

**VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING**

May 28, 2010

Public Safety Operations Building

COUNCILORS IN ATTENDANCE:

Mayor Andrew Sayre
Mayor Pro Tempore John Fisher

Councilor Gene Douglas

Councilor Art Morris

Councilor John Pitera

STAFF PRESENT:

Galvin R. Peck, Jr., Village Manager

Chris McCall, Asst Manager/Shoreline Protection Manager

Deb Straub, Finance Manager

Chief of Public Safety, Chip Munna

Captain Nathan McConnell

Ben Liddle, Director of Public Works

Ken Bowling, Director of Utilities

Stephen Boyett, Inspector for Development Services

David Cox, Systems Administrator

Charles Baldwin, Village Attorney

Daralyn Spivey, Village Deputy Clerk

1. Call to Order/Approval of Agenda

Mayor Sayre called the May 28, 2010 Council Meeting to order at 3:00 p.m.

ACTION - Mayor Sayre entertained a motion to approve the agenda with revisions. The vote of approval was unanimous.

(MOTION CARRIED 5-0)

2. Public Hearing

2.1- Consideration of FY 2010/11 Budget

Village Manager Peck presented Council with a slide show budget presentation. The slides are hereby incorporated by reference as Exhibit A and made a permanent part of these minutes.

2.2- Text amendment to Section 28-36 add the definition Entitled, "Personal Electrical Transportation"

Mayor Sayre opened the Public Hearing for comments.

Chris McCall mentioned that staff has been researching PET's. Anyone operating the PET would need to have a valid driver's license and a safety helmet. The Public Safety Committee will return to Council at the June meeting after querying residents on this topic.

Brook Williams – Helmets should be worn by operators of segway's.

Suzanne Dorsey – Would not like to become a segway group.

Mayor Sayre closed the public hearing.

3. Consent Agenda

3.1 Approval of Minutes

- April 10, 2010 Special Council Meeting
 - April 16, 2010 Work Session
 - April 16, 2010 Council Meeting
 - April 27, 2010 Council Meeting
 - May 7, 2010 Managers Budget Workshop
 - January 26 & 27, 2010 Council Retreat
- 3.2** Declare Surplus Property
- Mayor Sayre asked for approval of the Consent Agenda as presented.

ACTION - Mayor Sayre made the motion and Mayor Pro Tem Fisher seconded the motion.
(MOTION CARRIED 5-0)

4. Old Business

4.1 Consideration of FY 2010/11 Budget
Council deferred this item until the June meeting.

4.2 Consideration/Adoption of text amendment to Section 28-36 add the definition Entitled, "Personal Electrical Transportation"
Council deferred this item until the June meeting.

4.3 Condemn Emergency Access Easement
Chris McCall mentioned that staff has been working on this item for around eight to ten months. The proposal would be to add another vehicular beach access to South beach. The only access at this time is along Loggerhead Trail. This would provide critical EMS access. On site F, just off of Peppervine Trail was chosen for its accessibility and to lessen dune disturbance. The site was deeded to the village and part of the restrictions on the deed was to limit the property to pedestrian access only. Attorney Baldwin is looking into the legal aspects of this restriction but the village is ready to move forward.
Attorney Baldwin mentioned that BHI Limited is concerned with the removal of deed restrictions. The village will condemn a contract right to the property. This access will not interfere with pedestrian traffic. He will file suit around July 5.

ACTION - Councilor Pitera made the motion. The vote of approval was unanimous.
(MOTION CARRIED 5-0)

4.4 Adoption of Codification Services for the Village Code
Village Manager Peck said that there are two companies that provide codification services to municipalities. The village has used MuniCode for many years, but there have been issues. American Legal will provide us with the same services but with additional services that will prove beneficial to the village. The recommendation is that Council adopts a contract with American Legal for codification services.

ACTION - Councilor Pitera made the motion of approval. The vote of approval was unanimous.
(MOTION CARRIED 5-0)

5. New Business

5.1 April Financial Statement Report

Deb Straub - As of April the General Fund revenues are slightly above budget and the General Fund expenditures are slightly below budget. On the Utility Fund, the revenues are slightly below budget due to fewer building starts. The expenditures are also slightly below budget in this fund. The Beach Fund we expect to be around \$900,000 at year's end. The Storm Water Fund has approximately \$158,000 and the Infiltration Fund has about \$386,000. The tax collections are at around 99% of what we projected. There are three budget transfers that are within their line items. This process and approval makes the audit much easier for the auditors.

5.2 Committee Member and Liaison Appointments

Noni Williams – Parks and Recreation Committee
Patti Thorn – Parks and Recreation Committee
Councilor Douglas will be the liaison for Parks and Recreation Committee.
Mayor Sayre will be the liaison for the Communications Committee.

ACTION – Mayor Sayre made the motion of approval. The vote of approval was unanimous.
(MOTION CARRIED 5-0)

5.4 Oath of Office-Tax Collector & Deputy Clerk/ Daralyn Spivey

Village Manager Peck administered the Oath of Office to Daralyn Spivey for the offices of Tax Collector and Deputy Clerk.

A RESOLUTION TO APPOINT A DEPUTY VILLAGE CLERK

WHEREAS, the Village Clerk, Debra C. Talbert, is on a medical leave;

WHEREAS, the Village Council wishes to appoint a Deputy Village Clerk for the purposes of signatures on official documents, authorizations of signatures, affixation of the Village Seal on official documents, and other duties as may be required by the Village Council;

WHEREAS, the appointment of a Deputy Village Clerk shall continue indefinitely until further action by the Village Council;

NOW, THEREFORE, BE IT RESLOVED that the Village Council of the Village of Bald Head Island appoints Daralyn Spivey to serve as Deputy Village Clerk with all rights and duties as may be assigned by the Village Council.

This resolution is effective upon its adoption this the 28th day of May, 2010.

5.5 Resolution in Memoriam for David Nash

RESOLUTION IN MEMORIAM

DAVID LESTER NASH

11/02/1953 – 03/29/2010

WHEREAS, on March 29, 2010, Bald Head Island lost an environmentalist and friend, David Lester Nash; and
WHEREAS, David Nash's love for the beaches and nature was apparent in his works and in the numerous awards he received; and
WHEREAS, the Residents and Village of Bald Head Island benefitted greatly from David Nash's expertise in beach preservation, plant propagation, care of sea oats, urban forestry, and horticulture; and
WHEREAS, David earned the respect of board and committee members, Village employees, community leaders, and a host of area residents who are proud to have called him friend.

NOW, THEREFORE, BE IT RESOLVED, by the Village Council of the Village of Bald Head Island that David Lester Nash is commended and honored for his dedicated public service and many contributions to Bald Head Island; and
BE IT FURTHER RESOLVED, that our deepest sympathy is expressed to the family and friends of David Lester Nash upon his passing; and
BE IT FURTHER RESOLVED, that this Resolution be made a part of the official minutes of the Village of Bald Head Island and an official copy of this Resolution be presented to the family of David Lester Nash.
Adopted this the 28th day of May, 2010.

Mayor Pro Tem Fisher made the motion of approval. The vote of approval was unanimous.

(MOTION CARRIED 5-0)

**5.6 Resolution for Water Shortage Response Plan
SPECIAL COUNCIL MEETING HELD WITHIN 48 HOURS IF QUORUM CANNOT BE REACHED MAYOR
MAKES DECISION.**

Utility Director Bowling noted that recently he was notified by the Division of Water Resources that the village's Water Shortage Response Plan did not meet minimum standards or requirements. One thing that was changed was who declares a water shortage. Council will now declare that shortage. He added triggers that would automatically take the village into a water shortage. If a trigger occurs a special Council meeting will be called within 48 hours.

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355(l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Public Utilities, has been developed and submitted to the Village of Bald Head Island Council for approval; and

WHEREAS, the Village of Bald Head Island Council finds the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for Public Utilities, as well as useful information to the Department of Environment and Natural Resources of the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Village of Bald Head Island Council of Public Utilities, that the Water Shortage Response Plan entitled Water Shortage Response Plan dated May 28, 2010 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Village of Bald Head Island Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 28th day of May, 2010.

