

**VILLAGE OF BALD HEAD ISLAND  
COUNCIL MEETING**

**March 22, 2013**

**BHI Club**

COUNCILORS IN ATTENDANCE	Mayor Andrew Sayre Mayor Pro Tempore John Fisher Councilor Gene Douglas Councilor Art Morris Councilor Bob Helgesen
STAFF PRESENT:	Calvin R. Peck, Jr., Village Manager Chris McCall, Asst. Manager/ Shoreline Protection Manager Deb Straub, Finance Director Ben Liddle, Public Works Director Ken Bowling, Utilities Director Caroline Mitchell, Director of Public Safety David Cox, Systems Administrator Charles Baldwin, Village Attorney Debra Talbert, Village Clerk

**1. Call to Order / Approval of Agenda**

Mayor Sayre called the March 22, 2013 Council Session to order at 9:30 a.m. Mayor Sayre entertained a motion to approve the agenda as presented. Councilor Morris made motion, with all in approval. **(MOTION CARRIED 5-0)**

**2. Consent Agenda**

**2.1 Declare of Surplus Property**

Calvin reviewed the recommendation to sell as parts 2005 Honda TRX ATV Serial # 1HTFE250754419150 and a 2005 Honda TRX ATV HTFE250754406320.

Mayor Sayre entertained a motion to approve the declaration of surplus property on 2005 Honda TRX ATV Serial # 1HTFE250754419150. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 5-0)**

Mayor Sayre entertained a motion to approve the declaration of surplus property on 2005 Honda TRX ATV Serial #1HFTE250754406320. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 5-0)**

**3. Old Business**

**3.1 Update on the WWTP Improvements**

Ken Bowling reviewed the updates and final proposals for the WWTP. The total project cost is \$288,450k. Ken reviewed the supplies received for the project. The skid units and chemical tanks have not been received. Once these items are received, the project will begin. All materials should be received by mid April and operational by the end of May.

### **3.2 Update on Conservancy Parking Area**

Ben Liddle stated all the trees have been cleared out of the parking area and a berm has been built. The parking lot will be mulched and the drainage issue will be resolved.

Mayor Sayre stopped the discussion and questioned the update. Mayor Sayre stated he understood there were issues on the existing property. Calvin stated all interested parties met and issues were resolved. Calvin stated this is a short term solution until the zoning issues are researched further.

Councilor Douglas stated he attended the meeting with Chad Paul, Joyce Fulton and Larry Lammert concerning the extra parking area for the Conservancy. Limited had concerns with the proposed surface conditions of the property and thought pavement and sidewalks were going to be added. Chad Paul and Calvin will review the ownership of the property and zoning issues and will report to Council.

Ben resumed the update. There is a drainage issue on the right side of the ditch and riff raff has been suggested to be placed. The parking lot should be completed before the Easter holidays. Ben introduced his new employee, Keith Spivey to the Public Works department.

### **3.3 Update on IPS/USPS**

Mayor Pro Tempore Fisher stated he did not have anything to report at this time.

## **4. New Business**

### **4.1 February Financial Statement Report**

Deb Straub reviewed the financial report for February. The general fund revenues are ahead of prior years. The ad valorem tax collection is exceeding budget and the Accommodation taxes are 5% higher than prior years. The general fund expenditures are below budget. The utilities fund revenues are close to budget with signs of improvements with the rate change. The utilities fund expenditures are below budget.

The capital projects beach fund balance is \$1.4m. The Village facilities construction is less than \$1k. The stormwater management fund balance is at \$57k and the infiltration pond system fund balance is \$66k. Deb stated the Village has sent out proposals for audit services March 1, 2013 to 3 local firms including the current auditors. The proposals are due in the finance office by March 28, 2013.

### **4.2 2007 Tax Releases**

Daralyn Spivey reviewed a request to release interest/ principle that was incorrectly applied to the 2007 taxes for William Maxman and Paul Greenberg for the amount of \$14.22.

