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3.7 An Ordinance of the Village of Bald Head Island to Discontinue the Availability Fee for Water and Wastewater Services

Mayor Lammert briefly explained the items of the consent agenda. He emphasized that the ordinance to discontinue the water and sewer availability fees was one of the items of discussion that the Village Council discussed at length during the Council Retreat. He advised that the Council saw some unfairness to this fee and agreed that the availability fee is not equitable. Mayor Lammert further advised that the Council may have to look for other sources of revenue during the upcoming budget process.

Mayor Pro Tempore Sayre 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 the January 16<sup>th</sup>—17<sup>th</sup> Council Retreat

Mayor Lammert reported that during the Council Retreat, the Council spent one and a half days discussing the projects and the issues that are going on within the Village Government. He advised that the Council came up with the top ten (10) priorities for 2006. He concurred that there is a list of the priorities available for the public here at the meeting or a list can be obtained from the Village Clerk at Village Hall.

4.2 Update on Appointments of Committee Chairpersons

Mayor Lammert advised that the Council appointed/reappointed committee members during the Council Retreat. He advised that the Council also appointed committee chairs during the retreat. He reported that the following citizens were appointed as committee chairperson to the various committees:

Beach—Anne Kane

Finance—John Knott

Public Safety—Don Tillman

Public Works—Joe Ridgeway

Transportation—Wayne Lambert

Utility Committee—Jon Middleton

Mayor Lammert explained that the Village Council agreed to the formation of a Utility Committee that will meet at the pleasure of the Village Manager. He further explained that the Council also set the Committee Charges for 2006 and will be provided to each of the Committee Chairs.

4.3 Second Reading and Consideration and Approval

2006-001, An Amendment to the Ordinance of the Village of Bald Head Island, Amending the text of Article X, Section 10.4, Item (C)2e, Entitled “Regulations Affecting Construction”

Mayor Pro Tempore Sayre made a motion to approve the proposed amendment to the text of Article X, Section 10.4, Item (C)2e, Entitled “Regulations Affecting Construction.” In a voice vote, all voted in favor. **(Motion carried 5-0)**

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**5. New Business**

5.1 Financial Statements—December 2005

Ms. Boyd reported that as of December 2005, the Village has a cash balance of \$9.5 million. She advised that the revenues consisted of \$1.6 million in property taxes, \$16,000 in accommodations tax, the quarterly waterline payment, a FEMA payment for Hurricane Ophelia and eight (8) major Building Permits. Ms. Boyd further advised that the Village had approximately \$345,000 in expenditures. These expenditures consisted of the payment to Westervelt Wildlife for the deer count study, audit and legal fees, associated expenses related to the Utility Company, and for repairs made to the Fire Department vehicle. She further advised that the Village also paid the first draw of \$132,000 for the Public Works expansion.

5.2 Consideration and Approval of Bald Head Island Landing Subdivision

Mr. Henry advised that this subdivision plan has been brought before the Village Council as a result of the Marina Concept Plan. He further advised that Bald Head Island Limited had agreed to widen Bald Head Island Landing to 40' in width and build it to meet the minimum design standards for subdivision roads although at this time there are not intentions to turn the roads over to the Village. Mr. McCall presented a power point presentation to the Council regarding the approval process of which the Village Staff and the Planning Board had carried out. Mr. McCall explained that BHI Limited was requesting subdivision approval of Bald Head Island Landing Subdivision. Mr. McCall presented the existing site conditions commenting on traffic congestion, stormwater issues, and ICE vehicles directly accessing the ferry landing to drop off contractors. Mr. McCall then presented the proposed subdivision consisting of 8 lots, 40' private right-of-way, 60' foot access easement for barge traffic and staging area, and a 40' public right-of-way for the proposed timber bridge. Mr. McCall further stated that water and sewer would be provided by the Village Bald Head Island Utilities, details of the proposed road system, and the zoning classifications. Mr. McCall noted that TRC reviewed the proposed project on November 17, 2005 and all comments had been addressed as per the letter submitted by Mr. Henry which was contained in the agenda packets. Mr. McCall stated that the Planning Board met on December 1, 2005 to review the proposed project and conducted a site visit. Next, Mr. McCall went over adjacent property concerns of Mr. Vince Hollerich, property owner at 1200 Green Teal Trail, of which Mr. Hollerich was concerned about the proposed parking arrangement of commercial vehicles in the extreme southwest corner of lot 3. Mr. Hollerich was also concerned about the buffering between the lots adjacent to the proposed re-routing of the 40' private right-of-way. Mr. McCall explained that Mr. Henry had been working with Mr. Hollerich to address the parking of the large commercial trucks in that area and that staff advises that the large ICE vehicles that are currently being parked in that area be located in another area that will not be as easily seen from the adjacent property. Mr. McCall advised that additional landscaping should be put in place within the buffer area between the adjacent lots on Green Teal and the 40' private right-of-way. Next, Mr. McCall explained the staff's

