

Richard Grant, Mayor
Connie Pletl, Mayor Pro Tem



Alice Derian, ICMA-CM
Town Manager

Aldermen:
Kip Malcolm
Mark Barefoot
Laura Olszewski
Larry Strother

Alexis Stanfield, NCCCC
Town Clerk

Issue: Hazard Mitigation Grant Program (HMGP 4827): Designated Agent Resolution (Update)

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM

Presentation: Yes

BACKGROUND In response to Hurricane Florence, under major disaster declaration FEMA-4393-DR-NC signed by the President on September 14, 2018, and as amended through October 14, 2018, FEMA is authorized to provide Hazard Mitigation Grant Program funding for actions taken to prevent or reduce long term risk to life and property from natural hazards.

Based on data indicating properties that had suffered significant flood losses, property owners were notified by mail, the Town's website and legal notice published on September 29, 2019 and October 15, 2019 of the possible assistance for the: 1) **elevation** of homes above required flood protection elevation (RFPE) and retrofit the home's foundation; 2) **acquisition** of homes at current fair market value, or 3) **reconstruction** of homes to current building code on the existing site.

Of all the applications received by the Town for either elevation or acquisition, only one property owner remained interested and met FEMA's cost benefit analysis for elevation. In February 2023, the state's rehab specialist conducted an inspection of the structure and found structural issues. In April 2023, the state evaluated and then later submitted all supporting documentation for a Change of Scope of Work from Elevation to a Mitigation Reconstruction (MT Recon), after considering possible solutions to meet codes for the open foundation in a V- Zone. In January 2024, the Town was notified that an environmental assessment was almost complete. On April 8, 2024, the Town was notified that FEMA has approved changes to execute a Mitigation Reconstruction. June 12, 2024, the Town was notified that the State's legal team had completed final revision of the IFB (Invitation For Bids) with the hopes of having a contractor by mid-September. In August 2024, the state's legal team was still working on the legal documentation for project at North Topsail Beach as well as other locations that were still waiting for a Mitigation Reconstruction. Our state's Hazard Mitigation Project Manager was working to combine other locations to advertise construction for several projects at the same time. October 23, 2024, the project 4393-0027 Town of North Topsail Beach Mitigation Reconstruction that an RFP (Request for Proposal) for the reconstruction project of several properties included 6910 12th Av. North Topsail Beach NC is officially posted. In December 2024, the State received and reviewed all bids and proposals. In January 2025, a contractor was selected, however, the bid offer for North

Topsail Beach was higher than anticipated, requiring the State to submit a request to FEMA for additional funding.

North Carolina Emergency Management has moved the reconstruction application to Hazard Mitigation Grant Program 4827 - Helene as there is insufficient time in the Period of Performance to complete under Hazard Mitigation Grant Program 4392 Florence. This transfer will require that the Board of Aldermen approve a Designated Agent resolution form for HMGP 4827 (**attachment 1**).

RECOMMENDATION that the Board of Aldermen reappoints the Town Manager and Planning Director as designated agents for Hazard Mitigation Grant Program 4827 (**attachment 1**).

ATTACHMENT

1. Hazard Mitigation Grant Program 4827 Designated Agent form.

DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management

ORGANIZATION NAME (HEREAFTER NAMED ORGANIZATION)

Town of North Topsail Beach

PRIMARY AGENT	SECONDARY AGENT
AGENT'S NAME Alice Derian, ICMA-CM	AGENT'S NAME Deborah J. Hill MPA AICP CFM
ORGANIZATION Town of North Topsail Beach	ORGANIZATION Town of North Topsail Beach
OFFICIAL POSITION Town Manager	OFFICIAL POSITION Planning Director
MAILING ADDRESS 2008 Loggerhead Ct.	MAILING ADDRESS 2008 Loggerhead Ct.
CITY, STATE, ZIP North Topsail Beach NC 28460	CITY, STATE, ZIP North Topsail Beach NC 28460
DAYTIME TELEPHONE 910.328.1349	DAYTIME TELEPHONE 910.328.1349
Email Address aderian@northtopsailbeachnc.gov	Email Address dhill@northtopsailbeachnc.gov
PAGER OR CELLULAR NUMBER 910.726.0058	PAGER OR CELLULAR NUMBER 910.330.5047

THE ABOVE PRIMARY AND SECONDARY AGENTS ARE HEREBY AUTHORIZED TO EXECUTE AND FILE APPLICATION FOR PUBLIC ASSISTANCE ON BEHALF OF THE ORGANIZATION FOR THE PURPOSE OF OBTAINING CERTAIN STATE AND FEDERAL FINANCIAL ASSISTANCE UNDER THE ROBERT T. STAFFORD DISASTER RELIEF & EMERGENCY ASSISTANCE ACT, (PUBLIC LAW 93-288 AS AMENDED) OR OTHERWISE AVAILABLE. THIS AGENT IS AUTHORIZED TO REPRESENT AND ACT FOR THE ORGANIZATION IN ALL DEALINGS WITH THE STATE OF NORTH CAROLINA AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR MATTERS PERTAINING TO SUCH DISASTER ASSISTANCE REQUIRED BY THE AGREEMENTS AND ASSURANCES PRINTED ON THE SECOND ATTACHED PAGE.

CHIEF FINANCIAL OFFICER	CERTIFYING OFFICIAL
NAME Wayne Johannessen, MBA	OFFICIAL'S NAME Alexis "Lexi" Stanfield, NCCCC
ORGANIZATION Town of North Topsail Beach	ORGANIZATION Town of North Topsail Beach
OFFICIAL POSITION Finance Officer	OFFICIAL POSITION Town Clerk
MAILING ADDRESS 2008 Loggerhead Ct.	MAILING ADDRESS 2008 Loggerhead Ct.
CITY, STATE, ZIP North Topsail Beach, NC 28460	CITY, STATE, ZIP North Topsail Beach, NC 28460
DAYTIME TELEPHONE 910.328.1349	DAYTIME TELEPHONE 910.328.1349
FACSIMILE NUMBER	FACSIMILE NUMBER
PAGER OR CELLULAR NUMBER	PAGER OR CELLULAR NUMBER

APPLICANT'S STATE COGNIZANT AGENCY FOR SINGLE AUDIT PURPOSES (IF A COGNIZANT AGENCY IS NOT ASSIGNED, PLEASE INDICATE):

APPLICANT'S FISCAL YEAR (FY) START

MONTH: **July**

DAY: **1**

APPLICANT'S FEDERAL EMPLOYER'S IDENTIFICATION NUMBER

56-1692876

APPLICANT'S STATE PAYEE IDENTIFICATION NUMBER

133-4785-00

CERTIFYING OFFICIAL'S SIGNATURE

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that it is duly authorized pursuant to appropriate applicant authority and/or a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body and that the agents and officials designated herein are duly authorized under North Carolina law to act on behalf of the organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to the disaster assistance required by the agreements and assurances contained herein.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 12148, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act, as amended, 5 USC 1501 et. seq. and 7324 et. seq., which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, 29 U.S.C. Section 201 et seq., as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973, as amended, 42 U.S.C. 40001 et. seq.. Further, Sections 102 and 103 (42 U.S.C. 4012a and 4015) required, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108 (former 16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 or 1974, 54 U.S.C. 312501 et. seq. (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.