

**VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
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 Work Session to order at 9:30 a.m. Mayor Sayre entertained a motion to approve the agenda as presented. Councilor Pitera made motion, with all in approval. **(MOTION CARRIED 4-0)**

2. Presentation on Offshore Wind Power

Mac Montgomery and associate from Oceana Cape Fear Group gave a power point presentation and information on offshore wind power and how it affects the coastal communities.

3. Review of Council Meeting Agenda

4.1- Proposed Ordinance to Amend Chapter 30, Section 30-48- Calvin reviewed the proposed Ordinance to amend Chapter 30, Section 30-48 of the Village Code of Ordinances in order to efficiently and effectively manage and operate the water and sewer public utilities.

5.2-Resolution for Cancer Awareness Month- A gentleman in the audience asked for men to be included in the wording of the Resolution. With confirmation from the Council, the wording will be added to the Resolution for Cancer Awareness Month.

5.3- Deed of Easement to ATMC- Calvin reviewed the proposed Deed of Easement contract with ATMC. This would grant easements over the below-mentioned portions of the public roads of Edward Teach Wynd Ext., Muscadine Wynd, and North Bald Head Wynd located within the boundaries of the Village of Bald Head Island to ATMC to install fiber optic cable. This project is intended to upgrade the data capacity and signal strength of the ATMC cellular network on the island.

5.4- Release of Incorrectly Applied Boat Taxes- Calvin stated the request for release of Village of Bald Head Island boat taxes. This reason for the release is authorized by the Machinery Act of NC 103-380(1)(a) due to tax imposed thru clerical error.

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 storm damage. The Finance

Director Deb Straub would be the primary agent and the secondary agent would be the Village Manager Calvin Peck. FEMA representatives have been to the island. There are three categories of non-beach items the Village is eligible for reimbursement. The categories are protective measures (preparing for a hurricane), debris removal from the storm, and Village building and internal damage.

Calvin reviewed the engineered beach and five groins damaged due to the storm. The investigation for FEMA will be conducted by Coastal Engineers who are contracted by the government. A contract has been signed with the Coastal Engineers and work has begun on the Outer Banks beaches. Contact will be made with the Village for reimbursement for the engineered beach and replacement. The East beach push has begun with permits in hand; there will be a request for reimbursement under an emergency protective measure to protect the berm and property behind the berm. Erik Olsen will be inspecting the groins on the damage prior to the engineers coming to the island.

4. 2012 Council Retreat

Council reviewed the available dates for the proposed Council Retreat. Mayor Sayre stated he would follow up to verify January 30-31, 2012 for the retreat.

5. Discussion of Lobbyist

Mayor Sayre reviewed current and proposed lobbyist for the Village. McGuire Woods has made a proposal to work with Washington, DC and the Raleigh representatives. A property owner with Dickstein Shapiro, LLP group in Washington, DC will be working for the Village pro bono. Erik Olsen gave recommendation for Buddy Jacobs. Mayor Sayre suggested a formal interview should be given with Mr. Jacobs.

Joe Brawner stated he feels Akerman Senterfitt and McGuire Woods are not getting the job completed. There should be notices sent to the lobbyist the end of November for possible non renewal of yearly contracts.

6. Terminal Groin RFP

Christian Preziosi with Land Management Group, Inc. spoke with Council on a proposal for environmental service task associated with the preparation of an environmental document in accordance with the National Environmental Policy Act (NEPA); and subsequent state and federal permit submittals required for authorization of a terminal structure adjacent to the federal navigation channel. Based upon recent federal and state guidance, it is anticipated that any proposed terminal structure would require the preparation and submittal of an Environmental Impact Statement (EIS). The consultant preparing the EIS will serve as the third-party contractor and will work under the direction of the US Army Corps of Engineers (USACE). The Village would identify the preferred contractor and is responsible for costs associated with preparation of the EIS document.

There are other municipalities (including Figure Eight Island, Holden Beach, Ocean Isle Beach, and North Topsail) have either formally initiated process or informally discussed with USACE. Bald Head Island appears to be qualified for structure from a perspective of other alternatives considered.

Council, staff and Christian discussed the NEPA and permitting tasks for the requirements, approval process and timeline for a terminal structure.

7. Recommendation from Public Safety Committee to Amend Chapter 28

Chief Munna reviewed the proposed amended Ordinance to amend Chapter 28. The Public Safety/ Transportation Committee have concerns with gas powered vehicles driven on

weekends for non emergencies repairs or deliveries. The committee recommends a mandatory registration of trailers pulled by electric carts.

Council and staff discussed the type of trailers that should be registered. Council agreed to have the committee conduct further review.

There are concerns with boat trailers parked on empty lots. Chief Munna stated the Ordinance covers roads and Village property and could assist the Association with the location of the trailer owner on private property. Calvin stated the Association issue is covered by restricted covenants and the Village covers ICE vehicles. Carrie Moffett stated if there is a concern with trailers on property to contact Emily with the Association to rectify the problem.

Mayor Sayre reviewed the proposed amendment to the delivery, repair or maintenance vehicle. Mayor Sayre stated there are organizations with large amounts of rental units with laundry duties on the weekends and asked if the amendment will allow for this service to be done. Chief Munna stated the amendment will not allow gas powered vehicles to operate on the weekend. Mayor Sayre asked how rental companies would be able to collect laundry. Chief Munna stated there has not been an issue until this summer and is now being addressed.

Joyce Fulton stated Limited has spoken with Chief Munna on the concerns with catering and on island businesses. Limited has worked to keep larger gas powered vehicles off the roads on weekends. Joyce agreed there is not a restriction in the current ordinance, yet concerned with the limit to business opportunity to benefit the property owners and guest on the island. Calvin stated the amendment would allow for a one time use such as an event during the weekend for shuttle bus or caterers. This would be for island businesses. Calvin suggested the committee to seek input from businesses on the island.

Mayor Sayre suggested the committee to review further.

8. Financial Report

Deb Straub stated the general fund total operating revenues are on target with budget. The total expenditures are within budget. The Powell Bill distribution from the state for road maintenance and construction is now distributed twice yearly. The utility fund revenues are slightly below last year and expenditures are within budget. There have been three water and three sewer tap fees to date. The Capital Projects fund balances are as follows:

Beach Fund- \$470k

Village Facilities Construction/ Expansion- Less than \$1k

Stormwater Management- \$63k

Infiltration Pond System- \$124k

9. Manager's Report

Calvin stated this would be reviewed at the afternoon Council meeting.

10. Closed Session Pursuant to N.C. General Statutes 143-318.11 (a)(1),(3),(5)and (6)

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

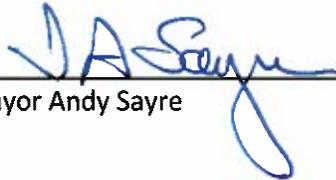
Pursuant to N.C. General Statutes 143.318.11(a) (1), (3), (5) and (6), Mayor Sayre entertained a motion to enter into Closed Session at 11:02 a.m., with Councilor Pitera made the motion with all in favor.
(MOTION CARRIED 4-0)

Mayor Sayre entertained a motion to come out of Closed Session at 12:30 p.m., with Mayor Pro Tempore Fisher made the motion with all in favor.

(MOTION CARRIED 4-0)

11. Adjournment

Mayor Sayre entertained a motion to adjourn at 12:32 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

