

**VILLAGE OF BALD HEAD ISLAND**  
**Work Session Meeting**  
**December 9, 2005**

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

**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, Finance Director Shelia Boyd, Building Inspector Stephen Boyett, Village Attorney Charles Baldwin, Tax Collector Dawn Reno and Village Clerk Amy Candler recording the meeting.

**Others Present:** Bald Head Island Limited Director of Communications Joyce Fulton, Bald Head Island Limited Director of Planning Jim Henry, Bald Head Association Manager Joey Hill and Charles Case.

**Citizens Present:** None

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

Mayor Lammert called the December 9, 2005 Work Session meeting to order at 9:30 a.m. Mayor Lammert asked for amendments to the Work Session agenda. With no changes to the agenda, Councilor Pitera made a motion to approve the agenda as presented. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**2. Review of Agenda for the Regular Meeting of December 9, 2005**

Mayor Lammert advised that the consent agenda provides for several items of business. First, Mr. Middleton explained that the tax release request is for property that is not actually located on Bald Head Island.

Mayor Lammert explained that the resolution for the installment financing is the final documentation for the purchase of the Utility Company. He further explained that the Village also needs to adopt the resolution to bring the current Utilities employees over to the Village.

Ms. Boyd explained that the amendment to the capital project ordinance for Village Facilities is for the purchase of a new generator for the Village Hall. Mayor Pro Tempore Sayre asked if the new generator would accommodate the Village Hall once the expansion is complete. Mr. Middleton advised that the generator is approximately the same size as the one that currently runs the Police and Fire Departments and therefore is large enough for the Village Hall once the expansion takes place.

Mayor Lammert explained that the amendment to the Budget Ordinance is to provide for the establishment of an Enterprise Fund for the water and wastewater services. He advised that the Village will place \$500,000 in this fund for the operational costs for the start up of the Village Utility Company. Mayor Lammert further advised that the budget transfers are simply taking care of the accounting side of the ordinance amendments.

Mayor Lammert advised that the Utility Company is on track for closing on December 14<sup>th</sup>. He further advised that on December 15<sup>th</sup> the Village will meet with attorneys and Bald Head Island Limited to ensure that all of the documentation is in place. Mayor Lammert asked for the Council's opinion on postponing the closing of the

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Utility Company until December 30<sup>th</sup>. He explained that waiting until the 30<sup>th</sup> would provide for a much cleaner closing as far as billing and having everything in place. Mr. Middleton advised that he has received word that all of the permits will be transferred but the transfer process will not be complete by December 15<sup>th</sup>. He also advised that there are some small parcels of property within the Timber Creek Subdivision that will have to be signed over to the Village and the Bald Head Association. Mayor Pro Tempore Sayre made a motion to move the formal closing of the Utility Company to December 30, 2005. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Chief Munna explained that the renewal of the emergency transportation agreement with Bald Head Island Limited is the extension of the original agreement for an additional five (5) years. He advised that the emergency transportation agreement allows for medical transport on the ferry system.

Ms. Boyd advised that during the month of November Finistar yielded an average of 4.2% interest on the money that the Village has invested with them. She further advised that the biggest revenue for the month of November was tax collections, which was approximately \$700,000.

Mayor Lammert introduced Ms. Reno and advised that she will be officially sworn in as the Village Tax Collector at the afternoon meeting.

Mayor Lammert explained that the ordinance to provide for the operation of the water and sewer meets the legal requirements for the Village to operate the systems. He advised that once the closing has taken place that there would be amendments made to the existing ordinance.

Mayor Lammert reported that the Finance Committee approved of BB&T as the financial institution for the Utility Company.

Councilor Morris reported that the Public Safety Committee discussed creating a safety website as part of the Village site.

Mr. Liddle reported that the Public Works Committee discussed the situation of placing trash outside the gate at the Public Works Department. He advised that Richard Mesaris is going to have a report of different options at the next meeting.

Councilor Pitera reported that the Transportation Committee discussed placing a survey in the Island Report regarding painting the roadways on the Island with reflective paint as well as the possibility of a parking area on the Island of which would have a shuttle service to and from the ferry landing.

**3. Discussion of Proposed Text Amendment to Clarify the Edging Requirements of a Driveway Apron**

Mr. Middleton explained that at the November Council Meeting Lynn Stevens came before the Council and requested a text amendment to allow the use of interlocking pavers at the entrance of driveways. He emphasized that the Village Council directed staff to further research the request and report back to the Council. Mr. Middleton advised that after further research and consideration, Staff recommends that the Council not support the request due to the responsibility of removing these pavers prior to a

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paving project and the durability and appearance of the pavers that have been paved over. Staff also determined that the Village should not be responsible for removing the pavers before a paving project. Mayor Pro Tempore Sayre made a motion to deny the request. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Mr. Middleton then explained that Staff was also directed to clarify the current ordinance regarding the edging requirements of a driveway apron. He advised that the proposed text amendment addresses the Council's concerns regarding the edging of the required concrete apron to a four (4") inch by six (6") inch wood edging and require that the edging be installed at all times. It was the consensus of the Village Council to hold the first reading at the afternoon meeting and set the public hearing for the January Regular Monthly Meeting.

