

**VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
OCTOBER 16, 2009
BALD HEAD ASSOCIATION CENTER**

COUNCILORS IN ATTENDANCE: Mayor Larry Lammert
Mayor Pro Tempore Andrew 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
Public Safety Lt. Chuck Evitt
Ken Bowling, Utilities Director
Ben Liddle, Public Works Director
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Daralyn Spivey, Administrative Asst. w/ Dev. Services (recording minutes)

OTHERS PRESENT: Various Public and Residents

1. **Call to Order & Approval of Agenda-** Mayor Lammert called the October 16, 2009 Council Work Session to order at 9:30 a.m. Mayor Lammert asked for approval of the agenda as presented, with Mayor Pro Tempore Sayre making the motion to approve. In a voice vote, all voted in favor. **(MOTION CARRIED 4-0)**

2. **Review of Council Meeting Agenda-**
Mayor Lammert reviewed the Afternoon Agenda with Council.

Council Item 4.5- Renewal of Contract for Environmental Research Services- Calvin stated that Council needed to take action on a Resolution renewing the contract for the Environmental Research Services by and between the Village of Bald Head Island and the Bald Head Island Conservancy.
Mayor Pro Tempore Sayre stated his concerns for the contract and the change of amount for the services. Calvin reported the information was given at the Council Retreat for Council to approve. Calvin stated that at the 2009 Council Retreat Council gave approval to renew the contract with an increase of cost for additional services with the Bald Head Island Conservancy and a Resolution dated July 1, 2009 through June 30, 2010 needed to be approved by Council.
Council agreed to place item 4.5- Renewal of Contract for Environmental Research Services on the afternoon agenda.

3. **Financial Report-** Deb Straub stated the property tax payment has been received from Brunswick County. \$133k from the GO Bond proceeds has been distributed for Attorney fees, Bound Council and RBC fees. The first rebate has been submitted to the IRS for refund. Councilor Douglas asked if the Bond monies were in an interest account. Deb stated the monies are in a Money Market Account and drawing interest.
4. **WWTP Expansion/ Build Out-** Calvin discussed the Waste Water Treatment Plant with Build out on the design and current flow. Calvin stated there were three (3) components for this expansion. Calvin reviewed the final report from McKim and Creed to Re-Rate the WWTP to 500K gallons a day. The cost would be approximately \$340k. Calvin stated the cost would be the pumps to take the effluent through the plant. The second will be from Woody Fulton and Ken Bowling regarding build out numbers and commercial REU plan design. The plan would need to be approved with

build-out on the facts presented from Woody Fulton with Limited. The third will come from Jim Cornette regarding Lagoons 4+5 capacity. Calvin and Council discussed the WWTP on the planning/design, capacity and time frame of build out.

- 5. Norfolk Dredging Timetable-** Calvin stated Wednesday, October 14, 2009, was the final pre-construction meeting with Resource Agencies including USACE and Division of Coastal Management. Calvin stated the contractor stated the first tug should be at Bald Head Island by October 21, 2009 to begin stacking pipe on the point. Norfolk Dredge should arrive on October 28, 2009 and begin on November 1, 2009 with the channel crossing for the laying of pipe. Calvin explained to Council the timeframe and procedure that would take place. Groins will be rebuilt and shifted towards the West. Construction will begin at the Point and go east.

Notification was given Wednesday, October 14, 2009, from the Division of Coastal Management that 33 Sandpiper Lane was in violation for the placement of sandbags, and was ordered to remove within 30 days or the current owners would be in violation with the Division of Coastal Management. The Village is not able to place sand where the sandbags are now until the sandbags are removed from the area reference to Condition 28 in the permit which states "you shall not place sand on top of any sandbags that are not legal". Calvin stated both property owners have been notified and problem is being addressed. Council and Calvin discussed the removal of the sandbags and who the permit was assigned to and different options.
- 6. Shoreline Preservation Steering Group Lobbying Discussion-** Ken Miller spoke in reference to the activities the Shoreline Preservation Steering Group has been working on. Ann Kane has received approximately 1800 emails for information to be submitted, draft letters have been done and presented to Calvin Peck for approval.

Bob Blau spoke in reference to recommendation of Akerman Senterfitt to sponsor Bald Head Island with the erosion issues and dealing with the Congress, Corps of Engineers and Federal agents. The contract with Akerman Senterfitt would involve a one year contract with a monthly retainer of \$7500 plus expenditures, with having the right to terminate the contract by either party with a 30 day notice at no fault. Mr. Blau spoke what the Akerman Senterfitt offers to assist the Village and Island on the major issues that have arose.

Mr. Blau made the suggestion for the Conservancy to hire Patton Boggs Law Firm. This law firm deals with environmental issues and could benefit the Island as a whole.

Mr. Blau suggested Attorney Charles Baldwin, Attorney George House and Akerman Senterfitt Law Firm have a meeting to discuss the issues and the upcoming litigation with the Corps of Engineers. Suggestion was made to have a meeting with Council, Attorneys, and the Shoreline Preservation Steering Group to discuss long term strategy towards the Corps of Engineers. The last suggestion from the Shoreline Preservation Steering Group is to have verification that Bald Head Island is with the Water Resources Development Act. This act is currently being drafted in the Senate and the House.

Mayor Pro Tempore Sayre stated his concerns with the Akerman Senterfitt Law Firm. Mayor Pro Tempore Sayre asked for verification this firm would keep the Village and Island informed of the progress of litigation. Mr. Blau stated the firm would be informed of what is expected and would be contacted on a regular basis for the progress. Ken Miller stated Bob Blau, with the knowledge of these procedures, could be the point of contact with Akerman Senterfitt Law Firm. This process needs to be followed closely and with Councils approval Bob Blau has volunteered his time to follow up and be the point of contact with the Akerman Senterfitt Law Firm.

