VILLAGE OF BALD HEAD ISLAND
MONTHLY COUNCIL MEETING
December 18, 2009
BALD HEAD ASSOCIATION CENTER

COUNCILORS IN ATTENDANCE:	Mayor Larry Lammert Mayor Pro Tempore Andrew Sayre Councilor Gene Douglas Councilor Art Morris Councilor John Pitera Elect Councilor John Fisher
STAFF PRESENT:	Calvin R. Peck, Jr., Village Manager Chris McCall, Assistant Manager/ Director of Dev. Services Deb Straub, Finance Manager Public Safety Chief Chip Munna Ken Bowling, Utilities Director Ben Liddle, Public Works Director David Cox, Systems Administrator Charles Baldwin, Village Attorney Debra Talbert, Village Clerk, (recording minutes)
OTHERS PRESENT:	Various Public and Residents

1. **Call to Order / Approval of Agenda**- Mayor Lammert called the December 18, 2009 Council Meeting to order at 3:00 p.m. Mayor Lammert entertained a motion to approve the agenda. Councilor Morris made a motion to approve the agenda as presented. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

2. **Consent Agenda**
2.1-Approval of Minutes
November 20, 2009 Work Session
November 20, 2009 Council Meeting
2.2-Declare excess of Handguns-
2.3-Approval of Amendment to the Records Retention and Disposition Schedule
Mayor Lammert entertained a motion for approval of the consent agenda. Councilor Sayre made a motion to approve as presented. In a voice vote, all voted in favor.
(MOTION CARRIED 5-0)

3. **Old Business**
3.1 Update on Integrated Shoreline Management Plan- Calvin Peck stated Norfolk Dredge has completed the dredge and sand placement on West Beach. The dredge has been placed in the river for several days due to oncoming weather. The dredging will begin at Winding Down located near the Club and work towards the east beginning Sunday, December 20, 2009. Calvin spoke in reference to the time frame of the dredging and the maintenance to be done on the dredging equipment. The first

payment to WECC, Inc. for the rebuilding of the groinfields was made with the expectation of beginning in January 2010 at the channel and head East.

3.2 Ordinance on the Restriction of Smoking with the Village Limits- Councilor Douglas read the statement as follows:

I am a retired physician. I acknowledge my bias up front. I have personally witnessed the devastating effects of smoking on health. This ordinance was carefully and thoughtful written. All employees have known for months about the proposed ordinance and a very comprehensive "stop smoking" program has been implemented. This effort could have major impact on our employees' health and future cost of medical insurance. I do not view this ordinance as "big brother" trying to take away individual rights but rather efforts to help employees take a serious look at beneficial life style changes. It makes no sense to have an ordinance that bans smoking on public property and then designate a "smoking area". I encourage Council to implement this ordinance as written.

Calvin discussed the proposed ordinance updates requested by Council stating on page 3 of ordinance-

Notwithstanding the foregoing, smoking is not prohibited on local government owned, leased or occupied roads, rights of way, beaches or beach accesses.

Calvin reviewed the Smoking Personnel Policy as read:

Pursuant to Article 23 of the Village Code of Ordinances, smoking is prohibited in any Local Government Building, on any Local Government Grounds, in any Local Vehicle and in any Public Place, as defined in the Ordinance. All Village employees shall abide by these restrictions. Additionally, all Village employees shall, while on duty, refrain from smoking while in the view of the general public and while actively engaged in duty with the general public, including, without limitation, in meetings or on fire, emergency or police calls or activities where smoking may compromise safety

Failure to comply with this policy may result in a civil fine pursuant to Article 23 of the Village Code of Ordinances or immediate disciplinary action. Nothing herein shall be construed as inconsistent with N.C.G.S. 95-28.2.

Councilor Morris stated concerns with enforcement of the Smoking Ordinance. Councilor Pitera agreed and stated this ordinance would be unenforceable. Mayor Lammert asked Calvin to explain the ordinance. Calvin was directed to work on the issues with Councilor Morris and Councilor Pitera and report back to Council. Approval of the ordinance and the personnel policy has been tabled until the January 15, 2010 Council Meeting.

3.3 Concerning Shoreline Preservation Steering Group- Mayor Lammert stated there have been two resignations given to the Shoreline Preservation Steering Group. Mayor Lammert asked for clarification with the appointment of members for the S.P.S.G. Mayor Lammert stated Village Council is responsible for the appointment of members for the committee. Calvin Peck agreed. Mayor Lammert stated the four working groups that included communication with the data information and asked for confirmation that the issue has been completed. Calvin stated the Village is assisting the data collection with the guidance from Council. Mayor Lammert asked if the communication project was complete. Calvin stated he was unable to respond; however the Village Hall piece has been completed. Mayor Lammert asked if the communication of lobbying has been established. Calvin stated the Village has hired both Federal and State lobbyist. Mayor Lammert asked if the litigation has been completed and in the Council's hands. Mayor Pro Tempore Sayre questioned the statement. Attorney Baldwin stated the S.P.S.G. continues to serve as a resource and is a private group of individuals who have researched and offered their time on these issues with an indefinite time basis. Mayor Lammert

disagreed with Attorney Baldwin and stated the group was not set up like that and all issues have been completed. Mayor Pro Tempore Sayre stated his concerns with Mayor Lammert and the disbandment of the committee and stated his disapproval. Mayor Lammert made a motion to disband the Shoreline Preservation Steering Group. Councilor Pitera suggested having the motion tabled for further discussion. Attorney Baldwin stated it was the decision of the person who made the motion. Mayor Lammert stated this was his last piece of business and called for a vote.
(MOTION CARRIED 3-2 - Mayor Pro Tempore Sayre and Councilor Pitera opposed)

Mayor Lammert turned the podium over to Elected Mayor Andrew Sayre and exited the building.

4. <u>New Business</u>

4.1 Oath of Office- Mayor

Calvin stated the oath of office to the Mayor will be officiated by the Village Clerk. Debra Talbert, the Village Clerk, swore in the Mayor as follows:

"I, J. Andrew Sayre, do solemnly swear that I will support and maintain the Constitution and Laws of the United States of America, and the Constitution and Laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor of the Village Council of the Village of Bald Head Island, so help me God."

4.2 Oath of Office- Councilor

Debra Talbert, the Village Clerk, swore in the Councilor as follows:
"I, John Fisher, do solemnly swear that I will support and maintain the Constitution and Laws of the United States of America, and the Constitution and Laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as member of the Village Council of the Village of Bald Head Island, so help me God."

4.3 Board to Appoint/ Oath of Office Mayor Pro Tempore

Mayor Sayre asked for nomination for the Mayor Pro Tempore. Councilor Morris nominated Councilor Gene Douglas for Mayor Pro Tempore. Councilor Pitera nominated Councilor John Fisher.
Mayor Sayre asked for favor of Councilor Gene Douglas with showing of hand from Councilor Morris and Councilor Douglas.
Mayor Sayre asked for favor of Councilor Fisher with showing of hand from Councilor Pitera, Councilor Fisher and Mayor Sayre.
Debra Talbert, Village Clerk, swore in the Mayor Pro Tempore as follows:
"I, John Fisher, do solemnly swear that I will support Constitution and Laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor Pro Tempore of the Village Council of the Village of Bald Head Island, so help me God."

4.4 November Financial Statement Report - Deb Straub discussed the operating fund revenues and expenses for the year to date. Deb stated the first payment of the General Obligation bond debt totaled $723k was made December 11, 2009. The first payment to Norfolk Dredge Company was made December 4, 2009 totaling $1.4 million.

4.5 Resolution- NC Local Government Debt Setoff Program - Calvin discussed the resolution presented to Council. The resolution is a set off debt collection act to authorize the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to qualifying local agencies and who are due refunds from the Department of Revenue. Mayor Sayre asked for motion to approve the resolution as presented. **(MOTION CARRIED 5-0)**

4.6 Appointment for Brunswick County Complete Count Committee- Calvin spoke on the appointment of a 2010 Census Complete Count Committee nominee. Chris McCall, Assistant Village Manager volunteered his services for the committee. Council agreed with the nomination.

4.7 Budget Amendment-Public Safety Volunteers- Councilor Pitera stated the Council has agreed to a budget amendment to appropriate the general fund balance to fund additional cost of volunteer firefighter parking at Deep Point Marina. Councilor Pitera stated the volunteers have spent numerous hours in training, answering alarm calls. Mayor Sayre asked for motion to approve the budget amendment.

