

**VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING
August 19, 2011
Bald Head Association**

COUNCILORS IN ATTENDANCE

Mayor Andrew Sayre
Mayor Pro Tempore John Fisher
Councilor Gene Douglas
Councilor John Pitera

STAFF PRESENT:

Calvin R. Peck, Jr., Village Manager
Chris McCall, Asst. Manager/ Shoreline
Protection Manager
Deb Straub, Finance Director
Chief Chip Munna
Stephen Boyett, Development Services
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk

1. Call to Order / Approval of Agenda

Mayor Sayre called the August 19, 2011 Council Meeting to order at 3:00 p.m. Mayor Sayre entertained a motion to approve the agenda with adjustments as presented. Mayor Pro Tempore Fisher made motion, with all in approval. **(MOTION CARRIED 4-0)**

2. Consent Agenda

2.1 Approval of Minutes

July 15, 2011 - Council Work Session

July 15, 2011 - Council Meeting

Mayor Sayre entertained a motion to approve the consent agenda as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 4-0)**

3. New Business

3.1 Annual Franchise Agreement with Brunswick County for Ambulance Service

This agreement allows Village of Bald Head Island Public Safety to provide medical care within Brunswick County and to receive funding from the county for the services provided.

Mayor Sayre entertained a motion to approve the presented Annual Franchise agreement. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 4-0)**

3.2 Committee Member Request Application

3.2a- Board of Adjustments

3.2b- Shoreline Protection

Mayor Sayre asked for a motion to appoint Suzzane Buzzard to the Zoning Board of Adjustments Committee. Councilor Pitera made the motion, with all in approval.

Mayor Sayre asked for a motion to appoint Louis Wetmore to the Shoreline Protection Committee. Councilor Douglas made the motion, with all in approval.

Mayor Sayre asked for a motion to appoint Larry Lammert to the Shoreline Protection Committee as an alternate. Councilor Pitera made the motion, with all in approval.

Mayor Sayre asked for a motion to appoint Larry Lammert to the Finance Committee as an alternate. Councilor Douglas made the motion, with all in approval.

3.3 Fireman's Relief Fund Board of Trustees

Chief Munna reviewed the Fireman's Relief Fund is a departmental item not associated with Village administration. This is an emergency fund for use by fire departments in the state of NC. Each department has their own account, and the monies can be used when a member has a financial hardship, or other qualifying purpose. The monies are managed by a board of trustees, which is composed of individuals from the community and the department. Chief Munna has recommended Diane Mesaris and Doug Ledgett be appointed to be board trustees. Mayor Sayre asked for a motion to approve. Councilor Douglas made the motion, with all in approval. **(MOTION CARRIED 4-0)**

3.4 July Financial Statement Report

Deb Straub reviewed the financials for July. The General fund and Utility fund are within the budget. The Utility fund has capital outlay expenditures have exceeded the budget due to emergency purchases of pump units and a jetter.

3.4a- Capital Project Ordinance Amendment

Deb stated \$11,273 is the balance of the accommodation/ room occupancy tax for fiscal year ending June 30, 2010. The monies are to be transferred to the beach fund per approval. Mayor Sayre asked for a motion to approve. Councilor Pitera made the motion, with all in approval.

(MOTION CARRIED 4-0)

3.5 2010-11 Tax Collector Settlement Report and Releases

Mayor Sayre asked for a motion to approve. Councilor Douglas made the motion, with all in approval.

(MOTION CARRIED 4-0)

3.6 Proclamation- Recognizing and Expressing Support for the 10th Anniversary of 9/11 National Day of Service and Remembrance

On September 11, 2001, the peace and security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans tear at the fabric our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who rose in service during the rescue and recovery effort and in defense of our nation both here at home and abroad.

In observance of the 10th anniversary of the September 11, 2001 attacks on America, which killed citizens from 92 different countries, we hereby adopt the following Proclamation in tribute to those lost and injured on 9/11, and the many who gave of themselves in service to their communities and to this country in the aftermath of the attacks:

***Whereas**, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001;*

***Whereas**, the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and*

***Whereas**, an unprecedented, historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage and service; and*

***Whereas**, many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and*

***Whereas**, September 11 will never, and should never be just another day in the hearts and minds of all Americans;*

***Whereas**, September 11, 2011 will be the 10th anniversary of the 9/11 attacks on America; and*

***Whereas**, many citizens may wish to memorialize September 11 by engaging in, or making a plan to engage in personal and individual acts of community service, or other giving activities, as part of a solemn day of remembrance and tribute; and*

***Whereas**, on March 19, 2009, the United States Congress passed bipartisan legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which President Barack Obama signed into law on April 21, 2009 and ;*

***Whereas**, the President of the United States, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; and*

Now, therefore, be it resolved by the Village of Bald Head Island Council, in tribute to all of the victims of 9/11 and the many who rose in service to the 9/11 terrorist attacks, will observe September 11, 2011, the 10th Anniversary of 9/11, as a voluntary Day of Service and Remembrance, and furthermore calls upon all its citizens and organizations to consider joining in this observance and to engage in activities of tribute, solemn remembrance and charitable service.

Mayor Sayre asked for approval of the Proclamation as presented. Mayor Pro Tempore Fisher made the motion, with all in approval. **(MOTION CARRIED 4-0)**

3.7 Acquiring the North Lane of Federal Road from Bald Head Limited

Stephen Boyett spoke on the consideration of approval on the north lane of Federal Road. Stephen and Mayor Pro Tempore Fisher examined the road and determined to be in fair condition. Ben Liddle stated within 2 years the road will need a 1 inch cap. Mayor Sayre asked for approval of acquiring Federal Road. Mayor Pro Tempore Fisher made the motion, with all in approval.

(MOTION CARRIED 4-0)

3.8 1st Reading and Set Public Hearing for the amendment of Chapter 18-1(C) to Institute a No Wake Zone

Calvin reviewed the proposed text amendment of Chapter 18-1 (c) to Institute a No Wake Zone. Mayor Sayre entertained a motion to set a Public Hearing for September 16, 2011. Councilor Douglas made the motion, all voted in favor.

(MOTION CARRIED 4-0)

3.9 Resolution- Authorizing Shoreline Protection Actions

WHEREAS, accelerated beach erosion in the area of the “the Point” at the convergence of West Beach and South Beach has reached a critical point per Monitoring Reports No. 8 and No. 9 of Olsen Associates, Inc.; and

WHEREAS, sand nourishment is required on Bald Head Island beaches this winter in order to avoid probable frontal dune failure and resultant flooding of low-lying inland areas; and

WHEREAS, the Village Shore Protection Committee is recommending a more urgent approach to influencing the U.S. Army Corps of Engineers (USACE) to perform shipping channel maintenance with sand placement on Bald Head Island during the coming winter window (2011-2012); and

WHEREAS, the Village desires to undertake all reasonable actions to plan for, avoid, mitigate and address the predicted erosion impacts, including loss of dunes, habitat, property, roads, homes and infrastructure;

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Bald Head Island that:

1. *The Village Staff, including but not limited to the Village Manager, Shore Protection Manager, and Village Attorney, are directed and authorized to take all reasonable actions to plan for, avoid, mitigate and address the predicted erosion impacts, including loss of dunes, habitat, property, roads, homes and infrastructure;*
2. *The Village Council authorizes the expenditure of funds in a sum not to exceed \$100,000.00 on additional administrative work and expenses which may be required;*
3. *Staff is authorized to negotiate and execute any necessary contracts for goods or services for the additional work;*
4. *The additional work shall include, but not be limited to:*
 - i. *Exploring and pursuing every possible avenue to require the USACE to perform the maintenance dredging and sand placement on Bald Head Island beaches this winter required under the Wilmington Harbor Channel Sand Management Plan;*
 - ii. *Performing a risk assessment, in conjunction with other Island organizations and stakeholders, of potential erosion impacts;*
 - iii. *Developing and timely communicating a message and status update information to agencies, Island residents and property owners, and other stakeholders, including identifying the proper target audiences and methods of delivery;*
 - iv. *Commencing immediately, calling and conducting Village, Island property owner, agency and stakeholder meetings, as promptly and frequently as may be necessary or advisable;*
 - v. *Promptly taking any other actions necessary in the public interest to accomplish the herein objectives.*

Mayor Sayre asked for approval of the Resolution as presented. Councilor Pitera made the motion, with all in approval. **(MOTION CARRIED 4-0)**

Calvin stated in conjunction with the Resolution there should be a motion for a budget amendment of \$100k. Mayor Sayre asked for approval of a budget amendment to transfer of \$100k to the Shoreline Beach fund. Councilor Pitera made the motion, with all in approval. **(MOTION CARRIED 4-0)**

4. Committee Reports

4.1 Shoreline Protection

Joe Brawner reviewed the recommendations made by the committee for shoreline protection. Mayor Sayre reviewed the meetings scheduled for the following week for the committee and Council. Richard

Mesaris asked if there are updates or action towards the Corps of Engineers that is public record. Attorney Baldwin stated there is no updates or information that be disclosed to the public.

4.2 Finance- No Meeting

4.3 Public Safety & Transportation- Bob Porter stated a presentation was given by Woody Fulton to the committee on ferry transportation issues. Mr. Fulton asked for feedback or input from the committee on possible improvements to the ferry transportation.

4.4 Public Works & Utilities- No Meeting

4.5 Communication- No Meeting

4.6 Parks & Recreation- No Meeting

5. Monthly Reports

5.1 Manager's Report – Calvin stated the Brunswick County Water System and Village Utilities department are changing from chlorine back to chloramines. There is a Public Notice on the Village website with all information.

Calvin reviewed the property tax rate for Brunswick County and Bald Head Island and gave explanation of the revenue neutral and the base, debt, and beach re-nourishment tax rate increases.

5.2 Department of Public Safety Report- Chief Munna reviewed a Public Safety incident and advised the public to report to Public Safety if there is suspicious activity on the island. Chief Munna stated several Public Safety personnel will be going to a 9/11 remembrance of a 110 stair climb.

5.3 Development Services Monthly Report- Stephen Boyett reviewed the monthly report. Stephen spoke on the harbor groin project and possible time of completion. The Board of Adjustments will be meeting August 24, 2011.

5.4 Shoreline Protection Manager Report - Chris McCall spoke on the Sandbag revetment wall permit issues and timeframe with complications. Chris reviewed the notice of violation the Village received for the sand relocation effort on South Beach. There have been various meetings with the Corps to discuss various restorations to redistribute the collected sand. Chris reviewed several meetings he and the Mayor have attended. The Governors meeting was a request for emergency funding for the channel maintenance. Joe Brawner and Chris McCall have a meeting scheduled with the Corps local district project manager, Bob Kessler to discuss the concerns of the channel.

6. Comments, Reports and Questions

6.1 Bald Head Association - Jerry VanSant gave an update on the merger with Stage 2 issues to be resolved. There will be Stage 2 update in the Island Report for this month.

6.2 Bald Head Island, LTD- No Comment

6.3 Bald Head Island Conservancy- Suzanne Dorsey stated the beach monitoring is ongoing. Turtle season is ending with 99 nests.

6.4 Bald Head Island Club- No Comment

6.5 Citizens- Bob Porter stated his concerns with the transfer of \$100k for the beach fund. Mayor Sayre explained the funds are due to an emergency situation and was transferred to be used only if needed. Mr. Porter asked if monies will be transferred and continue to happen. Mayor Sayre explained the

concerns for the erosion and the urgency of the situation. Mr. Porter stated he trust the Council with their decision but voiced his concerns with the amount of monies being spent. Council agreed. Richard Mesaris stated his concerns with the expenditures on the beaches. Mr. Mesaris asked on the study on South Bald Head Wynd and alternative travel. Mayor Sayre stated the study is being reviewed by the Shoreline Protection Committee. Mr. Mesaris reviewed court cases on the beach erosion with the Village and the Corps and asked the outcome. Mayor Sayre reviewed the purpose of the 905B study to how to make the Wilmington Harbor improvement study better; not what has already occurred in the channel. Calvin stated the Sand Management Plan review and report is still in draft form. The form has not been signed as of yet. Council, staff and the public discussed the concerns of the sand erosion issues.

6.6 Mayor and Council- No Comment

7. Adjournment -

Mayor Sayre entertained a motion to adjourn at 3:49 p.m., with Mayor Pro Tempore Fisher made the motion with all in favor. **(MOTION CARRIED 4-0)**

Mayor Andy Sayre

ATTEST:

Debra C. Talbert, Village Clerk