

Village of Bald Head Island Council Meeting

June 15, 2007

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

Councilmembers Absent: Councilor John Pitera

Staff Present: Village Manager Calvin Peck, Assistant Village Manager/Planning Director Chris McCall, Police Chief Richard Herring, Finance Director Deb Straub, Chief of Emergency Services Chip Munna, Utilities Director Ken Bowling, Public Works Director Ben Liddle, Village Attorney Charles Baldwin and Village Clerk Amy Candler recording the meeting.

Others Present: Stephen McIntyre with Rountree, Lossee and Baldwin, Bald Head Island Limited Director of Communications Joyce Fulton, and Suzanne Dorsey with the Bald Head Island Conservancy.

Citizens Present: Approximately 35

1. Call to Order/Approval of Agenda Mayor Lammert

Mayor Lammert called the May 18, 2007 Village Council Meeting to order at 3:00 p.m. Councilor Morris made a motion to approve the Council Meeting agenda as presented. In a voice vote, with Councilor Pitera being absent, all voted in favor.

(Motion carried 4-0)

2. Public Hearing

2.1 A Public Hearing on an Amendment to the Village of Bald Head Island Code of Ordinances Street Acceptance Ordinance Section 26-124, Entitled "Streets"

Mr. McCall explained that the proposed changes to the Street Acceptance Ordinance include a requirement of a certification from a North Carolina Engineer as to the stormwater drainage of the right-of-way. It will also add a requirement that the POA submit a letter stating that there is not a problem with stormwater drainage.

At this time, Mayor Lammert opened the public hearing. With no public comments regarding the proposed text amendment to the Street Acceptance Ordinance, Mayor Lammert closed the public hearing.

3. Consent Agenda

3.1 Approval of Minutes May 18, 2007, Regular Meeting
May 18, 2007, Work Session

Meeting

Resolution

3.2 A Resolution Supporting Efforts of Brunswick County-Smithville Township Hospital Tax

Mayor Lammert explained that the consent agenda consists of the minutes from the May 18th regular and work session meetings and a resolution regarding the Smithville Township hospital tax better known as the Doshier Hospital Tax. Mayor Lammert advised that the resolution is supporting efforts by Brunswick County and the local

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affected municipalities to pay off bonds that are being paid by public tax funds. Mayor Lammert explained that Bald Head Island, in a joint effort with the other Smithville Township municipalities, is requesting that the four (4) cents that these municipalities pay, be decreased two (2) cents with the new increased revaluation amounts. A motion was made by Mayor Pro Tempore Sayre to accept the consent agenda. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

4. Old Business

4.1 Update on Beach Private Sand Placement Efforts

Mayor Lammert advised that the Village is continuing to secure efforts on the private beach sand placement project. He advised that the Village is moving forward with the process of locating a sand source as well as related studies. Mayor Lammert further reported that the Village is hopeful that all permits will be in place for the next maintenance dredging which will take place in two (2) years. The Village hopes to piggyback off of the Wilmington Harbor Maintenance Dredging which will place sand on the Oak Island beaches.

4.2 Consideration and Approval of the Award of Bid for the Middle Island Sewer Extension

Mr. Peck explained that the process of extending sewer to Middle Island began in August 2006 when the Village Council adopted a resolution that would move the process forward. He further reported that the Wastewater Treatment Plant has the capacity to treat the excess wastewater. Mr. Peck added that at the time of the resolution, the cost for the total amount of the project was estimated to be approximately \$350000. During the time that the decision was made to extend sewer to Middle Island, the Village Council also adopted an ordinance that will require all Bald Head Island property owners to tap onto the Village sewer system within 20 years from January 1, 2007. Mr. Peck advised that there are approximately fifty (50) properties in Stage I that are still on private septic systems. These properties will be required to hook to the Village system within twenty (20) years or upon the time of which their septic systems fail. At the April Council meeting, the bids for the project were presented to the Village Council. The bids were considerably higher than the estimated amount. At that time, the Council directed staff to look closely at the bids and see if anything could be eliminated from the bid packet and rebid the project. Village Staff met with the engineers and agreed to trench the lines down the middle of the existing road and then re-use the existing five (5) inches of base stone rather than purchasing new stone. Mr. Peck added that it was also agreed upon that the Village would waive the fees for road use and storage of the vehicles for over night. The Village rebid the project and the cost came in considerably less. The low bid is \$603,450. The cost of legal and engineering fees for the project has been estimated at approximately \$48,000, for a total cost estimate of \$651,450. Mr. Peck spoke in regard to the environmental issues regarding the extension of sewer to Middle Island stating that the plan requires that no trees will be cut to complete this project. The trenching for the

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sewer lines will take place in the middle of the existing roadway. Mr. Peck added that private septic systems for each project would require an unforeseen amount of trees to be cut. He also explained that the Village recently received the Bald Head Creek Water Quality Report. The report showed fecal coli present in the creek. Mr. Peck explained that fecal coli is the feces of warm blooded animals. The study does not distinguish between what type of warm blooded animal the fecal is coming from and it would cost the Village a substantial amount of money to determine this. Mr. Peck concluded that with environmental aspects of the project, the ability of the Wastewater Treatment Plant to handle the additional capacity and the considerable amount that the bid dropped the Village Staff recommends that the Village Council move forward with the project and approve the low bidder.

At this time Mayor Lammert advised that the Village Council would like to here comments from the Middle Island residents in regard to this project.

Glenda Allen, the daughter of Charlie Young, presented a letter to the Mayor that was written by Mr. Young. She asked that Mayor Lammert read the letter. Mayor Lammert read, we refer you to a letter from our attorney dated May 4, 2007 in which Young Realty Company did not feel that the sewer project was viable or appropriate. The latest information indicates that the assessment would still be around \$6000 or possibly higher per lot owner. This figure is still double the amount stated at the public hearing concerning this project.

It has become obvious that the majority of Middle Island property owners and the Association board do not support the extension of the sewer line to Middle Island.

We, therefore, must support our lot owners and remain committed to our original plan of development which utilizes individual septic systems approved by Brunswick County and the State of North Carolina.

We ask that you reconsider the council resolution passed on August 18, 2006 to extend sewer service to Middle Island.

As requested in Mr. Bryant's letter of May 4, please keep us informed about this matter. We ask that in addition to any mail sent to us please send the same information by email to me at youngpattogo@aol.com and to our attorney Mr. Frank Bryant at fbryant@poynerspruill.com, whenever it is convenient to do so.

Marianne Link asked if the sewer taps are going to look the same as the others on the Island and have the big round thing sticking out of the ground. Mr. Bowling advised that they would look the same. Ms. Link also added that a number of years ago, she paid an amount of money to cover the charge of tapping onto the system, she asked if she is still covered if her system were to fail. Mayor Lammert suggested that she speak with Mr. Bowling in regard to her question. Ms. Link then asked of the date of which all Island residents will be required to tap onto the Village wastewater system. Mr. Peck responded January of 2027.

Don McGowan advised that he is speaking on behalf of the Middle Island Property Owners. He advised that property owners are opposed to the sewer extension due to the disruption it will cause to the permanent residents. There is also concern

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among the residents that access to their homes will be blocked therefore limiting the Police, Fire and Rescue protection they will have. Mr. McGowan added that he has done some research and cannot find another municipality that has required residents to pay for the infrastructure.

Joe Elrod advised that he is speaking on his own behalf. He commented that Village Staff is not going to have to pay for \$6000 for a sewer system that has not requested nor is wanted by the Middle Island property owners. He further commented that he has received the same emails that have been sent to the Council and the vast majority of emails is opposed to the project and can only recall four (4) that are for the project. Mr. Elrod reminded the Council that after the passing of the first resolution, the Village Council received a signed email petition with approximately eighty (80) of the Middle Island property owners signatures. He further commented that the Council's job is to listen to their constituents and no other property owner on the Island has had to pay for the infrastructure for the Village to make money from. Mr. Elrod emphasized that it is unfair to force upon the Middle Island property owners infrastructure that they do not want.

Karen McCall commented that she supports the statements made by the other Middle Island property owners. She advised that she is against this project but is concerned about the presence of fecal coli in the creek and therefore would like to obtain a copy of the Water Quality Study.

Jane Johnson commented that she has spoken at a previous meeting in regard to the Middle Island Sewer Extension project. She advised that her position has not changed and she does not feel that the presence of fecal coli in Bald Head Island Creek is a viable reason to move forward with this project.

Norm Coryell commented that he is new to Middle Island and it leaves a hollow feeling after he has paid for the property, paid for the expense of installing a private septic system and all of the related expenses to move to the Island and now the responsibility to pay the Village for infrastructure that he will not use any time in the near future.

Brian Johnson commented that he has spoke with several people at the County and State levels regarding septic system fields. He advised that they stated to him that with the lay of the property and the quality of the dirt private septic systems should not be a problem.

John Pattenden commented that he is in favor of the sewer system but would prefer that the Village Council find some other way to mitigate the cost of the project. He further advised that he is a vast supporter of the sewer extension primarily from an environmental standpoint.

With no additional comments, Mayor Lammert explained that the Village Council will take comments made in regard to the Middle Island Sewer Extension Project and consider statements that were made today. Mayor Lammert made a motion to postpone a final decision on this project until the June 27th Special Meeting. Mayor Pro Tempore

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Sayre seconded the motion. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

Mayor Lammert reassured the property owners that the Village Council would take their comments into consider over the next twelve (12) days before the final decision is made.

Ordinances

4.3 Consideration and Approval of an Amendment to the Village of Bald Head Island Code of Ordinances Street Acceptance Ordinance Section 26-124, Entitled “Streets”

Mayor Pro Tempore Sayre made a motion to approve the proposed text amendment to the street acceptance ordinance. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

5. New Business

5.1 Financial Statement-May, 2007—*Deb Straub*

Ms. Straub reported that the Village collected \$381,000 in revenue during the month of May. She advised that \$260,000 of the revenue was a grant from DENR for reimbursements for the Creek Dredging Project. Ms. Straub further advised that the major expenditures were costs related to the Village Hall Expansion, the purchase of the property for the potential public safety site and costs associated with the Middle Island Sewer Extension.

5.2 Consideration and Approval of a Request from the Lighthouse Landing HOA to accept the Right-of-Ways for Maintenance within the Lighthouse Landing Development

Mr. McCall explained that the Lighthouse Landing HOA has requested the Village take over the right-of-ways within the subdivision for Village maintenance. He advised that the streets meet all the requirements set forth by the Village. Councilor Morris made a motion to accept the right-of-ways for Village maintenance within the Lighthouse Landing Subdivision. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

First Reading and Set a Public Hearing Date

5.3 An Amendment to the Village of Bald Head Island Code of Ordinance that adds an Ordinance for the Minimum Design Standards for Sidewalk Construction

Mr. McCall advised that the Village Council directed Staff to create an ordinance that would set design standards for sidewalks. He further advised that he has been working with the Public Works Committee for the past several months on this directive. Mayor Lammert reported that the Public Hearing and second reading will be held at the July 20th Council Meeting.

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6. Committee Reports

6.1 Beach

Anne Kane

In the absence of Ms. Kane, Councilor Douglas reported that the Beach Committee is scheduled to meet next week.

6.2 Finance

John Knott

In the absence of Mr. Knott, Mayor Lammert advised that the Finance Committee is scheduled to meet on Monday.

6.3 Public Safety

Don Tillman

Mr. Tillman reported that the Public Safety Committee is scheduled to meet on Monday.

6.4 Public Works

Richard Mesaris

In the absence of Mr. Mesaris, Mayor Pro Tempore Sayre advised that there is nothing to report at this time from the Public Works Department.

6.5 Transportation

Wayne Lambert

In the absence of Mr. Lambert, Mayor Lammert advised that the Transportation Committee is scheduled to meet on Tuesday.

7. Monthly Reports

7.1 Manager's Report

Manager Peck

Mr. Peck reported that the Village has issued the contract for the planting sea oats. He advised that the planting is scheduled to begin next week.

Mr. Peck reported that the Village closed on the property for the potential site for the Public Safety facility.

Mr. Peck reported that the median project on South Bald Head Wynd is almost complete. He advised that the Public Works Department is adding the finishing touches with mulch.

Mr. Peck reported that the Village has received a 2nd recycle container. He advised that the second container should help eliminate some of the over-run at the site.

Mr. Peck reported that the former Village Manager, Jon Middleton got married over the weekend.

7.2 Police Department

Chief Herring

Chief Herring reported that there were no major problems during the Memorial Day Holiday. He further advised that there were no problems during the weekend of the fishing rodeo either. Chief Herring emphasized that if citizens see any problems, please call 911 and not the direct line to the Police Department.

7.3 Fire/EMS Department

Chief Munna

Chief Munna reported that May was a very busy month for the Fire Department. He advised that there have been several water rescue calls for the sand bar area in front of the Shoals Club. He asked that if people are seen walking out to the sand bar, please warn them of the issue of the tide coming in and getting stranded. Chief Munna reported that Brian Leake has tendered his resignation. He advised that Brian has been offered a great opportunity and will be moving to Washington State near Mt. Saint Helens. Chief Munna emphasized that during the extremely hot weather, people should try to keep

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hydrated. He also advised the citizens to beware if jellyfish. He reported on a higher than normal amount of stings and ways to treat the stings if they were to occur.

8. Comments, Reports and Questions

8.1 Citizens

Mr. Elrod commented on additional ways to treat jelly fish stings. He further commented on the debris that is on the beach. Mayor Lammert advised that the Village is currently talking with Carolina Beach on the possibility of borrowing their street sweeper. Mayor Lammert further advised that the Village would also appreciate citizen volunteers to help with the debris pickup. He explained that the fire Department will burn the debris from the beach as a training process. Mr. Elrod further commented that the mulch that is being used in the medians looks out of place. He asked that Village Staff look for ways that this can be improved upon.

Mr. Powell commented that in the late 70's early 80's the North Carolina Department of Transportation planted wildflowers in the medians on Bald Head Island. He suggested that the Village look into this possibility again. Mayor Lammert advised that the Village is working with one of Bald Head Island Limited's Landscape Architects to come up with a median plan that has native vegetation to the Island.

Mr. Coryell expressed his concern regarding swimming in the area of the Shoals Club. He suggested no swimming signs in the area.

Ms. Anne Henn commented in regard to the Unlicensed Driver Ordinance. She advised that her son is very responsible and should be allowed to ride his scooter on the Island. She suggested kids under the age of sixteen (16) take a safety course.

Ms. Miller commented that it is not a good idea to take beach debris off of the beach.

8.2 Bald Head Island Association—Bob Porter President

Mr. Porter had nothing to report from the Association at this time.

8.3 Bald Head Island, Ltd.—Joyce Fulton

Ms. Fulton had nothing to report from Bald Head Island Limited at this time.

8.4 Bald Head Island Conservancy—Suzanne Dorsey

Ms. Dorsey commented that seaweed can be beneficial for dune formation. She reported that man-o-wars have been showing up on the beach. She advised that they can still sting after many hours of being dried up on the beach. Ms. Dorsey emphasized that the summer interns are on the Island and the camps are in full swing. She reported that eight (8) turtle nests have been located on the beach so far and invited everyone out to the Annual Conservancy Picnic on July 2nd.

8.5 Mayor and Council

Mayor Lammert reported that he received an email from Billie Jean Berne before he came to the meeting and Dr. Berne has been diagnosed with lung cancer.

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9. Adjourn

With no additional items for discussion, Mayor Lammert entertained a motion to adjourn the June 15, 2007 Council meeting. Councilor Douglas made a motion to adjourn. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

The meeting adjourned at 4:01 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk