

Village of Bald Head Island

Council Meeting

November 16, 2007

Councilmembers Present: Mayor Larry Lammert, Mayor Pro Tempore Andy 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, Finance Director Deb Straub, Captian Danny Kiser, Systems Administrator David Cox, Tax Collector Dawn Reno, Utilities Director Ken Bowling, Assistant Public Works Director Bubba Galloway, Village Attorney Charles Baldwin and Village Clerk Amy Miller recording the meeting.

Others Present: Bald Head Island Director of Communications Joyce Fulton, Bald Head Island Director of Planning Jim Henry, Suzanne Dorsey with the Bald Head Island Conservancy, Bald Head Island Association Manager Karen Moorefield and Ben Brown with the State Port Pilot.

Citizens Present: Win Stevens, Ray Webb, Jane Johnson, Tom Hayden, Ann Kane, Doug Oakley, Marianne Link and Mike Boozell

1. Call to Order/Approval of Agenda Mayor Lammert

Mayor Lammert called the November 16, 2007 Village Council Meeting to order at 3:00 p.m. Councilor Pitera made a motion to approve the Council Meeting agenda as presented. In a voice vote, all voted in favor. **(Motion carried 5-0)**

2. Public Hearings

2.1 On a Proposed Amendment to the Village of Bald Head Island Code of Ordinances, Amending its Traffic and Vehicle Ordinance, Chapter 28

Mayor Lammert opened the public hearing on the proposed amendment to the Traffic and Vehicle Ordinance.

Mr. Peck read the following statement from the Village Attorney to be entered into the public record:

In recognition of the unique community located on Bald Head Island, the General Assembly empowered the Village, in its Charter, to regulate motor vehicles. In February 2000, the Village adopted the ICE ordinance, which determines permit fees based on the vehicle's gross weight, width, and duration of use. In 2002, the General Assembly clarified the powers enacted in the Charter. The clarification stated: "Regulation of the use and operation of all vehicles, as defined in G.S. 20-4.01(49). The Village may impose a fee on the use of vehicles within the Village's jurisdiction. The amount of the fee may vary based on criteria that bear upon the Village's costs arising from the operation of that vehicle on the Village's streets, roads, and rights-of-way. Such criteria may include gross weight, length, number of axles, and motor or engine characteristics." Pursuant to the clarifying amendment, the fees collected shall be used by the Village to finance the establishment and maintenance of the Village's streets, roads, and rights-of-way. In concluding that the Village did NOT exceed its statutory authority when it set forth the permit fee schedule, the North Carolina Court of Appeals focused on the fact that the fees were based on criteria related to the Village's costs. As such, the fees were rationally related to the Village's regulation and maintenance of the streets, roads, and

Village of Bald Head Island
Meeting Minutes, November 16, 2007
Page 2 of 6

rights-of-way. The purpose behind the decision to use length. [(1) reliable predictor of damage to the roads and (2) the decision to use length simplifies the process (efficiency) for obtaining a permit which benefits the Village and the permit holders] The legislature identified length as a relevant criteria. The criteria of length bears directly on the Village's costs associated with the regulation and maintenance of its streets. Bald Head Island Limited has no objections to such revised criteria.

Mr. Peck added that the change from vehicle width and weight to length will drop the price approximately 30% .

Diane Mesaris asked how many categories there are in the new rate fees. Mayor Lammert replied that there are five (5) categories.

With no additional comments, Mayor Lammert closed the public hearing.

2.2 On a Proposed Amendment to the Village of Bald Head Island Code of Ordinances, Amending it Water Conservation Standards Ordinance, Chapter 30

Mayor Lammert opened the public hearing on the proposed amendment to the Water Conservations Standards.

Mr. Peck explained that the change in the ordinance would provide for less restrictive obligations for the Island and stay more in line with the state regulations.

Doug Oakley asked if the requirement for pressure washing is a new addition to the ordinance. Mayor Lammert replied that it is a new addition to the ordinance and only required prior to painting.

With no additional citizen comments, Mayor Lammert closed the public hearing.

3. Consent Agenda

Resolutions

3.2 A Resolution Forgoing the Collection of Minimum Tax Bills

Mayor Lammert explained that the above stated resolution will allow the Village to forgo the billing and collection of taxes under \$5.00. He added that this will go into affect for the 2008 tax year. Councilor Morris made a motion to approve the consent agenda. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4. Old Business

4.1 Update on Beach Private Sand Placement Efforts

Mr. Peck reported that the Village has a meeting with the Corps on November 19th. He advised that this meeting is a scoping meeting for the submission of the permit for private sand placement. He further reported that hopefully the EA would be ready for submission within the next few weeks.

4.2 Consideration of the Bald Head Island Conservancy Proposal Regarding Wildlife Management

Mr. Peck reported that both the Westervelt and the Conservancy deer studies are complete. Both studies provide much lower numbers than in the past. Westervelt

**Village of Bald Head Island
Meeting Minutes, November 16, 2007
Page 3 of 6**

recommends that to maintain the current deer density, approximately 40-50 deer need to be culled. The Conservancy recommendation is to take this year, since the deer numbers are down and perform a Movement, Habitat Selection and Baseline Condition of the Deer Population Study on Bald Head Island. This study will assess the movement of the deer herd on Bald Head and further confirm as to whether or not an alternative form of contraceptive control is favorable for the Island. The reason for this study is to ensure that if the Village were to choose a form of non-lethal birth control, the deer must stay on the Island because the affect of the non-lethal method is unknown if humans were to consume the meat. Mr. Peck advised that Staff recommends the Council approve the Conservancy recommendation with the understanding that a cull will more than likely have to be done next year because it is expected that the deer population will double next year.

Mr. Oakley asked the number of bucks on the Island. Mr. Peck replied that the number of does and bucks were almost equal, 40-50 each. Councilor Douglas made a motion to approve the Managers recommendation of the Deer Movement Study. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.3 Consideration and Approval of a Proposed Amendment to the Village of Bald Head Island Code of Ordinances, Amending its Traffic and Vehicle Ordinance, Chapter 28

Mayor Pro Tempore Sayre made motion to approve the amendment to the Traffic and Vehicle Ordinance. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Pro Tempore Sayre made a motion to approve the new rate schedule for the ICE fees. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilor Pitera made a motion to approve the Agreement Delegating Authority For Sale of Daily Vehicle Permits between the Village and Bald Head Limited. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Consideration and Approval of a Proposed Amendment to the Village of Bald Head Island Code of Ordinances, Amending it Water Conservation Standards Ordinance, Chapter 30

Councilor Pitera made a motion to approve the proposed amendment to the Water Shortage Response Plan. In a voice vote, all voted in favor. (Motion carried 5-0)

5. New Business

5.1 Financial Statement-October, 2007—*Calvin Peck*

Mr. Peck reported that the only significant item to report is that the budgeted amount of tax collection revenue may be down some what due to the appeals that were approved by Brunswick County.

5.2 An Amendment to the Village of Bald Head Island Code of Ordinance Amending the Requirements for Golf Cart Registration

Village of Bald Head Island
Meeting Minutes, November 16, 2007
Page 4 of 6

Councilor Morris reported that as of January 1, 2008 all golf carts that are registered on the Island for the first time will be equipped with front head lights, rear tail lights, rear brake lights, a rear view mirror, a parking brake, seatbelts for all seating positions on the golf cart and a speedometer. He emphasized that only golf carts registered to the Island for the first time will be required to be equipped with these features. Mayor Lammert advised that that the second reading and public hearing will be held at the December 14th Council Meeting.

6. Committee Reports

6.1 Beach

Anne Kane

Ms. Kane reported that the Beach Committee met yesterday and Mr. McCall and Mr. Boyett are going to work with the Committee to ensure all of the beach accesses are up to code.

6.2 Finance

John Knott

There was nothing to report from the Finance Committee at this time.

6.3 Public Safety

Don Tillman

There was nothing additional to report from the Public Safety Committee at this time.

6.4 Public Works

Richard Mesaris

There was nothing to report from the Public Works Committee at this time.

6.5 Transportation

Wayne Lambert

Councilor Pitera reported that the Transportation Committee is currently working on an Intra Island Transportation Plan.

7. Monthly Reports

7.1 Manager's Report

Manager Peck

Mr. Peck reported that the Staff and Council received an email asking for a performance based evaluation from ICMA. He asked all Staff and Council to please participate. He further advised that the final product is all lumped together. There are no individual responses.

Mr. Peck reported that as of November 13th this area is still 21 ½ inches below normal in rainfall. That is approximately 602 thousand gallons per acre below normal.

Mr. Peck reported that the Association Board agreed to a lease agreement for the Timber Creek mulch site. The operation will hopefully start January 1, 2008.

Mr. Peck reported that David Cox has been accepted into the Institute of Governments Chief Information Officer Course. He further reported that Mr. Cox is currently working on getting all Village documents scanned and in digital format.

Mr. Peck reported that the contract with Waste Industries is to be renewed at the December meeting. He added that Bald Head pickup is more expensive than other municipalities in Brunswick County due to the back yard pickup.

**Village of Bald Head Island
Meeting Minutes, November 16, 2007
Page 5 of 6**

Mr. Peck reported that Mr. McCall and legal Council are going to appear before the CRC at the end of the month regarding the Inlet Hazard Area. Mr. McCall will report back to Council at the December meeting.

7.2 Police Department

Chief Herring

Chief Herring reported that it has been a routine month for the Police Department. He advised that golf cart registration begin on Monday. Proof of insurance will have to be provided before the registration can be issued.

7.3 Fire/EMS Department

Chief Munna

In the absence of Chief Munna, Captain Kiser reviewed the number of calls during the month of October. He advised that the Department had a sick call in the top of the lighthouse during the month. He emphasized that the 8 years of training that the Department has done preparing for an incident of this caliber has finally paid off. Mr. Kiser added that the Village and County are continuing to work to resolve the radio system problem. The Department will be working off their alpha numeric pagers until the system is up and running.

Mr. Peck made Mr. Stevens aware that the Public Works Department has begun working on the vine issue. He added that the Department will spray in spring. Mr. Stevens added that the Club has had better success spraying first.

8. Comments, Reports and Questions

8.1 Citizens

Mr. Stevens asked if the Village is planning to charge for the mulch from the Timber Creek site. Mr. Peck replied that the Village has contracted with Wayne Krahn to manage the mulch site for the next five (5) years. He further reported that the Village is looking into charging commercial operators for mulching.

Ms. Link asked if we have rainfall measurements for Bald Head Island. Mr. Peck replied that the unofficial measurements for Bald Head Island is 12 inches below normal.

Ms. Link then asked what is the code for normal height of the beach accesses. Ms. Kane replied that the Village is checking into it. Ms. Link advised that there are several that appear to need to be raised because they sit directly on the sand.

Ms. Johnson thanked the Council on behalf of the Community Garden for making the water restrictions less restrictive.

8.2 Bald Head Island Association—Bob Porter President

There was nothing to report from the Association at this time.

8.3 Bald Head Island, Ltd.—Joyce Fulton

Ms. Fulton had nothing to report on behalf of Bald Head Island Limited at this time.

8.4 Bald Head Island Conservancy—Suzanne Dorsey

Ms. Dorsey reported that the Conservancy plays a large role in the Bald Head Island Community and needs to be taken more serious.

8.5 Mayor and Council

**Village of Bald Head Island
Meeting Minutes, November 16, 2007
Page 6 of 6**

Councilor Douglas commented that that drought is having major impact on the Maritime Forest. He advised that the forest is becoming severely stressed.

Mayor Pro Tempore Sayre commented that each month in the back of the Council packets is a building permit update. He advised that this is the most dismal report he has seen in the time he has sat on the Council. Mayor Pro Tempore Sayre expressed his concern that there are obvious problems on the Island.

Mayor Lammert reported that the Village has nominated Dr. Dorsey to serve on the CRC Board. He asked for support for Dr. Dorsey and her nomination.

9. Adjourn

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

The November 16, 2007 Village Council Meeting adjourned at 4:08 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Miller, Village Clerk