**4. Discussion of Extension for the Merchant's Row Project**

Mr. McCall explained that Bald Head Island Limited submitted a letter for an extension of the removal of contractor trailers and equipment from lot 18 to the shops at Maritime Way. With no additional discussion, Mayor Pro Tempore Sayre made a motion to grant the extension until May 15, 2006. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**5. Discussion of the Westervelt and Conservancy Deer Studies**

Mr. Middleton reported that the Village has received the Westervelt study as well as the Conservancy's summer count study. He advised that the winter study performed by the Conservancy is not yet available but should be complete and distributed to the Council in the next few weeks. He asked the Village Council for direction regarding the number of deer to cull as per the application of the depredation permit from the State. The Village Council agreed that the Conservancy report is very confusing and only Westervelt's study should be used while applying for the permit to cull deer. Councilor Pitera made a motion stating that the Village request 150 deer on the depredation permit. Mr. Middleton concurred that he will contact the sharpshooters used in the past as well as the USDA regarding the culling. He added that the Village Council may need to hold a special meeting to approve the deer culling according to the results of the depredation permit from the State.

**6. Consideration and Approval of Appointments to the Planning Board**

Mayor Lammert advised that Maureen Syring resigned her position to the Planning Board at the November meeting. Mayor Lammert made a motion to move Brian Johnson from an alternate member of the Planning Board to a regular member and appoint Anne Boozell as an alternate member to the Planning Board. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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**7. Discussion of the Date of the January 2006 Regular Council Meeting Date**

Mayor Lammert advised that he would like to hold the January Village Council meeting on January 20<sup>th</sup> if the rest of the Council has no conflicts. He advised that the Council would set the remaining meeting dates at the January Council Retreat. It was the consensus of the Village Council to hold the January meeting on the 20<sup>th</sup>.

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

Chief Munna presented Council with a detailed presentation regarding a property owner request to burn their house using the method of a controlled burn. He advised that this opportunity would be a great training experience for the fulltime as well as the volunteer firefighters. He advised that all of the appropriate documentation will be completed before the training takes place to eliminate any liability issues. Chief Munna explained that the property owners will still need to tear the house down and pay someone to haul the debris because the controlled burn will be contained to the inside of the house. There will be no burning of the exterior of the house. He requested Council's permission to proceed forward and it was the consensus of the Council to allow Chief Munna and the Fire Department to move forward with this training opportunity.

Mr. Middleton presented the Council with documentation in regard to the expenses of the Village purchasing a credit card machine. He advised that each transaction would cost the Village twenty-five (25) cents regardless of the amount of the payment. Ms. Boyd explained that the option of credit card transactions came up due to the forty (40) utility customers that make payments using a credit card. She advised that if the Village Council approves the purchase and use of a credit card machine that the Village could use it for additional receivables. After discussion of the pros and cons of a credit card machine, the Village Council directed Staff to move forward with the purchase of a credit card machine and agreed to explore the possibility of a convenience fee during the budget process.

Mr. Middleton reported that everything is on schedule for the Creek Dredging Project. He advised that the contractor is scheduled to begin the mobilization process next week with the anticipated dredging to begin around the first week of January. He further advised that there were no problems with the fast track permit. Permission was granted to place the sand on west beach. Mr. Middleton added that the sand would allow for approximately twenty-five (25) feet of sand on the beach. He concurred that the Public Works Department is in the process of removing any beach accesses on West Beach that are in disrepair before the dredging and sand placement process commences.

Mr. Middleton reported that the Village Hall continues to receive phone calls regarding the amount of stormwater on the Island. He explained that this area of coastal North Carolina has received 300% more rainfall than usual. He advised that the Village is aware of the problem and is searching for a solution. Mr. Middleton made the Council

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aware that the areas that are still flooded are those that are five (5') foot above sea level. Mr. Middleton presented the water table chart to the Village Council. He also informed the Council of his intentions to display the chart in Village Hall for public viewing in order to raise the awareness to citizens the amount of water the Island has retained over the past few months. Mr. Middleton further reported that Coastal Land Design is working on the stormwater plan. He advised that Phase's I, II, and III consists of removing water from the lagoons by interconnectivity and placing stationary pumps in various lagoons and installing a hard piping to pump directly to the outfalls. Mr. Middleton further advised that the Village is also looking into the purchase of mobile pumps and is currently bidding out the installation of a drain for the Villa area. Mayor Lammert added that the thought process is to have these improvements in place before June 2006.

Mayor Pro Tempore Sayre asked Mr. Middleton to address the letter regarding the flood maps. Mr. Middleton responded that after talking with officials with the North Carolina Emergency Management Division, they finally confirmed that they received the appeal made by the Village. He advised that the change in the FIRM maps does not affect the availability of flood insurance but does inflate the premium amount. Mr. McCall added that Mr. Baldwin has been updated on the process that the Village has taken thus far and copied on all of the documentation.

Mayor Lammert asked if the Village has received any additional information on the spur plan at the mouth of the marina. Mr. Middleton advised that he has provided the information to Erik Olsen and is waiting to hear back from him.

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

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

Closed session began at 10:58 a.m.

Councilor Pitera 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.

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**10. Adjourn**

With no additional items of discussion, Mayor Lammert entertained a motion to adjourn the November 11, 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 11:54 a.m.

Approved:

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Larry Lammert, Mayor

Attest:

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Amy R. Candler, Village Clerk