

# Village of Bald Head Island

## Council Worksession

September 15, 2006

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

**Staff Present:** Acting Village Manager 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, Public Works Director Ben Liddle, Building Inspector Stephen Boyett, Acting Village Attorney Michael Myers and Village Clerk Amy Candler recording the meeting.

**Others Present:** Bald Head Limited Director of Transportation Woody Fulton, Bald Head Island Limited Director of Planning Jim Henry and Bald Head Association Manager Joey Hill.

**Citizens Present:** Anne Boozell, Brenda Quanstrom and Jennifer Johnson

### 1. Call to Order/Approval of Agenda Mayor Lammert

Mayor Lammert called the September 15, 2006 Work Session meeting to order at 9:30 a.m. Councilor Morris made a motion to approve the agenda as presented. In a voice vote, all voted in favor. **(Motion carried 5-0)**

### 2. Review of Agenda for the Regular Meeting of September 15, 2006

Mayor Lammert explained that the Council will hold three (3) public hearings at the afternoon meeting.

Ms. Candler advised that the regular minutes of the August 18, 2006 meeting need to be taken off of the afternoon meeting agenda. Mayor Pro Tempore Sayre made one (1) correction to the worksession minutes and Mayor Lammert added Michael Myers names to the list of attendees at the meeting.

Ms. Reno explained that she has made several efforts to collect the delinquent taxes from Mr. Hardin. She advised that any fees associated with the foreclosure will be charged to the homeowner.

Ms. Boyd explained that the budget amendment is to move funds that have been earmarked for the Public Works Expansion to various line items for the improvements to the trash receptacle and recycling area.

Mayor Lammert advised that he will update the citizens on various meetings that Village representatives have attended regarding the stabilization of the beach. Mayor Pro Tempore Sayre reported that he provided Jeff Turner with some information regarding the funding of the Wilmington Harbor Project. He advised that Mr. Turner had dinner with Senator Burr on an individual basis and discussed the funding of the project.

Ms. Boyd reported that the Village collected \$183,000 in accommodation taxes for the month of August. She advised that the accommodation tax numbers are up 4% from the prior year. Ms. Boyd further advised that the building permits were down approximately 40% from last year. Mayor Lammert asked for the reasoning behind the drop in the building permit revenue. Mr. Boyett explained that contractors submitted building permit applications before the June 2<sup>nd</sup> deadline regarding the change

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in the flood maps and therefore the Inspections Department has seen a decline in applications.

Chief Munna explained that the Mutual Aid Agreement with Brunswick County is the annual agreement that is signed every year between the Village and the County that allows for funding from the County as well as backup reinforcements when called upon.

Councilor Morris reported that the Public Safety Committee is recommending that all persons operating a motorized vehicle have a valid driver's license. This includes golf carts, scooters, etc. It was the consensus of the Village Council to direct Village Staff to move forward with an amendment to the ordinance that would allow for the issuance of a citation for an unlicensed driver to operate any type of motorized vehicle on the Island.

Mayor Lammert explained to the Village Council that he has received several emails regarding wearing red on Friday's in support of our troops. He asked the Council if they have any problems with the promotion of "Red Shirt Friday's." The Village Council directed him to move forward with the promotion.

**3. Discussion of Audio Tour Markers—*Chris McCall***

Mr. McCall advised that as directed at last months worksession meeting, he and Mr. Liddle has checked into the parking at the eighteen (18) spots that have been designated for the historical/environmental sites for the audio tour. Of the eighteen (18) sites, there is adequate parking for the most part. Ms. Quanstrom explained to the Council that these tours are not intended for large tour groups. She further explained that the tours will be guided by a recorded audio with headphones. Mr. McCall added that there are two (2) sites that are not located on Village roads, one is on Bald Head Island Limited property and the other is on Charlie Young's. He recommended that the committee grant permission from these two (2) property owners before the project moves forward. It was the consensus to the Village Council to move forward and support this project.

**4. Discussion of a Utility Wastewater Policy for Middle Island**

Mayor Lammert advised that at the August meeting the Council left the topic regarding the number of years that property owners have to tap onto the Village wastewater system open. Mayor Lammert further advised that Mr. Ulrich recommends no requirement to tap on to the system until the property owners current system fails. Mayor Pro Tempore Sayre commented that he does not think it is a good idea to keep the time limitation open-ended. He advised that fifteen (15) years would be a good time limit to allow property owners to tap onto the system. After additional discussion regarding the number of years to allow for tapping onto the system, the Council agreed that an adequate timeframe would be twenty (20) years from the date of the completion of the Middle Island sewer extension. The Council agreed to add the twenty (20) year clause to the Utility Ordinance that will come before Council for discussion at the October meeting.

**5. Discussion of Proposed Text Amendment for Structure Requirements—*Stephen Boyett***

Mr. Boyett advised that the Village Council appointed an ad-hoc committee for a recommendation on the freeboard issue. The committee was also charged to look into the structure requirements regarding the building height. Mr. Boyett proposed to change the reference mark for the over all building height to five foot mean sea level when the virgin low point is below five (5) under the footprint of the house. The Village Council added the first reading and set a public hearing date for proposed text amendment to the afternoon meeting agenda.

**6. Discussion of Various Ordinance Amendments to Secure Compliance with 2005 Legislation—*Chris McCall***

Mr. McCall explained that there are several amendments that need to be made to the Village Zoning Ordinance to secure compliance with changes made during the 2005 Legislation. He advised that in some respects the Village has not been in compliance with legislation since 2005 but most of the changes are minor. It was the consensus of the Village Council to move forward with the first reading at the afternoon meeting and set public hearing date for the October 20<sup>th</sup> meeting.

**7. Update on Capacity Study of the Wastewater System—*Ken Bowling***

Mr. Bowling reported that he believes the wastewater plant can hold an additional 30,000 gallons of capacity per day without adding another treatment plant. Mr. Bowling commented that Bald Head Island Limited was concerned about the effect of adding Middle Island to the system but Middle Island will only add approximately 30,000 gallons at build out. Mayor Pro Tempore Sayre asked where the Village is regarding the major expansion to the treatment plant. Mr. Bowling advised that the project is ten (10) or more years down the road. The Council directed Mr. Bowling to move forward with stress testing the wastewater system.

**8. Update on Tropical Storm Ernesto Impact—*Chief Munna***

Chief Munna reported that there was minimal damage during Tropical Storm Ernesto. He advised that the Fire Department was called out one (1) time during the storm. Hr further advised that there was some flooding around midnight but the water receded very quickly. Chief Munna added that there was a small amount of debris of which was picked up by the Public Works Department. Mayor Lammert added that the Village declared a state of emergency but lifted it the next morning.

**9. Update on Fort Holmes Trail Historical Site—*Mayor Pro Tempore Sayre***

Mayor Pro Tempore Sayre reported that the Village is moving forward with the Fort Holmes Historical site. He added that the bid has been awarded to Wayne Lambert and the project is moving forward. Mayor Lammert explained that there could be a liability issue regarding the historical site. He proposed the Village take over the site to

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maintain and provide the liability insurance for the site. Mr. Myers advised that there should be some type of agreement with the Association before the Village adds the site to the liability policy. It was the consensus of the Village Council to move forward with an agreement with Bald Head Association.

**10. Board Appointments to the Zoning Board of Adjustments**

Ms. Reno advised that the Zoning Board of Adjustments is recommending that Joe Ridgeway be reappointed as an alternate member and Mike Boozell be appointed to the board as an alternate member. Councilor Douglas made a motion to accept the recommendation made by the Zoning Board of Adjustments. In a voice vote all voted in favor. (Motion carried 5-0)

**11. Manager's Update on Village Projects and Other Matters for Consideration**

Mr. McCall reported that the pipes have arrived and the installation process will begin on Monday. He advised that most of the areas of installation are Association common area.

Mr. McCall reported that the Village has decided to order the Thompson ten (10) inch portable pumps. Mr. McCall advised that Village Staff will work these pumps into the Emergency Mitigation Plan. Mayor Pro Tempore Sayre asked for a diagram of what the pumps look like and asked that Village Staff put together some type of standard operating procedures for the Council to review.

Mr. McCall reported that Westervelt Wildlife has installed eighteen (18) cameras on the Island for the infrared deer study. The final report should be to Council by mid October.

Mr. McCall reported that the permit for the Utility Company is set to expire on September 30<sup>th</sup>. A draft copy of the permit should be available for review next week.

Mr. McCall reported that the modular units for the dormitory are scheduled to be delivered to the Island next week. Chief Herring asked that Mr. Coffey contact him and review the planned route for delivery to the construction site. Councilor Morris asked to be involved in the process.

Mr. McCall reported that the first annual Village Hall Day is scheduled for September 22<sup>nd</sup> from 10:00 a.m. until 3:00 p.m. He advised that lunch will be served between 11:00 a.m. and 1:00 p.m.

Mr. McCall reported that the Village has had a good response to the median maintenance projects that have been completed at this time. He asked the Council for direction regarding the plantings they would like to use on the next median project. Councilor Douglas made the comment that plants similar to bitter panicum are native to this area. Mayor Pro Tempore Sayre advised that the area in front of the Bald Head Island Club will need some height in case over wash occurs again in the area. The Village Council directed Mr. McCall to move forward with the installation of pipe for the irrigation before the fall paving project.

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Mr. McCall reported that he is working with Coastal Land Design on raising the elevation of the north bound lane of South Bald Head Wynd. He advised that the lane will be elevated approximately two inches lower than the south bound lane and then repaved. He further advised that a swell will be built next to the elevated lane to divert stormwater runoff from the houses and driveways in the area.

Mr. Myers advised that he had different options regarding the beach access ordinance. He advised that one option would be to not allow private beach accesses. Another option is to require that all non-conforming accesses be brought up to standard and until that point and time the property owners will be required to use the public accesses. Councilor Douglas suggested adding some type of time-frame to comply. It was the consensus of the Village Council to move forward with amending the text of the beach access ordinance to include a six (6) month time-frame to comply with the building standards and if at the end of that time-frame the access has not been brought up to standard then the private beach access will be closed and the public beach accesses will have to be used. The amendment will come before Council for review at the October meeting.

Mr. McCall reported that the plans and specs for the Middle Island sewer extension will hopefully be in the hands of the Village very soon. He advised that the Village is looking for a January 1<sup>st</sup> start date.

Mr. Henry reported that the jetty should be permitted at any time. He further advised that the Timber Bridge is still on hold at this time.

Mayor Pro Tempore Sayre commented that a house in the harbor area recently sold and the sprinkler system was faulty at the time of the sale. He asked Mr. Boyett and Mr. McCall to come up with some type of sprinkler policy/ordinance.

Mayor Lammert advised that he has been asking the property owners in the Killegray Ridge and Forest Bluff area that have been requesting that sand be placed on South Beach to contact their State representatives and request the funding for the Wilmington Harbor Project.

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

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

At this time, Mayor Lammert advised that the Council will enter into closed session. Councilor Pitera 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)**

Closed session began at 11:35 a.m.

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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 12:30 p.m.

**10. Adjourn**

Mayor Lammert asked for any additional items for discussion. With no additional items for discussion, Mayor Pro Tempore Sayre made a motion to adjourn the September 15, 2006 Council Work Session meeting. In a voice vote, all voted in favor. (**Motion carried 5-0**)

The September 15, 2006 Council Work Session Meeting adjourned at 12:31 p.m.

Approved:

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Larry Lammert, Mayor

Attest:

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Amy R. Candler, Village Clerk