

VILLAGE OF BALD HEAD ISLAND
Worksession Meeting
April 15, 2005

Councilmembers Present: Mayor Larry Lammert, Mayor Pro Tempore Andy Sayre and Councilor Members Gene Douglas and Art Morris.

Councilmembers Absent: Councilor 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, Chief Building Inspector Bill Bruce, Assistant Building Inspector Stephen Boyett, Public Works Director Ben Liddle, 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 Director of Operations Woody Fulton, and Bald Head Association Manager Joey Hill.

Citizens Present: George Hayworth and Bob Liesegang.

1. Call to Order/Approval of Agenda

Mayor Lammert called the April 15, 2005 work session meeting to order at 9:30 a.m. Mayor Lammert asked for changes to the work session agenda. Mr. Middleton advised that he would like for the Council to add an agenda item #2, Discussion of Waterline Repairs to the worksession agenda. He explained that Mr. Fulton is present to talk to the issue but needs to return to his office as soon as possible therefore the remainder of the agenda items would follow the waterline discussion. Councilor Douglas commented that he would like to add a closed session (pursuant to N.C. General Statutes 143-318.11(a) (6)) to the work session agenda. Councilor Douglas made a motion to the agenda April 15, 2005 work session meeting agenda as amended. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

2. Discussion of Repairs to the Waterline

Mr. Middleton thanked Mr. Fulton for all of the time and hard work he has put forth regarding the repairs to the waterline. Mr. Middleton explained that Kimley Horn drafted the bid documentation and forwarded the information to Crofton Diving and Durocher Marine for a response. Bids came back in on Tuesday of which Crofton Diving came in with the low bid at \$351,000. Mr. Middleton explained that it is imperative for the Village Council to move forward with accepting this bid as soon as possible so that Kimley Horn can move forward with the award of the contract and the notice to proceed. He advised that the Council will also need to add a budget amendment to the afternoon meeting agenda to provide for funding of the repairs. Mr. Middleton further advised that the Village will have to pay for the repairs up front and then be reimbursed by the insurance company. Ms. Boyd advised that the funds for these repairs can come from the Fund Balance Appropriation.

Mr. Fulton reported that Crofton Diving will have fourteen (14) days to complete the repairs, weather permitting. He advised that the repairs will be made by removing the anchors and pulling the waterline above the water, onto a barge where the repairs will be

Village of Bald Head Island
Work Session Minutes, April 15, 2005
Page 2 of 7

made. The line will then be placed back under the water. Mr. Fulton advised that the Village will need to contact Mr. Brooks to ensure there are no conflicts with CAMA regarding the repairs. Mr. Middleton advised that he will contact Mr. Brooks. Mr. Fulton advised that the waterline should be fully repaired by Memorial Day weekend. Councilor Douglas made a motion to move forward with the waterline repair project at this time. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

3. Review of Agenda for the Regular Meeting of April 15, 2005

Mayor Lammert advised that the Budget Amendment regarding the repairs to the waterline will need to be added to the consent agenda at the afternoon meeting. Mayor Pro Tempore Sayre made a motion to amend the agenda as stated. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

Ms. Boyd reported that the budget transfer of \$8,000 is requesting the transfer of funds from the Manager's Contingency to the Building and Grounds Maintenance Line Item in the Administration Department. She explained that there has been some animal damage to the crawl space underneath the Village Hall which has affected the insulation and computer wiring. She advised that the animals that were housing themselves under Village Hall have been relocated and the repairs have been made in such a fashion that the animals should not be able to return.

Ms. Hardee advised that the tax release request is a release of \$7.91 to a property owner that was being billed as having business personal property. She advised that the taxpayer no longer has business personal property on the island.

Ms. Boyd advised that the money for the repairs to the waterline will be taken from the Fund Balance Appropriation Line Item and transferred to a new account for the Waterline Repairs. She advised that hopefully the Village will be reimbursed by the insurance company before the end of the fiscal year. She further advised that the cost of the repairs will be kept separate from the \$100,000 non-refundable deductible. Mr. Baldwin advised that hopefully the deductible will be reimbursed to the Village by Great Lakes.

Mayor Lammert reported on the completion of the installation of the groinfield and the meeting that he and Mr. Middleton had with Tom Eager, Executive Director of the State Port Authority and the meeting with the Corps of Engineers. He advised that while meeting with the Corps, Ben Wood and Colonel Alexander concurred that they would help the Village with obtaining the permits for the Creek Dredging Project. He further advised that they talked with the Corps regarding the issue with the sand at Jay Bird Shoals and the Fifty (50) Year Sand Placement Plan. Mayor Lammert explained that an environmental structure will need federal backing along with documentation on how a jetty could be beneficial for the control of erosion on the Island. Mayor Pro Tempore Sayre asked if Erik Olsen had sent the letter to the Corps about a private sand placement project for the Island. Mr. Middleton explained that Mr. Olsen feels the Corps will discourage a private sand placement project and therefore the Village would not

Village of Bald Head Island
Work Session Minutes, April 15, 2005
Page 3 of 7

benefit with the Corps guiding us with a project of this sort. Mayor Pro Tempore Sayre asked when the backfilling of the groins was going to take place. Mayor Lammert advised that the backfilling was complete as of this morning. Councilor Douglas asked if they had discussed the benefits of hiring a lobbyist with the Corps. Mayor Lammert reported that he did not discuss the lobbyist with the Corps as he felt the Council should discuss the possibility first.

