

VILLAGE OF BALD HEAD ISLAND
Regular 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, Building Inspector Stephen Boyett, 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, Bald Head Association Manager Joey Hill, Bald Head Island Conservancy Director Suzanne Dorsey, Utilities Superintendant Ken Bowling, Lisa with the State Port Pilot and David Nash with the New Hanover County Cooperative Extension.

Citizens Present: Win & Fran Stevens, Bob & Gail Liesegang, Joe, Judy & Whitney Brawner, Don Tillman, Dana Quanstrom, Bob Flynn, Lyn Stevens, Ralph & Willie Lee, Brooks Powell, Bob & Judy Porter, Mike & Anne Boozell, Karen Christian, Jane Johnson, Joe Ridgeway..

1. Call to Order/Approval of Agenda

Mayor Lammert called the October 21, 2005 Regular meeting to order at 3:00 p.m. Mayor Lammert asked for amendments to the regular meeting 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. Public Hearing

2.1 2005-14, An Ordinance to Declare Beach Vitex (*Vitex Rotundifolia*) a highly Invasive Plant and therefore a Public Nuisance, and make it Unlawful to Plant Beach Vitex on Bald Head Island and Outlining a Program of Eradication and Restoration

Councilor Douglas introduced Mr. David Nash an Extension Agent for New Hanover County Cooperative Extension Service. He explained that Mr. Nash was present at the meeting today to do a short presentation regarding Beach Vitex and its dangers to the dunes. Mr. Nash explained during his presentation Beach Vitex crowds out native dune vegetation such as Sea Oats, Bitter Panicum, Seashore Elder and Saltmeadow Cordgrass. He continued to explain proper ways to dispose of the plant and emphasized the importance of proper disposal. After the presentation by Mr. Nash, Mayor Lammert announced that the public hearing would now commence at approximately 3:19 p.m.

Whitney Brawner – asked about the best method of disposing of Beach Vitex once it is removed from a property. Mr. Nash responded that the best disposal method is to burn the plant.

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Fran Stevens – asked about who would be removing the plant and whether there are any plans with regard to replenishing the area with new plants. Councilor Douglas advised that the Village will be working with the property owner in order to work out the scheduling for the plant removal. He went on to explain that the Village plans to seek grant funding in order to help defray the costs that the Village will incur with the removal and/or offering of replacement plants such as sea oats, American beach grass, etc.

Ralph Lee – advised that he was presented with the information regarding removal of the plant inaccurately. He went on to state that now, having been made fully aware of the ramifications of maintaining the plant, he has no problem with the Village removing the plant from his property.

Judy Brawner – asked about how the citizens will be kept up-to-date on the progress of the project and whether or not the Village will be needing volunteers to assist with the removal efforts. Councilor Douglas stated that the Village will be working with both the Bald Head Island Conservancy and David Nash to promote correct removal and disposal. This information will be conveyed to property owners through the normal media channels, such as the Island Report, Channel 3, email blasts, bulletin boards, etc.

Win Stevens – noted that in 1991 a plant by the name of fragmites was deemed an invasive plant. Mr. Stevens went on to say that he is curious whether this plant is on properties on the island since it has been found on the golf course near many of the lagoons, but has since been taken care of. Mr. Nash advised that this plant is extremely invasive and remedying the problem would take considerable effort, time and money. He further explained that there is a herbicide mixture which seems to work well on the extermination of the plant if individual homeowners are interested in exploring this option. He went on to say that the Village's best efforts were to work on the eradication of the Beach Vitex and possibly look at the fragmites problem at a later time.

Whitney Brawner – suggested that the Village have plants and a replacement plan in place for property owners so that they are aware of the total scope of the project.

There being no further comments, Mayor Lammert closed the public hearing at 3:37 p.m.

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Public Forum

2.2 A Public Forum to Discuss Weather Related Water Issues

Mr. Middleton briefly reviewed the history of the Stormwater plan on the island which dates back to Hurricane Floyd. Following that storm event it was suggested by the Village engineers that the lagoons on the golf course be interconnected. Furthermore they suggested that swales, force main and pumps be installed as well so as to facilitate the removal and redirection of Stormwater. In the initial stages of the program there were numerous easements that it was necessary to obtain, many of which the Village was unable to acquire. Since that time the Village has retained the services of a new engineering firm who has reviewed the old information and has begun the preparations for an updated Stormwater Plan which includes the emergency outfalls previously approved through a variance permitted by the Coastal Resources Commission. He went on to explain that the outfalls can only be opened after permission is gained from the Division of Coastal Management, Division of Water Quality, US Army Corps of Engineers and US Fish & Wildlife. Furthermore, the outfalls can only be opened when an emergency situation is present. An emergency situation is currently defined as having fourteen inches (14") or more water on the roadways, although the Village is attempting to work with the State to see if they can be opened sooner. Mr. Middleton also explained that the new engineer, Coastal Land Design, is working to create a three pronged approach which includes the following aspects:

- a) Put in place large pumps on Lagoons 17 & 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.

It is anticipated that this concept plan should be in place by June 1, 2006. With regard to recent storm related rain events, Mr. Middleton advised that the Village utilized four (4) six inch (6") pumps and four (4) three inch (3") pumps in order to move water off of the island. In an effort to be more proactive, the Village is investigating the purchase of pumps.

Win Stevens – asked about how many grinder pumps are currently on the island. Mr. Bowling responded that there are between 480 and 500 currently operating on the island. Mr. Stevens continued asking about the protocol for turning the pumps on and off. Mr. Bowling and Mr. Middleton both intimated that once the water reaches the top of the grinder pump then it begins to flush back into the plant. When multiple pumps are flushing an exorbitant amount of water into the system, the plant becomes overloaded. When this occurs it is necessary to turn the individual grinder pump(s) off in order to reduce substantive flow to the treatment facility. Mr. Bowling also advised that during Hurricane Ophelia approximately

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Designate an Applicants Agent for Hurricane Ophelia FEMA Reimbursements

- 3.4 No. 2005-022, A Resolution of the Village of Bald Head Island Authorizing and Directing the Village Manager to Enter into the Necessary Contracts for the Construction Associated with the Bald Head Creek Dredging Project

Budget Ordinance Amendments

- 3.5 No. 2005-15, An Amendment to the Capital Project Ordinance for Construction and Improvements to Village Facilities (43)
- 3.6 No. 2005-16, An Amendment to the Capital Project Ordinance for the Implementation and Completion of Improvements Associated with Bald Head Creek (45)

Budget Transfer Requests

- 3.7 Budget Transfer Request from Capital Outlay/Transfer – Village Facilities to Transfer from General Fund
- 3.8 Budget Transfer Request from Capital Outlay/Bald Head Creek Dredging to Transfer from General Fund
- 3.9 Budget Transfer Request from Capital Outlay/Emergency Reserve to Administration/FEMA Expense

Mayor Lammert briefly explained that the consent agenda consisted of the minutes of the September 16th meetings, resolutions regarding Hurricane Ophelia as well as budget ordinance amendments and transfers associated with the Bald Head Creek Dredging Project and the expansion of Village Facilities. Mayor Pro Tempore Sayre made a motion to approve the consent agenda. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

4. Old Business

- 4.1 Update on the Purchase of the Utility Company

Mayor Lammert briefly reviewed a time line of the pertinent dates with regard to the purchase of the Utility Company by the Village. Specifically the transaction is scheduled to close no later than December 15, 2005. Unfortunately, the Bald Head Island Club has recently filed a Petition to Intervene with the North Carolina Public Utilities Commission. Unless this matter is resolved this petition could hinder the scheduled closing date. The Village Council will be working diligently with Club officials to resolve this matter over the coming weekend.

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4.2 An Ordinance to Declare Beach Vitex (*Vitex Rotundifolia*) a highly Invasive Plant and therefore a Public Nuisance, and make it Unlawful to Plant Beach Vitex on Bald Head Island and Outlining a Program of Eradication and Restoration

There being no further comments regarding Beach Vitex or the proposed ordinance, Councilor Douglas made a motion to approve the ordinance as proposed. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

Resolutions

4.3 **No. 2005-023**, A Resolution Calling a Public Hearing in Connection with an Installment Financing for the Refinancing of Outstanding Installment Financing Obligations and Acquisition of Water and Wastewater Systems

Mayor Lammert briefly explained that the purpose of this resolution was to call for a public hearing for both the refinancing and the purchase of the Utility Company, which is required by the Local Government Commission. There being no discussion, Councilor Douglas made a motion to approve the resolution. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

4.4 **No. 2005-025**, A Resolution Making Certain Findings and Determinations Regarding the Refinancing of the Existing Installment Financing Agreement and the Financing of the Acquisition of Water and Wastewater Systems Pursuant to an Installment Financing Agreement, Requesting the Local Government Commission to Approve the Financing and Authorizing the Solicitation of Bids from Various Financing Institutions in Connection Therewith

Mayor Lammert briefly explained that this resolution is necessary to meet the requirements issued by the Local Government Commission in connection with both the financing of the purchase of Utility Company as well as the refinancing of the current financial obligation for the waterline. There being no discussion, Mayor Pro Tempore Sayre made a motion to approve the resolution. In a voice vote, with Councilor Pitera being absent, all voted in favor. **(Motion carried 4-0)**

5. New Business

5.1 Financial Statement – September, 2005

Ms. Boyd briefly reviewed the financial statements for September, 2005 and noted that the Village currently has a cash balance of approximately seven million (\$7M) dollars. Approximately half of these monies are invested at Bank of America while the remainder is invested with FinStar. She went on to say that significant revenues included \$138,000 in Accommodations Tax, which represents a considerable increase from last fiscal year. Furthermore revenues included \$5,000 in Local Option Sales Tax, \$62,000 in Building Permit Fees and \$24,000 in Vehicle Permit Fees. Noteworthy expenses included the purchase of four (4) new AED units by the Fire/EMS Department, a new

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dump truck for the Public Works Department and the installation of rollover curbing at various sites on the island.

6. Committee Reports

6.1 Beach

Anne Kane

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

6.2 Finance

John Knott

In the absence of Mr. Knott, Mayor Lammert advised that the Finance Committee has recently been discussing the refinancing of the waterline obligation and other ways to save the Village money.

6.3 Public Safety

Bob Liesegang

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

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 advised that the Village recently solicited bids for the Bald Head Creek Dredging Project. With only one (1) bid being received recent action by the Village Council will allow him to enter into a contract with this bidder in order to move forward with the project. The mobilization for the project is scheduled to begin on December 1, 2005 and the project should be completed by the end of January, 2006.

Mr. Middleton was also pleased to report that Stephen Boyett recently obtained all of his Level I certifications for various areas of expertise in the field of Building Inspections. Mr. Middleton, along with those in attendance, congratulated Mr. Boyett for his recent accomplishment.

7.2 Police Department

Chief Herring

Chief Herring advised that the month of September was considerably slow compared to recent months. He furthermore noted that golf cart registrations would begin on November 14, 2005. Proof of ownership and insurance is required when registering a golf cart. Owners may stop by the Police Department during normal operating hours or contact the office during the weekend to schedule an appointment. Finally, he advised that there had been one (1) arrest for Breaking & Entering/Larceny on the island.

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7.3 Fire/EMS Department

Chief Munna

Chief Munna advised that the Fire/EMS Department responded to thirty-six (36) calls during September, 2005. Additionally, flu shots will be available to property owners beginning next week. The cost for the shots will be \$15.00.

8. Comments, Reports and Questions

8.1 Citizens

Fran Stevens – asked when the deer study/census would be available. Mr. Middleton advised that the initial counts should be available next week. He went on to say that initial estimates reveal that there are approximately two hundred fifty (250) bucks on the island.

8.2 Bald Head Association – Bob Porter, President

There was no report from the Bald Head Association at this time.

8.3 Bald Head Island Limited – Joyce Fulton

There was no report from Bald Head Island Limited at this time.

8.4 Mayor and Council

There were no further comments from the Mayor or Council at this time.

9. Adjourn

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the October 21, 2005 Village Council Regular Meeting. Councilor Douglas 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 4:17 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk