

**VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
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 Work Session to order at 9:30 a.m. Mayor Lammert stated there would be a revision in the Work Session with two items to be added. Mayor Lammert stated (8). Discussion on UPS/ FedEx, and (9). Golf Cart Ordinance. Mayor Lammert asked for approval of the agenda as presented, with Councilor Douglas making the motion to approve. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

2. **Review of Council Meeting Agenda-**
Mayor Lammert reviewed the Afternoon Agenda with Council.
Council Item 2- Restricting Smoking within the Village Limits Ordinance- Mayor Lammert asked Calvin for clarification on the Smoking Ordinance. Calvin read the Ordinance and explained the definition of a Public Place. Calvin explained that smoking would be prohibited within the confines of the Village limits in the following places: In any Local Government Building; On a Local Government Grounds; In any Local Vehicle; and In any Public Place. Mayor Pro Tempore Sayre confirmed with Calvin the Ordinance was only for Government Grounds and Public Places on Bald Head Island. Calvin replied this would be for Bald Head Island. Mayor Lammert asked if this Ordinance would include the leased TimberCreek property and Calvin replied yes and explained that the "Grounds"- An unenclosed area owned, leased, or occupied by State or local government. Elect Councilmember John Fisher asked would there be designated smoking areas on the Island for Village employees. Calvin replied we have enacted an aggressive smoking cessation program for employees, with no designated smoking area on the Island. Calvin stated a Personnel policy amendment will be distributed to Council at the Council meeting this afternoon before the Public Hearing.

Council Item 3.1- Approval of Minutes- Mayor Lammert asked Council to review the minutes as presented for amendments. With no comment, Mayor moved to the next item on the agenda.

Council Item 5.2- NFIP Resolution- Calvin explained the Resolution is asking to modify FEMA's National Flood Insurance Program support flood insurance claims for damages to structures suffering gradual coastal erosion. Mayor Pro Tempore Sayre stated his concerns of the Resolution with the set back requirements for other states and if this would pass on a Nationwide level. Mayor Lammert stated this Resolution would help with the set back regulations for Coastal communities.

3. **Financial Report-** Deb Straub discussed the October Financial Report with Council. She stated the Operating revenues YTD are slightly behind on the prior year due to state tax revenue delayed payments and property taxes being paid later due to the economy. Deb stated there were no major expenditures for the General Fund. Deb stated the Village received the first IRS refund of interest on the GO Bond with the first GO Bond debt payment due on 12/11/09 for \$723k. Deb stated the financial Audit FY ended June 30, 2009. The Village received an unqualified opinion with no material weaknesses, and a management letter with three suggestions to improve internal controls with items discussed and improvements and/or corrections were made.

4. **Discussion on Lagoon 3/ WWTP-** Calvin stated there were three items towards build out with a report given to Council. The 1st item was WWTP capacity report showing Plant 5 operation from 400k gallon daily with capability to expand up to 1 million gallons per day, 2nd item consisted of a Hydrogeological Investigation and Pond Mounding Study for Wastewater Discharge into Ponds 4 and 5 that was prepared by Jim Cornette with Applied Resource Management., 3rd was the review of REU calculations. Calvin stated Ken Bowling and Woody Fulton have worked on the numbers and are waiting on an estimation of build out from Kent Mitchell. Calvin stated the estimation for build out would be 600k gallons per day with a 237 gallon per day per residential unit. Calvin and Ken Bowling discussed with Council the procedure of build out and the size of pumps needed with the cost to operate. Ken stated the procedure should be done at one time with less cost in the future to operate. The Council and Calvin discussed the modification agreement with The Club.
Calvin discussed the requirement for a variance and what the DWQ requirements are. Calvin stated the two components required for a variance is an engineering and economic justification and a report from Jim Cornette stating Lagoon 3 can be removed from the permit and 4 and 5 can handle the flow. Council discussed the lagoons and the concerns with flooding. Calvin stated an email had been received from John Risguard. The DWQ stated that due to Lagoon 3 not actively receiving effluent, it can be used for storm water. Calvin discussed with Council modification on hole 15 and a letter from the engineer showing the plans requires no minor permit compliance and review boundaries for the Village. Calvin discussed the reconnection of pipe to hole 16 and the bid for contract, the cleaning of Lagoon 3 with no later than March 2010 of completion. Calvin stated the amendment to the agreement between the Village of Bald Head Island and the Bald Head Island Club will be presented for approval during November Council meeting. Council discussed the outfall of the water and the reconnection of the piping for the storm water. Council directed Calvin to contact the DWQ to research when the pipe could be reconnected and follow up with Council.

5. **Discussion on S.O.G. David Lawrence Professorship-** Calvin discussed with Council the special request from the UNC School of Government for donations to set up a David Lawrence Professorship. Council directed Calvin research amount expected to be given from Bald Head Island and proceed.
6. **Discussion on Council Retreat-** Calvin asked Council if there would be a Council Retreat for this Fiscal Year. All approved having a Council Retreat; however Mayor Pro Tempore Sayre suggested this discussion be continued to the December 18, 2009 Council meeting. All agreed to continue until then.
7. **Village Information Board- Policy-** Calvin discussed the draft policy for the Village Information Board. Calvin stated the Village will accept all non-profit and community event postings that are intended to benefit the general public of Bald Head Island. Those not eligible for postings 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. Calvin stated that all flyers or information must be presented to the Village Clerk for approval. Councilor Morris stated he agreed with the policy; however he stated the Clerk should not be liable for the final decision and appeals directed to Village Manager should be directed with appeals. Council directed for the revisions to be made and presented to Council under New Business 5.6 for the Council meeting.
8. **Discussion on UPS/ FedEx-** Mayor Lammert discussed possibilities of having the Postal Service, UPS/ FedEx in one identity. Mayor Lammert stated he was not pleased with the current service and suggested Elect Councilor John Fisher to research and study the resources and report to Council. Council further discussed the possibilities of the services and agreed to have the research done.
9. **Golf Cart Ordinance review-** Mayor Lammert discussed the Ordinance of the Village of Bald Head Island regulating the size of electrically-powered vehicles. Councilor Morris and Chip Munna discussed with Council the studies that were done by the Public Safety Committee. Council discussed the overall dimensions of the vehicles and stated their concerns with the golf cart ordinance not in the Code of Ordinances when codification was done. Council stated their concerns with communication issues with golf cart ordinance information not being forwarded to the Council prior to decisions being made by the Village Manager. Council directed Attorney Baldwin for a Resolution to expire March 1, 2010 and to be presented for the Council meeting to regulate the size of electrically-powered vehicles and this will give additional time is needed for the Village Public Safety Committee and Village Council to study what limitations should apply to the size of electrically powered vehicles and whether amendments are needed to Village Code Section 28-92.
10. **Manager's Report-** Calvin discussed the Water Resource Development Act Request Form. Calvin stated the letter was sent to Congressman McIntyre on November 20, with a 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.
Calvin discussed the dredging and where the sand is being placed. The payment for the dredging will be received on the 25th of each month to pay for completed dredged sections.
Chris McCall discussed the creek access with the CAMA Major permitting with permits to be completed by February 2010. Chris stated the Village has resubmitted for the Parks and Recreation grant for the Creek Access and is awaiting answer.
Calvin discussed the agreement of the Jetty Extension between the Club and Village; where he directed the question to Robert Norton, manager of The Club if the Village is required to supply information for the

approval of an agreement. Robert Norton replied to Calvin the Club needs no further information forwarded.

Councilor Pitera asked Calvin the process of the sand placement, the amount of sand to be placed, and would there be a different amount due to extensive beach erosion. Calvin stated there has been approximately 1 million cubic yards of sand from May 2009- September 2009 lost from the beach. Calvin stated it will affect the project in two ways. The first will not re-establish the profile of the beach so that after the placement the beach will not be as wide as prior; with the second that the point has lost the most sand and due to more sand placement at the point, there will be less sand available elsewhere. The project on the East end of West Beach will be shortened approximately 1500 feet. Mayor Lammert stated the maintenance dredge for next year would compensate the sand placement. Councilor Pitera stated the communication is important on this matter; explaining property owners are paying larger amounts with taxes and were informed they would be receiving a larger amount of sand than they will be receiving. Chris McCall stated sand placement originally was to go to Loggerhead at the Cape Fear Station. Calvin directed Chris McCall to research where the sand placement would end and report to Council at the afternoon Council meeting. Council further discussed where the sand could be replenished and asked for this to be researched further.

11. **Closed Session Pursuant to N.C. General Statutes 143-318.11 (a)(1), (3), and (5)**- Pursuant to N.C. General Statutes 143.318.11 (a)(1), (3), and (5), Mayor Lammert entertained a motion to enter into Closed Session at 11:20 a.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor.
(MOTION CARRIED 5-0)
Mayor Lammert entertained a motion to come out of Closed Session at 11:45 a.m., with Councilor Pitera making the motion. In a voice vote, all vote in favor. **(MOTION CARRIED 5-0)**
12. **Adjournment**- Mayor Lammert entertained a motion for adjournment at 11:46 a.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