Mayor Sayre entertained a motion to approve the request. Councilor Helgesen made the motion, with all in approval.

**(MOTION CARRIED 5-0)**

Daralyn Spivey reviewed a request to release interest/ principle that was incorrectly applied to the 2007 taxes for Richard Ferguson for the amount of \$6.07.

Mayor Sayre entertained a motion to approve the request. Councilor Helgesen made the motion, with all in approval.

**(MOTION CARRIED 5-0)**

### **4.3 Parks & Recreation Committee Recommendation**

Councilor Douglas stated the Parks and Recreation Committee have made recommendation to place memorial benches around the island. Councilor Douglas reviewed the process for purchase and placement of the benches. Mayor Sayre stated he has heard positive comments of the benches; with concerns of the placement and location of the benches. The ARC is concerned that there was no communication. Councilor Douglas stated the ARC was involved with the

questions answered by the committee. The desired location was chosen by the person who purchased the bench and the request was submitted to the building inspector for approval. Judy Porter spoke on behalf of the Association and suggested a person with each association should meet with the Village and Building Inspector to have input on the location of the benches. This would give pre-approved sites for individuals to choose from. This would open different locations on Association property. Mayor Pro Tempore Fisher stated as the Village looks at future locations for bench placement, maybe there should be other types of benches researched. The Building Inspector has met with another bench supplier and has located a more durable bench to fit with the architectural ambiance of the island. Council agreed to resend to committee for review of benches and involve the Building Inspector on the selection. Location of the benches will be discussed with the concerned associations prior to placement.

#### **4.4 Wounded Warriors Weekend**

Mayor Pro Tempore Fisher stated the Wounded Warriors weekend will be held April 25-29, 2013. Mayor Pro Tempore Fisher requested from Council a donation of \$3k. Mayor Sayre entertained a motion to approve the request. Councilor Morris made motion, with all in approval.  
**(MOTION CARRIED 5-0)**

#### **4.5 Proposed Zoning Amendments**

Chris McCall reviewed the proposal the re-zoning of split zoned properties, rezoning of parcels classified for conservation to be Conservation Zoning District and a text amendment to Zoning Ordinance establishing a Conservation District to also include the SILT tracts throughout the island. The amendments will update the Village Zoning Map and correct mapping errors in the current Village of Bald Head Island Zoning Map. This will require a public hearing. Chris proposed a Public Hearing for the April 19, 2013 Council meeting. All agreed.

#### **4.6 2013-2015 Debris Management Pre-Event Contract**

Chris McCall reviewed the pre-bids for 3 separate disaster activated contracts to include:

- 1- Vegetative Debris removal and disposal and construction and demolition debris removal
- 2- Sand Debris removal, sifting and berm replacement
- 3- Dangerous Trees and Hanging Limbs removal and disposal

The mandatory pre-bid conference is scheduled for 1:40 pm on April 3, 2013 at the BH Association for all bidders. The deadline for submittal of bids is April 12, 2013.

#### **4.7 2013 Sea Oats and Bitter Panicum Planting Project**

Chris McCall reviewed the winning bid for the 2013 Sea Oats and Bitter Panicum planting project. This is for 170k Sea Oats and 17k Bitter Panicum plants. The winning bid was received from Simmons Agriculture for the amount of \$127,908. Chris recommended for Council to approve the bid of \$127,908 for the 2013 Sea Oats and Bitter Panicum Planting Project to Simmons Agriculture. Mayor Sayre entertained a motion to approve the award. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 5-0)**

#### **4.8 Brunswick County Fire Fee vs. Fire Tax Discussion**

Chris discussed the issues and concerns with Brunswick County researching a proposed fire tax versus a fire fee. Currently Bald Head Island and St. James do not pay a fire fee. Caroline Mitchell reviewed the presented proposal by Brunswick County Commissioner Sikes and Commissioner Phillips. There are 3 counties in North Carolina who still have the Fire Fee system

to include Brunswick County. Bald Head Island has an agreement with the County with the services provided on Bald Head Island. If the Fire tax is approved, this would include all valued, licensed or registered property owned. Caroline stated she understood the projected tax rate 5 cents per \$100.

Calvin stated New Hanover County has unincorporated areas of the county that have a tax and property within a municipality is decided on within that municipality.

Council and staff discussed and agreed this is a political discussion and not a staff discussion. Calvin stated this will be decided by the County Commissioners with the voting on taxing issues for the County and is very much a political issue discussion. Mayor Sayre suggested staff needs to put the numbers together for Council for further research.

#### **4.9 Cul-de-sacs South of South Bald Head Wynd**

Chris reviewed the concerns with Ballantrae, Seaton, Dunedin, and Cladach Courts. In the past, the Village has spoken with the property owners in response to the maintenance of each road. These are private roads not owned by the Village or Associations. The paving project would begin in April and letters have been sent out for interest in piggybacking a paving project. Response has not been received as of yet. Mayor Sayre confirmed that Limited will be paving the roads North of South Bald Head Wynd and will transfer ownership to the Village when completed. Staff agreed. Chris stated there are unimproved properties with concerns of the owners not willing to invest in the paving. Council suggested speaking with each property owner in the concerned courts and staff agreed.

#### **4.10 Fort Caswell Water Tower Discussion**

Chris McCall stated he and Ken Bowling attended a meeting at Caswell Beach Town Hall to discuss the possibility of having a water tower on Fort Caswell. Brunswick County feels this could be beneficial to surrounding municipalities including Bald Head Island.

Ken Bowling stated the benefit for a water tower at Fort Caswell is less beneficial for Bald Head Island because the island does not rely on water pressure from Brunswick County. The island is currently able to connect to the Brunswick County water if an emergency occurred. Ken stated the island is not reliant on Brunswick County water now but could possibly be beneficial with build out on the island.

Chris stated the County estimates to build the tower would cost approximately \$1.2m for a 300k gallon tank. The County has this budgeted for the amount of \$1.2m; however the County Commissioners have refused to pay the full amount. Chris stated the County will require an investment with interested parties. The County is requesting input from all interested parties for an engineering study to evaluate a potential location, calculate the pressure necessary for service to the area, together with determining an estimated cost for an elevated water storage tank proposed. Council and staff discussed the issues and concerns with the proposal. All agreed this is a political discussion.

Chris stated the County has preliminary model software that has been used and would need to be updated for a specific location. Council has requested from staff more information on the request. Calvin agreed.

#### **4.11 Discussion on NC Public Beach & Coastal Waterfront Access Funds Grant**

Daralyn reviewed the Invitation to submit a pre-application Access Grant Proposals. This would be for Public Beach and Coastal Waterfront Access Funds for Fiscal Year 2013-2014. Daralyn reviewed what the funds would be used for at the public creek access. The proposed projects include a rebuilt boat ramp and a kayak/ canoe launching facility. Calvin reviewed the process for application. The local DCM District Planner must receive pre-applications on or before 5:00

pm on Friday, April 5, 2013. Local governments whose proposals are selected will be asked to submit a Final Application with more detailed project information. The invitations for submitting a final application form with more detailed project information. The invitations for submitting a final application form will likely be distributed on Friday, May 31, 2013. Daralyn stated no action from Council was needed, only notification of submission of the proposed grant.

**5. Manager's Report**

Caroline Mitchell reviewed the proposed/ updated Public Safety uniform. The uniform will be black polo shirt with green pants and/ or short by choice of the Public Safety staff. The shirts will have a tacked on name instead of a stitched name on the shirts. Caroline stated there are a modified Public Safety badge/ patch to be placed on the uniforms. All staff will be a universal all weather jackets. The proposed uniforms are budgeted for this budget year.

Ben Liddle stated Total Tree Care has completed the removing of dead trees and limbs on the island. The Public Works staff assisted the company with hauling the dead trees and limbs away. Ben stated Brunswick County Mosquito Control visited the island March 21 to take larvae samples and train staff. Ben stated the Mosquito grant will not be offered. Brunswick County did show different options to control the mosquitos. Ben stated York Bridge has been contacted to complete inspection on the Timber Bridge and should be on the island in approximately 3 weeks. Mayor Sayre reviewed the proposed Wind and Hail Property Insurance increase of 19.8%. Staff and Mayor Sayre are researching further on this concern. Mayor Sayre reviewed the proposed Flood Insurance requirements. Council and staff discussed the rates and height restrictions for the proposed flood zones. Mayor Sayre suggested working with both Associations and the ARC on the height restrictions for new construction restrictions.

Chris McCall reviewed the dredging project with a number of delays due to weather and repairs to submerged lines as a result of the inclement weather. The project will not be completed by March 15, 2013. The Corps is concerned with the completion of this project on Bald Head and the timeframe to begin the dredging at Carolina Beach Inlet for sand placement on Carolina Beach and Kure Beach. The location of the dredge today is Station 112 near Steade Bonnet Wynd and should be near the Muscadine Area near the Easter holiday.

Chris reviewed the groin replacement project on the first 5 groins. Groins 16 through Groin 4 are the closet to the channel and were damaged by Hurricane Irene. The Village is working on a FEMA project worksheet for the repair of these groins. The groin replacement is going well. Groin 16, 1 and 2 has been completed. Groin 3 has been partially excavated and Groin 4 will be excavated and prepped to get replaced. This project is not a 24 hour/ 7 day a week project and will take longer. Repair has to be done in the low tide window during the day hours. The groin project should be completed before the environmental window of April 30, 2013.

Mayor Sayre reviewed scheduled meetings he will be attending for April.

**6. Closed Session Pursuant to N.C. General Statutes 143-318.11 (a)(1),(3),and (6)**

- ❖ **Village of Bald Head Island vs. US Army Corps of Engineers Lawsuit**
- ❖ **Contracts**
- ❖ **Personnel**

Mayor Sayre entertained a motion to enter into Closed Session at 11:17 a.m. with Councilor Douglas made the motion with all in favor.

**(MOTION CARRIED 5-0)**

Mayor Sayre entertained a motion to come out of Closed Session at 1:20 p.m., with Councilor Helgesen made the motion with all in favor.

(MOTION CARRIED 5-0)

7. **Committee Structures**

Mayor Sayre and Council discussed the committee structures and concerns.

Councilor Douglas stated some committees are operating with no issues or concerns. He stated the concerns with the Transportation and the Shoreline Protection Committee having no specific goals set. Councilor Douglas stated he would like the Council to work on the problem and not reorganize each committee.

Councilor Morris stated he would request having sub committees for resolving current issues. Councilor Helgesen stated his concerns with the use of resources when it is so hard to get volunteers. Councilor Helgesen stated the standing committees should be reduced to the bare essentials. Council discussed setting a committee when only needed to resolve an issue.

Mayor Sayre reviewed the proposal of having one committee to set up a subcommittee when needed.

Calvin asked for confirmation on having a group that would meet on a regular basis and is self directed. Council stated this group would be self directed with structure and meets on a regular but not monthly basis to review issues from Council and would make the initial decision to get the proper resources.

Calvin reiterated to Council that a committee of the Council, whatever it is called, is a public body that operates under the Council. Councilor Helgesen asked who is in charge of the committees. Would this be Council, staff or a combination of the two? Calvin stated there was a Council Liaison to each committee and a staff member to staff the committee; depending on the committee, the liaison and/or staff would handle the request for each committee. Councilor Helgesen stated concerns of who should be contacted in the committees and suggested having a management change for a contact person. Mayor Sayre stated concerns with changing management changes and agrees in giving the present task out for a resolution. Mayor Sayre questioned changing the chain of responsibility and stated Council should be responsible for decisions made. Council discussed directing Calvin to be responsible of constituting a committee out of the selected persons. Attorney Baldwin stated out of a constitutional point, the Council would have to charge and constitute the committee. Council discussed listening to the property owners with their request and working towards goals.

Mayor Sayre reviewed the required committees for the Village. This would include the Planning Board and Board of Adjustment. Council agreed the Finance Committee should be ongoing. Council discussed the Village committees and responsibilities. Councilor Douglas stated the Parks and Recreation Committee were established to create a Master Plan for grant possibilities. Council agreed to keep the Parks and Recreation Committee. Mayor Sayre asked Calvin if he had direction or information to try to put something together for preparation of structure of committees. Mayor Sayre stated there are 4 standing committees; Planning, Zoning Board of Adjustments, Finance and Parks and Recreation. Councilor Helgesen asked Calvin if he would like to create a Short Term Committee to take what was discussed and the possibilities to work with interested parties to create a composed structure for committees. The committee will end when the task is resolved and recommendation is made to the Council of committee structures. This will be a working group and not a committee at this point to advice. Attorney Baldwin stated this will be a working group of various persons. Mayor Sayre requested other entities to be involved in this process. Calvin agreed. The Clerk asked if the other committees were being dissolved. Council stated no. Calvin will be researching on the restructure of committees with a working group and report back to Council.

Ray Webb asked to speak in reference to prior discussion on committee structures.

Mr. Webb reviewed the work the Shoreline Protection Committee had done and felt unappreciated for the work that had been done. Council disagreed and stated the Council was to blame for not enough definition on request made to committees. Council discussed and agreed the Council and committees should stay focused.

Calvin and Council reviewed the concerns and possible involvement on the Traditional Hold Harmless. Calvin reviewed how the State dissolved some collection of traditional municipal taxes and incorporated in 2002 the Traditional Hold Harmless for a 10 year basis. Bald Head Island would be \$30k in the Hold Harmless and would expire this year. There is a bill moving through the Senate and a companion in the House with significant opposition in the Senate. Calvin asked Council if Bald Head would like to get involved by talking to Senators who are on the NC Finance Committee. Mayor Sayre asked on the intent of the 10 year. Calvin stated the intent was there would be a growth and other taxes would take place. The expected replacement revenue didn't materialize. Calvin stated the Village and other municipalities receive a payment from the State on this and the Village receives approximately \$30k. If this Hold Harmless expires, the Village will not receive the monies or payments. Calvin stated the NC League of Municipalities is requesting support from all municipalities and read the following. The legislation will not advance unless officials from cities and towns that have lost the source of funding secure the support of their legislatures for the extension. This is a lobbying effort. Council does not feel this to be a priority. Mayor Sayre stated he would speak to Senator Rabon on this concern and follow up with Council.

8. **Long Term Planning Goals**

This issue has been reschedule for the April 19 Council Work Session.

9. **Comments, Reports and Questions**

9.1 **Bald Head Association-** No Comment

9.2 **Stage II-** No Comment

9.3 **Bald Head Island, LTD-** No Comment

9.4 **Bald Head Island Conservancy-** No Comment

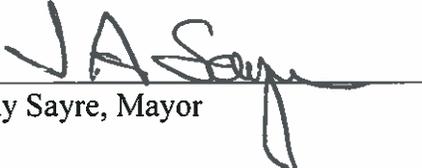
9.5 **Bald Head Island Club-** No Comment

9.6 **Citizens-** Ray Webb stated the Adoption of the Harbour Roads and Stormwater documents are fully recorded with Brunswick County.

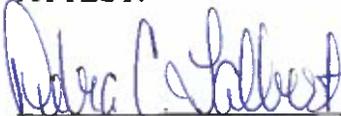
9.7 **Mayor and Council-** No Comment

10. **Adjournment -**

Mayor Sayre entertained a motion to adjourn at 2:02 p.m. Councilor Morris made motion, with all in approval. (MOTION CARRIED 5-0)

  
Andy Sayre, Mayor

ATTEST:



Debra C. Talbert, CMC/NCCMC  
Village Clerk

