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Councilor Douglas made a motion to accept the consent agenda. In a voice vote, with Councilor Morris and Councilor Pitera being absent, all voted in favor. **(Motion carried 3-0)**

Mayor Lammert advised that the consent agenda consisted of the minutes February 11, 2005 work session and regular meeting of the Village Council, the unpaid tax report and two (2) proclamations, one (1) for the Spring Litter Sweep and one (1) for Arbor Day.

4. Old Business

4.1 Public Forum on Beach Issues

Mayor Lammert reported that he and Mr. Middleton had a successful trip to Washington DC the previous week. He advised that they met with Staff of Senator Dole and Senator Burr as well as Staff of Representative Mollohan of West Virginia. Mayor Lammert reported that they had the opportunity to meet Congressman Mike McIntyre and discussed many of the issues that are facing the Island. Mayor Lammert explained that they also met with representatives from throughout the United States that are very supportive of beach nourishment projects. He further explained they met with a potential lobbyist out of the DC area with a wide range of experience in beach issues. Mayor Lammert advised that he met with the President of the River Pilots, David Herring and talked to the installation of a hardened structure. He further advised that Mr. Herring had no problems with the Village moving forward with the installation of a jetty. Mayor Lammert further reported that groin #12 is currently being installed and the contractors are hopeful of an Easter completion date.

4.2 Update on the Purchase of the Utility Company

Mr. Middleton reported that Village Attorneys are currently working on the Asset Purchase Agreement and the Management Agreement for the purchase of the Utility Company. He advised that both parties hope to have the agreements in place before July 1st.

4.3 Ordinance No. 2005-003, An Amendment to the Ordinance, Amending Sections 7 of the Dune Protection Ordinance

Councilor Douglas made a motion to approve the ordinance amendment increasing the fines for crossing the dunes from \$100 to \$500. In a voice vote, with Councilor Morris and Councilor Pitera being absent, all voted in favor. **(Motion carried 3-0)**

5. New Business

5.1 Financial Statements—February 2005

Ms. Boyd reported that at the end of the month of February the Village had \$8.6 million in the bank. She advised that during the month of February Ms. Hardee collected \$125,000 in property taxes. She further advised that interest investments have doubled from this time last year due to the recent investments made with First Citizens Bank. Ms.

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Boyd also reported that the Village spent approximately \$200,000 on the installation of the groinfield during the month of February.

5.2 Resolution No. 2005-006, A Resolution Calling a Public Hearing in Connection with an Installment Financing for the Acquisition of Water and Wastewater Systems

Mr. Middleton explained that the above resolution is needed documentation for the Local Government Commission (LGC) for the financing of the Utility Company. He advised that the public hearing date will be set for the April 15, 2005 Village Council Meeting. Mayor Pro Tempore Sayre made a motion to approve the resolution to set a public hearing date for April 15, 2005 for the installment financing of the Utility Company. In a voice vote, with Councilor Morris and Councilor Pitera being absent, all voted in favor. (Motion carried 3-0)

5.3 No. 2005-007, A Resolution Accepting the Proposal of Branch Banking and Trust in Connection with Installment Financing for the Acquisition of Water and Wastewater Systems for the Village

Mr. Middleton explained that a resolution has to be approved by Council to accept the proposal of the installment financing from BB&T for the purchase of the Utility Company. He advised that BB&T had the lowest proposed interest rate for the installment financing. He further advised that the resolution also authorizes himself and Ms. Boyd to execute the necessary agreements. Mayor Pro Tempore Sayre made a motion to approve the resolution. In a voice a vote, with Councilor Morris and Councilor Pitera being absent, all voted in favor. **(Motion carried 3-0)**

5.4 No. 2005-008, A Resolution Making Certain Findings and Determinations Regarding the Financing of the Acquisition of Water and Wastewater Systems Pursuant to an Installment Financing Agreement and Requesting the Local Government Commission to Approve the Financing Agreements

Mr. Middleton advised that the final resolution authorizes and approves the filing of an application with the LGC and requests their approval of the financing and refinancing agreements. He further advised that there will not be any type of tax increase associated with the purchase of the Utility Company. Mayor Pro Tempore Sayre made a motion to approve the proposed resolution. In a voice vote, with Councilor Morris and Councilor Pitera being absent, all voted in favor. **(Motion carried 3-0)**

Mayor Lammert advised that the winning proposal from BB&T guaranteed a finance rate of 3.77% until May 10th. He further advised that the Village plans to refinance the remaining balance of the loan for the waterline at the lower interest rate.

6. Committee Reports

6.1 Beach

Anne Kane

Ms. Kane reported that there has not been a Beach Committee meeting since the Village Council last met. She advised that increasing the fine for walking on the dunes is greatly appreciated. Ms. Kane reported that the Beach Committee will be discussing the repairs of the beach accesses and aerial fertilization.

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6.2 Finance

John Knott

Mayor Lammert advised that the Finance Committee is continuing to work with the financing of the Utility Company.

6.3 Public Safety

Bob Liesegang

Mr. Liesegang reported that the Public Safety Committee has not met since the last Council meeting. He advised that the next meeting will be held on April 11th with Jim Henry in attendance to discuss the plan for the timber bridge.

6.4 Public Works

Joe Ridgeway

There was no report from the Public Works Committee at this time.

6.5 Transportation

Wayne Lambert

There was no report from the Transportation Committee at this time.

7. Monthly Reports

7.1 Manager's Report

Manager Middleton

Mr. Middleton reported that the Chief Building Inspector Bill Bruce has officially announced retirement as of June 28, 2005. He advised that the Village will hold some type of appreciation ceremony for him before his retirement date.

Mr. Middleton reported that the historical markers have been received and the Public Works Department will start installing them this week.

Mr. Middleton reported that the Village has signed a contract with Island Contracting for the repairs to South Bald Head Wynd. He advised that due to the weather and the barge schedule, Island Contracting is not going to have the road open for golf cart traffic before the Easter Holiday.

Mr. Middleton reported that the spring paving project is going to have to be re-bid because the Village only obtained one (1) bid. The second bid opening will be on April 1, 2005 and will be placed as an item for consideration on the April Council agenda.

Mr. Middleton reported that the Village has entered into an agreement with Kimley Horne for engineering service and Crofton Diving for an analysis of the current situation of the waterline damage and preparation of the documentation of repair estimates. The reports will detail if there is enough pipe to bring the waterline up to the surface and perform the repairs from the barge.

Mr. Middleton recognized William "Bubba" Galloway for his five (5) years of service with the Village. Mr. Middleton commended Bubba for his hard work and dedication to the Village.

7.2 Police Department

Chief Herring

Chief Herring reported that it was a slow month for the Police Department. He advised that the Department wrote fifteen (15) civil citations for various offenses and preformed one thousand seven hundred ninety-five (1795) security checks.

7.3 Fire/EMS Department

Chief Munna

Chief Munna reported that the Department responded to eight (8) false alarms and four (4) EMS calls during the month of February. He advised that the Department completed five hundred nineteen (519) fire training hours. Chief Munna provided a

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presentation on the structure fire that occurred at 979 South Bald Head Wynd on March 12, 2005. He advised that the Department response time was four (4) minutes following dispatch. Chief Munna went into detail about the cause of the fire explaining that it started from the gas line from an outdoor fireplace. He advised that there were only minor injuries. Chief Munna commended the Fire Department and the Volunteers for their hard work and dedication. He reported that the volunteers stayed on the lookout during night to ensure the fire did not reignite. Chief Munna also thanked the Public Service Auxiliary (PSA) for the help they provided during and after the fire as well as Transportation, the Coast Guard, the Utility Company and everyone that helped during the fire. He reminded the citizens that they need to have their gas fireplaces serviced on an annual basis.