ACTION – Mayor Pro Tem Fisher made the motion of approval. The vote of approval was unanimous. **(MOTION CARRIED 5-0)**

5.7 Adoption of Council Code of Ethics
Manager Peck mentioned that due to various ethics violations over the past couple of years, a house bill was passed requiring ethics training and the approval of an ethics policy.

ACTION – Mayor Pro Tem Fisher made the motion of approval. The vote of approval was unanimous. **(MOTION CARRIED 5-0)**

5.8 Approval of Contract with Sound Marine for construction of Creek Dock
Chris McCall purchased a lot for future expansion. The village applied for a PARTF grant. A part of that plan is to remove a portion of that dock to an adjacent property. It is the recommendation of our engineer to go with Sound Marine's bid of \$20,595 for this project.

ACTION – Councilman Morris made the motion of approval. The vote of approval was unanimous. **(MOTION CARRIED 5-0)**

6. Committee Reports

6.1 Shoreline Protection
Brook Williams - The committee has met twice this month. We are making progress on the timber groins located on the north part of west beach. Communications will be forthcoming and their next meeting will be held on June 2.

Attorney Baldwin presented Council with a power point presentation. He expressed the need for sand. The USACOE budget does not have the money for fall sand placement.
Chris McCall informed Council that Engineer Chris Olsen is preparing a close out report for FEMA. Part of that report includes a letter to residents letting them know what to expect.

6.2 Finance
There were no items from this committee at this time.

6.3 Public Safety & Transportation
Councilman Morris noted the moral has gone up in the public safety department. He mentioned that there was not one negative thing said about Chip Munna during the survey.

There was also discussion about a medical clinic for the island although the committee determined that it was not a good idea.

6.4 Public Works & Utilities
Public Works and Utilities are spraying once a week, island wide.

6.5 Communication
They are in the formative stages and are looking to get a more polished website. The village should be responsible for communications about the village.

6.6 Parks & Recreation

The committee is looking for Council approval to proceed with a dog park at Timber Creek. The initial construction would include a temporary fence at a cost of \$1,000.

ACTION – Councilman Pitera made the motion of approval. The vote of approval was unanimous. **(MOTION CARRIED 5-0)**

The committee is to bring back park rule recommendations to Council for consideration.

7. Monthly Reports

7.1 Manager's Report

Village Manager Peck reported that Sandpiper Road has a big dip and holds water. Island Contracting will begin filling the hole next week. On June 16th, I will be in Raleigh for Town Hall Day.

7.2 Department of Public Safety Report

Chip Munna - The KI Iodine pills are available here. Residents can get them at Town Hall. You can get the pills for your pet from your veterinarian. The pills will not save your life, but they will save your thyroid.
There have been issues recently with alcohol and stolen golf carts.

7.3 Development Services Monthly Report

Stephen Boyett issued one new major permit which puts our year-to-date total at 15. Our year-to-date collections are \$79,450. He received an email from ESP Associates who are contracted by FEMA and NC Flood Plain Mapping Agency. They are conducting a study for houses that are in the flood plain to get an estimated first floor measurement. For the most part, they will be on public roadways but may need to go onto personal property. This is tentatively scheduled for the middle of next month but the information will be posted on the village website.

7.4 Shoreline Protection Manager Report

8. Comments, Reports and Questions

8.1 Citizens

No comment.

8.2 Bald Head Association

No comment.

8.3 Bald Head Island, LTD

No comment.

8.4 Bald Head Island Conservancy

Dinner honoring Ann Pickering will be hosted tonight. They are moving forward with the pie eating contest.

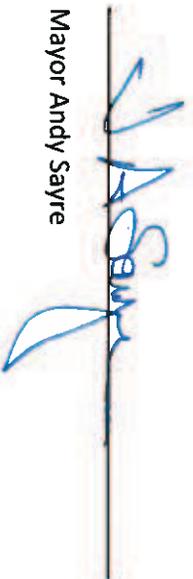
8.5 Bald Head Island Club

No comment.

8.6 Mayor and Council

No comment.

9. **Adjournment** - Mayor Sayre entertained a motion to adjourn at 4:27 p.m., with all in favor.
(MOTION CARRIED 5-0)



Mayor Andy Sayre

ATTEST:



Daralyn Spivey, Village Deputy Clerk

