

**Village of Bald Head Island
Council Meeting
July 18, 2008
Location: Bald Head Association Center**

Council Present: Mayor Larry Lammert, Mayor Pro Tempore Andy Sayre, Councilor Gene Douglas, Councilor John Pitera (Councilor Art Morris was not in attendance).

Staff Present: Village Manager, Calvin Peck; Assistant Village Manager / Development Services Director, Chris McCall; Finance Director, Deb Straub; Human Resource Administrative Officer, Dawn Reno; CAMA/LPO Permit Officer, Daralyn Spivey; Police Chief Richard Herring; Administrative Assistant, Debbie Talbert; Captain Doug Ledgett; Public Works Director, Ben Liddle; Utilities Director, Ken Bowling; Systems Administrator, David Cox; Village Attorney Charles Baldwin; Village Clerk, Joy Davis (recording minutes).

Others Present Per Meeting Sign-In Sheet: Dr. Suzanne Dorsey with BHI Conservancy; BHI Limited Director of Communications, Joyce Fulton; State Port Pilot Reporter, Ben Brown; Ann Kane, Chairperson of Beach Committee.

Village of BHI Residents Present Per Meeting Sign-In Sheet: Judy Brawner; Richard & Diane Mesaris; Ray Webb; Kelly Faulkner; Robert Kessler.

- 1. Call to Order/ Approval of Agenda** **Mayor Lammert**
Mayor Lammert called the July 18, 2008 Village Council Meeting to order at 3:00 p.m. Mayor Pro Tempore Sayre made a motion to approve the Council Meeting Agenda as presented. In a voice vote, all voted in favor. **(Motion 4-0)**

Certificates of Recognition - Mayor Lammert awarded certificates of recognition to Ms. Debbie Talbert who served as interim clerk from January through May of 2008, and to Ms. Dawn Reno and Ms. Daralyn Spivey who assisted her in her duties during that time.

- 2. Public Hearing / Ordinance Amendment 2008-0701:**
There were no Public comments regarding Ordinance Amendment 2008-0701
- 3. Public Hearing / Ordinance Amendment 2008-0702**
There were no Public comments regarding Ordinance Amendment 2008-0702
- 4. Consent Agenda**
- 4.1 Approval of Minutes
 - June 13, 2008 Council Work Session
 - June 13, 2008 Council Meeting

- 4.2 **2007 Unpaid Property Taxes & Unpaid Settlements** - Reporting a 98.7% final tax collection rate and \$60,687.21 in uncollected taxes, Dawn Reno explained that although the amount collected is slightly lower than last year, one must take into consideration the economy and housing market. Regarding unpaid taxes, Ms. Reno stated that beginning August 1st various collection procedures will be implemented by the County.
- 4.3 Resolution for the Sale of Utilities Department Surplus Property
- 4.4 Brunswick County Liaison Committee Appointment of Brooke Williams.- Mayor Lammert welcomed the appointment of Mr. Williams and invited all those interested in submitting an application.

Mayor Pro Tempore Sayre made a motion to approve the consent agenda and in a voice vote, all voted in favor. **(Motion 4-0)**

5. Old Business - Engineered Beach Project

- 5.1 Mr. Peck discussed various aspects of the charrettes presented by Peter Ravella regarding financing options for the proposed Engineered Beach project stating that the information was interesting and presented well and was cast live on www.villagebhi.org.

Mr. Peck reported that Mr. Ravella will host 2 more sessions on Friday August 22nd at 1:00 p.m. and August 22nd at 10:00 a.m. at BHA and cards of invitation will be mailed to all property owners.

6. New Business

- 6.1 **June Financial Statement & Other Updates - FY 07 – 08 Pre-Audit Report** - Ms. Deb Straub reported that Fiscal Year 07 / 08 ended with operating expenditures below the annual budget appropriations for both the General and Utility funds with projected balances for the General Fund projected to be approximately \$6M and the Utilities Fund to be near zero due to the \$378K transfer of monies to the Infiltration Pond and Middle Island Sewer Funds.

Middle Island Report - Explaining that the Middle Island Sewer Fund was closed in June with unexpended monies being transferred to the Utility Fund, Ms. Straub reported that as of July 15th, 84% have paid the assessment (93 parcels) thus leaving 18 unpaid as of this date.

- 6.2 **Council Consideration / Ordinance Amendment #2008-0701** - Councilor Pitera made a motion to approve Ordinance #2008 – 0701. In a voice vote, all voted in favor. **(Motion carried 4 – 0)**
- 6.3 **Council Consideration / Ordinance Amendment #2008-0702** - Councilor Pitera made a motion to approve Ordinance #2008 – 0702. In a voice vote, all voted in favor. **(Motion carried 4 – 0)**

6.4 Pirate’s Day Proclamation

Mayor Lammert stated that the Council had honored a request to declare a proclamation for Pirate’s Day to be held the 1st week of August.

6.5 Ocean Setback Rules -

Village Attorney, Charles Baldwin, presented a power point slide show and took questions on Coastal Resource Commission proposed rule changes. Reviewed were 15A NCAC 07H.0306 regarding ocean setback rules. These rules regulate how far from ocean a structure must be built. Three major proposed changes are setback requirements based on size of structure, not its use; setback distances on graduated setbacks with maximum factor increased from 60x erosion rate to 90x; and static line exception for towns with long-term, large-scale beach fill projects. New procedures in rule 15A NCAC 07J.1200 (.1201-.1206) were discussed for towns to qualify as having long-term, large-scale beach fill projects.

6.6 Public Forum for Mayoral Election & Council Terms –

Mayor Lammert reviewed the morning discussion and Council’s approval to hold a Public Forum on general election of mayor and council term limits, informing the audience that the aforementioned will be held at the 3:00 p.m. Council Meeting on August 15th and encouraging all to attend and participate.

7. Committee Reports

7.1 Beach – Ms. Ann Kane commended the Public Works Department for repairs to the beach access areas. Ms. Diane Mesaris commented on the condition of the sign at Beach Access #18, with Ben Liddle stating that it is in the process of being repaired.

7.2 Public Works - Mr. Richard Mesaris reported that the paver project on West Bald Head Wynd will be completed soon and then the process will begin on Stede Bonnet.

***Notation: There were no reports from Finance, Public Safety, or Transportation.**

8. Monthly Reports

8.1 Manager’s Report

Creek Access Lot - Mr. Peck reported that the Village’s request of BHA to assist in the revision of the designation of the Village’s lot located beside the Creek Access from single-family to governmental use will be considered at BHA’s October meeting, therefore giving members time to review pertinent facts and information associated with this change

Corps of Engineer Refund - He informed the audience that the Village had received the approximately \$400K refund from the Corps of Engineers which it contributed to 2007 Beachfill.

Club Agreement - Mr. Peck stated that the Village has executed the contract with the Club and the associated easement has been filed.

DENR - Pertaining to the DENR Notice of Violation, Mr. Peck reported that during the morning work session Council approved the execution of the DENR Settlement Agreement by Mayor Lammert, as well as the DENR Lagoon contract.

- 8.2 Police Report** – Chief Richard Herring thanked everyone for continuing to use 911 in the reporting of illegal or suspicious activities.

He also informed Council that Officer Steve Williams, 7-year veteran of the Village Police Department, and wife are celebrating the arrival of their 7 pound baby boy, Jacob Lawrence.

- 8.3 Fire / EMS Report** - Captain Doug Ledgett, filling in for Chief Munna, summarized the Fire/EMS report and stated that the department has been busy.

9. Comments, Reports, and Questions

9.1 Citizens –

Ms. Kelly Faulkner - Ms Kelly Faulkner of 18 Sandwich Tern, expressed concerns and grave fears regarding reckless teenage driving during the evening hours in the areas of Sandwich Tern and Edward Teach. She suggested more police presence, and possibly a curfew.

Ms. Faulkner stated that it has gotten so bad that she is considering leaving the Island and that following her complaints to parents of these teenagers, she has felt intimidated and a bit harassed.

Ms. Faulkner explained her hesitation to call 911, stating she felt that should be for life or death situations only, with Chief Herring and Mr. Peck advising her to call 911 at any time she or her family's safety is in jeopardy.

Ms. Faulkner's husband, Robert Kessler, stated that from what he has witnessed, there need to be more officers on patrol. He stated that he and his wife discovered that the one cart they reported this summer had eventually been involved in a rollover incident.

Mayor Lammert thanked the couple for their information and suggested that Chief Herring and the couple leave the meeting at that time to begin discussions so that an assessment of the problem could quickly be made.

Richard Mesaris – Mr. Richard Mesaris reported that Tom Cannon, a seasonal employee of the Village’s Beach Patrol, should be commended for saving the life of a father swimming with his children at Shoals Point.

Ms. Mesaris also asked if there was a way for the Village to notify the Public about rip-tide conditions, with Mr. Peck stating that he will look into all possibilities.

Ms. Joyce Fulton commented that she has been attempting to secure more signage with regards to the rip-tide situation.

9.4 Bald Head Conservancy –

Dr. Suzanne Dorsey thanked all residents and the Village for their participation in the Conservancy Picnic, stating that it is an excellent example of the whole community coming together and working toward a common goal.

Dr. Dorsey reported that there are 78 sea turtle nests, and it is coincidental that 25 years ago, this week, the sea turtle program began with the founding of the Conservancy.

She stated that a Public Forum reviewing Dr. Brewer’s report on “Deer Impact on the Forest” will be held on Monday, July 21st at 1:00 p.m. at the BHA.

Dr. Dorsey ended her report with the announcement that Dr. Paul Hearty has accepted the Director of Conservation position, bringing with him 25 years of experience as a geologist.

9.6 Mayor & Council

***There were no reports from BHA, Bald Head Island, LTD, BHI Club or Mayor & Council**

10. Mayor Pro Tempore Sayre made a motion for adjournment at approximately 3:50 p.m. In a voice vote, all voted in favor.

(Motion carried 4 – 0)

APPROVED:

Attest:

Larry Lammert, Mayor

Joy Barrow Davis, Village Clerk