

VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING
October 19, 2012
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
Ben Liddle, Public Works Director
Deb Straub, Finance Director
Karen Ellison, HR/ Communication Director
Stephen Boyett, Building Inspector
David Cox, Systems Administrator
Jason Kesler, Attorney
Debra Talbert, Village Clerk

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

Mayor Sayre called the October 19, 2012 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**

2.1 Amend Zoning Ordinance of Home Occupation to Amend Definition of Employee

Stephen Boyett reviewed the proposed amendment for the Zoning Ordinance of Home Occupation to amend the definition of an employee. Calvin stated the amended ordinance would go into effect January 1, 2013.

Mayor Sayre opened the Public Hearing. With no comments, the public hearing was closed.

3. **Consent Agenda**

3.1 Adoption of minutes on September 21, 2012 Work Session

3.2 Adoption of minutes on September 21, 2012 Council Meeting

3.3 Notification of Disposal of Fixed Asset 1993 Ford Ranger

Declare excess to Village and to be sold for scrap

3.4 Resolution/ Notification of Disposal of Fixed Asset 40 HP Boat Motor

WHEREAS, the Council of the Village of Bald Head Island has gave direction to the Village Manager to dispose of certain surplus property of the Village;

NOW, THEREFORE, BE IT RESOLVED by the Council that:

1. *The following described property is hereby declared to be surplus to the needs of the Village:*

Mercury 40E 4STR- 40 HP Motor, serial number OT297140.

2. *The Village Manager is authorized and directed to receive on behalf of the Council sealed bids for the purchase of the property described above.*

3. *Sealed bids may be submitted to the Village Clerk's office to be opened on November 2, 2012 at 2:00 p.m. at that location.*

4. *The Village Clerk shall cause a notice of this resolution to be published in accordance with G.S. 160A-268.*

5. *The Village Manager reserves the right to reject any or all bids.
Adopted this 19 day of October, 2012.*

3.5 Resolution/ Notification of Disposal of Surplus Property Donation to Hope Harbor Home

WHEREAS, North Carolina General Statutes, Section 160A-280, provides that a city may donate to another governmental unit within the United States, a sister city or a nonprofit organization any personal property, including supplies, materials and equipment that the governing board deems to be surplus.

WHEREAS, as a result the Village of Bald Head Island has surplus property that is considered to be obsolete and is no longer required for service. Said property is as follows:

- 1- JVC VCR- Model# HR-A591U, Serial # 06727226
- 2- High back Cloth Chairs
- 6- Stationary Cloth Chairs
- 3- Bankers Desk Lamps
- 1- Wooden Bookcase
- 4- Communication Specialist Radios & Chargers (un-operational)
- 1- Plastic Tree

WHEREAS, the Village of Bald Head Island Council desires to donate this property to Hope Harbor Donations.

NOW, THEREFORE, BE IT RESOLVED that the Village of Bald Head Island Council declares said property as surplus and authorizes this property to be donated to Hope Harbor Donations.

ADOPTED and approved this the 19th day of October, 2012.

3.6 Approval of Committee Member for Public Works/ Utilities Committee- Rick Nelson

3.7 Approval of Re-appointment of Planning Board Committee Member- Scott Starks

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

4. Old Business

4.1 Adoption of Amendment of Zoning Ordinance of Home Occupation to Amend Definition of Employee-Effective Date January 1, 2013

Amendment to:

Chapter 32 Zoning

Article I. In General

Sec. 32-11. Definitions

Home occupation means any occupation or profession carried on within a dwelling by one or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than 25 percent of the total floor area is used for such purposes, that there is no outside or window display, that no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment and providing that no person not a resident of the dwelling nor a family member is employed in connection with the home occupation.

To be "employed in connection with the home occupation" means to be a natural person engaged to perform any service on the premises of a home occupation on a full-time, part-time, contract basis, or independent basis, whether or not the person performing the service is designated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or compensation by the operator of said business.

"Employed" does not include circumstances where a person is exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "employed" include circumstances where a person is exclusively on the premises as a patron or customer.

Mayor Sayre entertained a motion to approve the amendment to the definition of employee to become effective January 1, 2013. Councilor Douglas made motion, with all in approval.

(MOTION CARRIED 5-0)

5. New Business

5.1 Adoption of Amended Records Retention and Disposition Schedule

Calvin reviewed the amended Records Retention and Disposition Schedule. This schedule is issued by the Division of Archives and History Archives and Records Section.

Mayor Sayre entertained a motion to approve the amended Records Retention and Disposition Schedule from the North Carolina Department of Cultural Resources. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 5-0)**

5.2 September Financial Statement Report

Deb Straub reviewed the financial report for September. The General Fund revenues have collected property taxes for the 1st quarter of 2012. The Ad Valorem is 8% higher than last year. The expenditures are below budget and prior year. The Utility Fund revenues are slightly below budget and prior year due to timing of tap fees. The service revenue is doing well. The Capital Project Fund balances are:
Beach Fund- \$1.5m
Stormwater Management- \$61k
Infiltration Pond- \$86k

5.3 Budget Amendment-Employee Medical Services

Deb Straub reviewed the proposed budget transfer from Public Safety- Medical Services to Administration- Medical Services expenditure line to cover employee physicals and drug testing for Fiscal Year 12-13. Mayor Sayre entertained a motion to approve the budget amendment. Councilor Morris made motion, with all in approval. **(MOTION CARRIED 5-0)**

5.4 HMPG Designate Applicant Agent

Deb Straub reviewed the proposed Resolution to designate an applicant agent to be authorized to execute and file applications for federal and/or state assistance on behalf of the organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act with the North Carolina Division of Emergency Management. The primary agent for the Village of Bald Head Island is Calvin Peck, Village Manager. The secondary agent is David Cox. This would provide secondary electrical power supply with surge protection to plant and surge protection to 16 remote water supply wells and 38 remote WW lift stations. Mayor Sayre entertained a motion to approve the resolution as presented. Councilor Morris made motion, with all in approval. **(MOTION CARRIED 5-0)**

6. Committee Reports

6.1 Shoreline Protection- Calvin stated the Corps of Engineers has put out for bids and an amendment for the winter maintenance of the channel. The Corps plans to dredge 1.8m cubic yards and 50k cubic yards on West Beach. The bid opening is October 24, 2012. Mayor Sayre stated he would be attending the Court of Appeals on October 25, 2012 in Richmond to hear the Village case. Mayor Sayre stated staff has met with the Division of Coastal Management to discuss the EIS process for the Terminal Groin project.

6.2 Finance- No Meeting

6.3 Public Safety & Transportation- No Meeting

6.4 Public Works & Utilities- No Meeting

6.5 Communication- No Meeting

6.6 Parks & Recreation- Councilor Douglas stated the Master Plan is being worked on with intentions to be completed by the end of this year. Councilor Douglas thanked the response given

on the Survey on Facilities on the Island. There will be a summary of the survey provided on the Village Voice. The committee has recommended on next year budget for monies to be included making improvements to the existing boat ramp at the Creek Access Site and to add an additional launching facility for motored and non-motored watercraft. Village staff will also continue to look for and apply for any grant opportunities that may become available. The committee is recommending the consideration of purchasing 5 benches and placement throughout the Island for public use.

7. Manager's Report

Chris McCall spoke on the prior OSHA physicals for the employees and volunteers. Chris reviewed the modifications being completed on the Public Safety Administration building. This has established functional bunkrooms for staff and opening the offices to the public for the medical treatment room. Next Friday, October 26, 2012 from 10:00 am- 11:00 am there will be an Open House and will provide refreshments to the public. Lt. Fox will begin Basic Law Enforcement Training beginning in January 2013. A Vet Clinic will be held at the Operations Building bay on October 24, 2012. Chris introduced 2 new employees, Matthew Cox and Jesse Conner to the Village Public Safety Department. Brunswick County Emergency Services Communication will be on the Island Thursday, October 25 to reprogram pagers and radios. Calvin stated the North Carolina League of Municipalities annual conference will be held this Monday and Tuesday. Calvin stated he would be attending.

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 reviewed an informational meeting on the deer contraception study for October 25 at the Barrier Island Study Center.

8.4 Bald Head Island Club- No Comment

8.5 Citizens

Marilyn Ridgeway presented a Citizen Comment to Council and read the following:

I speak today with the voice of 118 taxpayers who have signed the Vote of No Confidence in Calvin Peck petition. To date we have received no acknowledgement of our petition from Village Council. We received a "Special Statement" that had typed signatures of Council Members that said your "support the Village Manager and all Village employees", yet you have not sought an unbridled view of Calvin Peck from his employees' standpoint, releasing them from fear of losing their jobs. Nor have you have addressed any of our citizens concerns. Where do we fit into "Council priorities"? What are these priorities? Please be specific and not fluff over a serious problem. While the no confidence in Calvin Peck was aptly demonstrated in his dismissal of Chief Munna, our petition goes beyond that dismissal. You have a legal obligation to investigate city affairs and considering the poisonous environment Calvin Peck has created, the only fair way to investigate is to use your subpoena power. Ignoring a problem will not make it go away. Not being clear about what this Council's priorities are will only increase angst. Perhaps we have judged Mr. Peck too harshly. To test this theory, I googled several job descriptions of City Managers. The first is from the city of Lexington, NC. I have highlighted the skills needed that are our concerns in the petition. The City of Lexington is larger than Bald Head so maybe a larger city requires someone who analyzes and plans for complex problems. Maybe it is a "priority" of the effective working relationships with department heads, City Council, and the public." Is that what you meant in your Special Statement, "The Council considers the Manager knowledgeable and capable"? Well, he seems to have your confidence, but the public has a different opinion. If you would do as the petition requests, you could discover what the department heads truly think of his maintenance of effective working relationships. You do not want anyone tried in the court of public opinion, but you refuse to do the investigation to keep it out of the court of public opinion. Your choice. Perhaps Lexington is too large, what if we go smaller, say Top Sail Beach. They are looking for someone who demonstrates "openness, thoughtfulness and sound judgment; community- oriented leader who demonstrates composure under pressure..." Guess they would not want a person who seems to want to hide everything and issues such statements as BHI Manager did on April 9, 2012. When the Village Manager or Director of Communications indicates, employees may be asked to refrain from making public comments on a particular topic to aid the Village

in managing messages around sensitive topics. One wonders who the Village is. Is this to aid the Village Manager or the citizens? How "open" can a community be with this type of directive?

Ricki Grantmyre reviewed the declaration of obsolescent Cairns 1000 Fire Helmet. This helmet was Chip Munnas' and Calvin had allowed this helmet to be purchased for \$75.00 by the property owners. Ms. Grantmyre thanked Calvin for his cooperation in this matter. Ms. Grantmyre stated "the PSA was sorry this helmet was not given to Chip Munna, but at least Chip Munna will receive his helmet. And thank you again Calvin."

8.6 Mayor and Council- No Comment

9. Adjournment -

Mayor Sayre entertained a motion to adjourn at 2:54 p.m., with Councilor Morris made motion with all in favor. **(MOTION CARRIED 5-0)**

Andy Sayre, Mayor

ATTEST:

Debra C. Talbert, CMC/ NCCMC
Village Clerk