

**VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING
December 10, 2010
Bald Head Association**

COUNCILORS IN ATTENDANCE: Mayor Andrew Sayre
Councilor Gene Douglas
Councilor Art Morris
Councilor John Pitera

STAFF PRESENT: Calvin R. Peck, Jr., Village Manager
Chris McCall, Asst. Manager/ &
Shoreline Protection Manager
Chip Munna, Chief of Public Safety
Shawn Freeman, Deputy Chief
Deb Straub, Finance Officer
Steven Boyett, Building Inspector/ Planner
Jason Kessler, Attorney
Debra Talbert, Village Clerk(recording minutes)

1. Call to Order / Approval of Agenda

Mayor Sayre called the December 10, 2010 Council Meeting to order at 3:00 p.m. Mayor Sayre entertained a motion to approve the agenda. Councilor Morris made the motion, with all in approval. **(MOTION CARRIED 4-0)**

2. Consent Agenda

2.1 Approval of Minutes

November 12, 2010 Work Session
November 12, 2010 Council Meeting

Mayor Sayre asked for approval of the Consent Agenda as presented. Councilor Pitera made the motion, with all in approval. **(MOTION CARRIED 4-0)**

3. Old Business

3.1 Revaluation Update

Deb Straub stated the Village of Bald Head Island has hired a real-estate attorney and an appraiser to review the true values of the properties and compiled data that was presented to the Brunswick County for consideration at the public hearing. The Commissioners have directed the tax assessors to prepare a separate the residential schedule values for the next revaluation in 2015. The tax assessors were unable to separate values for 2011. A letter of understanding authored by Real-estate Attorney will be sent to Brunswick County with the documentation and understanding of the occurrence. The notices sent to individual property owners in March 2011 Informal appeals can be presented to the Board of Equalization in March and April 2011. Brunswick County will have attachments on their web-site to file an appeal.

3.2 Director of Communications/ Public Information Officer

Calvin stated this position is being researched. With the recommendation from the Communications Committee, the staff have researched and is working to create the job responsibilities for this position if Council chooses to approve.

4. New Business

4.1 1st Reading & Set Public Hearing amending Section 28-1 & adding Chapter 28, Article II, Division 4- Regulating Taxicabs and Taxicab drivers

Calvin Peck reviewed the proposed revision of Chapter 28: Regulating Taxicabs and Taxicab drivers. Mayor Sayre entertained a motion to set a Public Hearing for January 21, 2011. Councilor Douglas made the motion, all voted in favor.

(MOTION CARRIED 4-0)

4.2 1st Reading & Set Public Hearing 2010 Hazard Mitigation Plan

Chris McCall reviewed the 2010 Hazard Mitigation Plan. Mayor Sayre entertained a motion to set a Public Hearing for January 21, 2011. Councilor Pitera made the motion, all voted in favor.

(MOTION CARRIED 4-0)

4.3 November Financial Statement Report

Deb Straub reviewed the November financial statement. The total operating revenues are within budget. The general fund total operating expenditures are high due to legal expenses. Deb explained the Shoreline Protection is being monitored with legal expenditures. The utilities fund service revenues are slightly below budget and are in line with expenditure levels. The Beach Fund balance is \$523k. The Stormwater Management fund balance is \$144k and the Infiltration Pond System fund balance is \$269k.

4.3a- FY 2009/2010 Financial Audit

The financial audit was presented by Barry, Padgett, & Chandler, PLLC.

The 2009/2010 Financial Audit will be with the official minutes.

4.4 Resolution Accepting and Endorsing the Solid Waste Management Plan of 2019 for Brunswick County

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Village of Bald Head Island recognizes its role in the encouragement of recycling markets by purchasing recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Brunswick County Solid Waste Department has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF Bald Head Island.

That Brunswick County's 2019 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file with Clerk to the Board on this day, 10th December, 2010.

Mayor Sayre asked for approval of the Resolution as presented. Councilor Morris made the motion, with all in approval. **(MOTION CARRIED 4-0)**

4.5 Amendment for Solid Waste Collection and Disposal Contract

Calvin reviewed the amended contract for Solid Waste Collection and Disposal. This is a 3 year extension effective January 1, 2011 and will expire December 31, 2013.

Mayor Sayre asked for approval of the amendment as presented. Councilor Pitera made the motion, with all in approval. **(MOTION CARRIED 4-0)**

4.6 Resolution Regarding Status of Law Suit between Village & USACE

Mayor Sayre presented the below resolution.

**RESOLUTION OF THE VILLAGE OF BALD HEAD ISLAND,
NORTH CAROLINA AUTHORIZING FILING OF A COMPLAINT AGAINST THE
U.S. ARMY CORPS OF ENGINEERS AND OTHER NECESSARY PARTIES**

WHEREAS, substantial erosion from the year 2000 realignment of the Wilmington Harbor Shipping Channel ("Harbor Channel") and certain dredging and sand management practices of the U.S. Army Corps of Engineers ("USACOE") are causing severe erosion at Bald Head Island, resulting in damage to Village roads, infrastructure, property and tax base;

WHEREAS, the erosion of Bald Head Island's unique barrier island habitat threatens harm to beaches, to public recreational activities, and to endangered and threatened species, including, but not limited to loggerhead, leatherback, Kemp's Ridley, and green sea turtles; Piping Plover and Wilson's Plover birds; and sea beach amaranth plants;

WHEREAS, the erosion has harmed and threatens to harm private homes, property and community common areas;

WHEREAS, the Village is a party to certain agreements with the USACOE with respect to performance of the year 2000 Harbor Channel work and ongoing erosion mitigation activities, including, but not limited to, those obligations contained in a Sand Management Plan;

WHEREAS, the Village previously litigated with the USACOE and entered into a Settlement Agreement dated March 24, 2005 regarding Civil Action No. 7:03-CV-243-FL(1);

WHEREAS, the Settlement Agreement provided, among other things, for the waiver of defenses by the USACOE related to all statutes of limitation, laches, estoppel and res judicata applicable to Village claims arising from the Corps activities in the vicinity of Bald Head Island, Jay Bird Shoals and Bald Head Shoals during the Wilmington Harbor-96 Act Deepening project, through and including December 31, 2010;

WHEREAS, the Village has been unable, to date, to reach agreement with the USACOE regarding the Village's claims or to obtain agreement to extend beyond December 31, 2010 the waiver by the USACOE of the aforesaid defenses;

WHEREAS, the Village continues to engage in discussions with the USACOE and other federal and state agencies, as well as other beach communities, including the Town of Caswell Beach and the Town of Oak Island, regarding these issues;

WHEREAS, the Village Council gave the USACOE timely notice of its intent to institute litigation on July 16, 2009; and

WHEREAS, the Village Council, after consultation with its attorneys, believes it is in the Village's best interest and that of the citizens, the public, public safety and the environment at Bald Head Island to preserve its claims and timely file its action before December 31, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Bald Head Island that:

1. *The Village's environmental counsel, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, the Village Attorney and Village Staff are hereby directed and authorized to institute the necessary proceedings to preserve and prosecute Village claims against the USACOE and other necessary parties concerning actions the USACOE has taken in maintaining the arbor Channel.*

2. *The Village's environmental counsel, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, the Village Attorney and Village Staff are hereby authorized to obtain necessary engineering and consulting services, studies, appraisals and to undertake such other actions as are necessary to prosecute the Village claims.*

3. *The Village shall continue negotiations and studies in conjunction with the USACOE, federal and state agencies, and other beach communities, including the Town of Caswell Beach and the Town of Oak Island, in the hope that an agreement in the best interest of all parties may be obtained through consultation and study of the issues.*

Passed and adopted by the Village of Bald Head Island Council on this the 10th day of December, 2010.

Mayor Sayre asked for approval of the Resolution as presented. Councilor Douglas made the motion, with all in approval. **(MOTION CARRIED 4-0)**

Mayor Sayre stated the resolution is to allow law suit to be filed. Mayor Sayre stated when the law suit is filed the actions will be placed on the Village website.

Calvin spoke on the reconnaissance study for the NC International Terminal. This study was 90% complete when the State of NC removed their sponsorship and the Federal Government stopped the study. The Village of Bald Head Island needs to study a portion of the alignment and modification of the channel within Bald Head Shoals. The State of NC has agreed to participate as a non federal cost share partner for a feasibility study for three portions of the project. The three concerns of study are: modification of the alignment within the Bald Head portion, modification to the turn within Battery Island, and modification to the size of the turn and anchorage basin at the Port of Wilmington. Calvin reviewed a letter from Dee Freeman with NCDENR addressed to Colonel Jefferson Ryscavage.

A copy of the letter will be attached with official minutes.

5. Committee Reports

5.1 Shoreline Protection

Brooke Williams reviewed the working projects the Shoreline Protection Committee has been meeting on. The Shoreline Protection Committee commends the Council for the Resolution passed and supports the efforts being done. Chris McCall was commended for the job performance done.

5.2 Finance- No Report

5.3 Public Safety & Transportation- No Report

5.4 Public Works & Utilities

Calvin spoke on committee recommendation for concrete pads for the storm water pump and a storage building for the storm water hose. Calvin stated there will be additional projects to be presented at the Council Retreat and suggested that Council approve all at one time.

5.5 Communication

Mayor Sayre reviewed a request from the Shoreline Protection Committee to outline the status on the beach issues. This information will be sent out in a timely manner with a follow-up through email. The committee is researching specific duties for a Director of Communications/ Public Information Officer and will report to Council during the Council Retreat.

5.6 Parks & Recreation- No Report

6. Monthly Reports

6.1 Manager's Report

Calvin reviewed his potential meetings scheduled for the upcoming weeks. The Washington D.C. meeting is scheduled in Senator Hagen office with both Senator's staffs and and Congressman McIntyre's staff to discuss various concerns from Bald Head Island.

6.2 Department of Public Safety Report

Chief Munna reviewed the November monthly report. Chief Munna spoke on the thank you letter commending Paramedic Mike Graham for his job performance. The employee of the year was Lt. John Gruber voted on by the Village staff. Chief Munna thanked the Village Council for the support given to the Village staff.

6.3 Development Services Monthly Report

Steven Boyett reviewed the November monthly report. There has been 1 Cama minor permit issued for 2 Snowy Egret and explained the purpose of the extended time frame for preparation and planning. Jeff Dawson with NC State Historic Preservation Office will be visiting in January 2011 in reference to Bald Head Creek Boathouse preservation.

6.4 Shoreline Protection Manager Report

Chris McCall stated the Village has received a CAMA Major Permit for the Bald Head Creek dredging project. All permits have been received for this project. Chris stated the timber groins permit has not been received and is still being processed. The Shoreline Protection Committee and Council have met with McGuireWoods Consulting to review and strategize lobbying efforts for the FY2011 General Assembly.

7. Comments, Reports and Questions

7.1 Bald Head Association- No Comment

7.2 Bald Head Island, LTD- No Comment

7.3 Bald Head Island Conservancy

Suzanne Dorsey commented on the Barrier Island Study Centers progress and urged persons to shop at Turtle Central for Christmas presents.

7.4 Bald Head Island Club- No Comment

7.5 Citizens- No Comment

7.6 Mayor and Council- No Comment

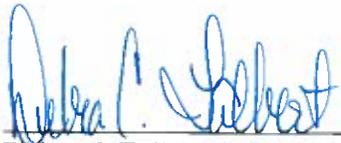
8. Adjournment –

Mayor Sayre made motion to adjourn at 3:50 p.m. Councilor Douglas made motion, with all in favor. **(MOTION CARRIED 4-0)**



Mayor Andy Sayre

ATTEST:



Debra C Talbert, Village Clerk

