Village of Bald Head Island
Public Forum & Council Meeting
August 15, 2008
Location: Bald Head Association Center

Council Present: Mayor Larry Lammert; Mayor Pro Tempore Andy Sayre; Councilor Gene Douglas; Councilor Art Morris (Councilor John Pitera was not in attendance.)

Staff Present: Village Manager, Calvin Peck; Finance Director, Deb Straub; Human Resource Administrative Officer, Dawn Reno; Police Chief Richard Herring; Captain Danny Kiser; Public Works Director, Ben Liddle; Utilities Director, Ken Bowling; Systems Administrator, David Cox; Village Attorney Charles Baldwin; Jason Kesler, Legal Assistant to Charles Baldwin; Village Clerk, Joy Davis (recording minutes)

Others Present Per Meeting Sign-In Sheet: Dr. Suzanne Dorsey and Dr. Richard Hearty with BHI Conservancy; BHA President, Ann Boozell; BHI Limited Director of Communications, Joyce Fulton; State Port Pilot Reporter, Jonathan Spiers; Jeff Warren, NC Division of Coastal Management; J.R. Williamson of BHI Limited; Sherry Brooks of BHI Limited; Elyse Brown of BHI Limited

Village of BHI Residents Present Per Meeting Sign-In Sheet: Pat Lammert; Wendy Wilmot; Joyce Douglas; Diane & Richard Mesaris; Sheila & John May; Brenda Quanstrom; Judy & Bob Porter; Larry Kirby; Trisha Barnard

1. **Call to Order/ Approval of Agenda** **Mayor Lammert**
   Mayor Lammert called the August 15, 2008 Village Council Meeting to order at 3:00 p.m. Mayor Pro Tempore Sayre made a motion to approve the Council Meeting Agenda as presented. In a voice vote, all voted in favor. **(Motion Carried 4-0)**

2. **Public Hearing Forum / General Election of Mayor / Council Term Limits**
   Mr. Charles Baldwin presented a PowerPoint presentation, reporting that the structure of the Council as well as the mode of election of Mayor is set out in the Village Charter, with Council members serving staggered 4-year terms and the Mayor being appointed by Council.

   He further explained that modifications may be amended one of four ways with those being (i) General Assembly legislation; (ii) ordinance adoption subsequent to the obligatory public hearing; (iii) council initiated ordinance adoption subsequent to a voter referendum; and (iv) voter initiated petition calling for referendum.

   Mr. Baldwin stated that his research found that there are no term limits in North Carolina and that efforts to impose such have been challenged by appellate courts.

Mayor Lammert then read e-mails from residents and invited Public comments which are recorded as follows:

- Mr. Richard Mesaris commented that either way would be suitable with him, but that he felt very strongly if the current structure continues, the Mayor should be appointed via secret ballot.

- Mr. Brooke Williams commented that he favors a general election of Mayor because the Mayor would then be held accountable to the voters rather than to Council. He further explained that a mayoral election would dictate a healthy campaign dialogue concerning the candidate's goals with that being expressed in a public forum and not in the confines of Council's expectations. Reducing the risk of collusive arrangements between mayoral candidates and fellow Councilors would be one more reason to support the general election of a Mayor. Lastly, Mr. Williams stated that it would strengthen the positions of both Mayor and individual Councilors as all would be serving based on their own merits.

- Ms. Brenda Quantsrom commented that she would like to hear pros and cons from Council, with Councilor Douglas answering that a general election would take pressure off as he feels Councilors are judged by whom they choose rather than the work they do as an elected official, stating that the last election was all about the appointment of the Mayor which was very uncomfortable.

- Councilor Morris stated that he was of the same mind as Councilor Douglas and reported that he had people approaching him during the last election stating that they would support him if he supported a particular person.

- Mayor Pro Tempore Sayre commented that he thought the major problem with changing the current structure is that there is a very limited pool of people who volunteer for Council positions, with there being a real chance of disqualifying a competent individual whom may lose an election by the merits of margins. He further explained that as the Island population increases there will be more of an opportunity for people to serve and at that time it could be considered, but until then he is in opposition of general election of the Mayor. Mayor Pro Tempore Sayre went on to say that the Village of Bald Head Island is operated under the Council/Manager form of government whereby the Mayor has very limited responsibilities with those being mainly residing over Council meetings subsequent to his setting of agendas. Lastly Mayor Pro Tempore Sayre stated that he believes in a highly educated environment such as Bald Head Island there are enough qualified people to make up a 5-member Council with there being no need or desire to have a strong mayoral influence.

