

Town of North Topsail Beach

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



Bryan Chadwick, MPA
Town Manager

Laura Oxley, JD, MPA
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Regular Meeting Minutes Thursday, August 1, 2019 6:30 P.M.

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

I. Call to Order

Mayor Tuman called the meeting to order at 6:30 PM.

II. Invocation

Alderman Leonard led the attendees in the invocation.

III. Pledge of Allegiance

Mayor Tuman led the attendees in the Pledge.

IV. Approval of Agenda

Mayor Pro Tem made a motion to approve the agenda as edited by the Board. Alderman Peters seconded. The Motion passed unanimously, 4-0.

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

V. Closed Session to discuss personnel matter

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

*For efficiency, edits are incorporated without an itemized list or editor's marks.

**There are attachments to these minutes.

VI. Public Presentations and Hearings

A. Presentation of Bids FEMA Phase 5 Beach Restoration

Mr. Chris Gibson presented the bids (see attached). In his experience, the Town can expect a 20 to 24 day turn around on the Town's reimbursement claims. He stated the project can begin around November 15th. He also recommended that the Town look into adding beach nourishment (such as replanting sea oats) to the project.

Of the bids submitted, Mr. Gibson recommended S.T. Wooten. Alderman Leonard made the motion to award the contract to S.T. Wooten. Mayor Pro Tem McDermon seconded. The Motion passed unanimously, 4-0.

VII. Open Forum- 3 minute limit

Mr. Jeff Meyer signed-up to address the Board. Mayor Tuman acknowledged him.

Mr. Meyer announced that the Brass Pelican will be holding a meet and greet for the candidates running for office in North Topsail Beach and Surf City. He encouraged all to attend. Look to Facebook for more details.

VIII. Consent Agenda

A. Approval of Minutes (June 6, 2019; June 20, 2019)

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. Autumn with Topsail Donation

E. Surplus Vehicle

F. NCBIWA Fall Conference

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

IX. Continuing Business

A. Occupancy Tax Ordinance or Policy

The Town Attorney presented a policy and proposed resolution (see attached). He asked that the Board overlook the typos for the moment, which the Clerk brought to his attention.

Alderman Benson made a motion to pass the resolution with the non - substantive typos corrected by the Clerk. Alderman Peters seconded. The Motion passed unanimously, 4-0.

B. Encroachment Agreement

The Town Attorney reminded the Board of the easement passed in the previous month for a family on Goldsboro Lane. He recommended that the Board, in lieu of easement, approve an encroachment. The family agreed to the change. It serves their interests by expediting the crossover.

Mayor Pro Tem made a motion to approve the change to an encroachment agreement. Alderman Leonard seconded. The Motion passed unanimously, 4-0.

X. New Business

A. Applicant Selection for Board Vacancy

The Town Clerk presented the applicants to the Board of Aldermen. Alderman Leonard made a motion to appoint Mr. Jerry Heid to the Board of Aldermen vacancy. Mayor Pro Tem seconded. For discussion, Alderman Benson nominated Mrs. Rebecca Dickson. Alderman Peters seconded.

After discussion, the Mayor called for a vote on the first motion to appoint Mr. Jerry Heid. The Motion passed unanimously, 4-0.

Mayor Pro Tem McDermon asked that the minutes reflect the Board's appreciation for Mrs. Dickson's services on the Planning Board and her interest in serving in more positions.

XI. Open Forum

Mayor Tuman acknowledged Ms. Susan Meyer. She asked if the sand project with

the Army Corps of Engineers is still on track. The Board answered that there were no deviations from the project or its time table at this time.

XII. Attorney's Report

The Town Attorney reported that the Inlet Crossings Project is still on track. The Town was missing two easements, but this issue has since been rectified. The Army Corps of Engineers is satisfied if the Town files quick takings for these properties by August 6th. He did remind everyone that where the sand is placed is a decision to be made by the Corps and not the Town.

XIII. Mayor's Report

Mayor Tuman announced that Governor Cooper signed SB 95, which grants \$1.66 million to North Topsail Beach for shoreline projects.

XIV. Aldermen's Report

Alderman Leonard thanked everyone for coming and for their patience during the first closed session. He explained that SB 95 removed the Resource Institute, which gives North Topsail Beach more money and more control over the project. He thanked the Mayor for his work on this adjustment to the legislation. He also congratulated now Alderman Heid on his appointment.

Mayor Pro Tem McDermon thanked the Mayor for his efforts on the Senate Bill. She thanked the attendees for their dedication to town matters.

Alderman Peters thanked everyone for their patience. He congratulated now Alderman Heid.

Alderman Benson congratulated the new alderman. He also thanked everyone for their patience during the closed session.

Mr. Edes stated that the Board needed to go into closed session to discuss potential litigation. Alderman Leonard made a motion to go into closed session. Mayor Pro Tem 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.

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

Alderman Benson made a motion to give the Town Attorney the authority to bring two civil actions for quick take easements for the Army Corps of Engineer project. Mayor Pro Tem McDermon seconded. The Motion passed unanimously, 4-0.

XVI. Adjournment

Alderman Leonard made a motion to adjourn. Mayor Pro Tem seconded. The Motion passed unanimously, 4-0. The meeting adjourned at 9:00 PM.

APPROVED:

Daniel Tuman
Mayor

ATTEST:

Laura Oxley, JD, MPA
Town Clerk

Approved: / /2019

**North Topsail Beach
Phase 5 Beach Restoration
Bid Tabulation
7/26/2019 16:30**

ITEM		Bidder		Bidder		Bidder		Bidder	
		Engineer's Estimate		ST Wooten Corp.		Omega		BridgePoint Civil	
						Construction, Inc.			
001 Mobilization		\$	375,000.00	\$	91,600.00	\$	69,890.00	\$	64,000.00
002 Beach Nourishment 168,000 cy	\$ 37.25	\$	6,258,000.00	\$ 31.02	\$ 5,211,360.00	\$ 31.82	\$ 5,344,621.00	\$ 32.60	\$ 5,476,800.00
003 Payment and Performance Bond		\$	60,000.00	\$	27,500.00	\$	41,200.00	\$	113,100.00
TOTAL BID		\$	6,693,000.00	\$	5,330,460.00	\$	5,455,711.00	\$	5,653,900.00
Commencement Date			11/1		11/15		11/15		
Equipment Schedule			X		X		X		
Project Experience			X		X				
Affidavit of Bid Executor			X		X		X		
Non Collusion Affidavit			X		X		X		
Public Entity Crimes			X		X		X		
North Carolina License Affidavit			X		X		X		
5% Bid Bond			X		X		X		

ITEM		Bidder		Bidder		Bidder		Bidder	
		Sumco		Sunland Builders		DRC			
		Eco-Contracting LLC							
001 Mobilization		\$	47,000.00	\$	250,000.00	\$	25,000.00	\$	-
002 Beach Nourishment 168,000 cy	\$ 36.50	\$	6,132,000.00	\$ 37.19	\$ 6,247,920.00	\$ 48.44	\$ 8,137,920.00	\$	-
003 Payment and Performance Bond		\$	62,000.00	\$	65,000.00	\$	57,137.00	\$	-
TOTAL BID		\$	6,241,000.00	\$	6,562,920.00	\$	8,220,057.00	\$	-
Commencement Date		11/15		10/1		At NTP			
Equipment Schedule		X		X		X			
Project Experience		X		X		X			
Affidavit of Bid Executor		X		X		X			
Non Collusion Affidavit		X		X		X			
Public Entity Crimes		X		X		X			
North Carolina License Affidavit				X		X			
5% Bid Bond		X		X		X			

Verified by



Chris Gibson, PE

7/29/2019

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Aldermen of North Topsail Beach
1000 NC 210
Snead's Ferry, NC 28460

RE: Recommendation for Award
FEMA Phase 5 Beach Nourishment Project

Dear Alderman,

On Friday, July 26, 2019, Town Manager, Bryan Chadwick received six (6) bid packages for the North Topsail Beach FEMA Phase 5 Beach Renourishment. S.T. Wooten Corporation, from Wilmington, NC, was the low bidder at **\$5,330,460.00**.

The low bid was \$1,362,540.00 (20.4%) below the Engineer's Estimate of \$6,693,000 and \$125,251 (2.3%) below the next lowest bidder (Omega Construction Corp.) The proposed cost, including both construction and construction management costs, is well within the remaining budget of \$6,930,085 for FEMA Hurricane Matthew reimbursements.

It is my recommendation that the North Topsail Beach Board of Alderman award this contract and provide Notice to Proceed to S.T. Wooten Corporation pending agreement of all terms and conditions between the two parties.

Sincerely,

A handwritten signature in blue ink that reads "Christian L. Gibson".

Christian L. Gibson, PE
President
TI Coastal, PLLC

**RESOLUTION ADOPTING POLICY FOR COLLECTING
OCCUPANCY TAX ON THE RENTAL OF ACCOMODATIONS
WITHIN THE TOWN OF NORTH TOPSAIL BEACH**

WHEREAS, the Board of Aldermen by resolution adopted on December 6th, 2001, the Town levied an occupancy tax pursuant to authority granted the Town by 2001 Session Laws, S92, Part V., Section 5.1;

WHEREAS, occupancy taxes provide a vital source of revenue for beach nourishment and the Town; and

WHEREAS, it is the desire of the Board of Aldermen to administer the collection of occupancy taxes in a fair and impartial manner to maximize compliance with the Town's occupancy tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of North Topsail Beach that the following policy is hereby adopted with respect to Town Staff's efforts to collect occupancy taxes:

It is the policy of the Town of North Topsail Beach to avail itself of all collection remedies authorized by law to collect occupancy taxes. These collection remedies include, but are not limited to, the following:

- ***attachment and garnishment of intangible property, such as bank accounts and wages;***
- ***levy and sale of tangible personal property;***
- ***set-off debt collection;***
- ***civil lawsuit;***
- ***prosecution for a criminal misdemeanor;***
- ***civil penalties;***
- ***foreclosure of a lien on real property after obtaining judgment for unpaid occupancy taxes owed.***

Town Staff is hereby authorized and directed to use its best efforts to collect unpaid occupancy taxes using any number or a combination of these collection remedies.

The Town Manager is hereby authorized and directed to institute any civil or criminal proceeding he deems necessary to ensure maximum compliance with the Town's occupancy tax levy.

Adopted this the 1st day of August 2019.

Dan Tuman, Mayor

Laura Oxley, Town Clerk