

VILLAGE OF BALD HEAD ISLAND
COUNCIL MEETING

March 19, 2010

Bald Head Association Center

COUNCILORS IN ATTENDANCE: Mayor Andrew Sayre
Mayor Pro Tempore John Fisher
Councilor Gene Douglas
Councilor Art Morris
Councilor John Pitera

STAFF PRESENT: Calvin R. Peck., Village Manager
Chris McCall, Assistant Manager/ Director of Dev. Services
Deb Straub, Finance Manager
Captain McConnell, Public Safety
David Cox, Systems Administrator
Charles Baldwin, Village Attorney
Debra Talbert, Village Clerk (recording minutes)

1. **Call to Order / Approval of Agenda**- Mayor Sayre called the March 19, 2010 Council Meeting to order at 3:00 p.m. Mayor Sayre entertained a motion to approve the agenda with revisions. Councilor Pitera made the motion, with all in approval. (MOTION CARRIED 5-0)

2. **Public Hearing-**

2.1- Text amendment to Section 32-44(a) Item 5-Entitled, " Issuance of Landscape Permit"- Calvin reviewed the amendment to Section 32-44(a) Item 5- Entitled, "Issuance of Landscape Permit". The addition will state:

As part of mitigation, the offender will be required to replant a tree of like kind and of the same size as the cut tree, within 180 days of the fine, guaranteeing the tree to survive for one year after the replanting date. The building inspector must approve the locations of the replanted trees. If the caliper of the cut tree is greater than twelve (12") inches, the offender will replant a number of trees to equal or exceed the caliper of the cut tree. The replanted trees will have a minimum caliper of four inches per tree. Fines will be \$500.00 per inch of caliper at four feet above grade of the cut tree.

Mayor Sayre opened the Public Hearing for comments.
With no comments, Mayor Sayre closed the Public Hearing.

2.2- Text amendment to Section 28-92, "Mandatory registration of golf carts"- Calvin reviewed the amendment to Section 28-92, "Mandatory registration of golf carts". The highlighted are the changes to be made to the amended ordinance.

WHEREAS, the Village Council of the Village of Bald Head Island, North Carolina deems it necessary in the interest of public safety to amend Village Code Section 28-92 in order to regulate the size of electrically-powered vehicles.

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

Article III, Section 28-92 is amended as follows:

Sec. 28-92. Mandatory registration of golf carts.

(a) *Definitions.* The following terms used in this section shall be defined as follows:

Electrically-powered vehicle means any vehicle which uses electricity as the sole source of power for locomotion.

Street means a public or private right-of-way for vehicular traffic.

Vehicle means any device, upon or by which any person or property may be transported on the streets of the village.

Personal-use means used solely for the purpose of transportation. **Vehicles used for commercial/business purposes will not be considered personal-use vehicles.**

(b) *Registration, sticker display required.* It shall be unlawful for any person to operate or any person who owns or has control of any electrically-powered vehicle to allow such vehicle to be operated on the streets of the village, without the electrically-powered vehicle having been registered with the Department of Public Safety and without displaying thereon two then current registration stickers affixed to a conspicuous place on the golf cart at an area designated by the **Chief of Public Safety**. Any person who violates any provision of this section shall be guilty of a class 3 misdemeanor, punishable by a fine not to exceed \$50.00, pursuant to G.S. 14-4. In addition to any criminal sanctions imposed in this section, the offender shall be subject to a civil violation and receive a penalty in the amount of \$50.00.

(c) *Information required; issuance of stickers.* Persons registering electrically powered vehicles shall provide the following information to the **Department of Public Safety**:

- (1) Name;
- (2) Addresses/phone numbers;
- (3) Cart identification to include make, model, serial number, color, manufacturer date;
- (4) Written proof of insurance; and
- (5) Other information as deemed necessary by the **Department of Public Safety**.

Upon registration, the **Department of Public Safety** shall affix a sticker to **the lowest, most clearly visible point on the front left-hand side of the vehicle**. The sticker shall be valid for a period of 12 months. The fee for issuance of the golf cart registration permit shall be established and may from time to time be revised by the village council. The fee schedule for golf cart registrations shall be filed at the office of the village clerk.

(d) *Insurance.* No golf cart, electrically powered mode of transportation, or other similar motor vehicle will be registered by the village or be permitted to operate on the streets of the island without having proper liability/property damage insurance coverage in full force and effect. The limits of liability/property damage insurance coverage shall at no time be less than the minimum coverage required for motor vehicles allowed to use the public streets of the state.

(e) Effective June 1, 2008, all electric golf carts which are registered for the first time with the village shall be equipped with the following golf cart manufacturer or golf cart dealer installed devices:

- (1) Front head lights;
- (2) Rear tail lights;
- (3) Rear brake lights;
- (4) Rear view mirror;
- (5) Parking brake;
- (6) Seatbelts for all seating positions on the golf cart;

Proper functioning of the aforesaid equipment shall be the responsibility of the electric golf cart owner and the village assumes no responsibility with respect to function, operation or inspection of the equipment.

(f) *Dimension and weight limits.* No personal use electrically-powered vehicles shall be registered or approved for use on the Island's streets if the overall dimensions and/or weight of the vehicle exceed any of the following dimensions:

- (1) Length: 160.00 inches
- (2) Height: 84.00 inches
- (3) Width: 60.00 inches
- (4) Weight: 1,600.00 pounds

Provided, however, this subsection (f) shall not apply to electrically-powered vehicles used for the regular transportation of persons by Bald Head Island Limited, Bald Head Island Conservancy, Bald Head Island Club, and The Old Baldy Foundation a business entity operating a taxi service on Bald Head Island, or the Village of Bald Head Island.

Mayor Sayre opened the Public Hearing for comments.

Public Comments

- Larry Lammert stated his concerns that the eight passenger golf carts from the Club being used for other than transportation on the Island.

- Bob Porter stated the Public Safety Committee has reviewed and considered the ordinance in great length and states the length was considered and is not a safety issue.

With no other comments, Mayor Sayre closed the Public Hearing.

3. **Consent Agenda**

3.1-Approval of Minutes

February 19, 2010 Work Session

February 19, 2010 Council Meeting

3.1a- Declare Morbark 6" Chipper Model 2060 Serial #3001317221 as Surplus

Mayor Sayre asked for approval of the Consent Agenda as presented. Councilor Morris made the motion, with all in approval.
(MOTION CARRIED 5-0)

4. **Old Business**

4.1 Consideration/ Adoption of text amendment to Section 32-44(a) Item 5-Entitled, "Issuance of Landscape Permit"- Mayor Sayre entertained a motion to approve the adoption of a text amendment to Section 32-44(a) Item 5-Entitled, "Issuance of Landscape Permit". Councilor Morris made motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

4.2 Consideration/ Adoption of text amendment to Section 28-92, "Mandatory registration of golf carts"- Mayor Sayre entertained a motion to approve the adoption of a text amendment to Section 28-92, "Mandatory registration of golf carts". Councilor Pitera made motion to approve as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

5. **New Business**

5.1 1st Reading & Set Public Hearing- text amendment to Section 32-163 Item E4 Entitled, "Sand Fencing Construction Structures"- Calvin spoke on the proposed text amendment to Section 32-163 Item E4 entitled, "Sand Fencing Construction Structures". Mayor Sayre set a Public Hearing for April 16, 2010 Council meeting.

5.2 February Financial Statement Report - Deb reviewed the February Financials with Council. Deb explained the Finance Committees concerns with transferring monies from fund balance for future budget decisions.

5.2 a- Budget Amendment- Support of Wounded Warrior Program- Mayor Pro Tempore Fisher spoke on the Wounded Warrior Program. Mayor Pro Tempore Fisher made recommendation for donation of this program for \$2500.00. Mayor Sayre entertained a motion for approval. Councilor Douglas made a motion to approve as presented. In a voice vote, all voted in favor.
(MOTION CARRIED 5-0)

5.3 Resolution- Requesting the Reinstatement of Tip Project #R-3324- Mayor Sayre stated the resolution presented would give support for the reinstatement of the project for the Long Beach Road extension to the NC DOT as follows:

WHEREAS, traffic safety is a major concern of residents and elected officials in southeastern Brunswick County, and

WHEREAS, the rapid population increase in southeastern Brunswick County has placed a significant burden on the state road system in terms of daily miles traveled, and

WHEREAS, NCDOT traffic counts from 2006 to 2008 for Highway 211 and Long Beach Road have increased beyond the intended capacity established by the state, and

WHEREAS, between 2006 and 2008 traffic counts on Long Beach Road increased from 22,000 trips per day to 28,000 and traffic on Doshier Cutoff increased from 9900 to 13,000 trips per day, and

WHEREAS, the North Carolina TIP Project R-3324, Long Beach Road Extension, has been in the planning process for a number of years, and

WHEREAS, work on the project to date includes a feasibility study, preliminary design, and acquisition of 15 of 52 parcels for right-of-way needs, and

WHEREAS , according to the Cape Fear Area RPO, as of October 2009, the Long Beach Road extension project was ranked 5 out of 22 in a three-county area, and
WHEREAS, according to the current draft of the NCDOT 5-year Work Program, project R-3324 is no longer on the list,
NOW, THEREFORE, the Village Council of the Village of Bald Head Island requests that NCDOT Project R-3324 be reinstated and a new completion schedule developed.

Mayor Sayre entertained a motion for approval. Councilor Morris made the motion as presented. In a voice vote, all voted in favor. (MOTION CARRIED 5-0)

5.4 Appointment of Committee Chair for Shoreline Protection Committee
5.4a Appointment of Committee members

2010 PUBLIC SAFETY/ TRANSPORTATION COMMITTEE

Bob Porter

Expiration of Term: December 2011

Joe Hawkins

Expiration of Term: December 2011

Brenda Quanstrom

Expiration of Term: December 2013

Brian Johnson

Expiration of Term: December 2012

Mike Boozell

Expiration of Term: December 2013

Wayne Lambert

Expiration of Term: December 2013

Judy Brawner

Expiration of Term: December 2013

Doug Ledgett

Expiration of Term: December 2013

Bob Timmons

Expiration of Term: December 2013

Council Liaison

Art Morris

Email: arthurmorris@bellsouth.net

2010 SHORELINE PROTECTION COMMITTEE

Brooke Williams- Chairperson

Expiration of Term: December 2013

Robert (Bob) Blau

Expiration of Term: December 2013

Joe Brawner

Expiration of Term: December 2013

Anne Kane

Expiration of Term: December 2013

Tom Hayden

Expiration of Term: December 2013

Dan McConnell

Expiration of Term: December 2013

Ray Webb

Expiration of Term: December 2013

Council Liaison

Mayor Andy Sayre

E-Mail: jasayre@bellsouth.net

Councilor Gene Douglas

E-Mail: dgene@bellsouth.net

2010 COMMUNICATIONS COMMITTEE

Win Stevens

Expiration of Term: December 2013

Fred McWhorter

Expiration of Term: December 2013

Wendy Wilmot

Expiration of Term: December 2013

Allen Nason

Expiration of Term: December 2013

John Prendergast

Expiration of Term: December 2013

Liaison:

David Cox-Village IT Systems Administrator

Email: dcox@villagebhi.org

2010 Finance Committee

John Knott, Chairman

Expiration of Term: December 2010

Ken Miller

Expiration of Term: December 2010

Dave Ross

Expiration of Term: December 2010

Anita Schnog

Expiration of Term: December 2013

Barry Kane

Expiration of Term: December 2012

James Bonica

Expiration of Term: December 2013

Council Liaison

Mayor Pro Tempore John Fisher

Email: fisher5@att.net

AD HOC COMMITTEE TO REVIEW THE NORTH CAROLINA INTERNATIONAL TERMINAL

Tom Hayden- (Chairman) - Representative for Village

Jerry VanSant- Representative for Bald Head Association

(OR)

Rachel Lewis- Representative for Bald Head Association (Stage 1)

Thomas Hancock- Representative for BHI Conservancy

Kent Mitchell- Representative for BHI Limited

(OR)

Joyce Fulton- Representative for BHI Limited

Chris Webb- Representative for Old Baldy Association

(OR)

Anne Mills- Representative for Old Baldy Association

John May- Representative for The Club

2010 Public Works/Utilities Committee

Peter Quinn, Chairman

Expiration of Term: December 2011

Vic Smith

Expiration of Term: December 2011

Mike Dolan, Secretary

Expiration of Term: December 2013

John May

Expiration of Term: December 2013

Mike Boozell

Expiration of Term: December 2013

Council Liaison

John Pitera

Email: elvito@bellsouth.net

Transportation Company Liaison

Woody Fulton, Director of Operations

Email: woodyf@bhisland.com

After review of committees, Mayor Sayre entertained a motion for approval. Councilor Morris made motion as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

6. Committee Reports

6.1 Shoreline Protection- Anne Kane spoke concerning the purpose for having this committee. Documents have been presented to Council and will be posted on the web-site for public review.

6.2 Finance- no comment

6.3 Public Safety & Transportation- no comment

6.4 Public Works & Utilities- no comment

6.5 Communication - no comment

6.6 Parks & Recreation (not active)

7. Monthly Reports

7.1 Manager's Report- Calvin spoke on the report given by Erik Olsen on the Beach Nourishment Project. Due to extensive erosion, additional sand placement had to be placed in certain area. This would require a 1% increase in R&E cost for the project of \$150k. Calvin requested from Council a Budget Amendment of \$150k increase of the project. Mayor Sayre entertained a motion for approval. Councilor Morris made motion as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

Calvin spoke on a Municipal Environmental Assessment Coalition- Project Participation Agreement. The work to be performed by the Consultant to include conducting a fiscal analysis of the statewide impacts and benefits of the proposed DWQ rules; explaining the areas of state policy that effect implementation of the proposed rules; and suggesting modifications or alternatives to those rules that will lessen the impacts or increase the benefits of the proposed rules. The cost to the Village \$250.00 for the project. Calvin requested from Council approval of agreement. Mayor Sayre entertained a motion for approval. Councilor Douglas made motion as presented. In a voice vote, all voted in favor.

(MOTION CARRIED 5-0)

Calvin reviewed the meeting with the Club on stormwater and submission of a variance to the Environmental Management Commission. A complete agreement is being discussed and worked on between the Club.

Calvin spoke on the FEMA issues surrounding the Beach Project. Contractor, Erik Olsen will be working on a Engineered beach documentation to be presented to FEMA. This would allow for possible reimbursement to Bald Head Island if a natural disaster should happen.

Councilor Douglas explained the issues of the overruns of sand on the beach. The beginning of sand pumped began at Wynding Down West towards West Beach. Due to major erosion at Wynding Down, Erik Olsen requested extensive sand placement and to rebuild the dune. Decision was made to place the sand where the most damage was.

Mayor Sayre stated the deer management issues are being researched. Deer management was not needed for this year and budgeted monies for this program have been transferred to other accounts. The fiscal year 2010/2011 budget for deer management is being reviewed.

7.2 Department of Public Safety Report- Captain McConnell spoke on the monthly Public Safety report. Captain McConnell spoke on the construction on the beach and gave warning about the deep holes caused by the replacement of groins. Extra police patrols will be done in this area to prevent subjects in the construction zone. A number ordinances have been located on the beach due to the dredging. Public Safety encouraged people to call 911 and not to handle due to the possibility of being active. Human remains located on the golf course are being studied by an archeologist. The area has been covered up and the Club will report on status.

7.3 Development Services Monthly Report- Chris McCall gave the monthly count for Development Services department. The Beach contractor has completed planting of American Beach Grass totaling 85k plants. 107k Seaoats will be planted in the spring to help stabilize the dunes.

8. Comments, Reports and Questions

8.1 Citizens-

Larry Lammert asked the citizens and Council for the support of the local retail stores for the revenue of the Island.

Richard Mesaris asked for information on the status with the Corps and stated his concerns about the Transportation Rate Case with Limited.

Mayor Sayre stated there have been two meetings with the Transportation committee where a presentation was given to the entities of the Island. Limited stated there has been no submission of a Rate Case. Mayor discussed prices would be increasing and an AdHoc Committee with different entities on the Island would be formed for this complex situation. Bill Grantmyre will be the Chair for the committee and will be gathering information and forming the committee.

Charles Baldwin stated the Council is working on the issues and the timeframe with the Corps of Engineers. There will be information on the Village website and letters will be mailed to all the property owners.

8.2 Bald Head Association - Rachel Lewis stated Buck Cook will represent the Association on the AdHoc Rate Case committee.

8.3 Bald Head Island, LTD- Joyce Fulton reviewed the transportation schedule for Easter holiday . Joyce stated Limited has not made a decision on the Rate Case and, once a decision is determined, a meeting will be scheduled. Public Safety/ Transportation committee has been combined and Limited liaison staff need verification who will need to attend those monthly meetings. The committee members will work on a solution.

8.4 Bald Head Island Conservancy- Suzanne Dorsey stated the Conservancy will support and work with the Village on the deer management program. The National Science Foundation Conference will be held April 2- 4 on the Island. This is a research study about barrier islands.

8.5 Bald Head Island Club- Robert Norton spoke on the Wounded Warrior Program and the five families sponsored by the Island.

Robert spoke on the construction on the golf course. All the heavy construction and lifting is complete with sod being laid now.

The hole where the remains were located on the golf course has been filled with adjustment made to the design.

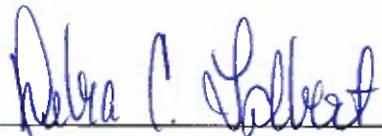
8.6 Mayor and Council- no comment

9. **Adjournment** - Mayor Sayre entertained a motion to adjourn at 3:55 p.m., with all in favor.
(MOTION CARRIED 5-0)



Mayor Andy Sayre

ATTEST:



Debra C. Talbert, Village Clerk

