

VILLAGE OF BALD HEAD ISLAND
Work Session 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, Finance Director Shelia Boyd, Chief of Police Richard Herring, Chief of Emergency Services Chip Munna, Assistant Village Manager/Planning Director Chris McCall, Tax Collector Heather Hardee, Public Works Director Ben Liddle, Chief Building Inspector Bill Bruce, Assistant Building Inspector Stephen Boyett, 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 Bald Head Association Manager Joey Hill.

Citizens Present: George Hayworth and Joe Ridgeway.

1. Call to Order/Approval of Agenda

Mayor Lammert called the February 11, 2005 work session meeting to order at 9:30 a.m. Mayor Lammert asked for any changes to the agenda. Mayor Pro Tempore Sayre asked if the discussion of Erik Olsen's proposal is going to be covered during Mr. Middleton's Manager's Report. Mr. Middleton replied that the topic will be discussed during the Manager's Report. With that being said, Mayor Pro Tempore made a motion to accept the agenda of the February 11, 2005 work session meeting. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mayor Lammert advised that he appreciates the Council and Staff that wore red today in honor of our troops overseas. He further advised that the afternoon meeting will be held at the Fire Department.

2. Review of Agenda for the Regular Meeting of February 11, 2005

Mr. Baldwin advised that he, along with the Village Manager and Staff worked on amending and updating the Village Personnel Policy. He further advised that he updated some of the employee classifications and missing references, issues concerning the Police Chief and incorporated a full policy, report and complaint form that employees can complete regarding sexual harassment matters. This is a process that will help avoid any problems during the complaint process as well as make the Village insurance carrier happy. Mr. Baldwin emphasized that he hopes that the personnel policy is a more workable, clearer policy.

Mayor Lammert advised that the resolution regarding the sale of the surplus guns was written by Mr. Baldwin in accordance with State law. He further advised that there are ten (10) guns currently in surplus of which the serial numbers have been provided to the Council. Mayor Pro Tempore Sayre asked if these are the type of guns that can only be owned by law enforcement officers. Chief Herring advised that the surplus guns can only be owned by certified law enforcement officers and further emphasized that the ten

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(10) Village Police Officers have agreed to buy the guns, so they will definitely be purchased by law enforcement officers.

Mr. Baldwin advised that the condemnation action to acquire an easement of lot 1071 was filed on February 4th with Brunswick County Superior Court. He further advised that it was determined that the groinfield could not be shifted to avoid the condemnation action. Mr. Baldwin emphasized that this action should not hold up the construction of the groinfield. He concurred that the only issue could be determining the value of the lot.

Mayor Lammert advised that the resolution regarding the dredging of the inlet waterways is being requested to gain Federal and State support for the dredging of the North Carolina inlet waterways. He further advised that the Brunswick Beaches Consortium is lobbying this issue as well.

Ms. Boyd advised that expenses and revenues shown on the financials are the actual amounts according to the audit as of January. She advised that the percentages for right of way maintenance are incorrect but will be corrected in the February statements.

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. Mr. Middleton emphasized that the Village Staff recommends approval of the request.

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 mixed 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. Hayworth commented that the request included all commercial tracts be changed to mixed use and retain the forty-five foot (45') height elevation. Mr. Henry emphasized that if all tracts are left as they are now, structures can be erected to forty-five foot (45') in elevation. Councilor Morris asked why the change is wanted if the current zoning already allows structures to be erected to forty-five feet (45'). Mr. Middleton explained that by allowing the mixed use, it will permit commercial and residential 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 floor, and residential within the same structure. Mr. Hayworth provided that the Planning Board did not feel comfortable converting all of the proposed tracts to mixed use. He advised that the Planning Board recommends that tract COM-5A be labeled as mixed use retaining the forty-five foot (45') height limitation. But the requirements stated in the Planning Board's motion requires at least one (1) floor of the structure be used for commercial purposes. Mr. Hayworth further advised that a concern of the Planning

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Board is the issue of parking. Mr. Henry advised that parking for that particular area has already been planned. Mr. Middleton re-emphasized that the current land-use designation of the proposed tracts allows the height of structures to be erected up to forty-five feet (45'). He advised Council that they are not approving the height, but permitting mixed-use to allow residential and commercial (COM-5A), within the same structure.

Councilor Pitera reported that Wayne Lambert has agreed to serve as Chairman of the Transportation Committee. It was the consensus of Council to appoint Mr. Lambert as chair to the Transportation Committee.

Councilor Douglas advised that the Beach Committee has requested feedback on their recent recommendations made to the Council. He further advised that the Beach Committee realizes that the Village will be spending up to \$2 million on the beach and thinks it is very important that the Village increase the fines for walking on the dunes. It was the consensus of Council to move forward with a public hearing to amend the dune ordinance to increase the fines for walking on the dunes at the March meeting.

Councilor Douglas reported that Ms. Hardee had provided prices at a previous meeting regarding the cost of the rope fencing. The Beach Committee recommended the rope fencing be installed along the six (6) miles of beach to guide people away from the dunes and gear them toward the public beach accesses. It was the consensus of Council to move forward with the installation of rope fencing along the six (6) miles of beach. Mr. Middleton suggested organizing a volunteer group for the installation of the rope fencing. Mayor Lammert advised that he has talked with the Fire Department Volunteers and they have shown interest in offering their help.

Mayor Pro Tempore Sayre reported that the Public Works Committee has agreed that Bald Head Island Utilities should take a look at the paving plan and acknowledge if any of the roads on the plan still have underground utility work to be performed. Mr. Liddle advised that he would take the list to Mr. Bowling and review it with him.

3. Discussion of the Recommendation for a Public Restroom Facility in the East Beach Area

Mr. Middleton advised that Council directed Village Staff to provide an additional site for a public restroom facility in the East Beach area. He reported that the only available alternate location is the parking area that the Village currently owns at the Conservancy. Councilor Morris shared his concern of this location not being near the beach. Mayor Lammert suggested that this project be returned to Village Staff for a more detailed analysis of each recommended site as well as the costs associated with each site. Mayor Pro Tempore Sayre stated that a site for the restroom facility should be decided on now and a cost analysis be performed on the definite location. Mayor Lammert advised that there is going to be huge costs associated with the facility that are not included in this fiscal year budget. He further advised that this project needs to be added to the five (5) year plan and worked through during the budget process. It was the consensus of Council to revisit this item during the budget process.

4. Discussion of the Recommendation to the Domestic Animal Ordinance

Mayor Lammert gave a brief history of the Domestic Animal Ordinance reporting that after the alligator incident on the Island the Public Safety Committee made recommendations to the Village Council who in turn directed Village Staff to further investigate the recommendations for enforcement purposes. Councilor Douglas agreed that the Island does need a leash law during the busy tourist season, but also a location where dogs can go to the beach and swim in the ocean. Councilor Pitera's concern was putting an ordinance in place that is going to be unenforceable or is going to take an extreme amount of time. Mayor Pro Tempore Sayre added that an ordinance of this type cannot be enforced without routine beach patrols. Chief Herring added that a leash law is currently in effect during turtle season. It was the consensus of the Village Council to hold a public input forum regarding the proposed changes to the Domestic Animal Ordinance due to the nature of the topic.

5. Appointment of an Ad-Hoc Committee for the Purchase of the Utility Company

Mayor Lammert advised that the Village Council needs to officially appoint an Ad Hoc Committee to assist with the purchase of the Utility Company. Mr. Middleton advised that Mr. Fulton and Mr. Bowling have been advised not to serve on the Committee until after the lawsuit is settled. He further advised that after the lawsuit is settled they will both be more than willing to sit on the Committee. Mayor Pro Tempore Sayre suggested that Joe Brawner represent the Club on the Ad Hoc Committee. Mayor Pro Tempore Sayre advised that he would contact Mr. Brawner regarding serving on the Committee. Mayor Lammert advised that George Hayworth, John Knott, Tony Lott, Dana Quanstrom, Joe Ridgeway along with Mayor Pro Tempore Sayre and himself would serve on the Ad Hoc Committee for the Purchase of the Utility Company. Councilor Douglas made a motion to accept the Committee as stated. In a voice vote, all voted in favor. (Motion carried 5-0)

6. Establish Committee Charges for 2005

Mayor Lammert advised that the Council reviews and updates the Committee Charges on a yearly basis. Council discussed the Village Committee Charge of Responsibilities for fiscal year 2004. Issues to be addressed by individual Committees for 2005 were identified as follows:

Beach Committee:

- Continue beach monitoring; identify "hot spots," etc.
- Review proposed Village acceptance of beach accesses prior to Council consideration; provide recommendations; prepare policy for future access acceptance; monitor program
- Consider appropriate signage for beach accesses; recommend facilities to be provided, if needed

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- Recommend placement of 9-1-1 boxes, bulletins, warnings, and rescue rings
- Continue monitoring beach vegetation needs; make recommendations
- Fertilization Program
- Prioritize beach related projects in relation to money available in budget
- Prepare policy for providing sand fencing; recommend location for additional sand fencing
- Assess need/develop plan for parking at public beach accesses
- Chair to attend meetings on related issues (i.e., Beach Consortium, etc.)

Finance Committee:

- Continue to work on update of Five-year Financial Plan and fund balance report; prepare report for Council consideration by March of each year
- Continue effort to identify additional revenue sources
- Study utility company financing for upcoming purchase
- Work with Staff on Utility Company financing
- Continue sub-committee structure to assist staff as needed
- Give recommendation of tax rate to be used based on new valuations
- Study method to raise funds for beach requirements

Public Safety Committee:

- Review developer's plan for the marina area from a safety standpoint
- Continue to promote Community Watch Program with Police Department
- Recommend placement of 9-1-1 boxes, bulletin boards, warnings, and rescue rings
- Review and monitor health and environmental safety (i.e., dogs, raccoons/rabies; deer/ticks)
- Consider management program for deer and alligators
- Determine if additional safety equipment is needed for transporting personnel
- Review domestic animal control ordinance; recommend changes if warranted

Public Works Committee:

- Update five-year paving and road maintenance plan; recommend paving of roads
- Develop program for right-of-way and median maintenance and improvements by Village
- Assist in the preparation for the purchase of the utility company
- Implementation of a Median Maintenance Program
- Recommend locations for turn-outs
- Recommend improvements to barge landing area to alleviate congestion
- Review the Developer's plan for the marina area for Public Works issue

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Transportation Committee:

- Review Developer's plan for the marina area for transportation issues
- Continue to develop alternative costs for various ferry arrangements and present to Council with recommendations
- Investigate regulations of parking on mainland
- Review current tram service; recommendations for changes to include service for every boat
- Review possibility to increase ferry service
- Review reflective strips for better night vision
- Recommend solutions to barge area congestion

Planning Board:

- Begin a "carrying capacity" study to determine outer limits of development on the Island; engage consultant; act on report provided
- Investigate and prepare standards for commercial development
- Research possibility to rezone available lands as commercial
- Provide additional information to the Village Council regarding Planning Board meetings and issues
- Study changing the procedures of which the Planning Board operates

7. Discussion of the Renewal of Employee Medical Insurance Rates

Ms. Boyd advised that as per the recent charge from the Council to change the renewal date of the Village Employee Insurance Policy, United Healthcare agreed to shorten the renewal policy date to nine (9) months. Ms. Boyd further advised that she has received the renewal rates and needs Council's approval to shorten the policy to nine (9) months as well as to renew the policy with United Healthcare for a year. Mayor Pro Tempore Sayre commented that the reason behind changing the renewal date of the policy was to give the Council more time to consider competitive bids from other companies because of the amount of the budget item. Ms. Boyd advised that the renewal amounts were not available from United Healthcare until January 15th therefore the amounts were not available at the January Council meeting. After further discussion regarding the employee healthcare benefits, Councilor Morris suggested the Village learn from this process and have everything in place so the Council will have additional time to evaluate the costs more thoroughly plus competitive bids next year. Councilor Douglas made a motion to renew the employee healthcare benefits with United Healthcare effective March of 2005. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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

Mr. Middleton reported that there will be a meeting on Monday regarding the damage to the waterline. He advised that all of the major players involved in the process will be in attendance. Mr. Middleton further advised that the underwater filming that illustrates the damage will be available for viewing at the meeting. Mr. Middleton

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advised that Mr. Fulton will be submitting a plan for the repairs to the water line at this time. Mr. Baldwin concurred that the big issue with Great Lakes is the amount of responsibility they are willing to accept. Mr. Middleton advised that Great Lakes has contacted him and is interested in meeting with Mr. Fulton and himself regarding the repairs.

Mr. Middleton reported that the claim made against Mr. Bruce in November has been dropped. He further advised that the claim was made by the previous Assistant Building Inspector, Jimmy Sanders. Mr. Middleton explained that the Department of Insurance came out to the Island for an investigation and all charges were dropped. Mr. Baldwin advised that Attorney Jason Harris from his firm helped with the claim.

Mr. Middleton reported that the sand placement project is complete and the Public Works Department is looking into a time frame for repair to the public beach accesses. He further advised that the repairs to the accesses in the groinfield area will not begin until the groinfield installation is complete.

Mr. Middleton advised that the rollover curbing that was discussed at a previous Council meeting costs eighteen dollars (\$18) per foot. He asked Council if they would like to install a test site at the intersection of South Bald Head Wynd and Muscadine Wynd. Councilor Pitera asked about the rope fencing that was discussed at the January meeting. Mr. Middleton advised that the rollover curbing will be a more expensive endeavor but it will have a longer life and therefore will not have to be replaced for years. However, Staff will move forward as directed by the Village Council. It was the consensus of Council to move forward with the test site of rollover curbing at the intersection of South Bald Head Wynd and Muscadine Wynd.

Mr. Middleton reported that the Public Works expansion is moving forward as scheduled. He advised that the plans and specifications have been submitted and the Village is awaiting the bid schedule from the Engineers.

Mr. Middleton reported that there is no new or additional news regarding the Creek Dredging permit. He advised that the Village has not received a response from Henry Wicker, with the Corps of Engineers. Mayor Lammert asked if the Village should seek assistance from Colonel Alexander regarding the project. Mayor Lammert agreed to contact Colonel Alexander regarding the project after consulting with Mr. Middleton regarding this project.

Mr. Middleton reported that the bids for American Beach Grass were opened on Wednesday. He advised that the total bid price for thirty thousand (30,000) plants and installation was \$2,850. The bid was awarded to Simmons Agriculture & Nursery and the additional plants will be placed on the new dune on South Bald Head Wynd.

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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 Public Works Department started working on the mulching of the medians yesterday.

Mr. Middleton reported that the Village has received the survey of South Bald Head Wynd from Cape Fear Engineering. He advised that the survey shown the old seaward lane of South Bald Head Wynd is located under the sandbags. He reported that the Village will be asking the Bald Head Association for an additional eight (8) to ten (10) feet of right of way to rebuild South Bald Head Wynd as one (1) lane, at eighteen (18) to twenty (20) feet. Mr. Middleton further advised that the Village is also looking into acquiring property for additional accesses in the South Beach area. It was the consensus of Council to move forward with acquiring additional right of way from the Association.

Mr. Middleton reported that the bids for the ABC Stone are due to be opened at the conclusion of the meeting. He advised that the contract will include delivery of the stone to the Public Works Department as well as placement in the washed out portion of South Bald Head Wynd in hopes that the road will be open for golf cart traffic by Easter weekend.

Mr. Middleton reported that the Village has received a report from Erik Olsen regarding the beach restoration project. Basically, the report covers the process and expenses associated with acquiring an additional sand source to continue with the sand placement the next time the Corps is dredging the Channel. Councilor Douglas asked if the Corps of Engineers will allow the Village to use Jay Bird Shoals as an additional sand source. Mr. Middleton answered that Jay Bird Shoals is a designated site and the Village would possibly have a political battle for the use of this area. Mayor Lammert asked what the first steps of this process would be. Mr. Middleton advised that the first steps to this process would be gaining support from the Corps for the assistance with the issuance of an Environmental Assessment (EA). Mayor Lammert suggested the Village talk with Colonel Alexander at the Brunswick Beaches Consortium meeting next week regarding the thought process related to a beach restoration project. Mayor Pro Tempore Sayre asked if Frying Pan Shoals would be a possible source. Mr. Middleton advised that Mr. Olsen did not recommend that area as a sand source. Mayor Pro Tempore Sayre asked who would be the Project Manager for this project. Mr. Middleton replied that Mr. Olsen

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would be the Project Manager. Mayor Pro Tempore stated that this is a \$3 million project and the Village needs to start the process as soon as possible.

Mayor Pro Tempore Sayre asked for an update on the purchase of the Utility Company. Mr. Middleton advised that the Village is awaiting the Management Agreement and the Purchase and Sale Agreement. He further advised that Chris Graebe guaranteed the Village would have these agreements to the Village by the end of the week.

9. Adjourn

With no additional items of 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 meeting adjourned at 11:55 a.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk