

**VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING
SEPTEMBER 18, 2009
BALD HEAD ASSOCIATION CENTER**

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

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, Utilities Director
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra C. Talbert, Village Clerk (Recording Minutes)

OTHERS PRESENT: Various Public and Residents

1. **Call to Order/ Approval of Agenda**- Mayor Lammert called the September 18, 2009 Council Meeting to order at 3:00 p.m. Mayor Lammert entertained a motion to approve the agenda. Councilor Douglas made the motion to approve the agenda as presented. In a voice vote, the motion was unanimous. **(MOTION CARRIED 5-0)**

2. **Public Hearing**
2.1- Adding Articles XV Sea Turtle Sanctuary, XVI Livestock and Wild Animals, XVII Unrestrained dogs to Chapter 4 Animal Ordinance- Mayor Lammert opened the Public Hearing for Adding Articles XV Sea Turtle Sanctuary, XVI Livestock and Wild Animals, XVII Unrestrained dogs to Chapter 4 Animal Ordinance. Attorney Baldwin stated the addition to Chapter 4 Animal Ordinance is to correct for items dropped from the previous ordinances which needs to include in the new ordinance.
Public Comments
Mayor Lammert asked the public if there were any comments on the addition to Chapter 4 Animal Ordinance. With no reply, Mayor Lammert closed Public Hearing.

2.2- Adding Section 28-6 Regulating Heavy-Duty Idling Restrictions- Mayor Lammert opened the Public Hearing for Adding Section 28-6 to the Village Code Regulating Heavy-Duty Vehicle Idling Restrictions. Calvin Peck explained the addition to Section 28-6 is to reduce health and pollution caused by idling vehicles. Mayor Lammert asked the public if there were any comments on the addition to Section 28-6 Regulating Heavy-Duty Idling Restrictions.
Public Comments
Mr. Pladgett asked if this ordinance would include the idling vehicles by the Recycling Center. Calvin stated this would include those vehicles. Mayor Lammert asked if there were any other comments. With no reply, Mayor Lammert closed Public Hearing.

3. **Removed from Agenda**

4. Consent Agenda

4.1 **Approval of Minutes** **August 4, 2009 Special Meeting** **August 14, 2009 Work Session** **August 14, 2009 Council Meeting**

Mayor Lammert entertained a motion for approval of the Consent Agenda with minutes from the August 4, 2009 and August 14, 2009 Council meetings. Mayor Pro Tempore Sayre made a motion to approve as presented. In a voice vote, all voted in favor.
(MOTION CARRIED 5-0)

5. Old Business

5.1 Shoreline Preservation Steering Group- Ken Miller gave a power point presentation to Village Council. Mr. Miller stated the group agreed to change name to Shoreline Preservation Steering Group. Mr. Miller read the Steering Group Mission to say: Provide support, direction and motivation to the working groups organized to refine the strategic action plan, strategies for beach, stabilization and to provide for their execution by making recommendations to Village Council for decision making and implementation. Mr. Miller stated the Working Groups for the Committee are Communications- Anne Boozell, Message Communications and Lobbying- Win Stevens and Bob Blau, Litigation and Negotiation- Ray Webb, Contingency Planning and Shoreline Monitoring- Bob Helgesen. Mr. Miller stated there were requests for Council as follows:

- Confirm sense of Urgency
- Establish on-going process for routine communications and data exchange
- Confirm the reality that funding will be required to achieve recommended actions
- Provide input as to how we can be more effective

Mr. Miller ended by saying success can be achieved with the following:

- We must have the strength and conviction of:
 - One Island
 - One Problem
 - One preferred Shoreline Preservation Plan
 - One message
 - One Game Plan
- Village Council leads the way strongly supported and complemented by the Shoreline Preservation Group effort.

Mayor Lammert confirmed that Council understands the sense of urgency and stated for further communication, data exchange and/or funding request needed to be put in writing and given to Calvin Peck, Village Manager. Mayor Lammert and Mr. Miller agreed communication from both parties would be effective in resolving issues for the Island.

5.2 Update on Integrated Shoreline Management Plan- Calvin spoke in reference to the receiving of the Modification Final Permit with the Corps of Engineers on the Groins replacement. Calvin stated the bid opening will begin in October 2009. Calvin stated the State CAMA Major Permit Modification and the letter of modification from Corps of Engineers has been received and awaiting the 401 Water Quality Permit from the Division of Water Quality for Sand Placement. Calvin stated (two) 2 million cubic yards would be dredged from Jay Bird Shoals and place (one/half) 1.5 million cubic yards on South Beach to the Shoals Club. Norfolk Dredging will begin to mobilize October 15th, and November 1st the pumping from Jay Bird Shoals will begin. After Engineered Beach Project is complete, the Village will file data paperwork with FEMA for reimbursement if a catastrophe occurs.

- A gentleman in the audience asked the time frame of the pumping and asked for explanation of where the sand would be placed.
Calvin replied the pumping will begin November 1- March 30, 2010. Calvin stated the sand would be placed on South Beach and the migration of some sand will move to West Beach. Calvin stated the worst impact of erosion is on South Beach near The Club. The placement of sand will begin at the Point to build up and go down South Beach.

- A gentleman in the audience stated his concerns regarding the pictures of the Island and whether they were sufficient enough to show the damage from the dredging. Calvin assured him that they were. In addition, Calvin stated Eric Olsen with Olsen Associates has taken pictures from the beginning of dredging through the summer. The pictures are high resolution ortho photos with high quality data.

5.3 Update on Taxable General Obligation Bond (Build American Bond) - Deb Straub stated she and Calvin Peck traveled to Chapel Hill on September 11, 2009 to sign final documents for the Build American Bond and financing has been established with RBC Banking. Deb stated the changed financing from a tax-exempt rate @ 3.92% to a taxable Build America Bond @4.82%. Deb explained that due to a federal subsidy of 35% of interest costs, there was a savings over \$900k over 6 years with an effective rate to equal 3.133%. Deb stated the monies are in an escrow account for the funding of the beach nourishment.

5.4 Consideration/ Adoption of Articles XV Sea Turtle Sanctuary, XVI Livestock and Wild Animals, XVII Unrestrained dogs to Chapter 4 Animal Ordinance-
Mayor Lammert entertained a motion for approval for adoption of Articles XV Sea Turtle Sanctuary, XVI Livestock and Wild Animals, XVII Unrestrained dogs to Chapter 4 Animal Ordinance. Mayor Pro Tempore Sayre made a motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

5.5 Consideration/ Adoption of Adding Section 28-6 Regulating Heavy-Duty Idling Restrictions Ordinance-
Mayor Lammert entertained a motion for approval for adoption of adding Section 28-6 Regulating Heavy-Duty Idling Restrictions Ordinance. Mayor Pro Tempore Sayre made a motion to approve as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

6. New Business

6.1 Proclamation- Constitution Week- Mayor Lammert read the Proclamation for Constitution Week for the North Carolina Society Daughters of the American Revolution Brunswick Town Chapter.

6.2 August Financial Statement Report- Deb Straub discussed the August Financial Statement with Council. Deb stated the Operating revenues Year to Date are slightly under budget due to state tax revenues being delayed. There were no major expenditures Year to Date. The Utilities Fund Operating revenues and expenditures Year to Date are on target with budget and prior years. The General Fund Reserved Fund Balance is \$4.1 million, Utilities Unreserved Fund Balance is \$328k, Beach Fund balance is \$941k, Village Construction/Expansion fund balance at \$1,642k, Stormwater Management fund balance at \$155k, and the Infiltration Pond/Lagoons fund balance is at \$623k. Deb stated the documents handed to Council were the corrected resolution to change banks which was approved by the Attorney and CPA. for Councils approval. Deb stated there is a Beach Fund Capital Project Amendment for the General Obligation (Build American Bond) proceeds for Sand re-nourishment project. The proceeds of \$15,000,000 to be utilized for beach re-nourishment/sand placement per the bond order adopted by Village Council on April 17, 2009 and per the Resolution authorizing issuance of bonds dated August 14, 2009, and a budget transfer request for Line-Item transfers to be made within the General Fund for proper recording of General Obligation Bond principal and interest payments for the sand placement project in FY 2009-2010.

Resolution- Designate RBC Bank as Official Depository

Mayor Lammert entertained a motion for approval of the Resolution designating RBC Bank as the Village's Depository Institution; providing for an agreement for deposit accounts; and providing for authorized signatures on behalf of the Village. Councilor Pitera made motion to approve the Resolution as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

CPO Amendment and Budget Amendment for Bond Proceeds

Mayor Lammert entertained a motion for approval of the Ordinance amending the Capital Project Ordinance regarding the stabilization of Village Beaches. Councilor Morris made motion to approve the Ordinance as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

Budget Transfer for Bond Debt Service

Mayor Lammert entertained a motion for approval of the Ordinance to amend the Budget Ordinance to appropriate the General Obligation Bond proceeds, Series 2009 for Beach Re-nourishment- Sand Placement and re-distribute existing Beach Fund appropriations. Councilor Douglas made motion to approve the Ordinance as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

7. Committee Reports

7.1 Beach- Councilor Douglas stated that after the beach re-nourishment is completed we will be planting Sea Oats and Bitter Panacum plants beginning in April 2010. The contract is with the prior plant supplier and he will be harvesting the seeds for those plants beginning next week with approximately 170k Sea Oats and 117k Bitter Panacum needed.

7.2 Finance- Mayor Lammert stated that the Finance Committee has been working with Deb Straub and the General Obligation Bond procedure to make sure the Village has the best contract available.

7.3 Public Safety- Bob Porter stated the next Public Safety meeting will be Monday, September 21 at 10:00. The discussion will involve underage drivers; Calvin stated Chief Munna will be scheduling physicals for Volunteers and Public Safety Officers and will be in contact with the schedules.

7.4 Public Works- No Comment

7.5 Transportation- No Comment

8. Monthly Reports

8.1- Manager's Report- Ben Liddle, Public Works Director spoke in reference to the banning of all plastic, in the landfill beginning October 1, 2009 with no enforcement taken at this time. Ben stated if residents are in need of a recycle bin to contact Waste Industries for delivery, with the Recycle Center being available also.

Calvin explained the Water and Sewer flow comparison for the 2009 summer months. Calvin explained the current used capacity for 2009 is 225,000 GPD with a 95,000 GPD capacity remaining before reaching 80% capacity or a 135,000 GPD capacity before reaching a 90% capacity. Calvin stated the 80% capacity would be reached in approximately 13 years and a 90% capacity would be reached in approximately 19 years at (30) REU's per year.

Calvin discussed the Ordinance restricting smoking within the Village Limits. Calvin stated if enacted this would prohibit smoking at any Government Building, grounds of any Government Building, municipal vehicles, or any public place. Calvin stated this Ordinance would be presented as a First Reading and Set Public Hearing on the October 16, 2009 Council meeting.

Attorney Baldwin discussed the Clean Water Act. Attorney Baldwin explained the response letter from the Corps of Engineers dated August 28, 2009. Attorney Baldwin stated the Corps is to respond within 30 days of receipt of return letter.

8.2- Department of Public Safety- Chief Munna introduced the new Public Safety Staff and spoke on the new Public Safety training. Chief Munna recognized Captain Doug Leggett to be retiring as of September 18, 2009.

8.3 Development Services- Chris McCall gave report on the Building Inspections for August 2009. Chris stated there were four major permits since June 2009. Chris explained the process and procedure of the Building Inspection Department. Chris stated Development Services sent out fifty surveys to contractors, subs and architects for feedback on the services provided.

9. **Comments, Reports and Questions**

9.1 **Citizens-** A female asked for confirmation on what type of plastic is banned at the landfill. Ben Little stated the plastic would be plastic bottles.

9.2 **Bald Head Association-** No Comment

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

9.4 **Bald Head Island Conservancy-** Tom Hancock with the Conservancy discussed the monitoring of beach erosion issues. The Conservancy has been doing the increased monitoring and extensive studies on the beach erosion. Tom discussed the deer management population on the island to be 140-180 deer.

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

9.6 **Mayor and Council-** Mayor Lammert gave thanks to Captain Doug Leggett for the service he has provided for the Village and Island

10. **Adjournment-** Mayor Lammert entertained a motion for adjournment at 4:00 p.m., with Councilor Douglas making the motion. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

Larry Lammert
Mayor

Debra C. Talbert
Village Clerk