

VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
September 16, 2011
Bald Head Association

COUNCILORS IN ATTENDANCE

Mayor Andrew Sayre
Mayor Pro Tempore John Fisher
Councilor Gene Douglas
Councilor Art Morris

STAFF PRESENT:

Calvin R. Peck, Jr., Village Manager
Chris McCall, Asst. Manager/ Shoreline
Protection Manager
Deb Straub, Finance Director
Chief Chip Munna
Deputy Chief Shaun Freeman
Stephen Boyett, Development Services
Daralyn Spivey, Tax Administrator
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk

1. Call to Order/ Approval of Agenda

Mayor Sayre called the September 16, 2011 Council Work Session to order at 9:30 a.m. Mayor Sayre entertained a motion to approve the agenda as presented. Councilor Douglas made motion, with all in approval.
(MOTION CARRIED 4-0)

2. Review of Council Meeting Agenda

5.1- Calvin reviewed the proposed utility ordinance changes to be amended. The ordinance would include a time frame leaks to be reported and authorization for Building Inspection approval.

5.5 Calvin reviewed the FEMA issues concerning the Village damage expenditures with Hurricane Irene.

Category A Debris- This is measured by the overtime and use of vehicles. The work that was completed with straight time will not be reimbursed. The overtime expected to add up to receive is \$10k.

Category B Protected Measures- This is the overtime used for the preparation for the storm is approximately \$12k.

Category F Beaches- This includes the loss of 160k cubic yards of sand from the South Beach area, damage to 5 groins, and East Beach sand push is estimated at \$2.29m.

The total claim is \$2.3 million.

There was damage done to the Village's phone system and an insurance claim has been approved for a new phone system. There was also damage to the Village Hall roof where repairs will be completed.

Calvin reviewed financial statement for September. There was \$100k budget amendment in August for additional costs related to the shoreline crisis. The General fund total operating expenditures are on target. The Utilities Fund revenues slightly exceed prior years. The total

revenue is slightly ahead of last year. The Utilities Fund expenditures are slightly higher due to equipment maintenance.

5.6 Daralyn Spivey reviewed the request for release of interest only on delinquent taxes on Robert Marcus unpaid 2007 property tax interest portion of his bill. Mr. Marcus states he never received the tax bill for 2007 due to incorrect mailing address. The total amount of interest is \$332.89.

3. Timber Bridge and Harbor Roads

Calvin reviewed the construction and maintenance of the Timber Bridge and the Harbor Roads. The maintenance includes the Harbor roads, the roads around the marina, and the NBHW/ WBHW intersection. Calvin reviewed the modifications. The Timber Bridge plan has been modified to include a pedestrian walkway and other changes. The Village dropped the requirement for Cart Barn and will pay for cantilevered walkway.

Jim Henry discussed the width clarification for pedestrian walkway on the bridge and will get exact measurements to present to Council. Clarification was given that the bridge will be paid by Limited and the walkway will be paid by the Village. Once the bridge is constructed and the Harbor Roads are constructed and ready for turnover, the Village will take ownership. The total Village dollars will be \$93,600 and a payment schedule will be over 3 years to begin FY12-13. This recommendation will be presented for approval by Council.

Calvin reviewed proposal from Limited on the Infrastructure improvement project and associated action items as follows.

The Village has a responsibility to build and maintain the public roads of North/ West Bald Head Wynd and the tie in to Lighthouse Wynd. While Limited is doing a major paving project, the Village road will be repaired and improved. A payment schedule of \$41,652 will be paid over 3 years to begin FY12-13. This recommendation will be presented for approval by Council.

Calvin reviewed the existing walk path from the BHIL barge road and Lighthouse Wynd and the pedestrian traffic. The walkway may be impeded during construction of the bridge.

Calvin stated there should be a text amendment to the street design standards with the Village ordinance on the standards for alleys and reviewed the Harbour locations of the alleys.

The Planning Board Committee will meet and discuss the Sailing Club and Membership Sales building for a sub-division review.

The Village staff is reviewing the process of Limited deeding over Station House Way and Shoals Watch Way to the Village. The Village believes the roads (rows) should be public roads and should be repaired and maintained. The Council will need to review and approve acceptance of these roads. Mayor Pro Tempore Fisher stated these roads were stated in the original agreement to be 911 accessible easements and at this time they are not. This will be researched further by staff.

Calvin stated the last item is for the Village Council to review and the approval of dedication of Right of Way and improvements of Keelson Row and the Harbour Roads. This is a preliminary situation and will be reviewed by staff.

4. Club & Village Lagoon Agreement

Attorney Baldwin reviewed the agreement which is to expire this month. The Village and Club agree to extend the agreement for four years to September 30, 2015. The Agreement requires the Village to improve the WWTP over three years. This will improve the maximum water quality and some re-routing of lines. This is presented to Council for discussion and consideration.

Council stated the Council will need to approve an Action Agenda item to approve the four year agreement and the re-use permit for the lagoons. The second item is a budget amendment for

the improvement. Year one for Nutrient and PH Removal and Plant Upset protection to be \$225k and year two is Carbon and Chlorine backup to be \$100k. It is premature to know the timeframe of build-out. Attorney Baldwin reviewed the process to proceed.

5. Discussion of Home Occupation

Stephen Boyett stated the Planning Board met to discuss the Home Occupation Ordinance and what if any changes should be made to facilitate home businesses on the Island. The members of the Board felt that the current Ordinance is in keeping with overall intent of residential areas on the Island. The Board did feel that there was a need for clarification of what constitutes an employee. The recommendation to the Village Council was to add the attached definition of employee to Section 32-11 Definitions of the Zoning Ordinance to clarify what an employee is and what will be considered a violation of the Ordinance.

Mayor Sayre spoke on the concerns of commercial business operation on the island. There is lack of commercial office space on the island and it is all controlled by BHI Limited. There is a monopoly of land ownership and real estate operations. It is not effective to operate a real estate office off island.

Councilor Douglas asked if the concern is having a business in a home. Calvin reviewed the existing ordinance *Section 32-164(a) The use must be conducted entirely within the dwelling by a member of the immediate family residing on the premises. No persons outside of the immediate family members will assist or be employed. No more than 25 percent of the floor space within the dwelling may be used in connection with such occupation.* Calvin stated the original intent was to hold down vehicle traffic in residential areas.

Council discussed the situations and various businesses. Mayor Pro Tempore Fisher stated a commercial business is a commercial business. Various businesses operate off the island and seem to be operating fairly well. Calvin stated the issue is there are restrictions on what businesses can be operated in the commercial spaces on the island. The real estate business is not allowed to operate in the commercial spaces. Council and staff discussed the ordinance and the meaning of the wording. Mayor Sayre has requested for the Planning Board to revisit the issue and discuss further with the Association and Limited on the concerns.

Mayor Sayre stated due to a scheduled conference call, Council will go into Closed Session and reconvene after the call.

6. Closed Session Pursuant to N.C. General Statutes 143-318.11 (a)(1),(3),(5)and (6)

- ❖ Village of Bald Head Island vs. US Army Corps of Engineers Lawsuit
- ❖ FEMA Funding
- ❖ Personnel Issues

Pursuant to N.C. General Statutes 143.318.11(a) (1), (3) and (5), Mayor Sayre entertained a motion to enter into Closed Session at 10:30 a.m., with Councilor Morris made the motion with all in favor.
(MOTION CARRIED 4-0)

Mayor Sayre entertained a motion to come out of Closed Session at 12:02 p.m., with Councilor Douglas made the motion with all in favor.

(MOTION CARRIED 4-0)

7. **Adjournment**

Mayor Sayre entertained a motion to adjourn at 12:05 p.m., with Councilor Douglas made the motion with all in favor.

(MOTION CARRIED 4-0)

Mayor Andy Sayre

ATTEST:

Debra C. Talbert, Village Clerk