VILLAGE OF BALD HEAD ISLAND
COUNCIL WORK SESSION
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
Dawn Reno, Human Resource/ Tax Administrator
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)

1. **Call to Order/ Approval of Agenda**
Mayor Lammert called the December 18, 2009 Council Work Session to order at 1:30 p.m. Mayor Lammert stated there would be a revision in the Work Session with an item to be added. Mayor Lammert stated Parking for Volunteer Firefighter and EMS should be added to the Work Session. Councilor Douglas requested Alleged Voting Irregularities on Bald Head Island should be added also. This will be added as 6a- Parking for Volunteer Firefighter and EMS and 6b- Alleged Voting Irregularities on Bald Head Island. Mayor Lammert asked for approval of the agenda as presented, with Councilor Douglas making the motion approve. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**

2. **Review of Council Meeting Agenda**
2. 2- **Declare excess of Handguns**- Calvin explained to Council the three (3) handguns (Model Sig P232) are of a different caliber and size from the duty issued firearms and lack the necessary night sights. The serial numbers for the handguns are S-274-971, S-277-689, and S-274-972. A $250 credit will be given for each handgun and would go towards the purchase of budgeted firearms.
2.3- **Approval of Amendment to the Records Retention and Disposition Schedule**- Calvin explained to Council this approval would amend the records retention and disposition schedule for the Village of Bald Head Island by adding item 66, Golf Cart Registration Records, as shown on new page 12a of schedule, stating Golf Cart Registration Records: Records concerning issuance of registrations/ decals for golf carts. May include proof of insurance and renewals. The disposition instructions state: Destroy in office 1 year after expiration.

3.2- **Ordinance on the Restriction of Smoking within the Village Limits**- Calvin reviewed the 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.
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 reviewed the Smoking Personnel Policy with Council 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.
Council stated concerns with the enforcement of the above ordinance. Councilor Douglas stated this ordinance would be hard to enforce and this ordinance would be a statement of intent to be more beneficial for the employees. Calvin stated the intent of the ordinance is to have no smoking on Village property. Calvin stated the Village has gone to great lengths to encourage staff to quit smoking. Councilor Morris stated the concerns for the intent of the policy and ordinance and the enforcement to be taken by Council or Manager and if the policy and ordinance could be enforced differently by new staff at later date. Calvin replied that Council can change a policy or ordinance at any time.
3.3- **Concerning Shoreline Preservation Steering Group**- Mayor Lammert asked Council if there was any discussion. Mayor Pro Tempore Sayre asked what type of concerns on the SPSG. Mayor Lammert stated he had been informed that two persons had resigned with Ken Miller resigning and Brooke Williams will be taking his position. Mayor Lammert stated this would be up to the Council to recommend replacements or to cancel the Shoreline Preservation Steering Group. Mayor Pro Tempore Sayre suggested Brooke Williams should present the report prior to Council having a discussion on this issue. The decision was left on the afternoon agenda.
4.5- **Resolution on NC Local Government Debt Setoff Program**- Deb Straub explained the setoff debt program will 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 and authorizes the setting off of certain debts owed to qualifying local agencies against tax refunds.
4.6- **Appointment for Brunswick County Complete Count Committee-** Chris McCall discussed the appointment of a 2010 Census Complete Count Committee.

3. **Financial Report**
Deb Straub stated the Operating revenues year to date are slightly behind to the prior year but will improve with property tax receipts in December and January. Deb stated the first GO Bond debt payment was made December 11, 2009 for $723k.

4. **Discussion on Council Retreat**
Mayor Pro Tempore Sayre discussed the Council Retreat with Council and suggested working on the Island with a cost savings for the Village and Island. The dates for the retreat would be January 25-26, 2010.

5. **Discussion on Stimulus Package**
Calvin Peck discussed the situation on the stimulus package and the request for requirement for a public event from the State with the League of Municipalities. This request has been placed on hold and will be considered at a later date. Calvin stated he would keep Council informed of any change.

6. **Discussion on UPS/ FedEx**- Council elect John Fisher stated all contracts from the Postal Service, Fed Ex and UPS have been received and being reviewed.

