

**VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING
December 16, 2011
Bald Head Association**

COUNCILORS IN ATTENDANCE

Mayor Andrew Sayre
Councilor Gene Douglas
Councilor Art Morris
Councilor Bob Helgesen

STAFF PRESENT:

Calvin R. Peck, Jr., Village Manager
Chris McCall, Asst. Manager/ Shoreline
Protection Manager
Deb Straub, Finance Director
Chief Chip Munna
Stephen Boyett, Development Services
Daralyn Spivey, Tax Administrator
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk

1. Call to Order / Approval of Agenda

Mayor Sayre called the December 16, 2011 Council Session to order at 3:00 p.m. Mayor Sayre entertained a motion to approve the amended agenda as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 4-0)**

2. Public Hearing

2.1- Amendment to the Village Zoning Ordinances to Regulate Homeowners Association Amenities

Calvin reviewed the proposed amendment to the zoning ordinance to regulate HOA amenities. Mayor Sayre opened the Public Hearing. With no comments, the public hearing was closed.

2.2- Amendment of Section 18-36 Creek Access Boat Storage

Calvin reviewed the proposed amendment to Section 18-36 Creek Access Boat Storage ordinance. Mayor Sayre opened the Public Hearing. With no comments, the public hearing was closed.

2.3- Amendment of Section 28, Article II Division 2, Vehicles Powered by Internal Combustion Engines

Calvin reviewed the proposed amendment to Section 28, Article II, Division 2, Vehicles powered by ICE ordinance.

Mayor Sayre opened the Public Hearing. With no comments, the public hearing was closed.

3. Consent Agenda

3.1 Approval of Minutes

November 18, 2011 - Council Work Session

November 18, 2011- Council Meeting

3.2 Approval of Amendment to the Records Retention and Disposition Schedule

3.3 Accept Resignation of Committee Member

Mayor Sayre entertained a motion to approve the consent agenda as presented. Councilor Douglas made motion, with all in approval. **(MOTION CARRIED 4-0)**

4. Old Business

4.1 Proposed Zoning Ordinance to Regulate H.O.A

Mayor Sayre entertained a motion to approve the proposed Zoning Ordinance to regulate Home Owners Association Amenities. Councilor Morris made motion, with all in approval.

(MOTION CARRIED 4-0)

WHEREAS, the Village Council of the Village of Bald Head Island, North Carolina ("Village") deems it necessary in the interests of public safety and the general welfare of the community to regulate Homeowners' association amenities located within the Village.

WHEREAS, pursuant to North Carolina General Statute Section 160A-381, the Village Council wishes to amend the Village Zoning Ordinances to regulate homeowners' association amenities.

NOW, THEREFORE, BE IT ORDAINED, BY THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA THAT:

Section 32-129. Homeowners' Association Amenity Regulation. *Shall be added to read as follows:*

Section 32-129. Homeowners' Association Amenity Regulation.

Property, including but not limited to beach clubs, clubhouses, and other amenities, owned by a nonprofit homeowners' association ("Homeowners' Association Amenity Property"), which is held for the use, benefit, and enjoyment of all members of the association and in which each member of the association has an equal irrevocable right to use and enjoy the Homeowners' Association Amenity Property, such irrevocable right to use and enjoy the Homeowners' Association Amenity Property being appurtenant to taxable real property owned by a member of the association, shall be allowed, subject to the other restrictions within this Chapter, within the various zoning districts of the Village but only if the taxable property owned by the member(s) of the homeowners' association to which the property is appurtenant is located within the Village.

4.2 Proposed Amendment of Section 18-36 Creek Access Boat Storage

Mayor Sayre entertained a motion to approve the proposed amendment of Section 18-36 Creek Access Boat Storage. Councilor Helgesen made motion, with all in approval.

(MOTION CARRIED 4-0)

WHEREAS, the Village Council of the Village of Bald Head Island, North Carolina deems it necessary to amend Section 18-36 of the Village Code of Ordinances in order to accommodate recent and future renovations to the Village Creek Access and to allow for efficient, effective, and safe use of that facility.

NOW, THEREFORE, BE IT ORDAINED, BY THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA THAT:

Section 18-36 is hereby amended to read as follows:

Sec. 18-36. General regulations.