8. Public Input Forum

8.1 Proposed Changes to the Domestic Animal Ordinance

Mayor Lammert explained that there are four (4) recommendations that have been presented to the Council by Village Staff and the Public Safety Committee. The first recommendation is to establish a “No Dog Zone” on the beach from Access #34 to Access #42 from Memorial Day through Labor Day. The second recommendation is to mandate that no longer can a dog move on the street of Bald Head Island without a leash. The third recommendation is to amend the definition of “Leash” to delete the language “not to exceed ten feet in length” and the final recommendation is to clarify the statement “under the immediate control of its owner” which is included in the definition of Unrestrained Dog. At this time Mayor Lammert opened the floor to the public for their comments.

Bryan Mussik commented that if it is not broke, don’t fix it. He advised that the Village in the dog owners of the Island. His final observation was that if the Council imposes these rules on the citizens of Bald Head Island, it will tie the hands of subsequent Councils and the ramifications will lie on future.

Bill Waddell commented that it is a fact that leashes make dogs more aggressive. He advised that the only problem that ever occurred with Captain Jack was when he was off his leash. He further advised that when walking Captain Jack he always keeps him on the leash but when taking him to the beach he picks a time when there are very few people there and will let Captain Jack off of the leash to let him run freely. Mr. Waddell commented further that dog owners on the Island need to take more responsibility and keep their animals on a leash so they will not get hit by a cart or eaten by an alligator. Mr. Waddell’s main concern was that he was not aware of any number of attacks that would warrant the Village to pass a strict leash law.

John Jaske commented that he objects to the proposed changes to the ordinance. He advised that if the rationale behind the changes is for safety purposes, it seems

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contradictory because it will take away valuable time from the Police Officers when they could be enforcing other laws on the island. Mr. Jaske emphasized that the Police Department does a great job controlling traffic and doesn't think time should be taken away from that to chase poodles.

Dave Strawson read a letter written by his dog begging the Council to please continue to allow him to roam on the beach without a leash.

Tim O'Brien asked why the Council is taking the time to change an ordinance that has worked well in the past. He further commented that if there is a definition of under immediate control of owner he would like to see it. He advised that the Village should be more concerned with the diseased raccoons and other animals on the Island.

Joe Durkan thanked the Council for the work that has been done to the beach. He asked why the Council feels the need to change this ordinance. Mayor Lammert responded that the Public Safety Committee made a recommendation to the Council and it was Council's decision to conduct a public input forum for additional comments from the citizens. Mayor Lammert further advised that when a recommendation comes to the Council from the various Village Committees it is Council's duty to review these recommendations.

Brian Messitt commented that if it is not broke, don't fix it. He advised that he hopes the changes do not cause liability problems for dog owners or the Village in the future.

Mary Sanacore asked why the Village is working to change something that is not currently enforced.

Anne Kane asked the citizens in attendance if there was anyone who does not own a dog and approximately three (3) people raised their hands. Her second question was, is there anyone in attendance that is not a resident of the Island. Everyone present was a resident of the Island excluding the staff that was in attendance. Ms. Kane commented that maybe the problems associated with the dogs were not coming from the residents but the renters and tourists to the Island.

Vic Galef commented that in his opinion the leash problem is not in the room. He agreed that there are appropriate times to have dogs on leashes and also appropriate times for dogs to run free off of the leash.

Nancy Giacci commented that she is guilty of letting her dog run on the beach without a leash, but her dog gets more excited around other dogs than people. She emphasized that she feels there will be many more problems with leashed dogs than those that are unleashed.

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Don Tillman commented that his wife was attacked by a small dog while on the beach. He further advised that during the summer there seems to be more of a problem with dogs than in the winter.

Joe Sabatini commented that perhaps from mid September through April there is a blanket rule on the Island that residents keep their dogs on a leash. He advised that he has adopted the road on which he resides and his dog assists him with the cleanup of the road every morning. He stated if he has to keep his dog on a leash, he will no longer be able to keep the trash picked up because he cannot pick up trash and hold a leash at the same time.

Chris Webb commented that she did a survey of the number of rental homes on the Island that accept pets. She advised that there are only approximately fifteen to twenty (15-20) homes that formally accept pets and of those many restrict the size. Ms. Webb explained that a few years ago there was an aggressive dog in her neighborhood that was supposed to be kept in with an invisible fence. She reported that the dog knew how to jump over the fence without getting shocked. She explained that the dog got out of the fence while the owners were off of the Island and was growling at passer bys. She advised that the Police Department was called but nothing was done regarding the loose dog. Ms. Webb emphasized that the current ordinance needs to be enforced rather than adding more regulations to the books that will not be enforced.

Danny Culler asked if the owner of the dog that was chewed up by the alligator received a citation from the Police Department. Chief Herring explained that the Officer on duty at the time did not issue a citation because he felt that the owner loosing the dog was punishment enough for letting the dog run free. Mr. Culler asked Chief Herring if he agreed with the Officer's decision not to issue a citation. Chief Herring stated that he always supports his Officers decisions.

Bill Waddell recommended that the Kennel Club on the Island sponsor an obedience class for pets.

Ren Brockerick commented that April and May of each year is Colonial Nesting Bird season. He emphasized that during this season dogs should be limited to a leash.

Tim O'Brien commented that Chief Herring should always back his Officers as they are doing a wonderful job for the Island. He further commented that the Village Council should sit with Chief Herring and explain exactly how they would like the ordinance to be enforced.

Juanita Roushdy commented that the Council should look into raising the fines for the people that do not abide by the current ordinance.

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Pam Jaske commented that perhaps it is not the amount of the fine but the amount of the enforcement of the current ordinance.

Norm Coryell asked if a complaint is called in, will the Police Department give it consideration. Chief Herring responded that an Officer will respond to the complaint but would have to actually see the offense before issuing a citation.

Suzanne Dorsey commented that the Bald Head Island Conservancy would appreciate any consideration the Village Council can give to the nesting population of birds as well as attention to habitats during the seasons.

At this time Mayor Lammert closed off the Public Input Forum. He thanked everyone for their input. Mayor Lammert concurred that the wishes of the citizens are to leave the current ordinance as is but raise the fines for violation and enforce the current ordinance more effectively and add information to the rental brochures outlining the current leash regulations.

9. Comments, Reports and Questions

9.1 Citizens

There were no additional comments from the citizens at this time.

9.2 Bald Head Island Association—President Brenda Quanstrom

In the absence of Ms. Quanstrom, Ms. Hill reported that the Association is holding a beach sweep on March 19th. She advised that they will be meeting at Beach Access # 23.

9.3 Bald Head Island, Ltd.—Joyce Fulton

Ms. Fulton reported that Bald Head Island Limited is getting ready to commence renovations at the Ferry Terminal at Indigo Landing. They are going to install new carpet and refurbish the coffee area and after the Easter Holiday they will be renovating the ladies restroom facilities adding two (2) additional stalls. Ms. Fulton further advised that Bald Head Island Limited is currently trying out swipe cards in addition to ferry tickets for their employees to board the ferry. She advised that over time Bald Head Island Limited intends to do away with the ferry tickets if this trial period is deemed successful.

9.4 Mayor and Council

There were no additional comments from the Mayor or Village Council. Mr. Middleton reported that the alligator incident is still under investigation by the Village Police Department. He advised that the NC Wildlife Commission has also joined into the investigation.

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10. Adjourn

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the March 15, 2005 Village Council Meeting. Councilor Douglas made the motion to adjourn. In a voice vote, with Councilor Morris and Councilor Pitera being absent, all voted in favor. **(Motion carried 3-0)**

The meeting adjourned at 4:37 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk