

**VILLAGE OF BALD HEAD ISLAND**  
**Council Meeting**  
**February 11, 2005**

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

**Staff Present:** Village Manager Jon Middleton, Chief of Emergency Services Chip Munna, Finance Director Shelia Boyd, Police Chief Richard Herring, Village Attorney Charles Baldwin and Village Clerk Amy Candler recording the meeting.

**Others Present:** Bald Head Island Limited Director of Communications Joyce Fulton, Bald Head Island Limited Director of Planning Jim Henry, and Hillary Snow with the State Port Pilot.

**Citizens Present:** Dr. Bill Berne, Jane Oakley, Charlie Himes, Richard and Diane Mesaris, Pat Lammert, Anne Kane, Pat Lammert, Bob Leisegang, Ann Pickering, Bob Timmons, Ann Boozell and Dick Johnston.

**1. Call to Order/Approval of Agenda**

Mayor Lammert called the February 11, 2005 Council meeting to order at 3:00 p.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. Consent Agenda**

- 2.1 Approval of Minutes  
January 19, 2005, Special Meeting  
January 21, 2005, Regular Meeting  
January 21, 2005, Worksession Meeting
- 2.2 No. 2005-002, Village of Bald Head Island Personnel Ordinance, Article I, Employment Policy
- 2.3 No. 2005-002, A Resolution Adopting Amendments to the Personnel Policy of the Village of Bald Head Island
- 2.4 No. 2005-003, A Resolution of the Village of Bald Head Island Describing Procedures for Disposing of Surplus Handguns
- 2.5 No. 2005-004, A Resolution of the Village of Bald Head Island Authorizing Condemnation Action to Acquire Property for Sand Stabilization Project
- 2.6 No. 2005-005, A Resolution of the Village of Bald Head Island in Support of Safe Depths of the Atlantic Intracoastal Waterway and Shallow Draft Inlets Connecting Inland Waters to the Atlantic Ocean

Mayor Lammert advised that the consent agenda consists of the minutes from the January 19<sup>th</sup> special meeting and January 21<sup>st</sup> work session and regular meetings, an ordinance and a resolution adopting updates and amendments to the Village Personnel Policy, a resolution authorizing the sale of surplus guns to the Village Police Officers, a resolution authorizing the Village to move forward with the condemnation of a parcel of property needed to complete the groinfield installation and a resolution supporting safe depths in the intracoastal waterway and maintaining the draft inlets. Mayor Pro Tempore Sayre made a motion to adopt the consent agenda. In a voice vote, all voted in favor.

**(Motion carried 5-0)**

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**3. Old Business**

3.1 Public Forum on Beach Issues

Mayor Lammert advised that the Village Council just adopted a resolution in support of waterway maintenance as well as inlet dredging. He further advised that Mr. Middleton and himself will be in Washington D.C. March 9<sup>th</sup> through the 11<sup>th</sup> at the American Shore and Beach Preservation Association Summit. He verified that while they are in Washington, they will be meeting with various Representatives to express the Village views regarding beach renourishment.

3.2 Update on the Purchase of the Utility Company

Mr. Middleton advised that the Village is moving forward with the purchase of the Utility Company. He further advised that the details of the purchase are currently being worked out and the Village is awaiting some final documentation from the Attorneys. Mr. Middleton reported that Ms. Boyd and himself have met with financial institutions regarding the financing.

**4. New Business**

4.1 Financial Statements

Ms. Boyd reported that the Village currently has a cash balance of \$9 million. She advised that the amount of cash should allow for an excellent rate for borrowing the money for the purchase of the Utility Company. Ms. Boyd reported that the interest income is currently \$17,000 which is well above the amount collected at this time last year. She further reported that the Village collected approximately \$1.4 in taxes for the month of January with the remainder of the revenues coming from building permit fees and golf cart registration fees. Ms. Boyd stated that the majority of the expenditures were for professional services.

4.2 Consideration and Approval of Request to Combine a Recreation-2 (REC-2) with Commercial-3 (COM-3) Tract of the Cape Fear Station PUD

Mr. Middleton explained that there is a small area of approximately 6,874 square feet that is zoned Recreation-2 (REC-2) in the Cape Fear Station Planned Unit Development (PUD) that was not previously combined with the Commercial-3 (COM-3) tract a few months ago. He further advised that Bald Head Island Limited is coming back to the Council now and asking that this small tract be combined with the previously approved tract of which all will be zoned COM-3. Mayor Pro Tempore Sayre made a motion to approve the request to combine the stated REC-2 tract with the COM-3 tract. In a voice vote, all voted in favor. **(Motion carried 5-0)**

4.3 Consideration and Approval of a Request for Mixed-Use in Commercial 5A (COM-5A) Tract of the Cape Fear Station PUD

Mr. Middleton explained that the purpose of a PUD is to allow for mixed uses within a community. He advised that Bald Head Island Limited is requesting that mixed

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use be allowed in the Cape Fear Station PUD. Bald Head Island Limited is proposing that COM-2, COM-3, COM-5 and COM-5A tracts be given the flexibility to include this type of mixed-use and that the structures permitted on these tracts, if utilized as either commercial or mixed use, be permitted up to a maximum of forty-five feet (45') in height. Mr. Middleton emphasized that this is not a zoning change. This type of mixed use is allowed in a PUD, but it requires implementation from the Council. He re-emphasized that a commercial area is allowed to erect buildings up to forty-five (45) feet in height and a residential is allowed up to thirty-five (35) feet in height, therefore the combined use would allow the structure to be erected up to forty-five (45) feet so long as at least one floor of the structure is used for commercial purposes. Mr. Middleton advised that if the Council agrees to change the land use of these tracts of property the restrictions applying to the forty-five (45) foot height limits will be added to the restrictive covenants of the Cape Fear Station PUD. Mayor Pro Tempore Sayre emphasized it is important that it is understood to erect a building in the area to forty-five (45) feet; it has to be a commercial structure. Otherwise the height limitation has to be thirty-five (35) feet. Mayor Pro Tempore Sayre made a motion to permit Bald Head Island Limited to allow for mixed use within the COM-5A tract ONLY, with a maximum building height of up to forty-five feet (45') provided that the owner of the property builds a structure that will contain both commercial, on one (1) floor, and residential within the same structure and that the restrictive covenants for said property, in detail, explicitly state such. If the structure is proposed as residential only, then the maximum building height is limited to thirty-five feet (35'). In a voice vote, all voted in favor. **(Motion carried 5-0)**

Ms. Fulton commented that Bald Head Island Limited asked that four (4) total tracts have the mixed use designation; the Council is approving only one tract at this time. She asked if Bald Head Island Limited can come back at a later date and request additional tracts land use be changed. Mr. Middleton advised that Bald Head Island Limited can request at any time that the land use of additional tracts be changed. Mrs. Boozell asked if the mixed use designation includes apartments and bed and breakfasts. Mr. Middleton replied that apartments and bed and breakfasts are considered commercial therefore all three floors could be used for commercial purposes which are allowed. Mr. Middleton emphasized that commercial is already allowed. The Council approved that residential can be mixed with the commercial.

**5. Committee Reports**

**5.1 Beach**

**Anne Kane**

Mrs. Kane reported that the Beach Committee has not met since the last Council meeting. She advised that at the last meeting the Beach Committee recommended the installation of rope fencing along the entire length of the beach. She further advised that the Committee recommended increasing the fine for the dune ordinance to \$500. Mr. Middleton reported that the Council set a public hearing date for the amendment to the

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Dune Protection Ordinance at the March Council meeting. Mr. Middleton further reported that the Council agreed to continue the rope fencing the entire length of the beach. He advised that rather than soliciting bids for this project, the Village will seek community volunteers for the installation of this project. Mr. Middleton reported that the Village will be installing American Beach Grass to cover the sandbags in the next few weeks. He added that in late April or early May the Village will be installing bitter panicum and sea oats on the dunes.

5.2 Finance

**John Knott**

There was not a Finance Committee meeting in the month of January, therefore nothing to report.

5.3 Public Safety

**Bob Liesegang**

There was not a Public Safety Committee meeting in the month of January, therefore nothing to report.

5.4 Public Works

**Joe Ridgeway**

Mayor Pro Tempore Sayre reported that the Public Works Committee made a recommendation for the spring paving project. He advised that the Committee recommended that South Bald Head Wynd, East Beach Drive, Dogwood Trail, Three Flipper Trail, Dowitcher Trail, and Fort Holmes Trail all be included in the spring paving project. Mayor Pro Tempore Sayre further advised that the Village will check with the Utility Company to confirm that the utility lines are installed in the area.

5.5 Transportation

**Wayne Lambert**

Councilor Pitera reported that Wayne Lambert was appointed to chair the Transportation Committee.

Mayor Lammert added that the Village Council established an Ad Hoc Committee at the morning worksession to assist the Council with the purchase of the Utility Company. He advised that Mr. Fulton and Mr. Bowling will hopefully join the Committee after the issues with the attorneys are worked out.

**6. Monthly Reports**

6.1 Manager's Report

Mr. Middleton reported that the specification and bid documents for the Public Works expansion have been received and construction is scheduled to begin in late March.

Mr. Middleton reported that Mr. Liddle is taking the purposed spring paving plan by Ken Bowling to ensure that the all anticipated utilities are installed in the area.

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Mr. Middleton reported that the installation of the groinfield is moving slightly ahead of schedule. He advised that some of the bags will be completely covered and some will remain exposed.

Mr. Middleton reported that there is a meeting on Monday regarding the repairs to the waterline. He further advised that all of the major players regarding the waterline repairs will have a representative present.

Mr. Middleton reported that the Village is continuing to move forward with the Median Maintenance Project. He advised that the Village is planning to install forty-nine (49) yaupons, thirteen (13) live oaks, thirty-nine (39) waxed myrtles and eleven (11) cedars. Mr. Middleton further advised that the project is scheduled to begin in the next few weeks. He explained that Mr. Liddle is purchasing a water tank to ensure that the plants are appropriately watered and to ensure proper growth and stabilization.

Mr. Middleton reported that the bids for the ABC Stone for the spring paving project were opened earlier in the day. He advised that hopefully the contractor will be able to take the rock straight to the paving site versus stock piling at the Public Works Department then transporting it to the site. He further advised that CAMA is going to allow the Village to reconstruct South Bald Head Wynd to an eighteen (18) to twenty (20) feet single lane road. Mr. Middleton is hopeful that the road will be open by the Easter Holiday and black-topped by the summer.

**6.2 Police Department**

**Chief Herring**

Chief Herring reported that the Police Department is continuing to keep their training certifications that are required by Raleigh current. He advised that approximately one thousand, five hundred six (1506) golf carts out of two thousand two hundred are currently registered. Chief Herring reported that donations for the family of the Boiling Springs Police Officer that was killed in the line of duty are continuing to come in.

**6.3 Fire/EMS Department**

Chief Munna reported that the Department responded to five (5) fire calls and eight (8) medical calls for the month of January. He advised the Department completed three hundred and forty hours of training during the month. Chief Munna invited every one to the Public Services Auxiliary (PSA) annual chili dinner and March Madness Basketball Tournament on March 9<sup>th</sup>. He advised that the proceeds received from the dinner will supply the Police and Fire Departments with a few necessities and amenities needed that are not included in the Village budget.

**7. Comments, Reports and Questions**

**7.1 Citizens**

There were no citizen comments at this time.

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7.2 Bald Head Island Association—President Dick Johnston  
Mr. Johnston announced that Dana Quanstrom is the newly elected President of the Association.

7.3 Bald Head Island, Ltd.--Joyce Fulton  
Mrs. Fulton had no comments to make on behalf of Bald Head Island Limited at this time.

7.4 Mayor and Council  
Mayor Lammert announced that the next Island Leadership meeting is scheduled for February 22<sup>nd</sup>.

**8. Adjourn**

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

The meeting adjourned at 3:33 p.m.

Approved:

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Larry Lammert, Mayor

Attest:

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Amy R. Candler, Village Clerk