

**VILLAGE OF BALD HEAD ISLAND**  
**Work Session Meeting**  
**May 20, 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, Police Captain David Cox, 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 and Bald Head Island Limited Planning Director Jim Henry.

**Citizens Present:** Bill and Billie Jean Berne, Joe Brawner, Joe Elrod, Dick Johnston, Alfred and Anita Schnog and Bob Syring.

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

Mayor Lammert called the May 20, 2005 work session meeting to order at 9:30 a.m. Mayor Lammert asked for any changes to the agenda. Councilor Morris made a motion to accept the agenda of the May 20, 2005 work session meeting as presented. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**2. Review of Agenda for the Regular Meeting of May 20, 2005**

Mayor Lammert reviewed the agenda of the afternoon meeting. He explained that the Budget Transfer Request on the agenda is for the repairs to the air conditioning unit at the Village Hall.

Mayor Lammert advised that he would give the citizens an update on the purchase of the Utility Company. He advised that things are moving forward and negotiations regarding the Management Agreement and the Purchase Asset Agreement are currently underway.

Ms. Boyd reported that last September, before the audit was complete, \$400,000 was moved to the Beach Fund from the prior year accommodations tax. The total amount of accommodations tax collected last year was \$481,000. Ms. Boyd advised that the remaining \$81,000 of accommodations tax revenue will be available to be moved this year into the Beach Fund. She explained that there is also an additional \$200,000 from recognized tax revenues that can be transferred to the Beach Fund. The Village Council directed Ms. Boyd to move forward with the ordinance amendment to the Beach Fund at the June meeting. Ms. Boyd further advised that the anticipated reimbursements from FEMA will probably not be received until next budget year. She emphasized that Mr. Middleton reflected this in the presented budget for next fiscal year. Ms. Boyd provided the Council with a performance analysis regarding the Investment Performance Inception. She advised that as of April 30, 2005 the Village has accrued \$49,891.10 in interest on investments.

**3. Discussion of Definitions of Single Family Dwelling**

Mr. Middleton explained that the current issue regarding single family dwellings originated from the number of people who are allowed to stay in a single family dwelling unit at one time. Mr. Middleton provided the Council with definitions of a single family dwelling from the Village Zoning Ordinance. Councilor Morris asked if the definition in the Village ordinance is consistent with other municipalities around the State. Mr. Baldwin commented that the intent of the definition is to allow for several unrelated or related people to get together and rent a beach house, which is consistent with other definitions throughout the State. Mayor Pro Tempore asked what the Village is to do when the situation of a long term rental comes up with unrelated persons staying within one structure. Mr. Baldwin advised that this is getting away from the family oriented structure which is the intent of the ordinance. Mayor Lammert asked what the process is when a complaint is issued to the Village concerning the number of people within a structure. Mr. Middleton replied that the complaint is forwarded to Building Inspections and they go out to investigate the complaint. If there is a violation then a letter is sent. Mr. Bruce explained that according to the Building Code, more than five (5) unrelated persons within a dwelling is a violation. He advised that he believes the intent of the ordinance is to allow for vacation rentals. Mayor Pro Tempore Sayre asked about separate rentals of unrelated persons. Mayor Lammert emphasized that the intention of this discussion was to clarify the meaning of Single Family Dwelling for the Council. This was not intended as an open forum. Mayor Lammert suggested holding a public forum to discuss this issue in more detail with the public at the afternoon meeting. Mr. Baldwin suggested the Council request written questions regarding single family dwellings and adding the discussion as an agenda item at a future in order to allow him additional time to research this issue. It was the consensus of the Council to request written questions from the citizens and discuss these questions at the June meeting. Mayor Lammert directed Ms. Candler to put up Public Notices welcoming written question in regard to single family dwellings to be discussed at the June worksession meeting.

**4. Discussion of Deadline Renewal for Conditions Set on Approval of the Shops at Maritime Way**

Mr. Middleton explained that the Shops of Maritime Way was approved with a time restriction placed upon the subdivision for removal of the mobile homes and the clean up process. He explained that Bald Head Island Limited is now coming back to Council requesting an extension of the deadline restriction. Mr. Henry advised that the site work is well on its way and the applications for building permits have been submitted. He further advised that Limited intends for the completion date for construction to be December 31, 2005. Therefore, Bald Head Island Limited is requesting an extension of the deadline until January 2006. Mayor Lammert asked why the extension is needed. Ms. Fulton advised that the extension is needed mainly to avoid

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a hardship on existing contractors. Mr. Bruce emphasized that the delay with the construction is not at the fault of the Building Inspections Department. Councilor Douglas made a motion to approve the extension of the deadline for Bald Head Island Limited to January 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. Discussion of the Median Maintenance Plan**

Mayor Lammert emphasized that he feels the Village should bring forward a plan that outlines the median maintenance agenda before the public prior to the plan being implemented. Councilor Morris commented that he has been receiving questions in regard to the plan for Stede Bonnet Wynd and North Bald Head Wynd. Mr. Middleton emphasized that the reasoning behind median maintenance is for better line of site, not for beautification reasons. Councilor Douglas stated that he does not understand the concern from the public regarding median maintenance. The small amount of vegetation removed from these medians does not harm the wildlife on the Island.

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

Mayor Lammert advised that he attended a forum at East Carolina University regarding Horizon 2100. Mayor Lammert was encouraged by the discussion and advised that Ms. Candler had the information on file if any of the Council was interested.

Mr. Middleton reported that the Public Works Department is moving forward with the alterations to the intersection at Stede Bonnet and North Bald Head Wynd. He advised that the pampas grass is being removed and replaced with low lying shrubs as well as the trash receptacle and signage being moved.

Mr. Middleton reported that the bid packet for the new fire engine went out this past week. He advised that the bid opening will be on July 13<sup>th</sup>. He further advised that the funding for the fire engine will come from the 2005-2006 budget.

Mr. Middleton advised that he has scheduled a meeting with McKim & Creed to re-evaluate the stormwater management plan. He advised that the name of the project should be changed to the Flood Control Plan.

Mr. Middleton reported that the Shoal's Club will be having their triathlon tomorrow. Chief Munna has prepared a schedule for the event with regard to assistance which will be provided by the Fire-Rescue Department. In an effort to assure the safety of all participants, extra staff will be on duty during the event.

Mr. Middleton advised the Council that there are several appointments which need to be made next month to both the Planning Board and the Zoning Board of Adjustment. Currently three (3) members and two (2) alternates need to be appointed to

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the Board of Adjustment and Marianne Link's position on the Planning Board is scheduled to expire.

Ms. Hardee advised that she had recently met with Bill Lester of the North Carolina Wildlife Resources Commission regarding the placement of "no wake zone" buoys in Bald Head Creek. Currently a "no wake zone" does exist for the entirety of the Creek by virtue of a House Bill which was approved in 1987. Currently the Police Department does not enforce the "no wake zone" regulations due to their inability to navigate the creek. In order to move forward with the placement of the buoys, the Village Council will need to decide exactly where they would like the buoys placed since this directly impacts the areas of enforcement. Councilor Douglas advised that he thinks that one (1) buoy should be placed at the mouth of the creek. Ms. Hardee went on to explain that if more than one (1) buoy is placed in the creek then it is understood that the enforcement of the "no wake zone" will be between those two (2) buoys or signs. There is currently a state law which prohibits a vessel from creating wakes within one hundred feet (100') of moored vessels, docks, bulkheads, swimmers, etc. Councilor Morris asked what the implications would be for the Police Department if these buoys were installed. Captain Cox advised that the officers do not currently have a presence in the creek. After some discussion regarding the matter, it was the consensus of Council to move forward with the placement of a buoy at the mouth of the creek, one at Creek Access and one slightly beyond the Creek Access area. As a final note, Mayor Lammert asked if these buoys will prohibit the use of jet skis in the creek. Captain Cox explained that by virtue of a Village ordinance, headway speed is limited to 6 mph and also prohibits the launching of jet skis.

Mr. Middleton advised that the installation of sea oats and bitter panicum along the renourished area of South Beach is underway and should be completed soon. Furthermore, the construction of replacement accesses, to include the handicapped access, will begin soon.

Mr. Middleton advised that there had recently been several articles in the Wilmington Morning Star regarding the matter of topless sun bathing on local beaches. He went on to say that when speaking with a reporter he advised that the Village does not have any ordinance which prohibits topless sun bathing nor have we ever had a problem with this type of activity. Captain Cox further explained that state law does not distinguish between men and women with regard to topless sunbathing and thus it is not illegal unless a member of one sex exposes their genitalia to a member of another sex.

Mr. Middleton advised that the repairs to the waterline are nearly completely. All that remains is butt testing and flushing of the lines. Five (5) anchor weights were able to be salvaged and the additional weights which are still needed should be shipped soon. The water service provided by this waterline should be resuming soon. With regard to

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the power line, Mr. Middleton advised that repairs to the line should be completed within the next few weeks as all of the necessary permits have been obtained by Progress Energy.

Councilor Pitera asked if there was going to be aerial fertilization of the dunes this year. Mr. Middleton advised that this project would not be occurring this year as David Nash had recommended that this only be done every two (2) to three (3) years.

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

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

Closed session began at 10:30 a.m.

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 12:44 p.m.

8. **Adjourn**

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the May 20, 2005 Village Council Worksession. Councilor Douglas made the motion to adjourn. In a voice vote, all voted in favor. **(Motion carried 5-0)**

The meeting adjourned at 12:45 p.m.

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Approved:

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Larry Lammert, Mayor

Attest:

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Amy R. Candler, Village Clerk