6a. **Parking for Public Safety Volunteers**- Calvin spoke on request for amendment to fund additional cost for the volunteer firefighter parking at Deep Point Marina. Councilor Pitera gave support to the volunteer firefighters and supported the amendment for the ferry/parking expense. Council agreed to add to the afternoon Council meeting under New Business 4.7- Budget Amendment- Public Safety Volunteers.

6b. **Alleged Voting Irregularities on Bald Head Island-** Councilor Douglas read the statement as presented below:

- The results of the November 2009 election are not being challenged.
- There are alleged voting irregularities during the election November 2009.
- Many BHI Citizens are concerned and are asking what the Village Council intends to do.
- Two articles and two editorials have been published in The State Port Pilot (12/9/09 & 12/16/09). This type media attention is not helpful.
- Eight individuals that voted have already been challenged before the Brunswick County Board of Elections. The Board has denied these challenges but that decision has been appealed to Brunswick County Superior Court.
- There are sixty-seven additional challenges pending. Thirty-one of these are individuals who have moved from BHI or are deceased.
- Appropriate BHI registered voters have a right to a fair and free election. This is a guiding principle of this country.
- BHI Village Council should be proactive and investigate or cause to be investigated these alleged irregularities.
- The following motion was presented to Council from Councilor Douglas for their consideration.

BALD HEAD ISLAND COUNCIL INVESTIGATES OR CAUSE TO BE INVESTIGATED THE ALLEGED IRREGULARITIES INVOLVING BALD HEAD ISLAND, BRUNSWICK COUNTY, REGISTERED VOTERS. THE PURPOSE OF THIS INVESTIGATION IS TO REVIEW THE VOTER REGISTRATION ROLES AND REMOVE ANY NAMES THAT ARE INAPPROPRIATE.THE ATTORNEY/LEGAL FEES ASSOCIATED WITH THIS INVESTIGATION, PAST, PRESENT, AND FUTURE SHALL BE PAID BY THE VILLAGE. THIS INVESTIGATION SHALL BEGIN IMMEDIATELY AND BE COMPLETED NO LATER THAN THIRTY DAYS PRIOR TO THE NEXT ELECTION NOVEMBER 2010.

Attorney Baldwin suggested this matter should be discussed in Closed Session due to legal issues. Therefore Councilor Douglas removed motion from the table to discuss further in Closed Session.

7. **Manager's Report** – Calvin reported West Beach is almost complete with the removal of pipe to begin pumping on Sunday towards East Beach.
   Calvin stated he had met with The Club concerning Lagoon 3. The Club is waiting for a written response from the Division of Water Quality (DWQ) prior to modification on Lagoon 3.
   Calvin presented a letter concerning the Proposal for Professional Consulting Engineering Services on the Wastewater disposal capacity and engineering alternatives analysis. Calvin stated this would be discussed with the other ad entities on the Island prior to authorization to proceed.
   Calvin stated the Village has been working with the Club with the leveling of lagoons and the storm water issue. Calvin stated the Club has been given permission to operate a vehicle to pickup personnel with one trip on Saturday a.m. and one trip p.m. with no operation on Sunday.

8. **Closed Session Pursuant to N.C. General Statutes 143-318.11 (a)(1), (3), and (5)**
   Pursuant to N.C. General Statutes 143.318.11(a)(1), (3), and (5), Mayor Lammert entertained a motion to enter into Closed Session at 2:10 p.m., with Councilor Douglas making the motion. In a voice vote, all voted in favor. **(MOTION CARRIED 5-0)**
   Mayor Lammert entertained a motion to come out of Closed Session at 2:54 p.m., with Councilor Morris making the motion. In a voice vote, all voted in favor.
   (MOTION CARRIED 5-0)

9. **Adjournment**- Mayor Lammert entertained a motion for adjournment at 2:55 p.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor.
   (MOTION CARRIED 5-0)

Mayor Pro Tempore Andrew Sayre

ATTEST:

Debra C. Talbert, Village Clerk

VILLAGE OF BALD HEAD ISLAND NORTH CAROLINA