VILLAGE OF BALD HEAD ISLAND  
COUNCIL WORK SESSION  
APRIL 17, 2009  
BALD HEAD ASSOCIATION CENTER

COUNCILORS IN ATTENDANCE: Mayor Larry Lammert  
Mayor Pro Tempore Andrew Sayre  
Councilor John Pitera

STAFF PRESENT: Calvin R. Peck, Jr., Village Manager  
Chris McCall, Assistant Manager/ Director of Dev. Services  
Deb Straub, Finance Manager  
Police Chief Richard Herring  
Fire Chief Chip Munna  
Ben Liddle, Public Works Director  
David Suther, Public Utilities WW Operator  
David Cox, Systems Administrator  
Charles Baldwin, Village Attorney  
Dawn Reno, Interim Village Clerk (recording minutes)

OTHERS PRESENT: Various Public and Residents

1. Call to Order & Approval of Agenda: Mayor Lammert called the April 17, 2009 Council Work Session to order at 9:33 a.m. Mayor Lammert made addition to agenda adding Council’s Action Steps after the Manager’s Report. Mayor Lammert asked for approval of agenda, with Councilor Pitera making motion to approve as presented. In a voice vote, the motion was unanimous.  

(MOTION CARRIED 3-0)

2. Review of Council Meeting Agenda/ Public Hearings: Mayor Lammert discussed with Council the Public Hearings.

   Council Item 2.1- GO Bond Order- Calvin stated there would be a presentation prior to the GO Bond Public Hearing.

   Council Item 2.2- Amending the Code of Ordinances Section 32-43, Certificate of Occupancy/Compliance- Chris McCall stated Council had directed Staff to research alternatives for As Built Surveys. Chris discussed with Council that POA Stage 1 ARC does require a final As Built, where Stage 2 does not. Chris proposed that the Village require a foundation survey to be performed by a licensed surveyor prior to foundation inspection being performed by Village inspector. This will allow the Village and contractor to be informed of any issues dealing with the placement of a structure early in the process. This would be performed at a minimum expense and effort by the contractor.

Attorney Charles Baldwin explained to Council that Public Hearings could be heard at the Council Meeting today, however an adoption could not be done due to 2/3 (two-thirds) of Council were not present. Council discussed and the Public Hearings will be held on the afternoon agenda and during the May 15, 09 Council Meeting there will be consideration/adoption of ordinances.
Council Item 3- Consent Agenda- Mayor Lammert asked Council to review the minutes as presented for amendments. With no comment, Mayor Lammert moved to next item on the agenda.

Council Item 4.1- Letter to BHI Property Owners- Beach Erosion/ Nourishment Issues- Mayor Lammert discussed with public the letter that was sent out April 6, 09 to all property owners of Bald Head Island in reference to beach erosion and nourishment issues.

3. Financial Report- Deb Straub discussed the financial report for March 2009 with Council. Deb stated the General Fund Ad Valorem tax revenues are at 98% of budget. Deb stated there were no major or unusual expenditures in March. Deb stated there were no major or unusual expenditures in the Utilities Fund for March. Deb stated FEMA check for Tropical Storm Hanna has been received totally $64k.

4. Update on Stormwater Management Plan “HFMP”(Hurricane Flood Management Plan)-Phase 3- Chris McCall presented a presentation of the Stormwater Plan. This presentation gave information on the Lagoons, easements, emergency outfalls and possible storm issues. Jeff Petroff with the Coastal Land Design gave information on the Phase 3 report. The study involved looking at dry well storm water ponds.

5. Ordinance Adopting and Enacting the Definition of Nuisance Pets- Chief Herring stated the Public Safety Committee has brought to the Council an ordinance stating the definition of “Nuisance Pets”. Mayor Lammert asked Council if this should be added to the afternoon agenda for the first reading and set Public Hearing date. Council agreed.

6. Discussion on Public Safety Department- Calvin Peck discussed short term process and long term process for a Public Safety Department. Calvin stated he spoke with members of the International City Manager Association and has reserved a Public Safety consultant for April 29 and April 30 for consultation to come to the Island to meet with the Council, Public Safety Committee, and employees with Fire and Police Department.

7. Status update on Harbor Jetty and Groins- Attorney Baldwin discussed with Council the preliminary discussion with BHI Limited and further meetings are being scheduled.
   7.1- Inlet Hazard Area Update- Attorney Baldwin stated with the State budget cuts, the CRC(Coastal Resources Commission) meeting for April 29- 30th was cancelled. Discussion with the Coastal Resource staff was to include concerns with the erosion rate on West Beach and present policies with the rule making process. Mayor Pro Tempore Sayre stated he has concerns with the tax rolls on the property that does not meet the current setback of 240 feet in existing Inlet Hazard Area. Attorney Baldwin stated these issues should be addressed immediately with Brunswick County Tax Assessors. There was further discussion between Council and Attorney Baldwin.

8. Integrated Shore Line Funding Options- Calvin discussed with Council the permit application status for the CAMA permit. The Village is awaiting approval from the State concerning the CAMA permits. Calvin stated to Council there is a meeting set up with Top Sail Beach concerning the Corp of Engineers with the dredging.
Calvin also discussed with Council the process of funding the Integrated Shoreline Project. Calvin gave a power point presentation to Council the difference between a General Obligation Bond and Installment Financing. Calvin explained to Council the General Obligation (GO) Bond pledges taxing power of Government with no other collateral required. The GO Bond application also requires a referendum on June 2, 09. It has to pass 50% +1, Island wide plus districts. Calvin stressed to Council if the referendum fails, the Island cannot receive any other funding or financing until there is another vote and the bonds pass.

Calvin made his recommendation to Council for Installment Financing for five years with using the Police/ Fire Department property with Lot 6 project, and Village Hall property project as collateral. The final decision of whether the Village goes with GO Bond for the Integrated Shoreline Project must be decided on April 21. Council and Calvin further discussed the voting process and timeline for the GO Bond.

9. **Beach Plan “Wind and Hail Update”**: Mayor Lammert discussed the update on the insurance Beach Plan which states the rates increase effective February have been resented and will be reviewed. Mayor Lammert stated that anyone who had paid the higher rates would receive a refund. Calvin stated this was a direct result of the Dare County and Village law suit towards the insurance commission.

10. **Senate Bill 1004 (HB 1252), The Level Playing Field Act**: Calvin discussed the Senate Bill 1004 (HB 1252), have been introduced in the 2009 Session of the General Assembly of North Carolina, and referred to the Senate Commerce Committee and House Committee on Science and Technology where these bills do not provide a “level playing field” to cities, towns and counties, but greatly hinder local governments from providing needed communications services, especially advanced high-speed broadband companies do not have to met. Calvin suggested to Council to pass the Resolution of the Village of Bald Head Island against Senate Bill 1004 and House Bill 1252- Level Playing Field Act. Council requested more information to review before passing the resolution.

11. **Manager’s Report**: Calvin stated to Council the 3d RO Unit is in operation. Calvin stated the RO and RO line were completed under budget.

12. **Council’s Action Steps**: Mayor Lammert presented the Council Action Steps to Council for review. Mayor Lammert went over the Short Term, Mid Term, and Long Term action to be taken. Mayor Lammert asked Attorney Baldwin to review and approve, so this can be published for the public to review.

Calvin discussed with Council issues with the water basins throughout the state. Brunswick County has legislation introduced to have Brunswick County with one water basin. This would involve taking from the Cape Fear basin to the Lockwood Folly basin. This legislation has been introduced by Brunswick County and they asked for support from Bald Head Island. Calvin stated he would inform the County of our support.

13. **Closed Session Pursuant to N.C. General Statutes 143-318.11 (a), (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 11:35 am., with Councilor John Pitera making the motion. In a voice vote, all voted in favor.  

    **(MOTION CARRIED 3-0)**
Mayor Lammert entertained a motion to come out of Closed Session at 12:45 p.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor. (MOTION CARRIED 3-0)

14. **Adjournment** - Mayor Lammert entertained a motion for adjournment at 12:47 p.m., with Councilor Pitera making the motion. In a voice vote, all voted in favor. (MOTION CARRIED 3-0)

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Larry Lammert  
Mayor

ATTEST:

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Debra C. Talbert  
Village Clerk