

**VILLAGE OF BALD HEAD ISLAND
MONTHLY COUNCIL MEETING
October 21, 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 Deputy Chief Shaun Freeman Stephen Boyett, Development Services Daralyn Spivey, Tax Administrator Charles Baldwin, Village Attorney Debra Talbert, Village Clerk

1. Call to Order / Approval of Agenda

Mayor Sayre called the October 21, 2011 Council Session to order at 3:00 p.m. Mayor Sayre entertained a motion to approve the amended agenda as presented. Councilor Pitera made motion, with all in approval. **(MOTION CARRIED 4-0)**

2. Public Hearing

2.1 Amendment to the Utility Ordinance, Chapter 30, Section 30-48

Calvin reviewed the proposed amendment to the utility ordinance.
Mayor Sayre opened the Public Hearing. With no comments, the public hearing was closed.

3. Consent Agenda

3.1 Approval of Minutes

August 31, 2011- Special Council Meeting
September 2, 2011- Emergency Council Meeting
September 16, 2011- Council Work Session
September 16, 2011- Council Meeting

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

4. Old Business

4.1 Proposed Ordinance to Amend Chapter 30, Section 30-48 of the Utilities Ordinance

Mayor Sayre entertained a motion to approve the proposed amendment of Chapter 30, Section 30-48 of the Utilities Ordinance. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 4-0)**

WHEREAS, the Village Council of the Village of Bald Head Island, North Carolina deems it necessary to amend Section 30-48(f) of the Village Code of Ordinances in order to efficiently and effectively manage and operate the water and sewer public utilities.

NOW, THEREFORE, BE IT ORDAINED, BY THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA THAT:

Section 30-48

(f) is hereby amended to read as follows:(f) The Village shall not be responsible for any leaks which may develop or occur on the premises of water and/or sewer consumers. However, regarding residential and non-residential water services, in water leak instances, the Village Manager, Director of Public Utilities, or the designee of either of them, may consider a discretionary adjustment up to 50% of billed water deliveries during the month in which the water loss occurred. The consumer must request an adjustment within sixty (60) days after the date of the bill for the month in which the incident occurred. The request must include a suitable repair invoice from a licensed plumber or, in the event the repairs are made by the owner, the repairs must be inspected and approved by the Village Building Inspector prior to any adjustment. Adjustments may be considered for non-residential sewer charges in the same manner as adjustments for water services but only where it can be demonstrated to the Village's satisfaction that water lost did not enter the sanitary sewer system. Because the residential sewer charge is not based on water consumption, adjustments may not be considered for residential sewer charges. Only one adjustment may be considered for any given property within a twenty-four (24) month period.

5. New Business

5.1 Proclamation Memorial for Kenneth Miller, Jr.

Mayor Sayre read the attached proclamation in memory of Kenneth Miller.

WHEREAS, on behalf of the Village of Bald Head Island, we wish to extend our sincere sympathies over the passing of Kenneth Miller, Jr.; and

WHEREAS, Kenneth Miller served this community in various capacities, which include serving as the Bald Head Conservancy Finance Treasurer, President for the Bald Head Association in 1994, Vice President for the Bald Head Association, Chairperson for the Natural Resources & Beautification Committee, Chairperson of the Village of Bald Head Island Planning Board Committee, and serving on the Village of Bald Head Island Finance Committee; and

WHEREAS, Kenneth Miller's death leaves the community with a deep feeling of sorrow for the loss of such an honored and respected citizen; and

WHEREAS, Kenneth Miller earned the respect, admiration and high regard of all with whom he came into contact; and our community has sustained a great loss in his death;

NOW, therefore, on behalf of the Village of Bald Head Island, the Village Council extends its sincere sympathies to the family and friends of Kenneth Miller, Jr., upon his passing on October 1, 2011.

This the 21st day of October 2011.

5.2 Resolution for Cancer Awareness Month

Mayor Sayre entertained a motion to approve the attached Resolution for Cancer Awareness Month.

Councilor Douglas made motion, with all in approval.

(MOTION CARRIED 4-0)

WHEREAS, cancer affects millions of people all over the world, and the fact that there is a proven correlation between firefighting and cancer, confirm both the need to eradicate this terrible disease and, until a cure is found, help alleviate the suffering of its victims; and

WHEREAS, in 2009 The American Cancer Society expected about 1,479,350 new cancer cases to be diagnosed in the United States, 42,270 of those being in North Carolina with 6,840 of them being women affected by either breast or some other form of cancer. This year 562,340 Americans are expected to die of cancer, more than 1,500 people per day; and

WHEREAS, cancer is one of the deadliest diseases of them all, we need to come together and fight it. That means more of us who have not been affected, standing up for those that have, and leading the way. Firefighters, Police, and EMTs speaking on behalf of our men, women and children, wearing their color (pink), standing in front showing that we care just by wearing pink; and

WHEREAS, Firefighters, Police, and EMTs normally wear blue shirts 365 days a year, for three days we can wear pink, and give an image of hope and courage to those who worry about being alone in their battle for life; therefore be it

RESOLVED, that Village of Bald Head Island Public Safety recognizes, supports, and encourages their members to participate in the; "Cares Enough to Wear Pink" campaign in honor of our men, women and children who battle cancer. On October 25th, 26th, and 27th, we would like all Public Safety members to wear pink shirts to show support for those battling cancer.

Approved this 21 day of October, 2011

5.3 Deed of Easement to ATMC

Calvin reviewed the deed of easement. This would allow ATMC to lay fiber optic cable on Village property. Mayor Sayre entertained a motion to approve. Councilor Pitera made motion, with all in approval.
(MOTION CARRIED 4-0)

5.4 Request for Release of Incorrect Applied Boat Taxes

Daralyn Spivey reviewed the request to release incorrectly applied boat taxes to Andrew Kennedy Construction. The request is a valid defense per Machinery Act of NC 103-380(1)(a) due to clerical error. Mayor Sayre entertained a motion to approve. Councilor Douglas made motion, with all in approval.
(MOTION CARRIED 4-0)

5.5 Parks & Rec. Committee Recommendation for Members

Councilor Douglas stated the Parks and Recreation Committee recommend Jenny Dees and Ted Richman to be approved for Parks & Recreation committee members. Mayor Sayre entertained a motion to approve. Mayor Pro Tempore Fisher made motion, with all in approval.
(MOTION CARRIED 4-0)

5.6 September Financial Statement Report

Deb Straub stated the total operating revenues and expenditures are within budget. The ad valorem tax collections through September are good and ahead of last year. The utility fund service revenues slightly exceeds prior year. The tap fees and surcharges are ahead with three (3) water and three (3) sewers tap fees to date. The utility fund expenditure is within budget. The Capital Project fund balances are as follows. The Beach Fund balance is \$470k, Village Facilities Construction/Expansion is less than \$1k, the Stormwater Management fund balance is \$63k, and the Infiltration Pond System balance is \$124k.

5.6a- Resolution for Designation of Applicant’s Agent

Deb Straub reviewed the proposed Resolution for Designation of Applicant’s Agent to authorize the execution and filing of applications for federal and/or state assistance with FEMA due to Hurricane Irene damage. The Finance Director Deb Straub would be the primary agent and the secondary agent would be the Village Manager Calvin Peck. Mayor Sayre entertained a motion to approve. Councilor Douglas made motion, with all in approval.
(MOTION CARRIED 4-0)

6. Committee Reports

6.1 Shoreline Protection- No report

6.2 Finance- No report

6.3 Public Safety & Transportation- Calvin reviewed the recommendation from committee to amend Chapter 28: Traffic and Vehicles. The request included I.C.E. vehicles and weekend driving on the island. Council has sent the recommendation back to the committee for further review and to speak with rental businesses on the island. The second recommendation request was to register utility and boat trailers on the island. This was sent back to the committee for further research on the recommendation of the size and width of the trailers.

6.4 Public Works & Utilities- No report

6.5 Communication- No report

6.6 Parks & Recreation- No report

7. Monthly Reports

7.1 Manager’s Report- Calvin reviewed the road project being done by Limited and the Village. Council had recommended parking on Lighthouse Wynd. After construction began, prior parking for Old Baldy was on private property. The parking location has been relocated to Old Baldy property. The updating of the construction has increased the cost approximately \$6k. The intersection of North Bald Head and West Bald Head Wynd has a significant change in elevation. The prior agreement was to patch

and fill the constructed area. Due to elevation issues, paving of the intersection will bring the roads up to elevation and meet standards. There will be an increase of \$10k for this project. Calvin reviewed the extension of a signed agreement with the Club on continued use of the infiltration lagoon on hole 14. The agreement is to work towards the use of a reuse facility. There will be a scooping meeting for the long range plan with all entities on the island to take place in November.

7.2 Department of Public Safety Report- Chief Munna stated Public Safety staff has been wearing pink shirts for the month of October to show support for Cancer Awareness. PSO Deb Dellinger has moved to a part-time position with today being her last day as full-time.

Chief Munna gave explanation of ordinances found on the beaches, with one (1) located the month of September. Chief Munna reminded to not pick up or transport if located, to call 911 for precautionary measures.

There was an incident this past month with subjects on the island making and throwing homemade bombs. Warning was given to not pickup these bottles and to contact Public Safety with necessary information to locate the golf cart or subjects.

7.3 Development Services Monthly Report - Stephen Boyett reviewed September Building Inspections report. There were twenty-two (22) minor permits issued and forty-three (43) inspections for the month of September. The year to date revenue collections are \$11,739. Stephen reviewed Hurricane Irene damages to Village property. Estimates have been submitted to the Village insurance and approved. Work should begin on the Village Hall and Utilities roof in approximately two (2) weeks.

7.4 Shoreline Protection Manager Report- Chris McCall spoke on the progress of the sandbag revetment wall. The length will be three hundred fifty (350) feet to extend from Groin 16 towards the west towards the channel.

There was an East Beach sand push from Hurricane Irene located three (3) lots south from beach access 42 north to the northern property line Lot 193 on East Beach Dr. (Bennett Unimproved lot). The sand push will replace the damaged frontal dune. Chris will work with the respective property owners to re-establish the private beach accesses with the new dune.

Chris will be working with Tom Hancock with BHI Conservancy to monitor the east beach erosion from Groin 16 towards the east of the four (4) groins.

Chris reviewed the Washington, DC meetings attended by the Mayor, Joe Brawner and himself. Chris reviewed the letter sent to property owners on updates and progress with the beach erosion and advising persons to speak with their Congressmen and representatives on the concerns Bald Head Island is facing.

8. Comments, Reports and Questions

8.1 Bald Head Association- No comment

8.2 Bald Head Island, LTD- No comment

8.3 Bald Head Island Conservancy- Tom Hancock gave thanks to the presented presentation given by the Sierra Club at the work session. The Conservancy will be giving a presentation at the Shoreline Protection committee on November 16, 2011.

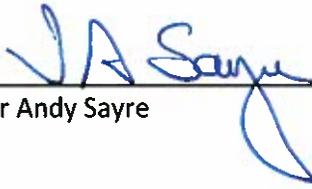
8.4 Bald Head Island Club- No comment

8.5 Citizens- King Triplett commented on the proposed paving at Old Baldy. Calvin stated the paving will begin at the right of way of Village property. Mr. Triplett reviewed the process of filling with the Board of Elections. A person does not have to register to be a write in candidate. Art Morris did register and didn't have to file to be a write in candidate. Mayor Sayre stated this was advised to Mr. Morris by the Board of Elections.

8.6 Mayor and Council- No comment

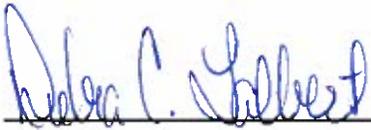
9. **Adjournment** -

Mayor Sayre entertained a motion to adjourn at 3:30 p.m., with Councilor Pitera made the motion with all in favor.
(MOTION CARRIED 4-0)



Mayor Andy Sayre

ATTEST:



Debra C. Talbert, Village Clerk