(MOTION CARRIED 5-0)

Mayor Sayre called a five (5) minute recess for Council.

Mayor Sayre called the Council meeting back to order. Mayor Sayre directed Attorney Baldwin for his opinion on the action taken for the disbandment of the Shoreline Preservation Steering Group. Attorney Baldwin stated the Shoreline Preservation Steering Group is not a part of the Village and is a group of private individuals. The Village Council had supported working with this group with budgeting monies for their recommendations. Attorney Baldwin stated the motion made earlier would be repudiating this and if Council would like to take it in a different direction, this can be done.

5. <u>Committee Reports</u>

5.1 Beach - No comment

5.2 Finance - No comment

5.3 Public Safety - Bob Porter stated the Public Safety committee did not met the month of December; however will met on the 2nd Monday of January.

5.4 Public Works – No comment

5.5 Transportation – No comment

5.6 Shoreline Preservation Steering Group - No comment

6. <u>Monthly Reports</u>

6.1 Manager's Report- Calvin stated the Council has recognized the concerns with the voter registration for Brunswick County and has directed staff to compose a letter to the Board of Elections of Brunswick County. Attorney Baldwin stated the Village should not be involved with the disagreement of the voter list of the Board of Elections; however a letter could be sent to the Board of Elections asking for the research of registered voters to be done. At that time, Councilor Douglas agreed to withdraw his motion in lieu of the letter.

Calvin explained the memo on golf cart coverage as stated below:

Ordinance 28-92.d requires registration and proper liability insurance on golf carts in the Village. The insurance can be no less than the minimum coverage required for motor vehicles in North Carolina.

After an analysis of the homeowner's policy, the following exclusions and limitations have become apparent:

- *Homeowner's liability coverage does not apply for golf carts that are registered for use and the Village Ordinance requires registration.*

Assuming that the exclusion did not apply, there are further limitations:

- *The homeowner's policy would only apply if the residence was the official place of residence of the homeowner, and not a rental home;*
- *Guests of the homeowner would have coverage driving the golf cart only on the lot where the residence is located and not off premises;*
- *The golf cart is limited to 4 passengers and a speed less than 25 miles per hour. Some units exceed this limitation; and*
- *The homeowner's policy excludes coverage for driver injuries to a passenger who is a resident spouse or relative. The coverage for motor vehicles in North Carolina does not have this type of exclusion.*

Suitable coverage is available under a golf cart policy. The minimum limits required under the ordinance are $85,000. A telephone inquiry with local insurance agents indicated the following premiums:

- *$100,000 - $95.00 per year*
- *$300,000 - $140.00 per year*

6.2 Department of Public Safety Report- Chief Munna gave thanks to Council for the support of the Volunteers.

6.3 Development Services Monthly Report - Chris McCall spoke in reference to the building inspection report for November 2009. Chris stated permit renewals for canoe and kayaks for the Village Creek access facility will be $75.00 and registration has begun. For those who wish not to continue the slip rental, contact Daralyn Spivey, Permit Clerk for cancelation of slip rental.

7. <u>Comments, Reports and Questions</u>

7.1 Citizens- Brenda Quanstrom asked for clarification of registered voter list. Calvin stated the Village will be sending a letter to the Board of Elections requesting for the compliance of the State law concerning the registered voters for Bald Head Island. Brenda Quanstrom stated Mayor Sayre has supported pulling the Village and Island together with the key issue being trust.

7.2 Bald Head Association – Anne Boozel welcomed Mayor Sayre and Councilor Fisher to the Council and the Association will be looking forward to working with the Council this coming year.

7.3 Bald Head Island, LTD- No comment

7.4 Bald Head Island Conservancy- Suzanne Dorsey thanked Public Safety and the Club for the rescue of 10 baby alligators. The Conservancy rescued 78 Marine sea turtle eggs off of East Beach.

7.5 **Bald Head Island Club** – No comment

7.6 **Mayor and Council**- Councilor Morris congratulated Mayor Sayre and Councilor John Fisher.

8. **Adjournment** - Mayor Sayre entertained a motion for adjournment at 3:45 p.m., with Councilor Morris making the motion. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

Andy Sayre
Mayor

ATTEST:

Debra C. Talbert
Village Clerk

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SEAL
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