

**VILLAGE OF BALD HEAD ISLAND
MONTHLY COUNCIL MEETING
NOVEMBER 20, 2009
BALD HEAD ASSOCIATION CENTER**

COUNCILORS IN ATTENDANCE: Mayor Larry Lammert
Mayor Pro Tempore Andrew Sayre
Councilor Gene Douglas
Councilor Art Morris
Councilor John Pitera
Elect Councilor John Fisher

STAFF PRESENT: Calvin R. Peck, Jr., Village Manager
Chris McCall, Assistant Manager/ Director of Dev. Services
Deb Straub, Finance Manager
Public Safety Chief Chip Munna
Ken Bowling, Utilities Director
Ben Liddle, Public Works Director
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk, (recording minutes)

OTHERS PRESENT: Various Public and Residents

1. **Call to Order/ Approval of Agenda-** Mayor Lammert called the November 20, 2009 Council Meeting to order at 3:00 p.m. Mayor Lammert entertained a motion to approve the agenda. Councilor Morris made a motion to approve the agenda as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

2. **Public Hearing-**
Calvin read the proposed Restricting Smoking within the Village Limits Ordinance. Calvin reviewed the definitions of the ordinance and stated where smoking would be allowed on the Island.
Councilor Pitera asked if the Smoking Policy for Village Employees was in place. Calvin replied the policy and ordinance would take place at the same time. Councilor Pitera asked is there a designated smoking area for employees on the Island. Calvin stated the policy for Government employees was not in effect at this time, but smokers could only smoke on Private property and not in the view of the public.
Mayor Lammert opened the Public Hearing for comments.
Anne Boozel asked if this ordinance would include the Tram and drivers. Calvin stated the vehicles are privately owned vehicles and do not fall under this ordinance.
A Gentleman stated his concerns with the ordinance with the enforcement and asked how visitors on the Island would be notified. Calvin replied education and getting the word out. Properties would include the Municipal properties and the Market, but would not include the Club, Shoals Club. Penalties would include a \$50.00 civil citation.
Mayor Pro Tempore Sayre asked if a person was to exit his golf cart on the roadway with a cigar or cigarette, would he be in penalty of the law. Calvin replied yes, yet if the Council would like to further restrict and exempt roads from the ordinance they may.
A Gentleman asked if Council could ignore and not adopt this ordinance. Calvin replied that Council is not required to adopt any ordinance.

Mayor Lammert asked if there were any other questions. With none said, Mayor Lammert closed the Public Hearing.

3. **Consent Agenda-**

Approval of Minutes

October 15, 2009 Work Session

October 15, 2009 Council Meeting

Mayor Lammert entertained a motion for approval of the consent agenda. Mayor Pro Tempore Sayre made a motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

4. **Old Business**

4.1 Update on Integrated Shoreline Management Plan- Calvin updated on the Integrated Shoreline Management Plan. Calvin stated a letter has been sent to Congressman McIntyre to request for congressional authorization in the next Water Resources Development Act for federal actions to develop, and ultimately implement, measures to reduce dredging and beach erosion related to the Wilmington Harbor Navigation Project. The dredging project began November 1, 2009. Calvin stated Erik Olsen informed that the Island has lost 1 million cubic yards of sand from May 2009- September 2009. Calvin stated the project would be approximately 1500 feet short of replacement sand. The Corps of Engineers will begin dredging 2010/2011 with Bald Head Island receiving the sand to help replace the sand that has been lost.

4.2 Consideration/ Adoption of Restricting Smoking within the Village Limits Ordinance-

Councilor Pitera asked that the adoption of Restricting Smoking within the Village Limits Ordinance to be tabled until the December Council meeting for further consideration. Mayor Lammert entertained a motion for approval. Councilor Pitera made motion. In a voice vote, all voted in favor, excluding Councilor Douglas.

