

VILLAGE OF BALD HEAD ISLAND
April 16, 2010
Council Meeting
Bald Head Association Center

COUNCILORS IN ATTENDANCE:

Mayor Andrew Sayre
Mayor Pro Tempore John Fisher
Councilor Gene Douglas
Councilor Art Morris
Councilor John Pitera
Calvin R. Peck, Jr., Village Manager
Chris McCall, Asst Manager/Shoreline Protection Manager
Deb Straub, Finance Manager
Stephen Boyett, Inspector for Development Services
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debbie Talbert, Village Clerk (recording minutes)

STAFF PRESENT:

1. Call to Order / Approval of Agenda

Mayor Sayre called the April 16, 2010 Council Meeting to order at 3:00 p.m. Mayor Sayre entertained a motion to approve the agenda with revisions. Councilor Douglas made the motion, with all in approval.

(MOTION CARRIED 5-0)

2. Public Hearing

2.1 - Text amendment to Section 32-163 Item E4 Entitled, "Sand Fencing Construction Standards"

Chris McCall spoke on the proposed text amendment to Section 32-163(e)(4). The amendment would remove the language requiring the removal of sand fence once it has been buried more than fifty (50%) percent. Staff research concludes that this requirement would be detrimental to the frontal dune system in the process of its being removed. Discussions with the Division of Coastal Management, Wildlife Resources, Marine Fisheries and the Conservancy all confirm and support Village staff recommendations.

Mayor Sayre opened the Public Hearing for comments.
With no comments, Mayor Sayre closed the Public Hearing.

3. Consent Agenda

3.1 Approval of Minutes

March 19, 2010 Work Session
March 19, 2010 Council Meeting

Mayor Sayre removed the January 26 & 27, 2010 Council Retreat minutes for further review and will be presented at the May Council meeting. Mayor Sayre asked for approval of the Consent Agenda as presented. Councilor Morris made the motion, with all in approval. **(MOTION CARRIED 5-0)**

4. Old Business

- 4.1 Consideration/Adoption of text amendment to Section 32-163 Item E4 Entitled, "Sand Fencing Construction Standards"**

Mayor Sayre entertained a motion to approve the adoption of a text amendment to Section 32-163, Item E4 entitled, "Sand Fencing Construction Standards". Councilor Morris made the motion, with all in approval.

(MOTION CARRIED 5-0)

4.2 Annual Paving Contracts

Calvin spoke on the annual paving contract cost of \$45,000 with Barrhill Paving at the intersection of NBHW and Muscodine. Calvin asked from Council the approval of the paving contract. Mayor Sayre entertained a motion to approve. Councilor Douglas made the motion, with all in approval.

(MOTION CARRIED 5-0)

Calvin spoke on the contract with Island Contracting to raise Sandpiper Trail with no paving and to install drains on SBHW at the Club. The total contract cost with Island Contracting is \$23,231. Mayor Sayre entertained a motion to approve. Councilor Douglas made the motion, with all in approval.

(MOTION CARRIED 5-0)

Calvin spoke on the SBHW median plantings to authorize staff to initiate the Hydroseeding planting of Love Grass and Wildflower totaling \$7,000. Mayor Sayre entertained a motion to approve. Councilor Pitera made the motion, with all in approval.

(MOTION CARRIED 5-0)

5. New Business

5.1 March Financial Statement Report-

Deb Straub spoke on the March Financial Report. The General fund revenues are slightly above budget. The General fund expenditures are below target with past years and below current year budget. The Capital Outlay balance is available for the spring paving. There was a transfer of \$499k accommodation taxes to the Beach fund per the February budget amendment and \$200k to the Shoreline Preservation Steering Group fund. The Utilities Fund- revenues are below budget and the service revenues are close to budget after February budget amendments. The Utilities fund total operating expenditures are below budget and past years after February budget amendments. Deb stated the Manager's FY 2010/2011 presentation of the budget is being prepared by Finance Committee and staff, to be presented to Council on May 7th, 2010. The Public Hearing for FY 2010/2011 budget will be May 21, 2010 Council meeting.

5.2 Resolution-Favoring Terminal Groin Legislation-

Mayor Sayre stated the below Resolution has been presented to coastal communities to support the Terminal Groin legislation.

A RESOLUTION OF THE VILLAGE OF BALD HEAD ISLAND SUPPORTING THE GENERAL ASSEMBLY'S PASSAGE OF LEGISLATION ALLOWING USE OF TERMINAL GROINS TO COMBAT EROSION AND PROTECT COASTAL RESOURCES AT THE ENDS OF BARRIER ISLANDS OR LITTORAL CELLS ADJACENT INLETS

Whereas, the problem of erosion at the end of North Carolina's barrier islands is unique to those areas and poses a genuine threat to public beach access, public and private property, sensitive environmental habitats, rare and endangered animal and plant species, businesses and infrastructure, and thereby creates the risk of significant costs in resources, reconstruction and lost tax revenue;

Whereas, North Carolina coastal communities need access to every responsible beach management tool available to solve the problems caused by erosion at or near inlets;

Whereas, beach nourishment alone has proven ineffective at stopping erosion at the ends of barrier islands;
Whereas, the North Carolina General Assembly, in recognition of the significant and unique problems caused by erosion at the ends of barrier islands, directed the Coastal Resources Commission to conduct a study of the feasibility and advisability of the use of terminal groins as erosion control structures;

Whereas, the Coastal Resources Commission has completed its study and found that terminal groins, in combination with a comprehensive beach management plan involving beach nourishment, can be effective at controlling erosion at the end of barrier islands;

Whereas, the Coastal Resources Commission further emphasized the need for site-specific analyses to determine the advisability of using terminal groins in specific locations;

Whereas, the Coastal Resources Commission further drafted and agreed upon a slate of recommendations to the Environmental Review Commission—a Commission established by the General Assembly—for environmental and ecological safeguards that emphasize the responsible use of terminal groins as a tool for controlling erosion at the ends of barrier islands;

Whereas, the Coastal Resources Commission and the Division of Coastal Management are the most appropriate entities to consider the numerous site-specific issues associated with constructing and maintaining terminal groins;

Whereas, legislation giving the Coastal Resources Commission the authority to consider permitting use of terminal groins in appropriate circumstances—Senate Bill 832—has passed the North Carolina Senate and is eligible for consideration in the 2010 Short Session of the General Assembly;

Now, Therefore, Be It Resolved:

That the Village of Bald Head Island supports prompt consideration and passage of legislation authorizing the Coastal Resources Commission to consider and develop a process, as outlined in the Coastal Resources Commission's recommendations, for allowing use of terminal groins in North Carolina at the ends of barrier islands or littoral cells adjacent to inlets, and urges the General Assembly to act favorably upon such legislation during the 2010 Short Session.

Adopted by the Village of Bald Head Island Council on this the 16th day of April, 2010.

5.2a-Authorize funding for hiring Terminal Groin Lobbyist-

Councilor Douglas spoke on the above Resolution and gave recommendation to support the General Assembly's passage of Legislation with a payment of \$10,000. Calvin stated the payment should be made to "Save the Inlet Committee"

Mayor Sayre made a motion for approval. Councilor Douglas made motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

5.3 Appointment of Parks & Rec. Committee member-

Mayor Sayre spoke on the appointment of the Parks and Recreation Committee members as follows:

2010 PARKS & RECREATION COMMITTEE

Joyce Douglas - *Chairperson*

Expiration of Term: December 2013

Sheila May

Expiration of Term: December 2013

Colleen Johnson

Expiration of Term: December 2013

Mayor Sayre made a motion for approval. Councilor Pitera made motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

Calvin spoke on the interest of having a dog park on the Island. Calvin stated he will explain to the Parks & Recreation Committee the urgent need for a creation of a dog park.

5.4 Resolution: Initiative to Support Local Businesses 3-50

Calvin spoke on the Project 3/50 program. This is a awareness campaign to support local area businesses and spend a total of \$50.00 per month.

Mayor Sayre read the following resolution as follows:

A RESOLUTION SUPPORTING THE 3/50 PROJECT "BUY LOCAL" PROGRAM

Whereas, the 3/50 Project encourages consumers to consider local businesses in their shopping;

Whereas, the 3/50 Project motto is "SAVING THE BRICK AND MORTARS OUR NATION IS BUILT ON";

Whereas, the 3/50 Project encourages consumers to select three (3) local independent businesses and spend a minimum of \$50.00 per month at each;

*Whereas, the 3/50 Project website (www.the350project.net) contains a list of participating retailers, persons and entities; Whereas, the Village Council wishes to raise public awareness of the 3/50 Project; **Now, Therefore, Be It Resolved** that Village of Bald Head Island commends the 3/50 Project to the public's attention and the Village will sign up on the 3/50 Project website as a supporter.
Adopted and effective this the 16th day of April, 2010.*

Mayor Sayre made a motion for approval. Councilor Douglas made motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

5.5 1st Reading & Set Public Hearing for proposed text amendment to add the definition of "Personal Electrical Transportation" to Section 28-36-

Chris McCall spoke on the proposed text amendment to add the definition of "Personal Electrical Transportation" to Section 28-36. The proposed text amendment will be forwarded to the Public Safety/Transportation Committee for review. Mayor Sayre set a Public Hearing for May 28, 2010 Council meeting.

5.6 Mayor Tree- Live Oak Society- Mayor Sayre stated the registration of the live oak is to express honor and appreciation to the Village Mayors, past, present and future. The Resolution is as follows:

A RESOLUTION HONORING VILLAGE MAYORS BY REGISTRATION OF LIVE OAK

WHEREAS, Dr. Thad Wester has called the Village Council's attention to the majestic, inspiring and timeless qualities of the live oak tree located to the immediate south of the 5th golf hole green on Stede Bonnet Wynd;

WHEREAS, Dr. Wester has suggested that registration of the live oak with the Live Oak Society may be an appropriate way to express honor and appreciation to the Village Mayors, past, present and future;

WHEREAS, the Village Council wholeheartedly endorses this suggestion and wishes to honor its Mayors;

***NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Bald Head Island that the aforesaid live oak shall henceforth be known as the "Mayors' Oak";*

***BE IT FURTHER RESOLVED** that the Mayors' Oak may from time to time be identified with a commemorative plaque or other suitable identification;*

***BE IT FURTHER RESOLVED** that Dr. Wester is requested to register the Mayors' Oak with the Secretary (and only human member) of the Live Oak Society.*

Adopted and effective this the 16th day of April, 2010.

Mayor Sayre made a motion for approval. Councilor Douglas made motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

6. Committee Reports

6.1 Shoreline Protection- No Comment

6.2 Finance - No Comment

6.3 Public Safety & Transportation- No Comment

6.4 Public Works & Utilities- No Comment

6.5 Communication- No Comment

6.6 Parks & Recreation – No Comment

7. Monthly Reports

7.1 Manager's Report-

Calvin spoke on the purchase of two surplus electric carts to replace 2 dilapidated ICE trucks in Utilities and Public Works. Boiling Spring Lakes has sold their Utility Company to Brunswick County and has 2 excess GEM Cars. Calvin stated the price to purchase two Electric Gem Carts from Boiling Spring Lakes is \$10,000. Mayor Sayre made a motion for approval. Councilor Morris made a motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

Calvin explained the NC League of Municipalities will be addressing at the April 23rd meeting to effectively respond to a draft bill to implement changes in the ABC Board system. Calvin stated he would be attending this meeting to review policies.

7.2 Department of Public Safety Report-
Captain McConnell spoke on monitored alarm systems in structures on Bald Head Island. Military shells are still being located on the beaches, if located do not handle and contact the Public Safety Department for removal.

7.3 Development Services Monthly Report -
Stephen Boyett stated the year to date 14 building permits have been issued. These permits are for additions on homes. The revenues collected year to date is \$67,783, with a uncollected balance of \$11,482. There have been 2 major permits issued for April.

7.4 Shoreline Protection Manager Report
Chris McCall spoke on the completed beach project with the private sand project and groinfield replacement project. The projects will be completed with the extension time on the permit. The plantings of the Sea Oats and Bitter Panicum will be placed on the beach front to help preserve the beach nourishment.

8. Comments, Reports and Questions

8.1 Citizens-

Ms. Mary Link had concerns with the removal of the groins. Mayor Sayre stated the removal of groin 16 was relocated to a different area for stabilization near the river.

Ms. Link stated safety concerns of the holes being dug on the beach. Chris McCall will research this issue further.

Larry Lammert asked for an update on the lobbyist for the beach issues and what is the outcome. Mayor Sayre reviewed the lobbyist cost and the issues being dealt with. The cost for Akerman-Sinterfit is approximately \$7,500.00 per month, McGuirewoods is approximately \$3,500.00 per month. There are updates with both lobbyist twice monthly with consultation during Council Closed Sessions.

Diane Mesaris stated her concerns with the gate being locked at the waiting area at Deep Point until 15 minutes prior to the ferry arriving.

Joyce Fulton stated she was not aware of that time and her suspicion with the pre-scanning issues would to expedite passengers on and off the ferry. However, when an attendant is at the gate, there can be pre-scanning done. Joyce stated she would investigate further.

Richard Mesaris spoke on the golf course renovation and the damage the turf trucks have done to the roads. Mr. Mesaris stated the drainage issues near Hole 16 were a concern and asked if it was being addressed.

Calvin stated the sod trucks should be completed by Monday. Calvin stated the Club will address the issues and staff would research the areas of concern.

8.2 Bald Head Association- No Comment

8.3 Bald Head Island, LTD- No Comment

8.4 Bald Head Island Conservancy- Suzanne Dorsey spoke on the upcoming activities and projects for the Conservancy.

8.5 Bald Head Island Club- No Comment

8.6 Mayor and Council- Mayor Pro Tempore Fisher spoke on the Wounded Warrior Program being offered on Bald Head Island April 22- 26, 2010.

9. Adjournment – Mayor Sayre entertained a motion to adjourn at 4:00 p.m., with all in favor.
(MOTION CARRIED 5-0)



Mayor Andy Sayre

ATTEST:



Debra C. Talbert, Village Clerk