Mr. Middleton explained that the timeline for the purchase of the Utility Company is going to take longer than first anticipated. He further explained that it will take approximately ninety (90) days for the North Carolina Department of Environmental and Natural Resources to transfer the permits after the Asset Purchase Agreement and the Management Agreement are settled. Therefore, the closing date has been pushed to sometime in mid-October 2005. Mayor Pro Tempore Sayre asked if the resolutions passed at the last meeting regarding the financing of the Utility Company would have to be redone. Mr. Middleton replied that the resolutions will need to be recreated when the Village gets closer to the closing date. Mayor Pro Tempore Sayre asked if the Kimley Horn report is complete. Mayor Lammert replied that as of yet nothing has been received from them. Councilor Douglas volunteered to talk with Harlan Britt and try to get an definitive date as of when the study will be complete.

Ms. Boyd reported that the interest rates continue to increase. She advised that during the month of March the Village spent \$9,000 on the purchase of unbuildable properties as well as expended funds for repair of vehicles and legal fees. Ms. Boyd explained that \$285,000 was spent from the Beach Fund for costs associated with the groinfield installation. Mayor Lammert inquired about the number of unbuildable lots the Village has currently purchased. Ms. Hardee replied that the Village has bought approximately eleven (11) unbuildable properties at this time.

Mr. Liesegang reported that the Public Safety Committee discussed the possibility of registered sexual predators on the Island. He advised that there are one hundred fourteen (114) registered sex offenders in Brunswick County with twenty-eight (28) of these located in the Oak Island/Southport area. Mr. Liesegang informed the Council that he would possibly need legal advice in this area and requested the services of the Village Attorney. Councilor Douglas commented that he has been concerned about small children out riding bicycles by themselves on the Island. He advised that leaving children alone is a parental issue but the Village should do whatever possible to protect the people of the Island. The Village Council agreed to move forward with investigating possible measures to deal with sexual predators and advised Mr. Liesegang that he could contact Mr. Baldwin as needed for guidance.

Mayor Pro Tempore Sayre advised that the Public Works Committee discussed the Five Year Paving Plan at the last Public Works meeting. He further advised that this item will be discussed further during the budget process.

4. Presentation on Status of the Village Fire Equipment

Chief Munna reported that the fire engine kept at Middle Island was sent off the Island for servicing. He advised that the cost of the repairs is not worth the investment due to the age and condition of the fire engine. Chief Munna further advised that it is in the Capital Improvement Plan (CIP) to replace the engine in the fiscal year 2005-2006 budget and therefore he is requesting permission from the Village Council to move forward with the bid documentation. Chief Munna reported that Civietown Volunteer Fire Department has agreed to let the Village borrow a fire engine until such time as the Village purchases a replacement engine. He advised that he would like to make a donation to Civietown for the use of their fire engine if funds can be located to do so. Councilor Douglas asked for a ball park figure of the cost of a new fire engine. Chief Munna estimated approximately \$320,000. Councilor Douglas made a motion to authorize Chief Munna to move forward with the bid documentation and the solicitation of bids for a new fire engine. Mr. Middleton emphasized that a contract for the purchase of the engine cannot be signed until after July 1st. Councilor Morris emphasized that a donation of some sort should be made to Civietown for the use of their fire engine. Mr. Middleton reported that he and Chief Munna are seeking additional funds from Brunswick County to pay for half of the fire truck being that the County supplements funds for other towns within the County.

5. Discussion of Enforcement of the Current Domestic Animal Ordinance

Mayor Lammert explained that the consensus he received from the citizens at the public forum at last month's meeting regarding the Domestic Animal Ordinance issue is to leave the existing ordinance as is except possibly increase the amount of the fine. Chief Herring commented that the only way to enforce this ordinance is to require dogs to be on leashes at all times. Councilor Douglas concurred that if Council agrees on a leash ordinance, he will be in favor of designating a doggie beach where the dogs can run free and also a portion of the beach where dogs are not allowed. It was the consensus of the Council to table this issue regarding the Domestic Animal Ordinance until further notice.

6. Discussion of Amendments to the Open Burning Ordinance

Chief Munna reported that the proposed amendments to the Open Burning Ordinance is for better clarification as to where charcoal grills can be located in association with decks. He advised that portable LP gas grills will be exempt from this ordinance because it is safer to keep this type grills on the decks than it is to move them off. It was the consensus of the Village Council to add the first reading of this Ordinance and set a public hearing date at the afternoon meeting.

7. Discussion of the Planning Board Recommendation for the Intersection of Stede Bonnet Wynd and North Bald Head Wynd

Mr. McCall explained that due to possible safety hazards at the intersection of Stede Bonnet Wynd and North Bald Head Wynd the Village Staff provided several options to the Planning Board for their review. He advised that the Planning Board recommends the following:

- Providing low level signage in the median and reflective painted directional arrows
- Re-position the BHI locator map to the north side of North Bald Head Wynd
- Reposition the trash bin next to the BHI locator map
- Replace pampas grass with a type of low-lying vegetation
- Clean up underbrush, no trees or limbs, in order to improve sight distance at the intersection
- Reconfigure North Bald Head Wynd to prevent golf carts turning at the wrong place

Mr. McCall advised that Village Staff recommends approval of the Planning Board's recommendations. Councilor Morris commented that he did not agree with the large yellow arrows due to aesthetic reasons. Mayor Pro Tempore Sayre suggested reconfiguring the intersection in such a way that the traffic flow is directed to the intended route. Mr. McCall advised that he would produce some site drawings and forward to the Council via email for their comments. Mr. Middleton emphasized that the reconfiguration of the intersection would need to take place during the paving project.

8. Discussion of Amendments to the Creek Access Ordinance

Mayor Lammert advised that the amendment to the Creek Access Ordinance was continued from an earlier Council Meeting and the Village Council needs to take action on the proposed ordinance. Mayor Lammert advised that Village Staff has recommended tabling the discussion until the Creek Dredging Project is complete. Mr. Middleton advised that he talked with Mr. Brooks and the Village will have to amend the CAMA permit if the Council wishes to approve this proposed amendment. It was the consensus of the Village Council to table this discussion.

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

Mr. Middleton reported that the finalized version of the COBRA map has been signed by the President and delivered to the Village. He advised that Staff will be sending out notification letters to property owners affected by the changes to the COBRA map.

Mr. Middleton advised that the planting of sea oats and bitter panicum is scheduled to begin next week.

Mr. Middleton reported that a copy of survey for the easement to the Conservancy should be delivered to the Village Hall within the next few days. After the survey is received the Village will proceed with the deed preparation.

Village of Bald Head Island
Work Session Minutes, April 15, 2005
Page 6 of 7

Mr. Middleton reported that groinfield installation is complete as well as the backfilling and leveling of the beach. He advised that the groins are working as intended. He further advised that the Village is doing a fly over next week for the as built photos. Mayor Lammert suggested having a fly over on a monthly basis for historical purposes.

Mr. Middleton reported that the ICE appeal will be heard in Raleigh next week. He advised that Dr. Douglas and himself will be in attendance for the appeal.

Mr. Middleton reported that there is a Public Forum regarding the Land Use Plan scheduled for May 13th at the Bald Head Association Center from 11:00 a.m. to 1:00 p.m.

Mr. Middleton reported that Village Staff is looking at Stede Bonnet Wynd for the next median maintenance project. He advised that the funds for this project will come from the 2004-2005 budget.

Mr. Middleton reported that only one (1) bid for the Public Works Expansion was received, therefore, the project had to be re-bid. The next bid opening is scheduled for April 19th. Mr. Middleton advised that the Village Council will be requested to approve the contract for the expansion at the budget work session in May.

Mr. Middleton reported that Chief Munna and Firefighter/Paramedic Joe Snapp taught First Aid, CPR and AED classes to the Village Staff. He extended his appreciation to these men and commented on the benefits of this training.

Mr. Middleton reported that the repairs to South Bald Head Wynd are scheduled to begin on Monday. He advised that the pavement will be twenty (20) feet wide and rollover curbing will be added to that section. He further advised that the road should be open by the Memorial Day Holiday.

Ms. Hardee reported that the tax liens will be advertised in next Wednesday's State Port Pilot. She advised that there is \$7200 is outstanding taxes for the 2004 tax year.

Mr. Middleton reported that he has had very little luck receiving any information regarding Phase 1B of the Stormwater Project from Cape Fear Engineering. He advised that with Council approval he will send Cape Fear Engineering an email this afternoon requesting all the documentation they have pertaining to the Village and the Stormwater Project and then terminate their services. The Village Council directed Mr. Middleton to look at the contract with Cape Fear Engineering and then proceed as he sees appropriate.

The Village Council set the date for the Budget Worksession for May 10th at 9:00 a.m. at the Village Hall.

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

- **Village of Bald Head Island, et al. vs. Great Lakes Dock and Dredge Company**
- **Village of Bald Head Island, vs. Ezra Meir and wife, Violet S. Meir**
- **Village of Bald Head Island, vs. US Army Corps of Engineers**
- **Village of Bald Head Island, vs. Bald Head Island Utilities**

Village of Bald Head Island
Work Session Minutes, April 15, 2005
Page 7 of 7

Councilor Douglas made a motion to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(3)(5) and (6). In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

Closed session began at 11:20 a.m.

Councilor Douglas made a motion to return to open session. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)** Mayor Lammert advised that no action was taken during closed session.

The open meeting reconvened at 2:14 p.m.

11. Adjourn

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the March 15, 2005 Village Council Worksession. Councilor Douglas made the motion to adjourn. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

The meeting adjourned at 2:15 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk

