

VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING
January 18, 2013
2:30 p.m.
Bald Head Association

COUNCILORS IN ATTENDANCE

Mayor Andrew Sayre
Mayor Pro Tempore John Fisher
Councilor Gene Douglas
Councilor Art Morris
Councilor Bob Helgesen

STAFF PRESENT:

Calvin R. Peck, Jr., Village Manager
Chris McCall, Asst. Manager/ Shoreline
Protection Manager
Deb Straub, Finance Director
Ben Liddle, Public Works Director
Ken Bowling, Utilities Director
Karen Ellison, HR/ Communications Director
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk

1. **Call to Order / Approval of Agenda**

Mayor Sayre called the January 18, 2013 Council Session to order at 2:30 p.m. Mayor Sayre entertained a motion to approve the amended agenda as presented. Councilor Morris made motion, with all in approval. **(MOTION CARRIED 5-0)**

2. **Public Hearing**

Proposed Ordinance Creating the Harbour Village Parking District

Mayor Sayre opened the Public Hearing.

Larry Lammert asked where the Village right of way will be located in the Harbour Village. Mayor Sayre stated the Village has recognized the Harbour area and amenities are unique. Mr. Lammert reviewed the layout of the Harbour area and asked if the Village would have right of ways. Calvin stated the parking areas, planters, fences and sidewalk are within Village right of ways. Calvin stated no action will be taken today on the proposed ordinance. Mr. Lammert stated there is a public hearing and asked for clarification if the right of way to the Village be dedicated parking for the Harbour property owners. Calvin stated the parking would include property owners, marina golf cart parking, and overnight parking. This is very similar to what currently exist. Mr. Lammert asked if the Village would assume the responsibilities of ticketing and fines. Calvin stated the Village will assume responsibility and be contracted out. Mayor Sayre asked if there were any other comments. With no comment, Mayor Sayre closed the public hearing.

3. **Consent Agenda**

- 3.1 Adoption of minutes on December 14, 2012 Work Session
- 3.2 Adoption of minutes on December 14, 2012 Council Meeting
- 3.3 Adoption of minutes on January 4, 2013 Emergency Meeting

Mayor Sayre entertained a motion to approve the above consent agenda as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 5-0)**

4. Old Business

4.1 Resolution of Harbour Roads and Parking Agreements

Attorney Baldwin reviewed the proposed resolution and the issues and concerns prior to the Village taking control of the Harbour Village streets and alleys. This resolution has been prepared for the preparation of what needs to occur prior to adopting the Harbour Village streets and alleys by ordinance.

Larry Lammert asked if the roads and walkways met Village standards. Attorney Baldwin stated the walkways will be maintained as the Village currently maintains their walkways and accesses. Mr. Lammert asked who currently maintains the walkways. Calvin stated the Twin Tower beach accesses are being worked on and will be brought up to standards.

Mayor Sayre entertained a motion to approve the below Resolution as presented. Councilor Helgesen made motion, with all in approval. **(MOTION CARRIED 5-0)**

WHEREAS, on December 14, 2012, "An Ordinance of the Village of Bald Head Island Creating the Harbour Village Parking District" (hereinafter "Ordinance") was duly called for First Reading and Set Public Hearing at the regular meeting of the Village Council; and

WHEREAS, on January 18, 2013 the Ordinance was called for second reading and a public hearing was convened and duly closed with respect to said Ordinance; and

WHEREAS, as part of its consideration of the Ordinance, Council has taken into account the unique features and characteristics of the Harbour Village; the particular interests of its property owners and Harbour Village stakeholders and interested parties; a number of factors related to the anticipated offer of dedication of Harbour Village streets and alleys; and the interests in general of the Village of Bald Head Island ("Village") and its citizens, residents, visitors and public safety;

NOW, THEREFORE, upon the comments received at the public hearing, and the discussion and deliberation among members of Council, and Council thus being sufficiently advised, it is hereby RESOLVED as follows:

- 1. The form of the Ordinance is hereby approved by Council;*
- 2. The Council intends to adopt the Ordinance upon completion of the following actions and as provided hereinbelow:*
 - a. Execution by the Harbour Association of Bald Head Island ("Association") and the Village, and receipt by the Village Manger, of that certain document entitled "Harbour Streets and Features Agreement."*
 - b. Completion of the Harbour Village Parking District Map in accordance with the direction of the Village Manger and Village Attorney.*
 - c. Execution and receipt by the Village Manager of that certain document entitled "Harbour Village Stormwater Agreement;" in addition to receipt of all instruments to be executed and delivered in accordance with the terms of said Agreement.*
 - d. Receipt by the Village Manager of a letter agreement with Bald Head Island Limited, LLC ("Limited") acknowledging that to the extent any features situated along Keelson Row lie in part within the right of way of Keelson Row and in part upon property owned by Limited those features shall fall under the terms of the Harbour Streets and Features Agreement.*
 - e. The Association's delivery to the Village Manager of a Special Warranty Deed conveying to the Village title to those beach accesses within the Harbour Village located at the western end of Transom Row and the head of Turks Head Court.*
 - f. Limited's delivery to the Village Manager of a Non Exclusive Easement granting the Village the right of access, ingress and egress onto, over and across those lands owned by Limited on which are located an arched wooden pedestrian bridge, a wooden planked boardwalk and a structure commonly referred to as the Pavilion, same constituting a portion of the beach access at the head of Turks Head Court and lying beyond that portion of said access conveyed to the Village by the aforementioned deed from the Association, including rights related to the maintenance and repair of the structures described; and further granting to the members of the public the right of*

- pedestrian ingress and egress only over and across said bridge, boardwalk and pavilion and from that point across the lands of Limited to the public beach as same is defined by the laws of North Carolina.*
- g. The Village Manager's receipt of an Excerpt, Consent or similar Resolution of the Association confirming and attesting to the fact that at a duly called Special Meeting of the Association the Members approved the Ordinance and amendment of the Association Covenants to reflect the approval of same.*
- h. The execution and receipt by the Village Manager of the Ordinance Administration Agreement between the Village and Limited.*
- i. The Village's receipt from Limited of a plat(s) depicting the rights of way for the following Harbour Village streets and alleys: Keelson Row; Leeward Court; Windward Court; Tanbark Court; Transom Row; Turks Head Court; Row Boat Row; Ebenezer's Alley; Pequod Alley and Brinkman's Alley ("Streets").*
- j. Limited's offer, as owner, of the above identified streets and alleys, of dedication of the same into the Village system of public streets and the acceptance of same by the Village Council.*
- k. Limited's delivery to the Village of a Special Warranty Deed, in the format customarily utilized for such purpose, conveying title to the above identified streets and alleys from Limited to the Village.*
- l. The delivery of such other documents, agreements or understandings as the Village reasonably shall require, in its discretion.*
- 3. A party may deliver executed documents to Ray Webb, Esq. to be held in escrow pending consummation of the approvals or transactions herein contemplated.*
- 4. It is the further intent and direction of Council to the Village Staff, other parties and stakeholders that the foregoing agreements and documents be prepared and brought before Council at the February 20, 2013 Council meeting.*

5. New Business

5.1 Resolution Opposing Legislation that Provides for the Forced Taking of Municipal Water System

Calvin spoke on the dispute between the City of Asheville and Buncombe County on the control of the sewer and water district. Calvin reviewed the actions taken by the General Assembly of the transfer of a Municipal water system to a Metropolitan Sewer District. The proposed resolution has been provided by the NC League of Municipalities for the opposition of such action. Mayor Sayre stated he does not agree with this resolution and not knowledgeable enough with resolution to support the efforts.

Mayor Sayre entertained a motion to approve the below Resolution as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 5-0)**

***WHEREAS**, Statewide legislation was introduced in the 2011 Session of the North Carolina General Assembly that would have forced the involuntary conveyance of a city-owned water system to a Metropolitan Sewer District; and*

***WHEREAS**, prior to the beginning of the 2012 Session of the North Carolina General Assembly, the Legislative Research Commission recommended legislation that would force the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District; and*

***WHEREAS**, the 2012 Session of the North Carolina General Assembly enacted legislation to begin the process of the forceful taking of a Municipal water system; and*

***WHEREAS**, it is anticipated that legislation will be introduced at the beginning of the 2013 Session of the North Carolina General Assembly that will force the transfer of a Municipal water system; and*

***WHEREAS**, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; and*

***WHEREAS**, the forced taking of any local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for citizens here and across the State.*

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BALD HEAD ISLAND AS FOLLOWS:

1. *The Village of Bald Head Island is opposed to legislation that forces the transfer of any City's municipal water system to another entity.*
2. *The Village of Bald Head Island is convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of local government assets.*
3. *The Village of Bald Head Island is opposed to the forced taking of any local government infrastructure because such taking sets a dangerous precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for our citizens here and across the State.*

5.2 Resolution in Support of NC Coastal Caucus

Mayor Sayre entertained a motion to approve the below Resolution as presented. Councilor Douglas made motion, with all approval. **(MOTION CARRIED 5-0)**

WHEREAS, representative governance for the State of North Carolina is primarily placed in the capable hands of the 170 Members of the Senate and House of Representatives of the North Carolina General Assembly, and; WHEREAS, those Members are elected to the General Assembly from every corner of the Tar Heel State, America's 10th most populous state, taking with them to Raleigh the wishes, needs and concerns of those who elect them, for the public good of all our Citizens, and;

WHEREAS, the coastal areas of North Carolina are distinct from the other parts of our State in many of the environmental and developmental challenges we face, the types of industries that provide the impetus for our contribution to the North Carolina economy and the elements that make up the basis for our quality of life, for ourselves and our many visitors, and;

WHEREAS, the formation of like-minded groups of elected representatives, known as caucuses, is a long and respected tradition of the North Carolina General Assembly, having been created over time for a variety of purposes.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Bald Head Island, Brunswick County support and encourage the formation and aggressive engagement of a bi-partisan Coastal Caucus, which will include Members of both the Senate and House of Representatives of the North Carolina General Assembly, who will labor diligently and cooperatively to ensure that Coastal North Carolina continues to be an integral and vibrant component of "The blessed land, the best land, the Old North State."

5.3 Sand Tube Groins Award Contract

Calvin reviewed the contract with Atlantic Diving and Marine Contractor, Inc. (ADMC) for the sand tube groinfield repair project. The total base bid amount submitted by ADMC, Inc. was \$642,500.

Mayor Sayre entertained a motion to approve the contract with Atlantic Diving and Marine Contractor, Inc. Councilor Morris made motion, with all in approval.

(MOTION CARRIED 5-0)

5.4 Resolution Authorized Sole Source Contracting

Attorney Baldwin reviewed the Village's authorization to purchase groinfield replacement tubes with the patented spiral seam technology from Bradley Industrial Textiles, Inc., including those actions taken to date, have been and are in compliance with N.C. bid laws.

Mayor Sayre entertained a motion to approve the below contract with Sole Source Contracting. Councilor Douglas made motion, with all in approval.

(MOTION CARRIED 5-0)

WHEREAS, Bald Head Island suffers severe erosion from the adjacent Wilmington Harbor Shipping Channel; and

WHEREAS, the erosion presently threatens wildlife, protective dunes, public roads, homes and infrastructure; and

WHEREAS, for many years, the Village has engaged Olsen Associates, Inc., a world-recognized coastal engineering firm, to study, permit and advise regarding the beach erosion, including the design and maintenance of a geotextile tube groinfield to reduce the rate of erosion; and
WHEREAS, the longevity and functioning of the uniquely tapered tubes comprising the existing groinfield are essential to the integrity of the beaches; and
WHEREAS, the geotextile tube groinfield is exposed to wave, tide, wind, sun and other natural forces such that the highest standards of design and construction are necessary for its longevity and functioning; and
WHEREAS, the groinfield was damaged by Hurricane Irene and requires immediate replacement in conjunction with the U.S. Army Corps of Engineers Harbor Channel dredging project which is underway now; and
WHEREAS, the specifications for the groinfield repair project were developed by Olsen Associates, Inc., in its best engineering judgment; and
WHEREAS, Olsen Associates, Inc. determined that a patented, proprietary spiral seam is necessary for the groinfield tapered tubes' longevity and functioning; and
WHEREAS, the patented, proprietary spiral seam is available solely from the vendor holding the patent; and
WHEREAS, Olsen Associates, Inc. recommended, in the interests of the groinfield, beaches and public safety, and compliance with existing State and Federal permits that the replacement groinfield sand tube bags be purchased solely from the patent holding vendor;
NOW THEREFORE BE IT RESOLVED by the Village of Bald Head Island Council that the Village Council has determined, after due investigation and consideration, that the Village's purchase of the groinfield replacement tubes with the patented spiral seam technology from Bradley Industrial Textiles, Inc., including those actions taken to date, have been and are in compliance with N.C. bid laws, including, without limitation, the exceptions thereto contained in General Statutes 143-129(e)(6)(i) (performance competition for a product [is] not available) and 143-129(e)(6)(ii) (needed product is available from only one source of supply).

5.5 Budget Amendment- Public Safety Expenditures

Deb Straub reviewed the proposed budget amendment to increase grant revenue and expenditure budgets for equipment in Public Safety in the amount of \$25k. Mayor Sayre entertained a motion to approve as presented. Councilor Douglas made motion, with all in approval.

(MOTION CARRIED 5-0)

5.6 Budget Amendment- Utilities Expenditures

Deb Straub reviewed the proposed budget amendment to increase miscellaneous revenue and expenditure budgets in the Utilities Fund for water meters installed at Merchant Row in the amount of \$6,900. Mayor Sayre entertained a motion to approve as presented. Councilor Morris made motion, with all in approval.

(MOTION CARRIED 5-0)

5.7 Budget Amendment- The Common Expenditures

Deb Straub reviewed the proposed budget amendment to appropriate general fund balance to cover expenditures related to equipment and maintenance of the Common and Whale Head Park in the amount of \$20k. Mayor Sayre entertained a motion to approve as presented. Councilor Helgesen made motion, with all in approval.

(MOTION CARRIED 5-0)

5.8 December Financial Statement Report

Deb Straub reviewed the financials for December 2012. The Ad Valorem taxes are doing well with the January payment from the County to receive a payment of \$2.7m. The total operating revenues are slightly ahead of prior years due to grants. The general fund expenditures Debt Service current year budget includes 2012 GO Bond at \$1.7m due January 18, 2013. The Capital Outlay consisted of purchasing thermal imaging camera and ATV for Public Safety. 95% funding came from grant monies. The Utilities fund revenues and expenditures are below budget and expect an increase with rate changes. The Beach fund balance is \$1.3m. The Stormwater Management balance is \$59k and the Infiltration Pond System fund balance is \$78k.

5.9 Resolution to Adopt Council Meeting Schedule

Mayor Sayre entertained a motion to approve the below resolution to approve the 2013 Council meeting schedule. Councilor Morris made motion, with all in approval.

(MOTION CARRIED 5-0)

*WHEREAS, General Statute 160A-71 allows the Village Council to fix a time and place for regular meeting; and
WHEREAS, General Statute 143-318. 12(a) requires the Village Council’s schedule of regular meetings to be kept on file with the Village Clerk; and
WHEREAS, the Village Council will conduct a work session meeting at 9:30 a.m. and a regular Council meeting at 2:30 p.m. at the Bald Head Association Building on each of their regular meeting days; and
NOW, THEREFORE, BE IT RESOLVED that the following 2013 meeting schedule be adopted by the Village of Bald Head Island Council.*

<i>Friday</i>	<i>.January 18, 2013</i>
<i>Wednesday</i>	<i>February 20, 2013</i>
<i>Friday</i>	<i>March 15, 2013</i>
<i>Friday</i>	<i>April 19, 2013</i>
<i>Friday</i>	<i>May 17, 2013</i>
<i>Friday</i>	<i>June 21, 2013</i>
<i>Friday</i>	<i>July 19, 2013</i>
<i>Friday</i>	<i>August 16, 2013</i>
<i>Friday</i>	<i>September 20, 2013</i>
<i>Friday</i>	<i>October 18, 2013</i>
<i>Friday</i>	<i>November 15, 2013</i>
<i>Friday</i>	<i>December 13, 2013</i>

6. Committee Reports

- 6.1 Shoreline Protection- No Report**
- 6.2 Finance- No Report**
- 6.3 Public Safety & Transportation- No Report**
- 6.4 Public Works & Utilities- No Report**
- 6.5 Communication- No Report**
- 6.6 Parks & Recreation- No Report**

7. Manager’s Report

Chris McCall stated the dredging should begin February 1, 2013 and take approximately 45 days. The sand will be placed on West Beach and move around the point. The sand placement should end at South Beach near Killegray Ridge. Chris stated after the dredging; the groinfield replacement project will begin and this process should take approximately 30- 60 days for completion.

Calvin reviewed the process and timeframe of approximately 2 weeks prior to the dredging to have a sandbag revetment wall repaired with several bags that have been damaged. Island Contracting will be repairing the damaged bags.

Calvin stated 1041 pounds of deer meat has been removed and donated to Southport Food Pantry.

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- No Comment**
- 8.4 Bald Head Island Club- No Comment**
- 8.5 Citizens**

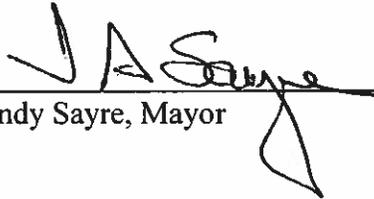
Larry Lammert asked if the Village is looking into a permit for East Beach to have a push done to protect the dune. Chris McCall stated at the request from a property owner the dune was researched and a determination was made to not do a push since there was not enough damage to the frontal dune. Also, DENR has not initiated the emergency permit to do a sand push. There was not enough distance with the rise in the beach from a normal low to high tide to do a push that sand would stay. A sand fence will possibly be placed.

Mr. Lammert suggested to the Mayor Sayre if IPS is taken by the Village, placing the post office/ IPS down with other commercial units and use the old post office as a meeting room for Council and committees. Mayor Pro Tempore Fisher thanked for the suggestion yet other considerations are being reviewed at this time. Mayor Sayre stated he did not want to imposition the Association with cost or inconvenience.

8.6 Mayor and Council- No Comment

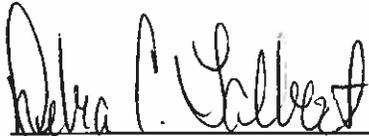
9. Adjournment -

Mayor Sayre entertained a motion to adjourn at 3:05 p.m., with Councilor Morris made motion with all in favor. **(MOTION CARRIED 5-0)**



Andy Sayre, Mayor

ATTEST:



Debra C. Talbert, CMC/ NCCMC

