

**VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION**

September 24, 2010
Bald Head Association

COUNCILORS IN ATTENDANCE: Mayor Andrew Sayre

Councilor Gene Douglas

Councilor Art Morris

STAFF PRESENT:

Calvin R. Peck, Jr., Village Manager

Chris McCall, Asst. Manager/ Shoreline Protection Manager

Deb Straub, Finance Manager

Chip Munna, Chief of Public Safety

David Cox, Systems Administrator

Charles Baldwin, Village Attorney

Debra Talbert, Village Clerk (recording minutes)

1. Call to Order/ Approval of Agenda

Mayor Sayre called the September 24, 2010 Council Work Session to order at 9:30 a.m.

Mayor Sayre entertained a motion to approve the agenda as presented.

Councilor Morris made motion, with all in approval.

(MOTION CARRIED 3-0)

2. Review of Council Meeting Agenda

4.1 Attorney Baldwin reviewed the red line revisions of Chapter 28: Traffic and Vehicles Ordinance and the requested revisions submitted by BHI Limited in the submitted letter below with Council, staff and Joyce Fulton. Council discussed the revisions to be clarified for the afternoon Council meeting. Mayor Sayre stated the highlights of revisions will be discussed at the afternoon Council meeting.

*Village of Bald Head Island
ATTN: Mr. Calvin Peck, Manager
PO Box 3009
Bald Head Island, NC 28461*

Dear Calvin:

Bald Head Island Limited provides the following questions, comments and suggestions regarding the Traffic and Vehicles Ordinance: Chapter 28.

Under Section 28-92. "Mandatory registration of golf carts", is this section intended to apply to electric vehicles such as electric cars? It appears that many property owners are phasing out of golf carts and into the use of electric cars. The Ordinance does not appear to address the registration requirements of electric cars — shouldn't it? Para (e) provides dimensions and weight limits for golf carts only. A suggestion is that electric cars should be restricted to the same footprint as a golf cart, but with a higher weight limit, assuming that electric cars weight more than golf carts.

Under Section 29-92 (a), would this provision make property management operators liable for unregistered carts at rental homes? This paragraph also requires two registration stickers.

Limited understands one registration sticker to be the Village registration sticker per section 29-92 (b), but what is the second sticker?

Limited requests that the Village prohibit all gasoline powered golf carts.

Throughout the Ordinance, a 48-hour timeframe is given to pay civil penalties. No consequences are stated for untimely payment, except in Section 28-32 (c) (1). Further, if a violation occurs on Friday just prior to a 3 day holiday in which the Village staff is not working, how is the fine to be paid?

On pages 4 and 5 of "Definitions", regarding the "Owner of an Electrically-powered Vehicle", the definition includes "the lessee of the residence at which the Electrically-powered Vehicle is routinely kept or stored". Does the Village really intend that the tenant of the premises be treated as the owner of the vehicle?

Are Coast Guard vehicles permitted on the island? According to the Ordinance, the definition of Military Vehicle is, "Military Vehicle means a Motor Vehicle owned by the U.S. Department of Defense." While the Coast Guard is one of the 5 Armed Forces of the U.S., it is in the Department of Homeland Security, and doesn't fall within the definition set forth in the Ordinance.

The definition of Service Vehicle is, "Service Vehicle means and refers to a sanitation truck, public safety unit and conservancy unit." What about Marine Fisheries and Fish & Wildlife?

Section 28-33 appears to grant a licensed Commercial Fisherman an exemption from the probation against driving a motor vehicle on the beach. Do fishermen have full exemption, or is this intended to be for a specific purpose? Why allow Commercial Fisherman at all?

Under Section 28-161(d), is a Helmet required for passengers over the age of 16?

In the opinion of the Village staff, is a gasoline powered Taxi operation permitted under this Ordinance? A gasoline powered Taxi appears to fit in the definition of Motor Vehicle on page 4 but is not addressed elsewhere in the Ordinance.

In addition to the comments above, Limited respectfully suggests that a Village representative proof read the Ordinance prior to adoption by the Village Council. Representatives of Limited did not check any of the statutory citations, but there are numerous typos, errors in the Ordinance paragraph designation, definition questions and confusing statements. Defined terms are not capitalized throughout the Ordinance. Use of the term "Streets" on BHI is confusing both as to the defined term and use in context throughout the Ordinance. Additionally, Exhibit A was not included with the draft Ordinance. In hopes that it will speed the editing process, I've attached for your use, if desired, a copy of the Ordinance with some suggested minor corrections and some questions for clarifications. The Village staff may have already discovered many of these typos but I understood the Ordinance included in the Council package to be the final draft.

Thank you for consideration of these comments. Please let me know if you have questions.

*Very truly yours,
BALD HEAD ISLAND LIMITED, LLC
By: Joyce Fulton
Director of Communications*

5.1 Deb Straub reviewed the August Financial Report. The General fund is on target, with the Utility fund slightly ahead. Deb stated the Accommodation tax revenues are a 13% increase from last year. Deb reviewed the Capital Projects. The Beach Fund is \$584k; Stormwater Management is \$156k, and the Infiltration Pond System fund is \$320k. There was a budget transfer of \$50k for the Aquifer Study and well drilling.

3. NCBIWA Annual Conference

Mayor Sayre reviewed the NCBIWA 2010 Sponsorship. Council agreed to share sponsorship on the Annual Award Luncheon for \$2,000.

4. Proxy for 2010 ASBPA

Mayor Sayre reviewed the Proxy for the 2010 ASBPA annual meeting. Chris McCall will be attending the annual meeting held in Charleston, SC on October 13, 2010 and will represent the Village.

5. Property Revaluation Review

Deb Straub stated the Finance Committee has been providing information to Brunswick County for the Property Revaluation study. The preliminary report completed by appraisers will be submitted today, September 24 to Brunswick County. The data collection accumulated by the appraisers will be submitted for consideration to Brunswick County on September 27. Deb explained the operation of the Property Revaluation study from Brunswick County. The Village Finance Committee suggests Village staff should not be involved with this study. Mayor Sayre stated concerns with the operation of the study and suggested Village staff should attend to gather information. Deb agreed.

6. Timber Groins

Chris McCall spoke on the timber groins at the Harbour. The Village is working with Limited to receive a CAMA Minor permit approved through Division of Coastal Management for the repair of the four groins. Excavation of a portion of the second groin nearest Marina has been done to estimate the unexposed damage. The material uncovered was agreed by both parties to be a good quality; information was forwarded to Eric Olsen. Attorney Baldwin stated the bidding procedure should be done by the Village due to the expenditure of public funds. An informal bid can be done if under \$500k.

7. Boathouse

Chris McCall spoke on the preservation issues with the Old Boathouse on Bald Head Creek. The Old Baldy Foundation does not have the funding, yet are willing to work with the Village for the preservation of the boathouse. Chris made recommendation to Council to present the issues at the next Leadership meeting on the Island. Council discussed the importance of the historical preservation of the boathouse. Chris was directed to research further options for the preservation.

8. Manager's Report

Calvin Peck spoke on the CRC meeting and the pre meeting workshop discussion on sandbag placement issues. The State General Assembly had placed a

moratorium for the enforcement of removal of sandbags for one year. This has expired and the CRC will begin enforcement action for the removal of sandbags. Attorney Baldwin spoke on the Inlet Hazard Area process with proposed rules to be presented early 2011. Jeff Warren with DCM Coastal Hazard will be meeting with Brunswick County communities including Bald Head Island with presentation given to the public. Council and staff spoke on the issues concerning the Inlet Hazard Area.

Calvin stated the Village has been awarded a Level One from the NCLM Green Challenge.

Calvin reviewed email from Jim Henry with a proposal from BHI Limited on property and the well issues. Calvin will be speaking with Kent Mitchell on the land proposal and maintenance on the wells.

The BHI Conservancy survey recommends that the Village of BHI refrain from a cull in winter 2010/11 and is likely that the Island will require management activity in 2011/12. Calvin made recommendation to Council to follow the BHI Conservancy review. Calvin suggested the Communication Committee should conduct a survey from property owners on deer issues on the Island.

Calvin stated Brunswick County is at a moderate drought level and should encourage volunteer water usage.

Calvin discussed the last Council meeting on a review of Public Safety department. Calvin suggested the Village Department Heads should review how the organization operates with an internal review to be done and report back to Council.

Chris McCall spoke on the beach access on Sandpiper Trail. The Village is having communications with property owner to secure an easement for the emergency beach access with a proposed Hatteras ramp.

Mayor Sayre stated the Communications Committee has made recommendation to enable online golf cart registration through the Village website. Council and staff discussed the concerning issues. Chief Munna suggested pay online with future pickup of sticker at the Public Safety Administration building. Staffs agreed to research further and enable the online payment.

Councilor Douglas asked the status of sales tax issues for the Island. Deb Straub stated a letter has been sent to eight entities on the Island for the 2008-2009 & 2010 tax remittance to the state. Calvin explained the accommodation tax is collected by the municipality and sales tax is collected by the state.

9. 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),(a)(2),(3) and (5), Mayor Sayre entertained a motion to enter into Closed Session at 11:00 a.m., with Councilor Morris made the motion with all in favor. **(MOTION CARRIED 3-0)**

Mayor Sayre entertained a motion to come out of Closed Session at 12:00 p.m., with Councilor Douglas made the motion with all in favor.

(MOTION CARRIED 3-0)

10. Adjournment

Mayor Sayre entertained a motion to adjourn at 12:02 p.m., with Councilor Douglas made the motion with all in favor. **(MOTION CARRIED 3-0)**

Mayor Andy Sayre

ATTEST:

Debra C. Talbert, Village Clerk