

VILLAGE OF BALD HEAD ISLAND
Work Session Meeting
October 21, 2005

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

Councilmembers Absent: Councilor John Pitera.

Staff Present: Village Manager Jon Middleton, Assistant Village Manager/Planning Director Chris McCall, Police Chief Richard Herring, Chief of Emergency Services Chip Munna, Public Works Director Ben Liddle, Village Attorney Charles Baldwin and Tax Collector Heather Hardee recording the meeting.

Others Present: Bald Head Island Limited Homeowner Association Coordinator Cindy Capps and Bald Head Association Manager Joey Hill.

Citizens Present: Win Stevens, Bob Liesegang, Joe Brawner and Anne Boozell.

1. Call to Order/Approval of Agenda

Mayor Lammert called the October 21, 2005 Work Session meeting to order at 9:31 a.m. Mayor Lammert asked for amendments to the Work Session agenda. With no changes to the agenda, Councilor Douglas made a motion to approve the agenda as presented. In a voice vote, Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

2. Review of Agenda for the Regular Meeting of October 21, 2005

Mayor Lammert reviewed the agenda for the regular Council Meeting. He advised that David Nash with the Cooperative Extension will be at the afternoon meeting provide a presentation regarding Beach Vitex prior to the public hearing on the ordinance. He further advised that the resolutions in the consent agenda with regard to Hurricane Ophelia were formalities which are necessary to appoint Shelia Boyd as the agent for the Village. There were also budget amendments and transfers associated with the Creek Dredging Project as well as expansion of public facilities, to include the Public Works building and roof repairs at Village Hall. With regard to the Creek Dredging Project, Mayor Pro Tempore Sayre asked if the Village was gaining any favorable response with regard to changing the sand placement location from South to West Beach. Mr. Middleton advised that he continues to work with Ed Brooks in this regard. With regard to the final budget transfer referencing monies for Hurricane Ophelia, Ms. Boyd advised that she needs the transfer to include an additional \$10,000 which would raise the total to \$40,000.

Mayor Lammert advised that he would update the public on the Utility Acquisition at the afternoon meeting. He further advised that resolutions included in the regular meeting agenda are necessary both for the financing of the Utility Company purchase as well as the refinancing of the waterline loan obligation.

3. Appointment of Alternate Member to the Planning Board

There being no nominations for this vacant position, the Village Council took no action on this agenda item.

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

Mr. Middleton advised that the repairs to the roof at Village Hall should be completed sometime next week. The total cost for this project is approximately \$14,000.

With regard to the Creek Dredging Project, Mr. Middleton advised that he has conveyed this request to Ed Brooks verbally and he has conveyed this request to DENR. Also, Erik Olsen has sent the necessary drawings to Coastal Management and they are being reviewed by Mr. Brooks. Mr. Middleton expects a response to this request soon.

Mr. Middleton stated that Dave Edwards with Westervelt Wildlife Services has received all of the infrared pictures and is in the process of analyzing the data. His initial estimates reveal that there are approximately 250 bucks on the island. His final report should be presented to the Village within the next week or so.

Mr. Middleton briefly explained that the emergency outfalls currently remain open as the State has not requested that they be closed. The Village will continue to monitor the progress of Hurricane Wilma and any associated rain impact that it may have on the island. With that in mind, the outfalls will remain open until such time as the State deems that they must be closed. He went on to explain that the general rule with regard to emergency ocean outfalls is that they may only be opened when an emergency situation exists. He further noted that an emergency situation is defined as fourteen inches (14") or more water on the roadways. He conceded that this benchmark is not really applicable for Bald Head Island given the time it takes to remove water from the island. In addition the process of gaining permission is also hindered by the number of agencies which must grant approval, i.e. US Army Corps of Engineers, Division of Coastal Management, Division of Water Quality as well as US Fish & Wildlife. Mayor Pro Tempore suggested that the Village educate the state agencies about the unique conditions on Bald Head Island which necessitate opening the outfalls sooner. Mayor Lammert asked Mr. Middleton if the lagoons could possibly be pumped prior to a storm event. Mr. Middleton advised that he has spoken with Ed Beck with the Division of Water Quality regarding this request. Mr. Beck advised that the Village should forward a written request to the Division of Water Quality.

With regard to the pumps in place on the island, Mr. Middleton advised that all of the six inch (6") and three inch (3") pumps have been turned off. The four (4) three inch (3") pumps will be returned to the state. The remaining four (4) six inch (6") pumps will remain in place until the threat of Hurricane Wilma has passed. Mr. Middleton and Public Works Director Ben Liddle are investigating the possibility of purchasing pumps for the Village.

Mr. Middleton advised that he recently met with Coastal Land Design to discuss the preliminary plan for Stormwater Management on the island. The firm has proposed a three pronged approach to include the following parts:

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- a) Put in place large pumps on Lagoons 16 & 18 to pipe water directly into the outfall pipe; when the emergency outfalls are opened then the water would be immediately pumped as opposed to a lengthy wait;
- b) Set up a pipe on the western side of the island to pump water to the outfall adjacent to Cape Fear Trail; and
- c) Create a larger head for the Bald Head Creek outfall.

After this concept plan is prepared, it is the intent of the Village to meet with both the Bald Head Island Club and Bald Head Island Limited to discuss the overall plan and to review any resources that either agency could bring to the table in order to move forward expeditiously. Mayor Pro Tempore Sayre asked if the retention basin on Dowitcher Trail is functioning properly. Mr. Middleton advised that it is indeed working.

Village Attorney Baldwin advised that the Village recently received a check from Great Lakes Dock & Dredge for their portion of the settlement agreement for the break to the waterline. Furthermore, the portion due to the Village by AIG should be forthcoming in the next few days. He advised that the total loss to the Village was \$100,000, which was the amount of the insurance deductible. Mr. Middleton advised that while the waterline remains uninsured, he continues to seek viable options for insurance.

5. **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**
 - **Howard Biggers, III vs. Village of Bald Head Island, et al**

Councilor Morris made a motion to adjourn the meeting in order to move to the Village Hall for the Closed Session portion of the meeting at approximately 10:02 a.m. pursuant to North Carolina General Statutes 143-318.11(a)(3)(5)). In a voice vote, with Councilor Pitera being absent, all voted in favor (**Motion carried 4-0**)

Closed session began at 10:17 p.m. at Village Hall.

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 1:39 p.m.

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7. Adjourn

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the October 21, 2005 Village Council Worksession. Mayor Pro Tempore Sayre made the motion to adjourn. In a voice vote, Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

The meeting adjourned at 1:40 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk