

**VILLAGE OF BALD HEAD ISLAND
MONTHLY COUNCIL MEETING
October 16, 2009
Location: Bald Head Association**

COUNCILORS IN ATTENDANCE: Mayor Larry Lammert
Mayor Pro Tempore Sayre
Councilor Gene Douglas
Councilor Art Morris

STAFF PRESENT: Calvin R. Peck, Jr., Village Manager
Chris McCall, Assistant Manager/ Director of Dev. Services
Deb Straub, Finance Manager
Dawn Reno, Tax Administrator/ HR Officer
Public Safety Chief Chip Munna
Ken Bowling, Utilities Director
Ben Liddle, Public Works Director
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Daralyn Spivey, Administrative Asst. for Development Services (recording minutes)

OTHERS PRESENT: Various Public and Residents

1. **Call to Order/ Approval of Agenda-** Mayor Lammert called the October 16, 2009 Council Meeting to order at 3:00 p.m. Mayor Lammert entertained a motion to approve the agenda. Mayor Pro Tempore Sayre made the motion to approve the agenda as presented. In a voice vote, the motion was unanimous.
(MOTION CARRIED 4-0)
2. **Consent Agenda**
 - 2.1 **Approval of Minutes**
September 18, 2009 Work Session
September 18, 2009 Council Meeting
 - 2.2 **Resolution- Domestic Violence Awareness Month**
Mayor Lammert entertained a motion for approval the consent agenda. Councilor Douglas made a motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 4-0)**
3. **Old Business**
 - 3.1 **Update on Integrated Shoreline Management Plan**
Calvin spoke on Norfolk Dredge Company and the time frame of dredging and sand placement. There will be 3 (three) barges and a dredge coming from Norfolk, VA. They will begin November 1, 2009 with laying of pipe under the channel to begin which will not interfere with the channel traffic. Calvin gave visual information of where the dredging will begin and the actions to take place. Calvin stated the sand placement will start around Winding Down and turn West toward the Point to West Beach with approximately 75,000 cubic yards to be placed on West Beach. They will then break the pipe and move East up the beach. When the sand is replaced near the groinfield by Norfolk Dredging Company, there will be another contractor to come in and replace groins beginning west and heading east. Calvin stated the dredging must be completed by March 30, 2010.

Calvin stated the difference between the pre plan contract survey done by Eric Olsen was done in the early spring and the survey completed approximately 10 (ten) days ago has a loss of 700,000 cubic yards of sand. Calvin stated the Inadmissible Offer of Settlement and Compromise Concerning Notice of Intent to File Suit Pursuant to Sections 505(a)(1) and 505(a)(2) of the Clean Water Act letter sent to the Corps of Engineers on October 7, 2009 is on the Village web-site for review.

4. New Business

4.1 1st Reading & Set Public Hearing- Ordinance Restricting Smoking within the Village Limits-

Calvin stated the State of North Carolina has pursuant to Section 130A-498 of the North Carolina General Statutes has passed a law with more flexibility for municipalities to prohibit smoking within certain areas of municipalities. This ordinance would include all Village property and land. Calvin made recommendation for a Public Hearing to be on November 20, 2009 Council meeting.

4.2 September Financial Statement Report-

Deb Straub stated the Ad Valorem Tax Revenues received are below prior year taxes, although a large payment was received earlier this week. The Accommodation Taxes are slightly ahead compared to prior years. Deb stated the Total Revenues are below target but should improve with tax receipts in September 2009. The Total operating expenditures are on target with past years and the budget for this year. The Utilities fund total revenues are slightly below from last year and the expenditures are on target with budget and past years. The bond proceeds for sand placement project were received on September 11, 2009.

4.3 September Accommodation Tax Report- Dawn Reno spoke on the summary of accommodation taxes since inception of investigation. Dawn stated the investigation assistant began on August 27, 2009 and has investigated multiple sources, mailed correspondence, maintained data file and receipts of transactions as well as correspondence between tax administrator and property owners. Dawn stated \$19,589.29 was collected as a result of the investigation for the month, with a \$5,527.09 true increase for the month.

4.4 2010 Sea Oats and Bitter Panicum Planting Project- Chris McCall stated the Sea Oats and Panicum bids should be awarded at \$120,615.00 to Simmons Agriculture. Chris stated as part of the stabilization efforts to maintain the sand placed on the beaches of Bald Head Island, the Village in the past has placed Sea Oats and Bitter Panicum along the oceanfront shoreline where sand placement has occurred. This project is an additional investment which has proven to be beneficial in holding sand placed on the beach and promoting primary dune growth.

Councilor Douglas made a motion to approve contract. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

4.5 Renewal of Contract for Environmental Research Services- Calvin spoke in reference to the presentation of Resolution of the Village of Bald Head Island renewing the contract for Environmental Research Services by and between the Village of Bald Head Island, NC and the Bald Head Island Conservancy, Inc.