- Mayor Lammert commented that having served as Mayor for a while, there is a little more to the position than what Mayor Pro Tempore Sayre has conveyed, explaining that the Mayor really is a Public representative whom

seeks to improve relationships for the betterment of the residents, whether it is with other Mayors in a joint effort to find solutions regarding beach issues, or working with the Brunswick County Commissioners in an attempt to get some of the Island's tax money back.

- Ms. Wendy Wilmot stated that she had a statement and a challenge thus explaining that she did think the last election became "about the Mayor" and that she believed the POA inadvertently caused this by asking candidates questions on various subjects, with choice of mayor being one of the questions, and that all candidates were not in attendance. She challenged the POA to avoid such in the future and approach the situation by holding a sponsored event where residents can see and talk to every candidate about all subjects inclusive of their choice for Mayor.

- Mr. Scott Starks commented that with the Mayor being the "front door" to the media and the Public, he wants to have a voice in who will be chosen. Additionally, Mr. Starks stated that this presents a unique opportunity for Council to recruit, train, and nurture potential new Council members because there are individuals who would be willing to face the Public and run for office if they knew "how" to do so.

- Councilor Douglas stated that the current form of government works quite well and that his suggestion, based on various residents' comments, is to have the people elect the Mayor without giving the office any more authority.

- Councilor Morris commented that with regards to 2 or 4 year terms, and just from his experience dealing with beach re-nourishment, the Corps and other complex issues, he believes that 4 year terms are essential to serving effectively.

- Ms. Wendy Wilmot asked Charles Baldwin if the Village could retain its current form of government, but after an election of Council receive informal and confidential opinions on who should serve as Mayor before appointment takes place. Mr. Baldwin explained that such a process would need to be held publicly. Mr. Peck interjected that he thought Mr. Baldwin's point was that if we retain the current structure, the Council has to make a Public vote and that there cannot be a secret ballot amongst the 5 Councilors as to who will be Mayor. Ms. Wilmot stated that she was asking if the Public could informally express or straw poll their vote before Council appoints a Mayor.

- Ms. Diane Mesaris stated that in the area she lived in before, the office of Mayor held a great deal of prestige and carried a lot of responsibility and she elected him based on his platform and what she expected him to do for her community. Ms. Mesaris stated further that the residents are selling themselves short if they do not have the ability to elect their own Mayor and that the decision should not be left to Council but rather to the citizens of Bald Head Island.

- Ms. Ann Boozell voiced that there should be an election of the Mayor by the citizens of Bald Head Island.

- Mayor Lammert asked Ellen Reckhow for words of wisdom since she had been part of politics in Durham County, to which she replied that county governments across the State appoint a chair for Board of Commissioners, but that in the city of Durham, the mayor is elected and it is a "good thing".

- Lady in black visor stated that she agrees with the election of a mayor and she thinks term limits are a healthy way of structuring government. Mayor Lammert reminded her of Mr. Baldwin's information stating that term limits are inadmissible.

- Mayor Lammert stated that the North Carolina governor is limited to only 2 terms, with Mr. Baldwin explaining that his research indicated this does not apply to local government.

Mayor Lammert thanked all for their comments and closed the Public Forum.

3. Consent Agenda

3.1 Approval of Minutes
- July 18, 2008 Council Work Session
- July 18, 2008 Council Meeting

3.2 Approval of Budget Amendments

Mayor Pro Tempore Sayre made a motion to approve the consent agenda and in a voice vote, all voted in favor. **(Motion Carried 4-0)**

4. Old Business - Engineered Beach Project

4.1 Engineered Beach Project - Mr. Peck narrated a PowerPoint presentation which included pictures taken the prior day of West Beach escarpment and particularly the entirety of Groin #1 which ends near the Point. Mr. Peck explained that in this area approximately 300,000 cubic yards of sand is lost each year to the channel, where it comes from every 2 years when the Corps dredges and puts it back on the beach. He also showed the 10-foot drop off which is very close to the vegetative dune line, stating that it is not just the 1st groin but also the other 3 and that Groin #4 is very close to sandbags which are protecting the road and buildings. He further stated that the Village is very aware and is working to solve the problem and it is why Council will be considering the adoption of a resolution under Item #5.3 of the agenda authorizing the submission of a grant application requesting 1/3 of the money needed for the Engineered Beach Project. Updating the audience on this project, Mr. Peck reported that it has been posted by the Army Corps of Engineers with a Public Notice and that both a federal and a state application are in process, with the State application already being reviewed and commented

on by NCDENR and the Army Corps of Engineers seeking the same type of comments on a federal level. Mr. Peck reminded the audience that Peter Ravella will be hosting workshops regarding funding options on Friday, August 22nd at 1:00 p.m. and Saturday, August 23rd at 10:00 a.m.

4.2 **Inlet Hazard Area -** Mr. Jeff Warren presented a PowerPoint presentation on Inlet Hazard Area maps, explaining that last September he and Dr. Margaret Overstreet, Chairman of the Coastal Resources Commission Science Panel on coastal hazards, presented to the CRC a set of revised boundaries for the 12 developed inlets experiencing problems.

He stated that this was necessary because the original boundaries were drawn in 1978 and adopted in 1979 with minor revisions occurring in 1981, but were only statistically projected out for approximately 10 years which means the maps became ineffective in 1988.

He further explained that along with attempting to revise the maps, it was agreed that they would also need to review rules and regulations in accordance with the map revisions and then meet again in November of this year to reach a consensus and subsequently meet with stakeholders.

Regarding the maps influencing what is defined as unbuildable lots, Mr. Warren stated that definitions are in flux until which time current development rules are considered based on projected changes.

Mr. Warren explained that they are proposing and recommending that limitations be based on 5,000 square footage within an inlet hazard area, whether structures are commercial or residential therefore avoiding grandfathering issues.

Concerning flood insurance rates, Mr. Warren stated that this type of insurance is not affected by Inlet Hazard Area map boundaries.

Mayor Lammert asked if the Village would have to take exposed sandbags out if they are in an Inlet Hazard Area, with Mr. Warren answering that current rules will require the Village to take them out if they are past their expiration date, while proposed rules may allow entities to make application to leave exposed sandbags in place until a permit is granted to replace them. Mayor Lammert stated that he thought since the Village maintains the sandbags that they could get a variance, with Mr. Warren explaining that the variance gives entities 5 years instead of 2 years to replace the bags.

Mr. Warren stated that with regards to static line exceptions as well as other concerns expressed by Village Council he is working closely with Mr. Peck and Chris McCall to remain true to the special needs of the Island and that when he returns in November he will be able to provide more specific information.

Mr. Brook Williams asked if enlarging the Inlet Hazard Area boundaries was being done to influence people to leave beach areas, with Mr. Warren answering in the negative and stating that if anything it is being done to balance the socio-economic prosperity and to protect natural resources. He further explained that the proposed scenario will lessen development restrictions and that there basically will only be 2 provisions, with those being no development any further into the Inlet Hazard Area and no developments larger than 5,000 square feet.

Mayor Pro Tempore Sayre expressed his appreciation to Mr. Warren regarding his efforts but stated that the Village is in a misnomer situation whereby the Island is dealing with a channel hazard area with activities influencing that part of the Island more so than anything else.

Mr. Warren replied that his staff has revisited boundaries because of the unique geology and hydrology of the Island and that they recognize and appreciate that it still is a river mouth which operates as an inlet and there are effects from the Wilmington Harbor Channel.

Dr. Dorsey and Mr. Warren discussed their definitions of what an inlet is with Mr. Warren explaining that the shoreline is behaving differently in this area because of the hydrodynamics.

Mr. Bill Corbett stated that revising the boundaries only restricts property owners and devalues their property, with Mr. Warren stating that it will fight erosion and protect structures.

Discussion ended with Mayor Lammert thanking Mr. Warren for his presentation.

5. New Business

5.1 June / July Financial Statements & Format Revisions -

Ms. Deb Straub reported that financial statements for the pre-audited June 2008 and July 2008 statements are in balance and that the statement format has been revised so as to provide clearer and more concise reporting.

5.2 Council Consideration to Set Public Hearing for Revised Flood Damage Prevention Ordinance -

Mr. Peck explained that as a result of the Village's appeal to the N.C. Floodplain Management Branch and subsequent revisions to the Flood Insurance Rate Maps, the Village Flood Damage Prevention Ordinance must be revised therefore warranting the public hearing. Councilor Morris made a motion to approve the scheduling of a Public Hearing for the revised flood damage prevention ordinance for the September Council meeting. In a voice vote, all voted in favor. **(Motion Carried 4 – 0)**

5.3 Council Consideration / Resolution Authorizing Submission of a Grant Application for the Engineered Beach Project

Councilor Morris made a motion to approve the proposed resolution authorizing submission of a grant application to the North Carolina Water Resources Development Project Grant Program for the proposed Engineered Beach Project. In a voice vote, all voted in favor.

(Motion Carried 4 – 0)

5.4 Council Consideration / Resolution Authorizing Advertisement of Formal Bids for Village Hall Expansion

Mayor Lammert reported Mayor Pro Tempore Sayre has spent a great deal of time reviewing the Village Hall expansion plans which are posted in the foyer of the current Village Hall, and that this proposed resolution will allow staff to move forward with the bid process so that the costs can be considered. He further explained that expansion cannot begin until after October 16th because flood plain revisions are in process and it would be more costly to proceed before that time. Mayor Lammert entertained a motion for approval of the resolution, with Mayor Pro Tempore Sayre so motioning after explaining that this resolution is only an approval of the bid process and not construction. In a voice vote, all voted in favor.

(Motion Carried 4 – 0)

6. Committee Reports

6.1 Public Safety – Bob Porter reported that the Public Safety Committee will be holding its meeting Monday morning, August 18th at 10:00 a.m

6.2 Public Works - Mr. Richard Mesaris reported that no major issues were discussed at their meeting held during the 2nd week of August.

***Notation: There were no reports from Beach, Finance, or Transportation.**

7. Monthly Reports

7.1 Manager's Report

Infiltration Lagoons – Mr. Peck stated that the Village is in the process of working with the Club and the State to completely re-do Hole #14 and infiltration Lagoons #4 and #5 in order to create compliance and review boundaries and he is anticipating applying for a State permit by September 30th.

Reverse Osmosis - He reported that the Village has not been running the reverse osmosis for water treatment which is why water is not as good a quality as it used to be, although it is safe and meets requirements. Mr. Peck stated that this problem will soon be resolved as bids for pipeline to marina were received as of 4:00 p.m. today with the low bidder coming in at just under $250K

3rd RO Unit - Mr. Peck stated that increasing the amount of water we treat by reverse osmosis calls for putting in a third RO unit and that on August 20th Village staff and its engineer have a final meeting scheduled with Siemens and will thus move forward on the project.

Passport Agency - Mr. Peck reported that on Monday, September 8th the U.S. Passport Agency will be at the Southport Community Building from 1:00 p.m. to 3:00 p.m. for residents who would like to apply for a passport.

Deer Census - Mr. Peck stated that he believes we will have a significant cull this year and that a count from the Conservancy and Westervelt is necessary in order to collect as much data as possible, and to that end he will be issuing a contract with Westervelt to begin the process.

Reverse Osmosis - Mr. Peck made a last reference regarding the RO improvements, stating that the Village feels it needs the capabilities to sustain life on the Island, further stating that 3 million gallons of water were drawn from the County by Bald Head Island during the month of July and that this is very expensive.

7.2 **Police Report** - Chief Herring reported that the radar sign tracking speed is being implemented in random locations on the Island, advising all to watch their speed. Chief Herring introduced Commander Chuck Everett, a 16-year veteran of law enforcement, explaining that Mr. Everett was hired subsequent to Brad Stone's recent resignation.

Councilor Morris recommended vigorous enforcement of the speed limit on the Island, with Mr. Peck stating that he understands that Council is very concerned about speeding and that the Public Safety Committee is working on the matter, and that staff will actively and vigorously enforce the speed limit.

7.3 **Fire Report** – Captain Danny Kiser reported 14 medical transports and 5 water rescues, thus thanking staff and volunteers for their efforts.

8. Comments, Reports, and Questions

8.1 **Citizens –**

Richard Mesaris – With regards to the Public Forum Mr. Mesaris asked when Council would be acting on the mayoral election structure, with Mayor Lammert stating that the process has begun by receiving Public comments and that a workshop and public hearing must take place before further consideration.

8.2 **Bald Head Association -**
Mayor Lammert expressed his thanks to Ms. Anne Boozell for BHA's help in finalizing specifics of the Creek Access and verifying that final board approval will occur at their October Board meeting.

8.3 **Bald Head Island, LTD** – Ms. Joyce Fulton reported that Bald Head Island employees will be transported out of "D" Point during the Labor Day holiday with an invitation for Village employees to exercise the same option if they so choose. She also explained that on Labor Day the ferries will run on 30-minute schedules.

8.4 **Bald Head Island Conservancy** – Dr. Suzanne Dorsey introduced the new Director of Conservation, Dr. Paul Hearty and reported a count of 100 turtles the previous evening.

***There were no reports from BHI Club or Mayor & Council**

9. Mayor Lammert made a motion for adjournment at approximately 4:10 p.m. In a voice vote, all voted in favor.

(Motion Carried 4 – 0)

APPROVED:

Larry Lammert, Mayor

Attest:

Joy Barrow Davis, Village Clerk

Village of Bald Head Island
Special Meeting
Discussion of Bald Head Island Marina Groins
August 22, 2008
10:00 a.m.

Councilors Present: Mayor Larry Lammert; Mayor Pro Tempore Andy Sayre; Councilor Gene Douglas; Councilor Art Morris; Councilor John Pitera

Staff Present: Village Manager, Calvin Peck; Systems Administrator, David Cox; Village Clerk, Joy Davis (recording minutes)

Others Present: BHI Limited Director of Communications Joyce Fulton; Bill Waddell; Bob Liesegang; Ray Webb; Peter Ravella

1. Mayor Larry Lammert called the August 22, 2008 Special Meeting to order at 10:00 a.m. Mayor Pro Tempore Sayre made a motion to approve the Special Meeting agenda as presented. In a voice vote, all voted in favor.
(Motion Carried 5 – 0)

2. Mayor Lammert stated the purpose of the meeting was to discuss the August 20, 2008 letter received from Bald Head Island Limited regarding the Village's request that Limited share 1/3rd of the $315K cost of the Harbour groin repair project along with the Bald Head Association and the Village.

   Discussion ensued between members of Council, Ms. Fulton, and Bill Waddell regarding exactly what areas of the Island are included within the Village's sand management plan.

   Ms. Fulton, referring to the aforementioned letter, stated that Limited is under the impression that the Engineered Beach Project includes only South Beach and parts of West Beach and their stance is that there should be a more comprehensive plan inclusive of the Harbour Beaches. Councilor Douglas stated that the impression is incorrect and that East Beach, the Creek mouth, and Harbour Beaches are also a part of the project.

   Ms. Fulton stated that Limited does hold the permits for the groins, but went on to say that going back to 2005 when Groins #3 and 4 were repaired it had been made clear that Limited would not maintain them in the future.

   Mayor Lammert stated that the Village, Limited and the Bald Head Association have been conversing on the matter for the past 2 years and that decisions must be made for the good of the Island.

Mr. Peck asked Ms. Fulton if Limited would pay 1/3rd of the cost for the repair of the groins, with Ms. Fulton stating that it is not a fair share as Limited and the Harbor property owners would have to pay twice.

Mayor Lammert asked Mr. Bill Waddell if the Bald Head Association would participate in a 1/3rd share, to which he replied that he would have to speak further with members, but that he felt sure they would agree. Councilor Pitera asked if the Bald Head Association was capable of raising the 1/3rd share, with Mr. Waddell stating that he felt they could raise a portion of the money.

When Mayor Lammert referenced the fact that the Village does not hold permits to the groins, Ms. Fulton answered that Limited would turn the permits over to staff.

3. Mayor Lammert made a motion to enter into Closed Session pursuant to G.S. 143-318.11(a), with Mr. Bill Waddell commenting that he did not think discussion of this matter should be in Closed Session. Mayor Lammert explained Council needed to consult with the Village attorney, Mr. Charles Baldwin. Mayor Pro Tempore seconded the motion. In a voice vote, all voted in favor.

   (Motion Carried 5 – 0)

4. Upon return to Open Session Mayor Pro Tempore Sayre asked who owns the groins, with Ms. Fulton answering that Limited holds permits for all 4 groins, but maintenance for Groins #1 and #2 is the responsibility of the Bald Head Association.

   Mayor Pro Tempore Sayre read the proposed "Resolution of the Village of Bald Head Island With Respect to Harbour Groin and Beach Access Maintenance" and made a motion to approve the document as read and as reviewed by Ms. Fulton, with Councilor Pitera seconding the motion. In a voice vote, all voted in favor.

   (Motion Carried 5 – 0)

5. Subsequent to Ms. Fulton stating that she would have Jude Ward gather pertinent transfer related documents, Councilor Morris made a motion for adjournment. In a voice vote, all voted in favor.

   (Motion Carried 5 – 0)

Approved:

Larry Lammert, Mayor

Attest:

Joy Barrow Davis

Joy Barrow Davis, Village Clerk