

**VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
SEPTEMBER 18, 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

STAFF PRESENT: Calvin R. Peck, Jr., Village Manager
Chris McCall, Assistant Manager/ Director of Dev. Services
Deb Straub, Finance Manager
Dawn Reno, Tax Administrator/ HR Officer
Public Safety Chief Chip Munna
Ken Bowling, Utilities Director
Ben Liddle, Utilities Director
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra C. Talbert, Village Clerk (Recording Minutes)

OTHERS PRESENT: Various Public and Residents

1. **Call to Order & Approval of Agenda-** Mayor Lammert called the September 18, 2009 Council Work Session to order at 9:30 a.m. Mayor Lammert stated the Afternoon Agenda Section 3 Presentation – NCIT with the Port Authority would need to be removed from agenda due to cancellation. Mayor Lammert stated the Port Authority agreed to meet with Bald Head Association and Council on November 13, 2009. Mayor Lammert asked Council for consideration of this proposal. Mayor Lammert asked for approval of the agenda as presented, with Councilor Morris making the motion to approve. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

2. **Review of Council Meeting Agenda-**
Council Item 2.1- Public Hearing- Adding Articles XV Sea Turtle Sanctuary, XVI Livestock and Wild Animals, XVII Unrestrained dogs to Chapter 4 Animal Ordinance- Mayor Lammert questioned Charles on Article XVII. Unrestrained Dogs Section 4- Unrestrained dogs prohibited. Charles Baldwin verified the Animal Ordinance presented to Council is verbatim to prior Ordinance the Village had adopted.

Council Item 4.1- Approval of Minutes- Mayor Lammert asked Council to review the minutes as presented for amendments. Calvin Peck stated the minutes for the August 4, 2009, Special Meeting were addressed to the Clerk and were to be amended.

Councilor Douglas made suggestion to approve the meeting with the Port Authority at the Bald Head Association meeting with Council attending as a Special Meeting. With all in approval, Mayor Lammert stated he would speak with the Association to confirm.

Council Item 5.1- Brain Sail Steering Committee Status Report- Mayor Lammert stated Ken Miller would be giving a power point presentation on the status of the Brain Sail.

Council Item 7.1- Beach Committee - Councilor Douglas discussed the beach vegetation with sea oats to be planted beginning April 2010.

Council Item 7.3- Public Safety- Councilor Morris gave recommendation of extending the physicals for paramedics and emergency staff and all volunteers. Calvin agreed to support this issue.

3. **Golf Course Renovation Presentation**- Robert Norton gave a presentation on Golf Course Revitalization. Mr. Norton gave the project overview of pending construction which should begin in November. After the presentation, Mr. Norton and Council discussed the concerns with Lagoon 3 on Hole 15. Mr. Norton stated there were three plans in review to renovate Lagoon 3 from Tim Cates Design, the second option was to fill in the lake in front of the green, and the unapproved version would include changing the tee complex strategy which would fill in the lagoon left of the tee and redesign. Further discussion involved the legal concerns with the removal of Lagoon 3 from the Utility system. The latest design was distributed to the Council and Mr. Norton stated The Club Association would like to have Lagoon 3 tied back into the existing lagoon system. Council discussed their concerns with the removal of Lagoon 3 and the studies being done on the lagoons for compliance with DWQ. Attorney Baldwin stated the agreement with The Club and with Limited is to complete studies of the lagoons and to have compliance with DWQ (Division of Water Quality). He further stated when studies were complete the Island would need to have alternative to present to DWQ (Division of Water Quality) and EMC (Environmental Management Commission). Attorney Baldwin stated we would still have to have a variance for any change to Lagoon Three. Attorney Baldwin stated further discussion should be done in Closed Session.
4. **Financial Report/ GO (Build America) Bond Status**- Deb Straub stated the General Obligation Bond financing went well. The contracts were signed on September 11, 2009 in Chapel Hill. Deb stated the changed financing plan from a tax-exempt rate @ 3.92% to a taxable Build America Bond @ 4.82%. Deb explained that due to a federal subsidy of 35% of interest costs, there was a savings over \$900k over 6 years with an effective rate to equal 3.133%.
5. **Status of Terminal Structures**- Attorney Baldwin stated the General Assembly passed a bill which requires NC Coastal Resources Commission to conduct the study and present a report to the General Assembly by March, 2010 on the effectiveness of terminal groins. This study would give information regarding the engineering techniques used to construct terminal groins, including technological advances and techniques that minimize the impact on adjacent shorelines. The information regarding the current and projected economic impact to the state, local governments and the private sector from erosion caused by shifting inlets, including loss of property, public infrastructure and tax base. Attorney Baldwin stated Mayor Pro Tempore Sayre and Village Manager Calvin Peck attended the CRC meeting. Mayor Pro Tempore Sayre explained how dissatisfied with the meeting and the outcome. Calvin stated Eric Olsen has provided information to Moffat Nichol on all terminal structure that Olsen Associates had worked. Calvin asked the public to state their concerns by contact Jim Gregson with Division of Coastal Management at the Division of Coastal Management website.

6. **Manager's Report-** Manager Calvin Peck read an act passed by the General Assembly of North Carolina. Section 1. G.S. 14-288.12(b)

The acts to clarify that counties and cities have the authority to order evacuations in certain situations, and that the Emergency Management Immunity Statute applies to them, as recommended by The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery. Calvin stated the ordinances authorized by this section may permit prohibitions and restrictions of movements of people in public places, including directing and compelling the evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction, to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of a disaster area, and the movement of persons within the area.

Calvin stated this information has been forwarded to Attorney Baldwin to review. Council discussed with Chief Munna how this would operate on the Island.

Ken Bowling, Director of Utilities spoke in reference to the water and sewer usage for summer 2009. Ken gave the Water and Sewer Flow Comparison for the three summer months. Ken stated the Island used 28.3 million gallons of water in 2008 and 30.5 million gallons in 2009. The Waste Water Treatment Plant processed 17.0 million gallons in 2008 and 20.2 million gallons in 2009. Mayor Lammert asked Ken what the Peak Flow was for the Island. Ken stated he would have the answer at the afternoon session.

Calvin explained the Accommodations Tax Audit of properties rented on the Island has resulted in seventy-two letters sent to property owners about the amount of tax due to the Village. Forty-four accounts have responded and through research have been found to be in compliance, nineteen accounts are still awaiting a response, and nine accounts were researched, added and collected \$18,217.40. Dawn stated second letters will be drafted and mailed to the twenty accounts still outstanding with an urgency notice expiring seven days from receipt of letter. Dawn explained the upcoming project is to review the temporary membership list from The Club to find others that are in non-compliance but are not advertising.

Calvin spoke in reference to the General Assembly enacted Smoking Restrictions within State and Federal properties. Calvin stated the four areas the Village may prohibit smoking will include are in Local Government buildings, on Local Government grounds, Government vehicles and in any public place. Calvin stated this bill would not be effective until January 2, 2010. Calvin stated the Proposed Ordinance will be set on the October Council agenda under New Business for the 1st Reading and set Public Hearing for the November Council meeting.

Calvin discussed the Shoreline Management Plan with Council. Calvin stated all permits have been received necessary for the modification, rebuild and/or replacement of the Groinfield. Calvin stated the advertisements will be run Saturday, September 19th and Wednesday, September 23, requesting bid to do the groins. Council discussed with Calvin and Chris McCall on the process of the Shoreline Management Plan.

Calvin stated the State CAMA Major Permit Modification and the letter of modification from Corps of Engineers has been received and awaiting the 401 Water Quality Permit from the Division of Water Quality for Sand Placement. Calvin stated (two) 2 million cubic yards would be dredged from Jay Bird Shoals and place (one/half) 1.5 million cubic yards on Bald Head Island beaches. Norfolk Dredging will

begin to mobilize October 15th, on November 1st the pumping from Jay Bird Shoals will begin. Calvin stated when the Engineered Beach was completed the paperwork would be filed with FEMA.

Ben Liddle, Public Works Director told Council as of October 1, 2009, the Landfill will no longer accept Plastic, Oil filters and pallets. Ben stated this is a voluntary recycle issue and no fines will be given at this time. Council discussed the recycling issues on the beach accesses. The Public Works Committee will discuss the issues and make recommendation to Council.

Calvin stated the Creek Access Permit that has been filed will require a Major CAMA permit due to the Municipality disturbing the Wetlands. There will need to be an Engineered Storm Water Plan done and Calvin stated any information will be shared with Council.

Mayor Lammert asked Robert Norton is the lease to the groins at the Marina Entrance been discussed. Robert Norton stated the situation is being researched through Legal Council.

Mayor Pro Tempore Sayre stated he had concerns with the Resolution presented to Council designating RBC Bank as the Village's Depository Institution on paragraph 4, 5, and 6 on the wording and requested Attorney Baldwin to review.

7. **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 10:55a.m., with Councilor Douglas 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 12:50 p.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

8. **Adjournment**- Mayor Lammert entertained a motion for adjournment at 12:51 p.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

Larry Lammert
Mayor

Debra C. Talbert
Village Clerk

