

# **Village of Bald Head Island Council Work Session**

December 14, 2007

9:30 a.m.

Location: Bald Head Association

**Councilmembers Present:** Mayor Larry Lammert, Mayor Pro Tempore Sayre and Councilors Gene Douglas, Art Morris and John Pitera.

**Staff Present:** Village Manager Calvin Peck, Assistant Village Manager/Planning Director Chris McCall, Police Chief Richard Herring, Chief of Emergency Services Chip Munna, Utilities Director Ken Bowling, Public Works Director Ben Liddle, Systems Administrator David Cox, Tax Collector Dawn Reno, Finance Director Deb Straub, Village Attorney Charles Baldwin and Village Clerk Amy Miller recording the meeting.

**Others Present:** Bald Head Island Limited Director of Communications Joyce Fulton, and Bald Head Association Manager Karen Moorefield, Old Baldy Foundation President Chris Webb, Steve Coggins

- 1. Call to Order/Approval of Agenda** **Mayor Lammert**  
Mayor Lammert called the December 14, 2007 Village Council Work Session to order at 9:30 a.m. Mayor Lammert asked for any changes in the work session Agenda. With no changes to the agenda Councilor Pitera made a motion to approve the work session agenda presented. In a voice vote, all voted in favor. **(Motion carried 5-0)**
- 2. Review of Agenda for the Regular Meeting of December 14, 2007**  
Mayor Lammert advised that the October 26<sup>th</sup> and November 16<sup>th</sup> minutes are on the agenda as well as a tax release request. Ms. Reno advised that the tax release was due to an error in the billing of exempt properties.  
Mr. McCall advised that Mr. Baldwin and Mr. Coggins will be at the afternoon meeting to make a presentation on the CRC Meeting and Inlet Hazard Area.  
Deb Straub announced that Wayne Berry, our auditor, will attend the afternoon session and that we received a clean audit.  
Presentation of Brunswick County comprehensive plan will not be on the afternoon agenda.
- 3. Discussion of the Fort Holmes Battery Four Site**  
The Mayor announced that Chris Webb would be discussing the Battery Four Site. Chris Webb announced that Fort Holmes Battery Four walkway next to the Association has been in discussion with the Ad-hoc committee and Leadership Committee which is headed by Dick Johnson. She stated that in the last leadership

**Village of Bald Head Island**  
**Work Session Minutes, December 14, 2007**  
**Page 2 of 5**

meeting, there were discussions of the ownership of the property. BHI Limited Planning Department did a topo of the property and found that the triangle between NBHW and Lighthouse Wynd is in fact owned by BHI Limited as well as the entire piece of property.

Old Baldy has not yet received the 5 year lease on the property Limited has agreed to the concept. Once the lease is executed the Old Baldy Foundation will in turn accept the general liability. The POA has earmarked \$15,000.00 that they have actually carried over the past couple of years. BHI Limited has agreed to a one time contribution in the first phase.

Old Baldy has received estimates from Cortes Builders, Project Works, and Hummel Built Homes. Old Baldy does feel like this could be used as a park and a benefit to all on the Island not just the Old Baldy Foundation.

The Mayor expressed that Ms. Webb wanted the Village to fund 1/3 of the project and that Public Works would be maintaining the site.

Council member Douglas while supporting the project raised concerns in reference to the 5 year lease and to whether or not BHI Limited would continue to renew the lease.

Mayor Pro Tempore Sayre raised the concern of using public funds for projects related to non-profit organizations and also feels that non-profit organizations such as Old Baldy should stand on their own two feet.

Ms. Webb presented the argument that the park would be used by all and there would not be a fee charged.

Mayor Pro Tempore Sayre raised the concern that the tax payers may shy away from donating to the foundation if they are contributing tax money from the Village.

Council member Pitera requested the Old Baldy Foundation search for a pool of volunteers for maintenance of the site rather than use Public Work employees.

Council Douglas made a motion to appropriate \$15,000.00 of village funds to the Old Baldy Foundation Battery Site project with the stipulation that they receive a 5 year lease. In a voice vote, the motion was voted in favor. **(Motion carried 4 to 1).**

#### **4. Discussion of the Waste Industries Contract**

Manager Peck reiterated from last months meeting that Brunswick County provides basic at the road once a week trash service. Unincorporated areas already have a contract with Waste Industries and that service is just provided. Municipalities that hold separate contracts with a higher level of service will be expected to pay the difference. Brunswick County pays \$10.76 per month for basic service and that is all the authority they have to do. The \$14.23 that the Village pays is due to the backdoor pickup, which is the most expensive, as well as the second pick up and other miscellaneous expenses such as barge fees.

Mr. Peck further stated that the quality of service from Waste Industries is good and what we have paid is in line with the other municipalities. Mr. Peck requested that if the Village wants the County to pay for the additional fees then the Council would have to meet with the elected officials in Brunswick County and that matter would have to be between them. At this point Manager Peck expressed that the Council should adopt the contract with Waste Industries.

Mayor Lammert requested from council that he join the other Brunswick County Mayors and go to the County Officials as a joint group to discuss the rate the county pays now and request the county to raise the monthly rate.

Mayor Lammert expressed that the county receives a high amount of revenue from the municipalities in this area especially with the reevaluation and this is desperately needed especially in the summer months with the high fluctuation of visitors from across the state.

Councilmember Pitera expressed that there is no hurt in the effort and that they could only hope for positive results.

Manager Peck stated that the contract is for three years beginning January 1, 2008 through December 31, 2010.

Councilmember Douglas stated that the Village has to adopt the contract but with the stipulation that Mayor Lammert renegotiate with the Board of Commissioners in Brunswick County.

The Mayor expressed to the council that the Mayors are not scheduled to meet again until January and that the hope is to meet with the commissioner before the next budget cycle in July.

