. ~~Planning Board Appointments (take off Benson)~~
- F. ~~Board of Adjustment Appointments (take off Benson)~~

Alderman Peters made a motion to approve the Consent agenda as amended. Alderman Benson seconded. The Motion passed unanimously, 5-0.

**IX. Continuing Business**

- ~~A. 2020 Meeting Type and Schedule Discussion  
and Possible Action (Alderman Heid)~~

**B. Revetment Committee Update and Possible Action**

Alderman Benson reported that there were no updates. The Town Attorney is still negotiating. The Town hopes to have a revised agreement from the engineer by next week

**X. New Business**

**A. Review Bids for Berm Push (possible action)**

Town Manager Chadwick obtained a CAMA permit for a berm push. Town administration received information from two bidders, W. R. Willis and CM Mitchell. Staff recommendation is to award the bid to W.R. Willis.

Mayor Pro Tem McDermon made a motion to accept the W.R. Willis bid. Alderman Leonard seconded.

Alderman Benson asked if the coastal engineer could provide feedback on the beach profile so that certain areas can be excluded from the push to avoid unintended impacts.

The Board discussed how the Corps sand dredge and placement will impact the push.

The Town Manager agreed to manage the project directionally from the south to the north end of Town.

Mayor Tuman called for the vote on the Motion. The Motion passed unanimously, 5-0.

#### **B. ASBPA- Conference Attendance (possible action)**

Town Manager Chadwick reminded the Board that the conference operates in conjunction with the lobbyist efforts in DC.

Mayor Tuman asked that board members input to their objectives to the Town Manager. Regarding the work the Town has already completed in Phase 5, the Mayor would like to see \$16 million from federal project to go straight to the Town's loan that increased the beach's profile in Phase 5. He would also like a meeting with Fish and Wildlife so that construction and beach nourishment can become an exception to CBRA restrictions.

Alderman Benson stated that the trip to DC is sponsored by the Topsail Island Shoreline Protection Commission. The Commission set a list of federal goals for 2020. The collective goals will be the primary focus. Anything outside of the goals and contract may incur additional charges for the Town.

Alderman Leonard reported that last year, the issues discussed were 1) repeal CBRA, 2) funding the federal project and 3) allowing sand in CBRA areas to be utilized for nourishment projects. Two out of three of those were accomplished.

Alderman Leonard suggested sending the Board's suggestions to TISPC, asking Chairman Steve Smith to talk to the lobbyist, and make sure the Town's topics are within the paid-for scope of services.

The Town Attorney reminded the Board that if there is an effective majority going to DC, a proper notice to the public is needed.

#### **C. USACE Nourishment Project Committee**

Town Manager Chadwick started by explaining that he does not necessarily need action. Surf City would like to form a committee to consist of the managers, two council members, two members of public and needed staff. Staff does not oppose the recommendation but would like to see the parameters better established. In the meantime, Aldermen Benson and Heid, along with needed staff, have attended the initial meetings.

Mayor Tuman asked when a project plan would be available.

Town Attorney Edes stated that both towns sent surveys to the Corps. The Corps wants an inventory of properties, which the Town is working to compile. The Corps is working towards a PPA (Project Partnership Agreement). When that is finalized, the Town can move forward with easements.

Alderman Leonard questioned what the committee can do that staff can't? He stated that a charter, mission, tasks, responsibilities, etc. have not been established or shared.

Town Manager Chadwick will provide updates back to the Board in lieu of a formal committee report.

**~~D. Location of Future Monthly Special or BOA Meetings~~**

(Mayor Pro Tem McDermon)

**XI. Planning Board and Board of Adjustment Appointments**

Alderman Benson did not understand staff's "coding" of the recommendation.

Planning Director Hill explained that due to vacancies, the former alternates will move up in the rotation to become members. Now, the alternative positions are vacant. The recommendations from staff is to appoint alternates to the Boards.

Alderman Benson asked if the alternates have terms or limits.

The Planning Director stated that they do not. The alternates are available if a member is missing. As members leave, alternates rotate to a seat. In this procedure, the alternates sit-in and learn procedures.

Alderman Benson asked that staff revise the application.

Alderman Benson made a motion to approve the applicants as recommended by staff. Alderman Heid seconded. The Motion passed unanimously, 5-0.

**XII. Open Forum**

Mr. Phil Fowler expressed an opinion that the Town's communication is not good. He believes that Town officials should be pushing out information to the community. He is also concerned about beach nourishment project; he believes there is a lot of focus on north end inlet issue. Additionally, he has concerns with the proposed berm push. He requests that the Board expand their focus and communicate better.

Mr. Walt Dickson is also concerned about the berm push. He is seeing a tar-like substance that worries him. While some areas of the beach can withstand a push, others cannot.

Mayor Tuman addressed the Town Manager. He requested staff publish a document that explains immediate project plans, dune reconstruction for Phases 2-4 and berm push. He also requests that staff listen to those who would like to opt out of the berm push.

Mayor Pro Tem McDermon stated it may be difficult to allow individual owners to opt in or out of the push.

The Town Manager stated that staff will do what they can to allow an opt out option. Last year, St. Regis opted out of the push.

**XIII. Attorney's Report**

Mr. Edes reports that he has an item to discuss in closed session.

**XIV. Mayor's Report**

Mayor Tuman played a voicemail he received from Senator Tom Tillis, in which he reported the approval of the federal project.

**XV. Aldermen's Report**

Alderman Heid thanked everyone for showing up. He appreciated everyone's input and comments. He encouraged the participation to continue.

Alderman Leonard thanked everyone for their attendance and comments. He would like for the Town to be ahead of schedule on the federal project in the event that Surf City isn't prepared. The Town could then go first, whereas the current plans complete Surf City's portion first. He particularly wants a focus on easements and does not want delays.

Mayor Pro Tem McDermon stated she plans to represent the Town at the chamber of commerce. Alderman Heid stated that he regularly attends and represents the Town. She also asked Mr. Fowler if he would be willing to meet with her. She stated that there is always room for growth and would appreciate his feedback.

Alderman Peters thanked everyone for their input. He stated that Town officials will work on improving communications. He noticed that a lot of the meeting's discussions centered on beach nourishment efforts. There are a lot of projects in the works. He hopes that at the Board's retreat, they will review each project more intently.



Alderman Benson stated that the meeting had a lot of discussion about sand on the beach, which is understandable. But as evidenced by the Meeting's discussions, it is not a simple matter. He emphasized that everyone would receive help, whether it be the federal, Hurricane Florence, or berm project. He asked that anyone with issues or concerns to feel free to call or email him.

Mayor Pro Tem made a motion to go into closed session. Alderman Peters seconded. The Motion passed unanimously, 5-0.

**XVI. 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.

Alderman Leonard made a motion to come out of closed session. Mayor Pro Tem McDermon seconded. The Motion was unanimous, 5-0.

Town Attorney Edes stated that although no action was taken, by consensus, the Board has decided to hold special meetings on the first Thursday of the month. Alderman Heid made the Motion. Mayor Pro Tem seconded. The Motion passed unanimously, 5-0.

Since this is a special meeting, the Town Attorney requested unanimous approval to add a civil fines matter to the Agenda. Mayor Pro Tem McDermon made the motion to add to the agenda as recommended by the Town Attorney. Alderman Benson seconded. The Motion passed unanimously, 5-0.

**XVII. Civil Penalties**

Alderman Benson made a motion to direct the Town Attorney to bring civil action against a violator in Roger's Bay whose fines are now in excess of \$10,000. Mayor Pro Tem McDermon seconded. The Motion passed unanimously, 5-0.

**XVIII. Adjournment**

Alderman Heid made a motion to adjourn. Mayor Pro Tem seconded. The Motion passed unanimously, 5-0.

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Daniel Tuman  
Mayor

ATTEST:

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Laura Oxley, JD, MPA  
Town Clerk

Approved: 03/06/2020



## **Manager's Report – February Special Meeting**

### **Beach Renourishment**

#### **Phase 5 Matthew Project**

This project was previously approved by FEMA for damages sustained by Hurricane Matthew. If you recall, it is placing 168,000 cy of sand for dune restoration.

The Project started on Monday December 2<sup>nd</sup>. They have completed almost 12,000 linear feet. We are posting periodic updates for property owners and other interested parties on Facebook.

TI Coastal is completing the modification we need to continue the project north for approximately another 4,000 linear feet adding approximately another 52,000 cy of sand.

#### **Florence Project**

Fran, Caitlin, Laura, Scott and I met with State and Federal stakeholders to discuss concerns they have with the offshore borrow site for our proposed FEMA Florence project. FEMA requested the meeting during their environmental review based on concerns with the offshore borrow area. The concerns all stem from the rocks on the beach from our last 2015 Phase 5 project. The primary agencies with the concerns are the U.S. Fish & Wildlife and NC Wildlife Resources Commission, but the USACE and DCM also stated concerns with compatibility and potential mitigation.

This is on tonight's agenda.

### **US Army Corps of Engineers**

#### **NTB/SC Federal Project**

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 recently received word our project was funded \$237 million.

We are obviously very excited about this project. We recently had our first meeting with the Corps and Surf City. The project's time is being accelerated, so we are ready to dedicate whatever resources are needed to accomplish the Project's goals. Initially, the Corps has only requested an updated beach survey. We provided our post-Dorian data and are awaiting further direction. Surf City has proposed a Committee to oversee and manage the project. It is on tonight's agenda for the Board of Aldermen to discuss.

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

As of Monday, Brennan Dooley with the USACE reported the project is still scheduled to begin in approximately 2-3 weeks.

I previously reported that the USACE may want to move the dredge pipeline. They want to allow for a pipeline route down River Drive, crossing New River Inlet Road and running to the beach between two house parcels. This will give the contractor an option to avoid running the pipeline against the sandbags coming around the inlet. The contractor has not fully decided which route they will take.

We do want to remind everyone from St. Regis to the north to be aware of this project. There will be pipes, equipment and people moving throughout the area. It is important for their safety and the safety of others to not get in their way during this process.

We will post periodic updates on Facebook as they complete the Project.

### **Possible Day for Federal and State Officials to Visit Topsail Island**

The TISPC has been advised that federal and state officials will visit Topsail Island on March 19, 2020. They will view the dredging projects at Topsail Beach, as well as, other projects happening in Surf City and North Topsail Beach.

Once we have a schedule from Mike McIntyre and Stephanie Missert, we will let you know. We have offered having a meet and greet in NTB.

### **Town Park Repairs**

Jim Stumbo will be here to discuss the Town Park Project.

## **Town Hall**

Jim Stumbo of Stewart, Cooper and Newell is currently working on the specifications to repair town hall as is.

I do have some news on the FEMA front concerning Town Hall. We originally didn't believe we qualified for funds for the building. We have since found out the project may result in approximately \$125,000 to cover what may not be covered.

## **Terminal Groin**

Dial Cordy sent a proposed Plan of Study to Mickey Sugg and the Army Corps of Engineers. The USACE are analyzing the plan. Mickey informed Dial Cordy to make a few additions. Mickey would be in touch to discuss possible dates for our initial interagency/scoping meeting. Just to remind you, the USACE is now in the driver's seat for this process. We are now working on their timetable for this process.

## **Jeffreys Lease and Parking**

SP+ is the contracted company currently issuing driving permits on the North End. They are working on options for the Town to consider for possible paid parking. They will be at our planning retreat to discuss.

## **Financial**

As I reported in an earlier report, I contacted Andrew Carter with DEC Associates to go through our financials to check the financial health of the Town. I want them to take an in-depth look at our financials to help with plans and projects for the future.

Andrew Carter has reported back to me that he wants to wait until any leadership changes are made before they perform this task.

This is separate from our audit. The audit is to make sure we are meeting goals and policies which is still being completed.

## **Human Resources**

### **MAPS Study**

As you will recall, we are working with the MAPS group to update our job descriptions, personnel policies and salary surveys.

Laura, Caitlin and I have had multiple meetings with MAPS to discuss. As you can imagine, this is a time-consuming process. This has taken dozens of hours to review and complete. I am happy to say we should only have one more conference call to wrap this up.

Our plan is to make a presentation to the Board at the Board Retreat. We will come with recommendations on implementation of the study.

### **Bike NC**

We were approached by Bike NC to be the final stop in their annual bike trip across North Carolina. They will have had anywhere from 600 to 1,000 participants in past events. This is exciting news for the North Topsail Beach, and we look forward to working with them and the other partner organizations from Onslow and Pender Counties.

### **Sledgehammer Run**

This past weekend was the Sledgehammer Run in North Topsail Beach. The mission statement of the "Sledgehammer Race Series" is: To Honor the memory of Sledgehammer and All Combat Veterans." Because of our history, we are excited that one race is here. Because part of the run is on the beach and we have the truck haul project on the south end of Town, the course had to be altered this year to the north end.