Councilor Douglas made a motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

4.6 Award Contract for Federal Lobbying- Calvin stated the Shoreline Preservation Steering Group gave a presentation to Council and gave recommendation for Akerman Senterfitt Law Firm to perform all

federal representational activities, except litigation, for the Village. This shall include efforts to secure federal legislative authorization for Corps work as well as federal funding. The fees for Akerman's services are a flat retainer fee of \$7,500 for each month. In addition, Akerman shall be reimbursed for reasonable expenses, which include special deliveries and travel expenses.

Councilor Douglas made a motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

4.7 Award Contract for State Lobbying- Calvin spoke in reference to the due to an extreme and unprecedented state budget deficit in 2009, and with the upheaval within the area's legislative delegation acting as a contributing factor, the Village's request for a state appropriation of \$5 million was left out of the final state budget along with other communities' water resource projects that did not have a federal match. Calvin stated McGuireWoods Consulting would lobby for the Village in 2010 Session of the North Carolina General Assembly. Mayor Pro Tempore Sayre made a motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

4.8 Adopt Project Fund Ordinance to Support SPSG Efforts- Calvin spoke in reference to the Ordinance of the Village of Bald Head Island, North Carolina, establishing Capital Project Fund (48) to support the Brain Sail and the recommendations of the Shoreline Preservation Steering Group of the Village of Bald Head Island in the amount of \$200,000.00. These services may include, but not limited to administrative duties as well as communications, public relations, lobbying, shoreline monitoring, litigation and negotiations. Councilor Morris made a motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

5. Committee Reports

5.1 Beach- Councilor Morris stated he attended the Beach Committee meeting and shared concerns with 911 Beach access phone at beach access 26 being disassembled and situation is being handled.

5.2 Finance- Mayor Lammert stated the Finance Committee will be meeting October 19, 2009.

5.3 Public Safety- Bob Porter stated the Public Safety Committee will be meeting November 16, 2009.

5.4 Public Works- Ben Liddle discussed the French drain that was placed on Seagull at the cul-de-sac to improve the draining issues.

5.5 Shoreline Preservation Steering Group- Ken Miller spoke in reference to the meetings held. He stated a broad communication will be through an e-mail blast, with the comprehensive listing is now in place with approximately 1800 names using the Association's listings. Ken stated the SPSG and Calvin Peck have been working on a archival system to be available on a database possibly through the website.

6. Monthly Reports

6.1 Manager's Report- Calvin spoke in reference to the Waste Water Treatment Plant and build-out. Calvin said Jim Cornette is completing studies reference Lagoons 4 and 5 for capacity and build-out. Calvin stated the additional 75,000 gallons per day for a total of 475,000 per day without dewatering and with de-watering the lagoons can handle 650,000 per day.

Calvin stated the Village Clerk, Debbie Talbert was out due to completing the Clerk Certification and is graduating today from Clerk School in UNC School of Government.

6.2 Department of Public Safety Report- Captain Chuck Evitt gave the September 2009 monthly statistics. He stated the initial Public Safety fire training is finishing up. Brunswick County had a fire control live burn with 14 members from Bald Head Island and 3 from Public Works and Utilities who attended this training. Chuck stated the H1N1 vaccine is at the Health Department and may be available for persons other than EMS personnel; you should contact the Doctor's office or Health Department for more information.

6.3 Development Services Monthly Report- Chris McCall gave the September 2009 monthly report. Chris stated there has been an increase in residential permits and things are picking up with a 40% projection for revenues for the year.

7. Comments, Reports and Questions

7.1- Citizens- A citizen asked for verification of the survey for Beach re-nourishment. Calvin stated Eric Olsen and staff will adjust the beach fill on the fly.

7.2- Bald Head Association- No Comment

7.3- Bald Head Island, LTD- No Comment

7.4- Bald Head Island Conservancy- Suzanne Dorsey stated with studies that have been done there are approximately 100 deer on the Island and the Conservancy gave recommendation to Council to not have a deer cull for this year. Suzanne stated there are studies on the Live Oak growth for the Maritime Forest. There is continuing monitoring for the Aquifer Study with increasing surveys on the beaches and understanding the erosion and sea turtles habitat.

Calvin explained the Aquifer Study has two components. The Conservancy is having the long term study with the health, quantity, and quality of the water. The short term study is being completed by Jim Cornette for the Village to determine the carrying capacity of Lagoons 4 and 5.

7.5- Bald Head Island Club- No Comment

7.6- Mayor and Council- Mayor Lammert entertained a motion for adjournment at 3:45 p.m., with Councilor Douglas making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

Larry Lammert
Mayor

ATTEST:

Debra C. Talbert
Village Clerk