Mayor Lammert stated his concerns with Marlow and Associates and asked if the firm should be cancelled due to considering the use of Akerman Senterfitt. Bob Blau stated since Marlow and Associates is working for the Village, this should not compromise or complicate the process.

Council and Bob Blau discussed the options and possible solutions on the issues with the Island. Mayor Lammert stated the funding for this process would have to be researched and placed under a different line item for the Shoreline Preservation Group. Calvin stated he and Deb Straub, Finance Manager have discussed different options and will present proposal to Council.

Mayor Pro Tempore Sayre asked Bob Blau how the involvement would be with Akerman Senterfitt Law Firm. Bob Blau stated the Council would still need to be the spokesperson. Akerman Senterfitt would direct and give suggestions to the Council to make presentation to the Corps of Engineers and Congress. Mayor Lammert asked if this contract was signed for November 1, 2009 would Akerman Senterfitt be available for discussion. Bob Blau suggested a meeting

should be arranged soon after with Council and Legal presentation. Attorney Baldwin suggested having a meeting with Akerman Senterfitt Law Firm to discuss procedure and actions that have been done against the Corps of Engineers; with an Island visit done in November with Council available for discussion. Council will be presented with recommendation for Akerman Senterfitt Law Firm presentation in the afternoon meeting.

Calvin Peck stated a proposal from McGuireWoods Consulting was presented to the Shoreline Preservation Steering Group for the lobbying at the State level for \$5million funding grant for the beaches and asked Bob Blau if proposal was satisfactory. Bob Blau agreed and Calvin recommended to Council to place the Award Contract for State Lobbying by McGuireWoods on the afternoon agenda.

Calvin Peck discussed with Council and the Shoreline Preservation Steering Group the process of electronic storage and the records retention schedule. Councilor Morris and Mayor Pro Tempore Sayre both agreed for staff to research the cost analysis of having the scanning of documents done. Calvin explained the cost to have this done is a large amount and suggested having a temp person to come in for the scanning procedure. Calvin agreed for research to be done.

7. **Manager's Report** – Calvin spoke in reference to a proposed ordinance of the Village of Bald Head Island to establish a Capital Project Fund to the Brain Sail and the Recommendations of the Shoreline Preservation Steering Group. Calvin explained the funding would consist of Brain Sail Administration being \$30k, the Archiving Project with the web based component and part time assistance would be \$10k. The Lobbying for Federal – Akerman Senterfitt for 9(nine) months is \$67,500, BHIC Lobbying- Patton Boggs for 1(one) month is \$7,500 and the State Lobbying- McGuire Woods for 7(seven) months is \$24,500 totaling \$139,500. The project authorized by Village Council is the acquisition of those materials and services that are required to participate in the "Brain Sail" exercise held at Bald Head Island on July 14, 2009 and the recommendations from the citizen's advisory Shoreline Preservation Steering Group. These services may include, but not limited to administrative duties as well as communications, public relations, lobbying, shoreline monitoring, litigation and negotiations. Calvin explained to Council for having a Capital Project Fund vs. placing the cost in budget. Councilor Douglas asked for confirmation of what group on the Island would be paying for the lobby from Patton Boggs. Mayor Lammert stated that was up to Council and lobbying would be taken over by one lobbyist after time frame has expired. Mayor Pro tempore Sayre stated there should be a separation between Village matters and environmental issues. Attorney Baldwin stated a legal decision would be made after discussion with Patton Boggs Lobby Group. Calvin made recommendation to Council for the addition to New Business on the Afternoon Agenda: The Award of contract for Federal Lobbying with the Akerman Senterfitt, Award contract for State Lobbying with the McGuire Woods and to Adopt Project Fund Ordinance to support SPSG Efforts. Council discussed the amount that was presented for the Capital Project Fund Ordinance.
- Calvin discussed with Council the deer population preliminary studies have been done by the Conservancy and have stated there are approximately 100 (one hundred) deer on the Island and stated the Conservancy has suggested no deer cull should be done for the 2009/ 2010 year. The Conservancy will be presenting a proposal solution. Calvin stated Jim Cornette has been working on the studies with water use and effluent of the aquifer and the preliminary results are positive. The studies of Lagoon 4 and 5 that were done this past summer with the rain fall and the irrigation from The Club were positive and the preliminary studies show both Lagoons will produce 475,000 gallons without dewatering and should produce 600,000 gallons if dewatering is attained.
- Mayor Pro Tempore Sayre and Council discussed the upcoming Coastal Resource Commission Meetings. Calvin stated he would be attending the meeting in January.

8. **Closed Session Pursuant to N.C. General Statutes 143.318.11 (a)(1), (3), and (5)**- Pursuant to N.C. General Statutes 143.318.11 (a)(1), (3), and (5), Mayor Lammert entertained a motion to enter into Closed Session at 11:10 a.m., with Councilor Douglas making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

Mayor Lammert entertained a motion to come out of Closed Session at 12:35 p.m., with Councilor Douglas making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 4-0)

9. **Adjournment**- Mayor Lammert entertained a motion for adjournment at 12:40 p.m., with Councilor Morris making the motion. In a voice vote, all voted in favor. **(MOTION CARRIED 4-0)**

Larry Lammert,
Mayor

ATTEST:

Debra C. Talbert, Village Clerk