

VILLAGE OF BALD HEAD ISLAND
Work Session Meeting
June 17, 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 Chief Richard Herring, Chief of Emergency Services Chip Munna, Assistant Village Manager/Planning Director Chris McCall, 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 Planning Director Jim Henry and Bald Head Association Manager Joey Hill.

Citizens Present: Bob Porter, Dick Johnston, George Hayworth, Kabir Mahadeva and Ann Cary Hevener

1. Call to Order/Approval of Agenda

Mayor Lammert called the June 17, 2005 work session meeting to order at 9:35 a.m. Mayor Lammert asked for any changes to the agenda. Mayor Pro Tempore Sayre 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 June 17, 2005

Ms. Boyd explained that the audit contract needs to be approved before the end of June. She advised that the contract is the same as last year except for an increase of \$500 in the contract price. The increase is due to the change of the reporting models that are now required by the Local Government Commission (LGC). Ms. Boyd further advised that the audit contract specifies a completion date of October 31, 2005.

Ms. Boyd explained that the first amendment reflects the transfer of the remainder of the 2003-2004 accommodations tax revenue in the amount of \$81,023. She further advised that these funds are in addition to the \$400,000 transferred in October 2004.

Ms. Boyd reported that the second amendment recognizes \$200,000 in property taxes collected over and above the budgeted revenue collection amount.

Ms. Boyd reported that the amendment to the Capital Project Ordinance to the Beach Stabilization Fund lays out the distribution of the transferred funds within the Beach Fund. She advised that funds will be distributed within the Current Contract as well as additional funds from the Groinfield Rehabilitation line item that are no longer needed within the line due to the completion of the project.

Mr. Middleton explained that the personnel policy amendment includes the addition of Administrative Captain for the Fire/EMS Department to the policy. He advised that Danny Kiser will be filling the position upon approval of the 2005-2006 budget by the Village Council. The amendment also includes the changes to the salary schedules in accordance with the budget adoption.

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Ms. Boyd reported that the Village recently received a check from Great Lakes Docks and Dredging for approximately \$31,000. She further advised that she attended a meeting yesterday at the County Emergency Management Department and finalized the FEMA numbers in regard to Hurricane Isabel. She emphasized that the reimbursements will hopefully be made by the end of August.

3. Discussion of the Definition of Single Family Dwellings

Village Attorney Charles Baldwin presented some general information on the Zoning Ordinance regarding Single Family Use and provided responses to certain written questions which had been received by the Village. Mr. Baldwin stated that the information was for general information only, did not reflect the opinions of Council or Staff and should not be construed as legal advice or a ruling by the Village as to any particular property. Mr. Baldwin noted that the Village does have a single family use ordinance and summarized its provisions. Mr. Baldwin noted a misconception that the Village may interpret the ordinance to target particular people or commercial activities. Mr. Baldwin observed that the Village has not adopted a new enforcement policy, has not been required to institute any new enforcement action and does not presently plan to amend the Ordinance. Application of the Zoning Ordinance is on a case by case basis based upon the particular use of a particular property. Enforcement is based on the "use", including whether single family use requirements are met; not based on the character or employment of the occupants. Any commercial use issue only arises in context of whether a person is a "gratuitous guest" or domestic servant under the single family use provisions. Violations of the Zoning Ordinance may be subject to a criminal penalty, civil penalty or court injunction to discontinue the conduct.

4. Consideration and Discussion of a Resolution in Support of a Collector Street Study Being Conducted for Southeastern Brunswick County

Mayor Lammert explained that the local Mayors group met with Don Eggert, Transportation Planner with the Cape Fear Council of Governments to discuss the traffic congestion problem in the Southport/Oak Island area. These roads consist of Howe Street, Hwy 211, Hwy 133 and Hwy 87. Mayor Lammert explained that the Mayors group discussed the option of creating collector streets to better serve the growing southeast Brunswick County region. Collector streets are designed to eliminate traffic on the main highways by connecting the streets within subdivisions. Mayor Lammert advised that the Mayors group discussed funding a collector street study for southeast Brunswick County. The study is estimated to cost \$35,000. The Mayors concurred that each of them would go before their Council's and request \$5,000 from their respective town to provide funding for the study. Mayor Pro Tempore Sayre suggested adding the resolution to the afternoon agenda under the consent agenda for approval.