Council Douglas made a motion to approve the Waste Industries contract. In a voice vote, all voted in favor. **(Motion carried 5 to 0)**

**5. Appointments/Re-appointments to the Committees**

Mayor Lammert suggested that the council defer the appointments until the Village Council Retreat in hopes that more applications be filed.

**6. Review of the New De-Firm Maps**

Chris McCall stated that the new D-Firm maps effects portions of the Marina, parts of North Bald Head Wynd, the Marina and Harbor areas as well as the majority of Middle Island. Most of North Bald Head Wynd has been put back into an AE zone. Mayor Lammert asked that now that we have 2 maps, which maps should we follow? Mr. McCall responded by saying that the most restrictive will have to be used until the maps are officially approved which could be 10-11 months.

**7. Timbercreek Mulch Site**

Manager Peck expressed that we are still awaiting the lease for the Timbercreek Site and that the Association Attorneys still have it. However, a facilities and operations draft agreement has been completed by the Village Attorneys and has been agreed upon between the Village and Island Contracting. Manager Peck wants to begin operations starting January 1 because Limited has stopped the operation of the mulch site. Manager Peck has requested that council allow the Mayor to execute the lease with the Association once received and approved by the Village attorney and prior to the next council meeting so not to wait another month before operations begin.

Mayor Lammert asked council for approval to move forward with the execution of the lease with the Village Attorney's blessing. In a voice vote, the council voted unanimously for the Mayor to move forward with the signing of the lease **(motion carried 5-0)**.

**8. Manager's Update on Village Projects and Other Items of Consideration**

Manager Peck stated that Chief Munna has the action on the fire alarm ordinance however; the Village is not to the point where we are ready to approve the action but that the intent of Public Safety is in it.

Manager Peck relayed that the first Wellness Committee meeting will be January 4<sup>th</sup> and that the committee is at staff level. The North Carolina League of Municipalities will be in attendance in this meeting to discuss wellness initiatives.

Manager Peck confirmed that the outfall gate at hole # 6 did come in. The Village was expecting the actual gate this week and will be working with property owners to go in and clean out the outfall to the creek.

Manager Peck announced that the environmental assessment to use for Jay Bird Shoal for sand is in final draft and was sent with all attachments this morning by email and that the final draft with comments is going out via Fed-Ex today.

Mayor Lammert asked if we were submitting an AE in the format of an EIS. Manager Peck confirmed yes and that if we get a FONSI (finding of no significant impact) then the EA is all that needs to be done and we move forward however if we don't get the fonsi then we will have to turn around and submit an EIS, then all the work that we have done will have to be in a specific format plus much more.

Mayor Lammert asked if we got the FONSI would we have approval to move forward in June. Manager Peck expressed that setting specific dates and times are just not possible.

Mayor Pro Tempore Sayre asked Manager Peck what happened with the problem of the Corp of Engineer Project Manager in his statement that the Village will fail. Attorney Baldwin expressed that George House had a discussion with the folks in Wilmington and it was clearly understood that that the comment was unacceptable and would not happen again.

Manager Peck stated that we have also received in final format an Analysis of Potential Impacts of Borrow Site to Local Wave Client. The most important paragraph in the entire document states that based upon the results present herein and experience with other similar design projects, it is expected that the excavation of the project borrow sites will not have specific impacts on the Oak Island and Bald Head shorelines.

Mr. Peck announced that Kevin Walker is looking at the harbor groin field and is waiting on answers from CAMA and should have estimates to us in time for our Council retreat.

Mr. Peck stated that the Electronic Retention Program will be installed on Jan 4<sup>th</sup> and that NC Archives is schedule to come in for training.

Mr. Peck advised that the compaction test for the Public Works and Utilities buildings will be done on Monday December 17<sup>th</sup>.

Mr. Peck also advised that the Village Hall expansion design development drawings are due to architect next week and they should have something for us by the first of January.

Mr. Peck informed Council that he had spoken with Jane Johnson regarding the Friends of the Library and she is prepared to take the lead with this.

He further stated that the Police Department is expecting the new Hybrid vehicle in January.

**Village of Bald Head Island**  
**Work Session Minutes, December 14, 2007**  
**Page 5 of 5**

There are now 11 Utilities Maintenance Contracts in Middle Island and two in Stage I

Mt. Peck continued to say that Contract for ICE is signed by all parties and that the hang tags will be in and delivered to BHI Limited by December 27<sup>th</sup>.

Mr. Peck reported that in regards to Brunswick County Tax Collections, that we have received no answer back regarding occupancy taxes, but have begun communications with regards to lock box for the Utility billing, Taxes and bank drafts.

Councilor Douglas made a motion to move to closed session. In a voice vote, all voted in favor. **(Motion carried 5-0)**

The closed session began at 10:50 a.m.

**9. Closed Session (pursuant to N.C. General Statutes 143-318.11(a) (1), (3) and (5))**

- Howard Biggers III, vs. Village of Bald Head Island, et al
- Property and Facility Acquisition
- Village of BHI vs. Corps of Engineers (civil action # 03-CV-243-FL)

Councilor Pitera made a motion to return to open session. In a voice vote, all voted in favor. **(Motion carried 5-0)** Mayor Lammert advised that no action was taken during closed session.

The open meeting reconvened at 2:30 p.m.

**10. Adjourn**

With no additional items for discussion, Mayor Lammert entertained a motion to adjourn the Work Session Meeting. Councilor Morris made the motion to adjourn. In a voice vote, all voted in favor. **(Motion carried 5-0)**

The December 14, 2007 Village Council Work Session adjourned at 2:31 p.m.

Approved:

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Larry Lammert, Mayor

Attest:

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Debbie Talbert, Interim Village Clerk