(MOTION CARRIED 4-1)

4.3 Lagoon 3/ WWTP Capacity Report- Calvin spoke in reference to the agreement between the Village of Bald Head Island and the Bald Head Island Club. Calvin stated the agreement states the reconfiguration of Lagoon 3 as a part of the Clubs Renovation Project. The agreement provides the Village was obligated to “prepare plans for, construct and install all pipes, valves, pumps and other equipment, structures or improvements (collectively “Lagoon 3 improvements”) to allow the discharge and movement of water from Lagoon 3 to the lagoons adjoining Hole #16 on the Bald Head Island Golf Course” and that the Village would be fully responsible for the costs and expense of the design, construction and installation of the Lagoon 3 improvements. As part of its Renovation Project, the Club will modify Lagoon #3 in accord with the drawing by Tim Cates Design, Inc. of Hole #15 of the Bald Head Island Golf Course attached hereto as Exhibit A, clean the bottom of Lagoon 3 as it deems best, and design, construct and install the Lagoon 3 improvements. The Village shall pay the Club \$135,720 for the cleaning of the bottom of Lagoon 3 and the installation of the Lagoon 3 improvements on or before January 31, 2010.

Calvin recommended to Council for the adoption of the agreement between the Village of Bald Head Island and the Bald Head Island Club.

Mayor Lammert entertained a motion for approval. Councilor Douglas made motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

5. **New Business**

5.1 Coastal Resources Commission Appointment- Mayor Lammert spoke in reference to a letter received advising of an upcoming vacancy on the Coastal Resources Commission and to solicit a nomination from our local government for an appointment to fill the vacancy. Ben Simmons has been nominated for the Coastal Resources Commission Appointment. Mayor Lammert entertained a motion for approval. Councilor Morris made motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

5.2 NFIP Resolution- Mayor Lammert spoke in reference to the Federal Emergency Management Agency (FEMA) National Flood Insurance Program. This Resolution states the Village of Bald Head Island supports removal of structures from the oceanfront beach if conditions exist that adversely affect the health, safety, and welfare of its residents and visitors. There would be strong incentive for property owners to remove their endangered oceanfront structures in a much more expeditious and safe manner if the NFIP supported flood insurance claims as soon as a structure became uninhabitable due to erosion. Mayor Lammert entertained a motion for approval. Councilor Douglas made motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

5.3 Award Contract to WECC, Inc. - Groin Field Replacement-Calvin requested the award of lowest bid of \$1,138,735.00 was received from WECC, Inc. for the Groinfield Replacement Project. Calvin made recommendation to Council for approval. Mayor Lammert entertained a motion for approval. Mayor Pro Tempore Sayre made motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

5.4 October Financial Statement Report- Deb Straub discussed the October Financial Statement Report. The operating revenues year to date are slightly behind prior year due to state tax revenue delayed payments and property taxes being paid later due to economy with confirmation from Brunswick County. The Village received the first IRS refund of interest on the GO Bond with the first Bond debt payment due on 12/11/09 for \$723k. Deb stated the financial Audit FY ended June 30, 2009 with Wayne Berry will be giving an Audit review for the FY 08/09. Deb explained the Accommodation Tax Audit for 08/09. The Village hired an assistant for \$2,082.70 for the investigation of delayed accommodation taxes and with the investigation the Village was able to collect \$26,615.32 with an outstanding balance of \$2,169.01.

5.5 FY 08/09 Audit Review- Wayne Berry with Brock, Berry, Padgett, and Chandler Public Accountants spoke in reference to the unqualified 08/09 Audit. Mr. Berry stated this audit was much improved with the books and records in good shape.

5.6 Village Information Board- Calvin discussed the Village Information Board Policy. This information board is located on Lighthouse Wynd.

Calvin read the policy as stated:

Purpose:

To set a policy to allow for the use of the Village Information Board on Lighthouse Wynd.

Policy:

It shall be the policy of the Village of Bald Head Island to delegate to the Village Manager decision making authority over what is displayed on the Village Information Board. The Village will accept for inclusion all non-profit and community event postings that are intended to benefit the general public of Bald Head Island. All postings must be submitted to the Village Clerk and the Village Clerk shall be responsible for posting the flyers on the Information Board.

Not eligible for posting are individual items posted for sale, house short term/long term rental advertising, real estate postings, personal advertisements, events located outside the vicinity of Bald Head Island, services, want ads, or private events. These may be posted by the individual inside the Post Office on the Community Bulletin Board.

Procedure:

All flyers or information must be presented to the Village Clerk for approval, with appeals to be made to the Village Manager. Information presented must be Non-Profit Information and/or Community Events only, flyers must be in final form, and there shall be no hand written postings allowed. When information is expired the Village Clerk will remove and destroy the flyers.

5.7 Golf Cart Resolution- Village Attorney Charles Baldwin stated in FY 2000 the Village of Bald Head Island had adopted an ordinance regulating golf cart size, weight, length. Due to prior ordinance, this omitted the regulations of golf carts. The Public Safety Committee will study the limitations of electrically powered vehicles and whether amendments are needed to Village Code Section 28-92. Charles stated Village Council deems it necessary in the interest of public safety to regulate the size of electrically-powered vehicles and a temporary Resolution imposing a moratorium on the size of electrically-powered vehicles will begin November 20, 2009 and shall expire March 1, 2010, subject to Board actions.

Mayor Lammert entertained a motion for approval. Councilor Morris made motion. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

6. Committee Reports

6.1 Beach- Anne Kane stated the committee met and discussed the dredging and issues with the beaches.

6.2 Finance- Mayor Lammert stated the committee has been working on the 5 year plan.

6.3 Public Safety- Bob Porter discussed the committee using amateur radio (HAM network) for Emergency Communication.

6.4 Public Works- No Comment

6.5 Transportation- No Comment

6.6 Shoreline Preservation Steering Group- Ken Miller discussed the Communication Group, Working Groups and how the SPSG plans to mobilize resources. Ken stated the group has seen what the Council and Mayor have done and acknowledge their efforts and work completed. Bob Blau discussed the SPSG meeting with Council and Attorneys on November 18, 2009 and the projects being worked on.

7. Monthly Reports

7.1 Manager's Report- Calvin spoke on the award received from the NCBIWA to the Village of Bald Head Island. Calvin spoke on the cancellation notices issued by the North Carolina Joint Underwriting Association and stated this memorandum will be on the Village web-site. The records and retention for the Village is being worked on to meet the NC Department of Cultural Resources with the Division of Historical Resources. Calvin stated the Orientation for Newly Elected Officials will be December 2, 2009 and at that time Officials will visit with each department.

7.2 Department of Public Safety Report- Chief Munna stated a House Bill involving no texting and/or emailing while driving will be in effect December 1, 2009. Chip stated the H1N1 vaccine will not be available to the public only to Emergency personnel. Chip stated Deborah Dellinger will be joining the Department of Public Safety this week.

7.3 Development Services Monthly Report- Chris McCall reviewed the Development Services October monthly report. Chris stated Legislation has enacted a Senate Bill 831 that would Extend Permits Regarding Land Development.

8. Comments, Reports and Questions

8.1 Citizens- No Comment

8.2 Bald Head Association- No Comment

8.3 Bald Head Island, LTD- No Comment

8.4 Bald Head Island Conservancy- Suzanne Dorsey stated the Turtle monitoring is completed. Tom Hancock with the Conservancy is continuing the monitoring of the beaches in coordination with the Shoreline Preservation Steering Group. Suzanne stated the Conservancy is working with the Wildlife Commission and the Club on the baby alligators on Hole 16.

8.5 Bald Head Island Club- Robert Norton stated the inspection went well with the renovation of the golf course and will begin on November 22, 2009.

8.6 Mayor and Council- No Comment

9. Adjournment- Mayor Lammert entertained a motion for adjournment at 4:20 p.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

Mayor Pro Tempore Andrew Sayre

ATTEST:

Debra C. Talbert
Village Clerk