5. Appointment/Reappointments to Village Boards and Committees

Councilor Pitera explained that Jeff Turner resigned his position on the Transportation Committee. He advised that John Prendergast has agreed to fill Mr. Turner's term on the Committee. He further advised that the Committee is having trouble maintaining a quorum at the meetings and has suggested adding an additional member for this purpose. It was the consensus of the Village Council to appoint Mr. Prendergast to the open position on the Transportation Committee.

Mayor Lammert reported that the members on the Zoning Board of Adjustments whose terms expired have agreed to serve an additional term. These members are Dr. Bill Berne, Marvin Neuwirth, Richard Mesaris, Ann Cary Hevener and Dana Quanstrom. It was the consensus of the Village Council to reappoint these members to the Zoning Board of Adjustments.

Mayor Lammert advised that Marianne Link's term as an alternate member of the Planning Board expires this month. He advised that Ms. Link has opted not to serve an additional term. Mayor Lammert further advised that he has several names of interested citizens but has not confirmed a definite member as of this morning. The Village Council will need to appoint an alternate member to the Planning Board at the July Village Council meeting.

6. Discussion of a Text Amendment to the Village Sign Ordinance

Mr. McCall explained that Bald Head Island Limited came to the Village and requested a text amendment to the Village Sign Ordinance allowing identification signs at the entrances of multi-family tracts within a Planned Unit Development (PUD). Mr. McCall advised the current ordinance allows one (1) identification sign at each entrance of a subdivision, apartment or condominium complex or PUD with a maximum of two (2) signs per project. He further advised that allowing additional signage within a PUD would identify multi-family tracts within a PUD, such as Keeper's Landing, Surfman's Walk and the future multi-family development, The Crescent. Mr. McCall explained that the amendment would still limit the signage to two (2) per project within a PUD. Mrs. Fulton clarified that the request was submitted to Bald Head Island Limited by the Stage II Property Owner's Association because of the problems their guests and visitors have in locating their properties. Mayor Pro Tempore Sayre asked who would be in charge of the maintenance of these signs and how many additional signs this amendment would allow. Mrs. Fulton answered that the Associations will be responsible for maintaining the signage. She added that within the Cape Fear Station PUD, the signage will be limited to two (2) at Keeper's Landing, one (1) at Surfman's Walk and two (2) at The Crescent. Mr. McCall reported that the text amendment request came before the Planning Board at the June 2nd meeting and the Planning Board is recommending the amendment be approved. It was the consensus of the Village Council to add the text amendment to the afternoon meeting for the first reading and set a public hearing date for the July Village Council meeting.

7. Discussion of an Amendment to the Planned Unit Development Ordinance

Mr. McCall explained that recently Bald Head Island Limited came before the Planning Board and the Village Council to request that mixed-use be allowed in the COM-5 tract. He advised that at that time it was noticed that there was not a definition for mixed-use development or a mixed-use structure within the Village Zoning Ordinance. Therefore he brought the proposed definitions before the Planning Board for a recommendation of approval. The Planning Board recommends the Village Council approve the definitions as submitted. Mr. Henry requested that “*at least*” be added to the submitted definition of mixed-use structure to read “*A structure that will contain both commercial, on at least one (1) floor, and residential within the same structure.*” Mr. Hayworth advised that it was not the intent of the Planning Board to limit commercial to only one floor of the structure. The Village Council agreed that the words “at least” should be added to the proposed definition. It was the consensus of the Village Council to add the amendment to the afternoon meeting for the first reading and set a public hearing date for the July Village Council meeting.

8. Discussion of an Amendment to the Groinfield Ordinance

Mayor Lammert explained that during the process of the reviewing and amending the Dune Protection Ordinance, the Groinfield Protection Ordinance was overlooked. He advised that the proposed amendment will increase the fine of \$50 to \$500. Mr. Middleton explained that further clarification was also made to the definition of “Geo-textile tube.” Councilor Pitera commented that during the times of high tide, it is impossible to stay completely off of the groinfield structure. Mr. Middleton replied that the amendment is to keep people from engaging in foolish play on the groinfield structure. He advised that algae has begun to form on the bags and makes them very dangerous when climbed upon. The Village Council, as well as Mr. Baldwin, made some additional changes to further clarify the amendment. It was the consensus of the Village Council to add the amendment to the afternoon meeting for a first reading and set a public hearing date for the July Village Council meeting.

9. Consideration and Acceptance of Right-of-Way Dedications from Bald Head Island Limited

- Kinnakeet Way from the western-most intersection of Kinnakeet Way and Federal Road to the southeastern-most intersection of Kinnakeet Way and Federal Road;
- Kitty Hawk Way from the intersection of Kitty Hawk Way and Kinnakeet Way to the intersection of Kitty Hawk Way and Wash Woods Way; and
- Federal Road from the intersection of Federal Road and South East Beach Drive to the southern-most intersection of Federal Road and Kinnakeet Way.

Mr. McCall reported that he has worked closely with Mr. Henry and Mr. Liddle during the process of this request. He advised that he and Mr. Liddle took measurements of the proposed roads as well as contracted with S&ME to provide core samples of the roads. After the information was collected, Mr. McCall sent Mr. Henry a letter stating

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the deficiencies in the roads. While checking back on the roads in May, some were still not up to par, but after the final appraisal of the roads last week, they were all found to be compliant with Village standards. Councilor Morris asked about drainage on these streets. Mr. Middleton advised that drainage is not one of the issues covered in the road acceptance standards, however, drainage is covered under the State's stormwater plan. Mayor Pro Tempore asked if the ordinance currently addresses sidewalks. Mr. Middleton advised that the Village is working with Bald Head Island Limited to include sidewalks with the road acceptance regulations. It was the consensus of the Village Council to add the road acceptance requests to the afternoon meeting agenda for consideration and approval.

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

Mr. Middleton reported that he has had several citizens share their concerns regarding abandon cats on the island. He advised that he just wanted to make Council aware of the situation at this time. The Village is not taking any type of action regarding the expressed concerns at this time.

Mr. Middleton reported that Erik Olsen is currently working on a spur design to reduce the amount of sand that is constantly entering into the mouth of the entrance of the Bald Head Island Marina. Mr. Middleton further advised that the cost for Phase I of this study is approximately \$10,000. Mr. Middleton asked for direction from Village Council regarding this spur design project. The Village Council directed Mr. Middleton to continue to move forward with this project.

Mr. Middleton reported that Brunswick County is going to begin taxing Waste Industries for the tonnage of waste carried off of the Island. He advised that this could affect the Village's contract with Waste Industries. Mr. Middleton was uncertain of the amount of tonnage that comes from Bald Head Island but advised Council he would keep them updated on the process.

Mr. Middleton reported that the original contractor that the Village hired to rebuild the beach accesses has been relieved of his duties. He advised that the contractor has continuing employment problems but will be finishing out the handicap access they are currently working on. Mr. Middleton has contacted the next bidder in line for the job and is in the process of securing a new contract.

Mr. Middleton reported that the rope and pole fencing project is scheduled to start next week. He advised that the Village is seeking volunteers to help the Public Works Department with this project. Volunteers are to meet at the Public Works Department at 7:00 a.m. on Tuesday.

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Mr. Middleton reported that the Public Works Expansion is scheduled to start the third week of July. The projected completion date is late October or early November.

Mr. Middleton reported that waterline repairs are now complete. The weights have been installed and the lines have been disinfected. The Utility Company should have running water from the County later today. Mr. Middleton advised that the final bill should be received in the next few days and will be forwarded to Mr. Baldwin. Mr. Middleton explained that the next step is to acquire insurance on the waterline. He reminded the Council that AIG Insurance had already notified the Village of the cancellation of the insurance policy when the damage occurred. Mr. Middleton emphasized that AIG Insurance is helping with the search for insurance.

11. 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. US Army Corps of Engineers**
- **Village of Bald Head Island, vs. Bald Head Island Utilities**

Mayor Pro Tempore Sayre 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 10:43 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 11:53 a.m.

12. Adjourn

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the June 17, 2005 Village Council Worksession. Councilor Pitera made the motion to adjourn. In a voice vote, all voted in favor. **(Motion carried 5-0)**

The meeting adjourned at 11:54 a.m.

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Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk