

VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
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
Lt. Scott Anderson
Stephen Boyett, Development Services
Daralyn Spivey, Tax Administrator
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk

1. Call to Order/ Approval of Agenda

Mayor Sayre called the August 19, 2011 Council Work Session to order at 9:30 a.m. Mayor Sayre entertained a motion to approve the agenda as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 4-0)**

2. Review of Council Meeting Agenda

3.1- Council and staff reviewed the annual agreement with Brunswick County for Ambulance service.

3.3- Chief Chip Munna reviewed the request for a Fireman's Relief Fund for the Public Safety Department. Chief Munna is recommending Diane Mesaris and Doug Ledgett to be appointed by Council to be Board Trustees.

3.4- Deb Straub reviewed the revenues and expenditures for July are as anticipated with one exception, the capital outlay has exceeded the annual budget due to unexpected emergency purchases of pump units and a jetter.

The capital project ordinance amendment is to record the transfer of 50% FY 10/11 final accommodation tax receipts to the Shoreline Beach re-nourishment fund.

3.5- Daralyn Spivey presented to Council a list of persons owning real property whose taxes for 2007- 2010 that remain unpaid, along with the principal and interest amounts owed by each person. Also included was a listing of discoveries, adjustments and releases for collections this tax year 2010-2011.

3.6- Mayor Sayre reviewed the requested Proclamation to recognize and express support for the 10th anniversary of 9/11 National day of service and remembrance. The presented proclamation will be added to the afternoon Council meeting agenda.

3. Update information on the Movie Ordinance

Stephen Boyett stated the Planning Board committee has a scheduled meeting on September 1, 2011 to discuss the possible amendment to the movie ordinance.

4. Update information on acquiring BHI Limited Roads with Action Agenda Item

Stephen Boyett asked for consideration on the approval of the dedication request from Bald Head Island Limited to accept the right-of-ways for maintenance within the North Lane of Federal Road. Village staff conducted an initial inspection of the right-of-way proposed for acceptance. Public Works will be adding risers to the utility covers to level low spots in the current road surface. Calvin suggested this request to be placed on the afternoon agenda. Mayor Pro Tempore Fisher stated concerns with the asphalt condition of Federal Road. Stephen and Mayor Pro Tempore Fisher will review the condition of the roads and report to Council at the afternoon agenda. The action agenda item will be added to the afternoon Council meeting agenda.

5. Proposed Amending of Chapter 18-1(C) to Institute a No Wake Zone

Council and Calvin reviewed the proposed amendment to Chapter 18-1 (C) to institute a no wake zone for personal watercraft operated in specific areas to include Bald Head Creek. The proposed amendment will be added to the afternoon Council meeting agenda for the 1st reading & set a public hearing.

6. Complaints on Ferry Tickets

Calvin discussed the complaints on expired ferry tickets. Bald Head Island Limited is in compliance. Calvin stated the Village does not need to be involved and all complaints should be filed with the Utilities Commission.

7. Director of Communications

Mayor Sayre reviewed the Director of Communications position. This is a long range plan for future consideration for a permanent position. Councilor Douglas stated this would be an asset but not in this economy. The major problem with communication on the island is the received communication is not read. Mayor Sayre stated this should be targeted and focused on due to the erosion issues Bald Head Island has. Mayor Sayre asked for Council to consider the proposal for a Director of Communications for approximately 60 (sixty) days. This will be discussed during Closed Session under personnel matters.

Calvin stated he has spoken with Carrie, Director of Bald Head Association on the provided information on the current email blast from both parties.

Jerry VanSant stated communications is important with the Association mission. With Karen as a prior consultant, the quality of interactions between the Village and Association has been beneficial. Within the past months, there have been 50% more clicks to the Village web-site to read the materials from the Association weekly e-mail blast.

Tom Hayden stated the Communications Director Job description is not only communicating with stakeholders. This job needs to communicate with news organizations, media, political organizations, and other interested parties.

8. Financial Report - Discussed earlier during the review of Council Meeting agenda

9. Manager's Report

Calvin spoke on ICE vehicles being operated on weekends and the current ordinance in place. Calvin asked if the intent of Council to restrict operation of ICE vehicles on weekends or is the concern construction type vehicles. Council and staff discussed the type of operation of ICE vehicles on the weekends. Direction from Council is for Public Safety/ Transportation Committee review the ordinance and present recommendation to Council by addressing the concerns for the safety of citizens on the weekends.

The Sierra Club in Wilmington would like to take 15 minutes during a fall 2011 Village Council meeting and present information concerning NC initiatives for offshore wind power. Council agreed to have presentation. Staff will arrange schedule.

House Speaker Tom Tillis will be having a presentation on Town Hall events August 24, 2011 in Rocky Mount. Calvin will attend this presentation.

Calvin reviewed the zoning and development of private beach clubs or private community center issues with ownership outside of municipalities where the property is located. The North Carolina General Assembly has been introduced to this issue but has not been resolved. Mayor Pro Tempore Fisher stated concerns of this situation occurring on Bald Head Island. Council and staff discussed and agreed an ordinance should be in place.

Chris McCall reviewed with Council the variance permits to be obtained and is waiting on for approval. Council discussed the issues and the timeframes to receive permits.

Joe Brawner spoke on the Shoreline Protection Committee recommendation. The items to be considered are the accelerated beach erosion in the area of the River Point. The Shoreline Protection Committee is recommending a more urgent approach to influencing the USACE to perform planned sand management plan channel maintenance during the coming winter window. The estimated cost is \$100k. This should cover material preparation, travel, and clerical time. Calvin asked for clarification on the withholding of State Occupancy Tax revenue. Mr. Brawner reviewed a prior meeting with the Department of Transportation where the speaker stated North Carolina has cash. There has to be aggressiveness and requesting the state occupancy tax for Bald Head Island to repair the beaches.

Mayor Sayre reviewed the recommendations as follows:

Recommendation 1- Confirm the Olsen findings and formally and publically adopt the view that, in the absence of Sand Management Plan sand this winter, Bald Head Island will likely suffer frontal dune overwash within 6 to 12 months and that resultant damage could be very severe. Mayor Sayre asked for confirmation from Council on recommendation. Council agreed.

Ray Webb stated he had concerns with the wording of the recommendations and suggested Attorney Baldwin review and approve prior to action. Council agreed.

Recommendation 5- The above recommendations should be checked for full compatibility with the legal strategy and should be discussed, tested and finalized in a closed meeting involving Council, Shoreline Protection Committee, candidates for election to Council, representatives from BHI Limited, BHI Club, Bald Head Association, and the Village Manager. Mayor Pro Tempore Fisher stated this looks good and a meeting with all to discuss the severity and look at the issues. Calvin stated there are concerns with having a closed session meeting with all mentioned. Attorney Baldwin stated the meeting should be open session with a legal closed session to discuss the confidential matters. Council suggested a meeting as soon as possible.

Recommendation 2- Having agreed that dune breach is likely without sand this winter, Council should initiate a Risk Assessment of the “most likely” as well as a “worst case” dune breach scenarios and evaluate to long-term sustainability as well as the short-term economic impact. This analysis should evaluate the Village’s ability for self-help should USACE assistance be withheld and certainly should “may” include a small emergency sand placement from creek dredging. Calvin stated the Village should not include Emergency Sand Placement with the cost of monies. Council discussed and agreed changing the wording to say “may” not should. Committee member, John Jelinik spoke on the issues and concerns with the funding options

with creek dredging. The committee has major concerns with the risk assessment with alternative funding. Councilor Douglas questioned the monies collected for occupancy tax. Calvin reviewed the amounts collected by the Village is 6%. 3% is used for beach financing and 3% general shoreline projects. Council agreed on recommendation.

Recommendation 3- Council should continue the press to get Sand Management Plan sand on Bald Head Island beaches this winter via (1) the Legal Strategy and by (2) urging Congressional Representatives to pressure the USACE to honor their Sand Management Plan commitments. Additional emphasis and effort must go into developing a coordinated program to exert maximum Congressional pressure on the USACE to dredge this winter as they have always planned and to use their own funding flexibility to achieve this capability. The State of North Carolina, Sponsor of the WHP must be brought into the channel maintenance problems and must be convinced to join VBHI in urging NC Congressional Reps to actively influence the USACE to take SMP action this winter and to support federal funding of the Section 905(b) Study proposal. Mayor stated this is ongoing with Chris McCall and himself. They have met with several persons on this situation and are still meeting with representatives on this issue. Council and staff discussed the frustration of the situation and options to benefit the island. Council agreed on recommendation.

Recommendation 4- The Council must adopt a common message, agree on target audiences, and how that message should be delivered. A possible foundation for that message is attached (Attachment 1 is with original minutes). Probable damage that BHI could suffer in the absence of any SMP sand this winter should be a key part of the message. Mayor Sayre suggested the message should be refined at staff level. Calvin states the staff or volunteer does not have the talent to get the message correct with the capability to complete in a short time basis. Council and staff discussed hiring a contractor to write the message. Council, staff and committee members discussed how to get the message across in a presented meeting. Council agreed on recommendation.

Recommendation 6- Communication to BHI property owners should begin with meetings over Labor Day Weekend- perhaps following the Club Annual Meeting and perhaps again on Sunday evening. Village stakeholders will be informed of (1) the strategy, (2) the assessment of risk, and (3) they will be asked in influencing their elected officials. Council, staff, and committee members discussed who could receive the message.

Council discussed the meeting dates and times to advice of meetings. Council discussed setting a meeting for August 26, 2011 for 9:30 a.m. at the Bald Head Association Center.

Council and staff discussed and agreed to present a Resolution at the afternoon meeting, to confirm the Shoreline Preservation Committee recommendation.

10. Closed Session Pursuant to N.C. General Statutes 143-318.11 (a)(1),(3), and (5)

- ❖ Village of Bald Head Island vs. US Army Corps of Engineers

Pursuant to N.C. General Statutes 143.318.11(a) (1), (3) and (5), Mayor Sayre entertained a motion to enter into Closed Session at 11:10 a.m., with Councilor Pitera made the motion with all in favor.
(MOTION CARRIED 4-0)

Mayor Sayre entertained a motion to come out of Closed Session at 1:15 p.m., with Councilor Douglas made the motion with all in favor.

(MOTION CARRIED 4-0)

11. Adjournment

Mayor Sayre entertained a motion to adjourn at 1:16 p.m., with Councilor Douglas made the motion with all in favor.

(MOTION CARRIED 4-0)

Mayor Andy Sayre

ATTEST:

Debra C. Talbert, Village Clerk