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recommendations as follows; A motion was made by the Planning Board to recommend to Village Council for consideration and approval of the proposed preliminary subdivision with the following two conditions: that Village Council is assured that there will be a “perpetual use” of the lands designated as the 40’ private right-of-way from the intersection of West Bald Head Wynd to the ferry landing to ensure all property owners and general public the use of ingress/egress to the ferry landing. Also, the proposed “private” right-of-way is built to current Village minimum design standards for streets. Mr. McCall further stated that staff recommends approval of the preliminary subdivision with the following conditions; that the proposed covenant language be recorded with the plat that will provide for a “perpetual use” of the 40’ right-of-way providing ingress/egress to the ferry landing (as drafted by BHI Limited and reviewed by the Village Attorney). That the Developer provide a 125% Improvement Guarantee to total costs for installation of necessary improvements. The developer submit to Village Staff a landscape plan that provides additional landscaping along the southern boundary of the proposed subdivision. The developer address pre-existing stormwater issues along Marina Wynd during construction of additional stormwater improvements. Finally, that contractor ICE vehicles continue to be prohibited from using Bald Head Island Landing to access the ferry landing to drop off/pick-up employees. Mr. Bowling expressed concerns regarding the waterline that is located under the road. Mr. Henry ensured the Council that if any lines, water, utilities, etc., needs to be moved that Bald Head Island Limited pay the expenses to have these lines moved. Mayor Pro Tempore Sayre made a motion to approve the Bald Head Island Landing Subdivision with the understanding that the roads will be brought up to Village standards. In a voice vote, all voted in favor.

**(Motion carried 5-0)**

5.3 Consideration and Approval of Right-of-Way Acceptance Request of Sabal Palm Court

Mr. McCall explained that the homeowners association of Sabal Palm Cottages submitted a request in August of 2003 asking the Village take over Sabal Palm Court. At that time the Village Staff reviewed the request and made recommendations to the Village Council. Of major concern was that the street within Sabal Palm Cottages did not have the required 30’ platted right-of-way. Other concerns included the responsibility of upkeep and maintenance for the three stormwater drains located at various points along Sabal Palm Court and maintenance of the sidewalk. Also, the location of the utility lines needed to be identified and delineated on the plat. Since that time the homeowners associations had implemented the direction from Village Staff and had re-submitted the request to Village Council. Mr. McCall stated that Mr. Liddle, Public Works Director, had inspected the right-of-way being requested and recommended acceptance. Mr. McCall advised that if the Village Council agrees to accept Sabal Palm Court, the homeowners association will continue to be responsible for the maintenance of the sidewalks and stormwater drains. Councilor Pitera made a motion to accept Sabal Palm Court. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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5.4 Consideration and Approval of the Proposed Timber Bridge

Mr. Henry reviewed the process which Bald Head Island Limited had maintained during the progression of approval for the proposed Timber Bridge. He advised that many changes had been requested and agreed upon by the different entities within the Village. He touched on changes such as the additional pedestrian lane, the increase in rail height, and installation of guide wires similar to those used at the ferry landing. Mr. Henry asked the Village Council for approval of the bridge as submitted. He advised that Bald Head Island Limited is strongly opposed to the stainless steel hardware and the inclusion of wear decking as discussed at the morning work session meeting. He emphasized that Limited believes that these suggestions are over kill. Mr. Henry added that Limited is also seeking approval to allow trams on the bridge. Councilor Morris admittedly stated that he does not consider it safe for the golf cart and pedestrian traffic on the bridge along with the trams. Mayor Pro Tempore Sayre informed Mr. Henry that the Village has the final approval on the plans and specifications of the Bridge and it will be much less expensive in the future for the Village to replace wear decking versus the original decking of the bridge. Mayor Lammert reminded Mr. Henry that the Village will more than likely be responsible for the maintenance of bridge in the future. Therefore, the Developer should follow through with the Councils stipulations. Mr. Waddell spoke on behalf of the Harbor Association and asked the Village Council to approve the Timber Bridge and work out the final stipulations. He emphasized that the addition of the Timber Bridge would be a great asset to the Island as well as correct traffic safety issues within the barge staging area which has been a problem for several years. Mayor Lammert emphasized that the Council is in favor of the Bridge but has to look out for the future of the Island and the citizens. Mayor Pro Tempore Sayre made a motion to approve the Timber Bridge with all stainless steel hardware, wear decking and as a non-ICE vehicle bridge. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mayor Lammert advised that the Village will continue to work with Limited on the non-Ice vehicle issue.

**6. Committee Reports**

6.1 Beach

Ms. Kane reported that the Beach Committee made three (3) recommendations to the Council. The first being, the rope fencing be increased to six (6) foot posts versus the four (4) foot posts that are currently used. This will allow for additional room for the nesting sea turtles. The second, the Beach Committee would like the Council to consider installing doggie bags at each of the public accesses. The design of the storage bin has been modified to hold a roll of plastic bags. The third recommendation consists of the Village ensure that all private beach accesses are maintained and in compliance with the Village ordinance.

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6.2 Finance

Mr. Hayworth reported that the Finance Committee has been working on the Five Year Plan. He advised that the Plan is going to be more detailed than last year and therefore will be asking the Village Staff for information within the next few weeks.

6.3 Public Safety

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

6.4 Public Works

Mr. Liddle reported that the Committee discussed the proposed Timber Bridge and the hours of the recycling center.

6.5 Transportation

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

**7. Monthly Reports**

7.1 Manager's Report

**Manager Middleton**

Mr. Middleton reported that the Creek Dredging Project will be complete and the contractor will be demobilized by February 1<sup>st</sup>. He advised that the sand is very coarse and is good beach quality. He further advised that sea oats will be planted in the area of which the sand is located.

Mr. Middleton reported that the Village has applied for a depredation permit from the NC Wildlife Commission to cull 150 deer. He advised that the bid packet has gone out for sharpshooters and the Village received two (2) bids. He further advised that he has not been able to get a return call from the NC Wildlife Commission regarding the status of the permit.

7.2 Police Department

**Chief Herring**

Chief Herring reported that the Department has currently issued 913 golf cart registration. He introduced Tracy Rumphelt as the newest addition to the Police Department as the Admin Assistant. He advised that she has been with the Village since December 21<sup>st</sup>. Chief Herring also reported that the 2005 Annual Report is available at the Police Department.

7.3 Fire/EMS Department

**Chief Munna**

Chief Munna reviewed the 2005 Fire Department Statistics. Councilor Pitera asked if there is any new information regarding the live burn that was discussed at an earlier meeting. Chief Munna reported that the Department is still in the process of contacting the neighbors. He advised that after the neighbors are contacted, the process will be brought back before the Village Council for final approval. Chief Munna added that the controlled burn will be through the community college and therefore surrounding Fire Departments will be helping with the burn.

**8. Comments, Reports and Questions**

8.1 Citizens

Mr. Tillman asked if the walkway of the bridge is separate than the road. The Council advised that the walkway will be a separate from the roadway of the bridge. Mr.

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Tillman asked the Council to please consider Councilor Morris' comments regarding the safety issues of allowing trams on the bridge.

8.2 Bald Head Island Association—Bob Porter, President

There were no comments from the Association at this time.

8.3 Bald Head Island Limited—Joyce Fulton

There were no comments from Bald Head Island Limited at this time.

8.4 Mayor and Council

Councilor Douglas commented that the eradication process of beach vitex has been going on for two (2) weeks. He advised that this is a difficult process. The plants have runners and the entire plant has to be removed as well as the roots. Mr. Waddell asked what can be done with the plant if the property owners pull their own. Councilor Douglas advised the citizens to call the Public Works Department and they will pick it up and dispose of it properly.

Mayor Lammert introduced Mr. Bowling and welcomed him and his Department to the Village.

**9. Adjourn**

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the January 29, 2006 Village Council meeting. Councilor Douglas made the motion to adjourn. In a voice vote, all voted in favor. **(Motion carried 5-0)**

The meeting adjourned at 4:06 p.m.

Approved:

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Larry Lammert, Mayor

Attest:

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Amy R. Candler, Village Clerk