(a) *Storage facilities. The Village creek access, located at 109 North Bald Head Wynd (the "Access"), is equipped with storage facilities for canoes, kayaks, and small Jon boats. Use of such storage facilities is limited to these types of vessels and any trailers designed to store or transport said vessels. Property owners wanting to utilize the storage facilities may purchase a permit from the Village at the currently required rate to be renewed annually at a cost to be determined by the Village Council. The amounts of such fees are on file and available in the clerk's office. These registration permits shall be nontransferable. Storage for such vessels and trailers shall be made available on a first come, first serve basis. The Village Manager may make provisions to utilize the available storage area in the most effective manner, while preserving the aesthetic beauty of the Access. These permits shall be made available to the public on January 1 of each year, or the first working day thereafter. No vessel or trailer shall be stored at the facility without having affixed thereto a valid permit.*

(b) *Parking areas. The Access is intended to allow daily use of the facilities, with parking spaces for boat trailers. The parking facilities shall be limited to daytime use. Overnight storage of trailers requires a permit pursuant to Sec. 18-36(a).*

(c) *Size limitations/restrictions. Use of the Access shall be limited to boats under 16 feet in length with motors smaller than 25 horsepower. The launching of boats with larger motors shall be prohibited.*

(d) *Mooring of vessels. No person shall allow a boat or vessel owned by, registered in his name or under his control to be moored at the Access overnight.*

(e) *Prohibited activities. In addition to other prohibited activities listed elsewhere in this article, the following activities are hereby prohibited on or at the Access:*

- (1) *Littering;*
- (2) *Use of crab pots;*
- (3) *Cooking, except for cooking in Village installed permanent grills;*
- (4) *Cleaning of fish or shellfish;*
- (5) *Consumption of alcoholic beverages;*
- (6) *Blocking of Access boat ramp or parking areas;*

(7) *Launching of jet skis.*

Signs stating the prohibitions enacted in this section shall be posted at the Access notifying the public of their restriction.

4.3 Proposed Amendment of Section 28, Article II Division 2, Vehicles Powered by Internal Combustion Engines

Mayor Sayre entertained a motion to approve the proposed amendment of Section 28, Article II Division 2, Vehicles Powered by Internal Combustion Engines. Councilor Helgesen made motion, with all in approval.
(MOTION CARRIED 4-0)

WHEREAS, pursuant to Chapter 28, Article II, Division 2, Vehicles Powered by Internal Combustion Engines may be permitted for specific uses within the Village; and

WHEREAS, hybrid vehicles are presently eligible to be permitted for those specific purposes, but Electrically-powered Vehicles are not; and

WHEREAS, technologic advances now, or in the future, may make Electrically-powered Vehicles, such as electric cars and trucks, a preferable alternative to Vehicles Powered by Internal Combustion Engines for those specific purposes; and

WHEREAS, technologic advances have provided, or may provide in the future, high speed and/or high powered Electrically-powered Vehicles, which the Village Council deems generally unsafe for use on the Village except for those specific uses as permitted by Chapter 28, Article II, Division 2; and

WHEREAS, upon information and belief, the high speed and/or high powered Electric cars and trucks presently available exceed the Village's Dimension and Weight Limits and do not qualify for use within the Village; however high speed and/or high powered electric cars and trucks of the future may qualify for use within the Village as Electrically-powered Vehicles under the Village's current regulations regarding Electrically-powered Vehicles; and

WHEREAS, the Village Council wishes to allow the use of Electrically-powered Vehicles for the specific permitted uses in Chapter 28, Article II, Division 2 and to otherwise preclude the use of high speed and/or high powered Electrically-powered Vehicles within the Village.

NOW, THEREFORE, BE IT ORDAINED, BY THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA:

The following Sections shall be added to the Village Code of Ordinances to read as follows:

Section 28-61. Use of Electrically-powered Vehicles in lieu of Vehicles Powered by Internal Combustion Engines under this Division.

Electrically-powered Vehicles, including but not limited to Electric cars and trucks, may be permitted and used rather than Vehicles Powered by Internal Combustion Engines for purposes allowed by this Division if the Owner of the Motor Vehicle so chooses, provided the Owner of said Motor Vehicle applies for and receives a permit under Section 28-53 or Section 28-54 of this Division. All permitting requirements and use restrictions contained in this Division apply to such Motor Vehicles. Section 28-92(f). Horsepower limits.

No Electrically-powered Vehicle, which derives its power from an Electric engine that produces 5.5 horsepower or more, shall be registered or otherwise approved for use on the Village's Streets,. Electrically-powered Vehicles permitted pursuant to Division 2 of this Article shall be exempt from this limitation.

4.4 1st Reading/ Set Public Hearing for Proposed Ordinance to Regulate Loud and Disturbing Noise

Calvin reviewed the proposed ordinance to Regulate Loud and Disturbing Noise. Mayor Sayre entertained a motion to set a Public Hearing for January 13, 2012. Councilor Morris made the motion, all voted in favor.
(MOTION CARRIED 4-0)

4.5 Land Management Group Proposal for Terminal Groin

Chris McCall reviewed the proposal for professional environmental services associated with the preparation of an environmental document in accordance with the National Environmental Policy Act (NEPA); and subsequent state and federal permit submittals required for authorization of a terminal structure adjacent to the federal navigation channel with the Land Management Group. The estimated cost is \$217k. Mayor Sayre entertained a motion to approve. Councilor Douglas made the motion, all voted in favor.
(MOTION CARRIED 4-0)

4.6 E.O.A. Proposal for Terminal Groin

Chris McCall reviewed the proposed engineering services required to design, permit, and participate in the formulation of an E.I.S. to participate on a Project Development Team and function as Permit Agent with Olsen Associates, Inc. The cost for the design phase is \$355k, E.I.S. is \$100k, and permit agent is

\$75k. Mayor Sayre entertained a motion to approve. Councilor Douglas made the motion, all voted in favor. **(MOTION CARRIED 4-0)**

4.7 BHI Conservancy Deer Count

Tom Hancock gave the fall deer population's survey made from mid-August through mid-November. The population estimate of total population of 161 deer. The BHI Conservancy recommends that the Village of BHI cull approximately 25 to 75 deer in winter 2012. If no cull is taken this winter then an increase of 100 deer over 2012 will result in a population that exceeds the maximum 180-200 deer recommended. Based on more recent botanical work in the Maritime Forest Reserve on the impact of deer initiated by Brewer (2008) and continued by Taggart and Long, the BHI Conservancy further recommends that a target population of deer be maintained at a number no greater than 200. In 2012, the BHI Conservancy will revisit the deer survey protocol and this will allow the Conservancy to continue to give the Village of BHI accurate estimates that reflect the actual population of deer on-island.

5. New Business

5.1 Resolution Authorizing Issuance of Bonds

Calvin reviewed the proposed resolution to authorize issuance of bonds. The total will not exceed \$2m which is the balance of the \$17m bond debt authorized in 2009 for the engineered beach. RBC Bank has submitted a proposal for the purchase of the bonds. *(There was a correction to the approved minutes regarding the total amount of the bonds issued)* This will be a short term loan. The monies will be reimbursed 75% by FEMA and 25% by the North Carolina Department of Public Safety. The monies will be used for the creek dredging project and sand placement for the beaches.

Richard Mesaris asked for confirmation of monies to be reimbursed by FEMA and the State will pay off the loan and not be used for anything else. Council and staff agreed the monies would only be used for the payoff of issued bonds.

Mayor Sayre asked for a motion to approve. Councilor Douglas made the motion, with all in approval.

(MOTION CARRIED 4-0)

5.2 November Financial Statement Report

Deb Straub reviewed the financials for November. The ad valorem and accommodation taxes collections are ahead of last year. There has been \$58k received for insurance reimbursement for hurricane damage. The general fund expenditures are within budget. The Beach fund balance is \$477k, Stormwater Management fund balance is \$63k, and the Infiltration Pond System fund balance is \$113k.

5.3 Committee Member Applications

Mayor Sayre asked for a motion to appoint Joe Ridgeway to the Public Works/Utilities Committee. Councilor Helgesen made the motion, with all in approval.

(MOTION CARRIED 4-0)

Mayor Sayre asked for a motion to appoint Dana Quanstrom to the Public Works/Utilities Committee. Councilor Helgesen made the motion, with all in approval.

(MOTION CARRIED 4-0)

Mayor Sayre asked for a motion to appoint William Foster to the Communications Committee. Councilor Helgesen made the motion, with all in approval. **(MOTION CARRIED 4-0)**

5.4 Director of Human Resource/ Communications Position

Calvin reviewed the lay-offs and budget restraints the Village that occurred approximately 2 years ago. The Village attempted to consolidate positions and one of those was the Human Resource position. This position is more time consuming than expected. There has been a request by Council for a Communications position. The Village has combined both positions for a Human Resource/ Communications position. Calvin asked Council to authorize the position, paid classification, and a budget amendment for the filling of the position for the second half of the year. Councilor Morris asked if the person will be on 6 month probation. Calvin stated all Village new hires are on 6 month

probation. Mayor Sayre asked for a motion to approve the Director of Human Resource/ Communication position. Councilor Morris made the motion, with all in approval.

(MOTION CARRIED 4-0)

6. Committee Reports

- 6.1 Shoreline Protection- No Report**
- 6.2 Finance- No Report**
- 6.3 Public Safety & Transportation- No Report**
- 6.4 Public Works & Utilities- No Report**
- 6.5 Communications- No Report**
- 6.6 Parks & Recreation- No Report**

7. Monthly Reports

7.1 Manager's Report

Calvin stated the paving for the island has been delayed and is scheduled to begin March 2012. The paving should be completed before Easter. Calvin reviewed the progress on the new bridge and safety issues for the medians. The contractor and BHI Limited will be inspecting and maintenance on the roads on a daily basis.

7.2 Department of Public Safety Report

Chief Munna reviewed the Public Safety monthly report. Chief Munna discussed a new hire for the department to begin January 2012.

7.3 Development Services Monthly Report

Stephen Boyett reviewed the Building Inspection monthly report. There was a new residential permit issued for the month of November. The revenue collected year-to-date is \$18,314. The electrical protector has been installed on the surge protector at Village Hall. This will protect the electrical systems of Village Hall. Stephen reviewed software that is being installed for Development Services. This software will be presented to Council when installed and developed.

Calvin reviewed the online golf registration and online bill pay for Public Safety with positive feedback being given.

7.4 Shoreline Protection Manager Report

Chris McCall gave an update on the process of the sandbag revetment wall. There are 80 bags to be installed before completion. Once completed, the contractor will inspect areas of concerns. Backfill will be done in those areas. Chris reviewed the East Beach sand push project. There has been sand oats planted on the new dunes for stabilization. The costs have been submitted to FEMA for reimbursement to the Village. Chris and Stephen will be contacting the property owners to request work on building the repairs to personal beach accesses over the new dune.

Chris stated the letters of concerns to the Congressional has ended with good efforts. Chris thanked all residents and property owners who participated with the efforts. There were 135 letters faxed to the delegation. The FY2012 Outer Bar contract was approved by the Corps for the Great Lakes Dredging Dock Company. Chris stated this will begin January 2012 and they will be dredging sand that is not beach quality sand. This will be disposed of at the off shore disposal site.

Chris stated the Village Council has appealed the lawsuit with the Corps of Engineers.

8. Comments, Reports and Questions

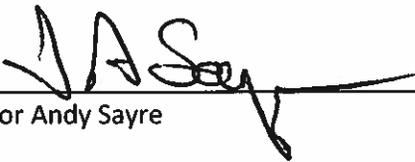
- 8.1 Bald Head Association- Carrie Moffett reminded the public the Annual Association Meeting will be held January 28, 2012.**
- 8.2 Bald Head Island, LTD- No Report**
- 8.3 Bald Head Island Conservancy- No Report**
- 8.4 Bald Head Island Club- No Report**

8.5 Citizens- Richard Mesaris asked on the Timber Bridge project if the road going to the barge area would be a restricted access. Joyce Fulton reviewed the prior arrangement to have golf cart and tram traffic travel on the bridge and larger vehicles travel on the road. Chris McCall stated it was originally designed as the barge staging area. Staff and the public reviewed and discussed the original proposal.

8.6 Mayor and Council- Councilor Morris asked on the signage for the named Live Oaks. Calvin stated the signage has been ordered for the 3 trees on the Live Oak Society.

9. Adjournment -

Mayor Sayre entertained a motion to adjourn at 3:40 p.m., with Councilor Morris made the motion with all in favor. **(MOTION CARRIED 4-0)**



Mayor Andy Sayre

ATTEST:



Debra C. Talbert, Village Clerk

