

Village of Bald Head Island

Council Work Session

November 17, 2006

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

Staff Present: Assistant Village Manager/Planning Director Chris McCall, Chief of Police Richard Herring, Chief of Emergency Services Chip Munna, Tax Collector Dawn Reno, Finance Director Shelia Boyd, Utilities Director Ken Bowling, Assistant Public Works Director William Galloway, Building Inspector Stephen Boyett, Permit Clerk Jen O'Brien, Village Attorney Charles Baldwin and Village Clerk Amy Candler recording the meeting.

Others Present: Bald Head Island Limited Director of Communications Joyce Fulton, Assistant to the Village Attorney Micheal Myers and Bald Head Association Manager Joey Hill.

Citizens Present: Ray Webb

1. Call to Order/Approval of Agenda

Mayor Lammert called the November 17, 2006 Village Council Work Session to order at 9:30 a.m. With no changes to the agenda, Councilor Pitera made a motion to approve the agenda as presented to the Council. In a voice vote, all voted in favor.

(Motion carried 5-0)

2. Review of Agenda for the Regular Meeting of November 17, 2006

Mayor Lammert questioned the security of a signature stamp for the Village Manager. Mr. Peck advised that he has a cabinet that he has the only key to and he would keep it locked in the cabinet. Mr. Berry commented that there should not be a problem with the Village Manager having a signature stamp as long as the other employees that have bank signing authorization do not have access to the stamp.

In regard to the financial statement, Mayor Pro Tempore asked about the liabilities line item. Ms. O'Brien answered that it is for undesignated fund balance.

3. Report on the Cash Audit—Wayne Berry

Mr. Berry reported that after completing the cash audit for the time period of July 1, 2006 to September 30, 2006, everything seems to be in order and accounted for.

4. Discussion of the Village Water and Wastewater Ordinance—Ken Bowling

Mr. Bowling presented the final draft of the proposed utility ordinance. Mr. Baldwin advised that Woody Fulton added some comments that need to be added to the ordinance. Mr. Peck added that he thought a definitive date should be added to the ordinance in regard to the time limitations as to when the entire Island is required to tap on to the Village system. It was the consensus of the Village Council to make the stated changes and add the first reading and set a public hearing date at the afternoon meeting.

5. Discussion of the Mega Port

Mayor Lammert reported that representative from the North Carolina International Port will be at an open house at South Brunswick High School on December 6th. He further advised that the same representatives have agreed to come to Bald Head Island for an open house at 1:00 p.m. on January 19, 2007. The open house will be held at the Bald Head Association Center.

6. Update on the Existing Jetty Extension

Ms. Fulton reported that Mr. Henry has spoke with Ms. Lutherin at the Division of Water Quality and they have stated that CAMA cannot issue the permit without testing the water quality testing. She advised that Bald Head Island Limited is going to ask that the current permit be grandfathered. Mr. Peck reported that he had the opportunity to speak with the Deputy Engineer with the Corps of Engineers and was told that a letter went out on November 14th in regard to the permit. Mr. Peck is uncertain what was included in letter. Councilor Morris asked if the Division of Water Quality has the right to stop the permitting process. Ms. Fulton stated that any of these State Agencies have the right to step into the permitting process at any time.

7. Discussion of the Proposed Structural Moving Ordinance

Mr. McCall reported that the Council directed Staff to come up with an ordinance that would outline guidelines for moving houses, modular units, etc. on the Island. He advised that he has compiled a rough draft copy of an ordinance for the Council's review. This proposed ordinance does not prohibit moving houses and modular units on the Island but sets forth guidelines for the moving process. Mr. Peck reported that Staff is referring to the Oak Island Ordinance for additional guidelines. Councilor Douglas commented that the time of year these units can be moved should also be addressed in the ordinance. It was the consensus of the Village Council to forward this ordinance to the Public Works Committee for further review

8. Discussion of a Proposed Ordinance to Allow the Police Department to Perform Criminal Background Checks using the Division of Criminal Information Network (DCI)

Chief Herring reported that the recent changes by the NC General Statutes requires counties and towns to have an ordinance in place that will allow the Police Departments to perform criminal background checks using the Division of Criminal Information Network. He advised that the Village will basically be doing the same thing that they always have except now an ordinance has to be in place. It was the consensus of the Village Council to add the first reading of the ordinance to the afternoon meeting and set the public hearing date for the December meeting.

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9. Manager's Update on Village Projects and Other Matters of Consideration

Mr. Peck reported that Village Staff has added an action agenda form to each item in the Council packets.

Mr. Peck reported that Progress Energy will start replacing the main feeder line on North Bald Head Wynd and Stede Bonnet Wynd beginning on November 27th. He advised that this is part of an ongoing maintenance process.

Mr. Peck reported that he has talked with Tom Padgett regarding removal process of alligators on the Island and Mr. Padgett advised that he needs more knowledge of the process. Mr. Padgett will visit Bald Head in the late winter or early spring to review the process. Mr. Peck advised that Mr. Padgett will not sign the letter until after he visits the Island.

Mr. Peck reported that Mr. Padgett also commented that he is comfortable with the Deer Management Process on the Island and does not foresee a problem with the issuance of the depredation permit. Mr. Peck further reported that the Village sent out RFP's to four (4) individuals. He advised that the date for the bid opening is December 8th.

Mr. Peck reported that the Floodwater Management Plan is complete and Thompson Pumps will be on the Island on November 28th to conduct a dry run at the Stede Bonnet site.

Mr. Peck reported that the Village has received the sedimentation erosion control permit and has made the appropriate adjacent property owner notifications in regard to the Middle Island Sewer Extension Project. He further advised that the Village is still waiting on the CAMA permit. Mr. Peck reported that it will more than likely be sixty (60) days before the permit is obtained from the Division of Water Quality.

Mr. Peck reported that the Bathometric Study is complete and Mr. Olsen is happy with results. The sand boring process is complete and the casings have been shipped to Florida for evaluation. Mr. Peck reported that an archeological survey will be required. The cost of the survey is estimated at \$31,000. It was the consensus of the Council to move forward with the contracting process for the archeological study.

Mr. Peck reported that the paving project is complete and the contractor is demobilized. He advised that the contractor is well within the time frame that he was allowed. Mayor Lammert asked if there are any roads that will be turned over to the Village. Mr. McCall replied that South Bald Head Wynd, Lighthouse Landing and some roads within Cape Fear Station have been prepped to Village standards. Mayor Pro Tempore Sayre commented that it does not make sense to accept all of these small roads. He further advised that Lighthouse Landing has a definite drainage problem. The Council agreed to discuss this process further at the Council Retreat in January.

Mr. Peck reported that the second (2nd) set of modular units came on the Island and delivered much smoother than the first set. He advised that the units were set and the crane was off of the Island in one day.

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Mr. Peck reported that the Village Staff met with Chris May with the COG regarding a needs assessment and a Ten (10) Year Capital Plan. The Capital Plan will be available at the Council Retreat in January.

Mr. Peck reported that the re-rate study for the Utility Company is underway. Mr. Peck advised that he would push to have the study in hand before the Council Retreat in January.

Mr. Peck reported that the Village has received the information from the NC Division of Emergency Management regarding the Flood Map Appeal. He advised that the data process will be complete by January '07 and the new maps will be in the hands of the Village in May '07.

At this time, Mayor Lammert announced that the Council needs to enter into closed session. He advised that the Council will reconvene in open session at 11:00 a.m. Councilor Pitera made a motion to enter into closed session pursuant to N.C. General Statutes 143-318.11(a) (3) and (5). In a voice vote, all voted in favor. **(Motion carried 5-0)**

10. Closed Session (pursuant to N.C. General Statutes 143-318.11(a) (3) (5) and (6))

- **Village of Bald Head Island, vs. US Army Corps of Engineers**
- **Howard Biggers III, vs. Village of Bald Head Island, et al**
- **Legal Issues Regarding Utilities Operations**
- **Property Acquisition**
- **Personnel**

Mayor Pro Tempore Sayre made a motion to enter into closed session pursuant to N.C. General Statutes 143-318.11(a) (3) (5) and (6). In a voice vote, all voted in favor. **(Motion carried 5-0)**

The closed session began at 10:30 a.m.

Councilor Morris 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 12:10 p.m.

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11. Adjourn

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

The November 17, 2006 Council Work Session adjourned at 12:11 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk