

# Village of Bald Head Island Council Meeting

December 14, 2007

**Councilmembers Present:** Mayor Larry Lammert, Mayor Pro Tempore Andy Sayre and Councilors Gene Douglas, Art Morris and John Pitera.

**Staff Present:** Village Manager Calvin Peck, Assistant Village Manager/Planning Director Chris McCall, Police Chief Richard Herring, Finance Director Deb Straub, Captain Danny Kiser, Systems Administrator David Cox, Tax Collector Dawn Reno, Utilities Director Ken Bowling, Assistant Public Works Director Bubba Galloway, Village Attorney Charles Baldwin and Village Clerk Amy Miller recording the meeting.

**Others Present:** Bald Head Island Director of Communications Joyce Fulton, Bald Head Island Director of Planning Jim Henry, Suzanne Dorsey with the Bald Head Island Conservancy, Bald Head Island Association Manager Karen Moorefield and Ben Brown with the State Port Pilot. Judy Brawner, David Strader, Bob Helegeson, Thad Wester, Palmer Sugg, Joe Brawner, Marilyn Ridgeway, Brenda Quanstrom, Win Stevens

## 1. **Call to Order/Approval of Agenda** **Mayor Lammert**

Mayor Lammert called the December 14, 2007 Village Council Meeting to order at 3:00 p.m. Mayor Pro Tempore Sayre made a motion to approve the Council Meeting agenda as presented. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Councilman Morris read the proposed amendment in reference to the registration of golf carts beginning January 1, 2008, as follows: Effective January 1, 2008, all golf carts that are registered for the first time with the Village of Bald Head Island shall be equipped with the following golf cart manufacture or golf cart dealer installed devices.

- Front head lights
- Rear tail lights
- Rear brake lights
- Rear view mirror
- Parking brakes
- Seat belts
- Speedometer

Proper functioning aforementioned equipment shall be the responsibility of the owner. The Village assumes no responsibility in respect to function, operation or inspection of this equipment.

This proposal is supported by Public Safety Committee, Fire Department, and Police Department.

## 2. **Public Hearing**

*2.1 On a Proposed Amendment to the Village of Bald Head Island Code of Ordinances Amending the Requirements for Golf Cart Registration*

Mayor Lammert opened up for public comments.

Joyce Fulton opened up with question regarding what the benefit was for the Village, whether legal or insured. Charles Baldwin responded that this is not a legal or insurance issue, it is a safety issue.

Joyce Fulton raised concerns as whether the public is better off to wear the seatbelt or not? Art Morris explained that it would be safer to wear seatbelts than not.

Joyce Fulton mentioned the concern of fixing the golf carts instead of buying new to avoid installing the extra requirements. Art Morris explained that the people on the island are responsible and would not let their golf carts go down and would replace them.

Joyce Fulton asked if self installation of seat belts could be done and to which Art Morris responded no, it would be false protection

Judy Brawner stated that she supports the Ordinance. Mr. David Strader stated that he is concerned with the overall cost. Art Morris explained that the installation for seatbelts, speedometer and installation is estimated around \$450 to \$500

Bob Helgesen asked how many of the 35 accidents were related to children. Mr. Chip Munna, Chief of Emergency Services reported that 19 accidents were related to those 21 years of age and over the remainder 16 were with children

Bob Helgesen further stated that Thad Wester (years ago), suggested that it should be enforced for children.

Win Stevens- Most golf carts go under 18mph do we really need a speedometer? Art Morris replied that his golf cart registers at 21 and at times had other golf carts pass him.

Palmer Sugg- Can any dealer install seat belts? Does this include Gene Lane? Mr. Morris responded yes. Mr. Palmer Sugg asked Richard Herring, Chief of Police, how many speeding tickets were issued last year by the Police Department? Chief Herring responded that the formation is unobtainable at this time.

Jay Walker asked if anyone contacted the NCGMA in reference to seatbelts. Years ago they were totally against this due to liability reasons. Mr. Charles Baldwin responded by saying that he was unaware if anyone made contact. Yet the Village has made documentation along those lines.

Joe Brawner stated that the NC Highway Safety Administration says that occupant restraints are definitely needed in any golf cart that exceeds 10 mph.

Marilyn Ridgeway gave historical information on golf cart with and without seatbelts.

Chief Munna stated that in the past ten year stats 156 of the 219 accidents are due to falling out of the vehicle because of not being restrained. This ordinance provides the occupants the choice of wearing seatbelts especially with children. Brenda Quanstrom asked Chief Munna how he felt about requiring children to wear seatbelt? Mr. Munna explained that he was totally for seatbelts.

Citizens' comments brought concerns with the passenger capacity of golf carts and the speeding of ICE vehicles. Mr. Art Morris stated that this issue will be discussed at the retreat.

Judy Brawner suggested that the public should be involved with this decision in which the Mayor replied by saying that has been tried over the years and further asked Marilyn Ridgeway to speak regarding the many times the Village has tried to get the public involved. Marilyn Ridgeway agreed with Mayor and supports the seatbelts.

With no additional comments from the public, Mayor Lammert closed the Public Hearing.

**3. Consent Agenda**

*3.1 Approval of the Minutes*

*3.2 Tax Release Request*

Councilor Morris made a motion to approve the consent agenda. In a voice vote, all voted in favor. **(Motion carried 5-0)**

**4. Old Business**

*4.1 Update on CRC Inlet Hazard Area*

Attorney Baldwin stated that the increased area included in the new hazard map will reduce the size of building that can be built. Village property owners will not be able to build as much or as big of a structure in an inlet hazard area. The Village concerns have been presented verbally and written opinions will be presented to the CRC at the CRC meeting on January 19<sup>th</sup>. It has been emphasized to the CRC that further data needs to be obtained prior to enacting the maps. Because we are not like other Barrier Islands we should be treated differently when changes are made to the Inlet Hazard Area.

Attorney Baldwin stated that changes to property within the Inlet Hazard Area would depend on the property and that different rules apply to size of the property. Rules will be stricter for those wishing to build larger homes. Bob Helgesen asked if this issue is going on in other communities. Attorney Baldwin responded yes this is a state wide issue. Further questions from the public inquired whether this is an environmental issue or is this protecting the Corp of Engineer?

Attorney Baldwin replies that this is what we are trying to find out. Mr. Baldwin suggests posting the presentation on the Village website.

Councilmember Sayre stated that there has been a couple of email blast that went out which resulted in panicked email from concerned property owners on Middle Island. It needs to be known that there are a huge amount of properties that this will not affect..

Joe Brawner stated that the people who are members of the club will be receiving a letter from the club in reference to what is being discussed.

Concerned citizens commented that West Beach was already in the inlet hazard area and that there have been houses built there in the past year.

Bill Waddell asked if we assume that the Council is working on some type of plan for the property owners to participate in.

Mayor Lammert responded by saying yes it will be done, but we are not sure of whom to direct this to at this time. Letters will be sent out and Mayor Lammert requested citizens to write the Coastal Resource Commission by December 31<sup>st</sup>.

Steve Coggins states that Bald Head Island is way ahead of the other coastal municipalities in the state as far as the process that we are following.

Mayor Lammert states that there was a presentation at the last council meeting concerning this issue. As the council we thought it was important to keep citizens up to date on the importance of this issue. We will update the web site as information becomes available.

Mr. Baldwin stated that we are not certain what the state will say or do about insurance and financing, but to assume that it all depends on what rules are passed with the new maps.

Councilmember Morris stated that he doesn't think that the state would stop insuring pre-existing homes, nor does he feel that lenders would red line the property.

Mayor Lammert asked if a Beach front home became damaged could it be rebuilt.

Attorney Baldwin responded that it would depend on the erosion rate and location of the lot. With the new expanded area possibly could rebuild. We are still getting information and finding out the regulations.

With no other comments, Mayor Lammert closed the discussion.

*4.2- Consideration and Approval of the Contract Extension with Waste Industries*

Mayor Pro Tempore Sayre motioned to approve the contract with Waste Industries. In a voice vote, all voted in favor (**motion 5-0**).

*4.3- Consideration and Approval of a Proposed Amendment to the Village of Bald Head Island Code of Ordinance Amending the Requirements for Golf Cart Registration*

Councilmember Morris suggests removing the speedometer off of the initial proposal and to study its benefits further. Mr. Morris also suggested moving the enactment date to June 1, 2008 and to add the term "electric" to the amendment.

Councilmember Morris made a motion to approve the ordinance with the changes. In a voice vote, all voted in favor (**motion 5-0**).

## **5. New Business**

*5.1 Financial Statement- November 2007- Deb Straub*

Ms. Straub presented to council that investments are doing well, purchasing a new hybrid vehicle for the Police Department and a Bob cat for Public Works.

*5.2 Broch, Padgett, and Chandler, PLLC- Village Audit, Fiscal Year 2006-2007- Wayne Berry:*

Mr. Berry stated that the Fund Balance of \$5,793,000 represents a healthy fund. Utility fund balance increased by \$48,000.00 over last fiscal year. Tax evaluation was \$973,439,000.00, tax rate 46.5, tax receivable was \$4,526,000.00. Overall the Village is in very good shape.

*5.3 Consideration and Approval to Purchase Lot #3 on North Bald Head Wynd and amend the budget to reflect the funding of the purchase.*

Councilmember Douglas made a motion to approve the purchase of Lot 3 on North Bald Head Wynd. In a voice vote, all voted in favor (**motion 5-0**).

## **6. Committee Reports**

**6.1** Beach-no report

**6.2** Finance-no report

**6.3** Public Safety-no report

#### 6.4 Transportation-no report

### 7. Monthly Reports

#### 7.1 Manager's Report- Calvin Peck

- The Flood Insurance Rate Map appeal was successful and we have received preliminary maps but it will be another 10 months before they become affective. Information has been put on the Village website but citizens should speak with Chris McCall (Director of Development Services) if there are any other questions.
- Middle Island sewer extension is nearly complete. It has passed the pressure test which is required before the line can be placed in the sewer.
- BHI Limited and the Village have entered into a contract to collect ICE fees at Deep Point, starting January 2, 2008. The fees have been reduced by almost 25%. It should minimize time and frees up police officer so they can do their job. Employee of the year was Ken Bowling, Utilities Director.

#### 7.2 Police Department- Chief Herring

Chief Herring stated that beginning January 1<sup>st</sup> the police officers will not be issuing ICE daily permits and that this will free up one officer per shift which will allow them to do more enforcement on the island. Chief Herring also reported that golf registration is still going on.

#### 7.3 Fire/ EMS Department- Chief Munna

Chief Munna announced that the Fire Department has hired Howard McKellar as the new Firefighter/Paramedic and that Mr. McKellar will begin his full time position beginning December 26<sup>th</sup>.

### 8. Affirmation of Re-Elected Council

#### 8.1 Affirmation of Gene Douglas

#### 8.2 Affirmation of Art Morris

#### 8.3 Affirmation of John Pitera

#### 8.4 Election of Mayor

Councilmember Douglas nominated Larry Lammert and Councilmember Pitera nominated Andy Sayre. Councilmember Douglas and Councilmember Morris voted for Larry Lammert and Councilmember Pitera voted for Andy Sayre.(Vote 3-2)

#### 8.5 Affirmation of Mayor Larry Lammert

#### 8.6 Election of Mayor Pro Tempore-

Councilmember Pitera nominated Andy Sayre (Vote: 5-0)

#### 8.7 Affirmation of Mayor Pro Tempore Andy Sayre

### 9 Comments, Reports and Questions

#### 9.3 Citizens – No comments

#### 9.4 Bald Head Island Association- No comments

#### 9.5 Bald Head Island, Ltd. – No comments

9.6 Bald Head Island Conservancy

Suzanne Dorsey announced that there is a new Environmental Educator position available

9.7 Mayor and Council

Mayor Pro Tempore Sayre brought up the discussion dealings with the Club and Utilities resolution and hopefully coming to an agreement soon. There will be a meeting with the members of the Club at the Village Council retreat on January 15<sup>th</sup>.

**10. Adjourn**

With no additional items for discussion, Mayor Lammert entertained a motion to adjourn the December Council Meeting. Councilor Pitera made the motion to adjourn. In a voice vote, all voted in favor. **(Motion carried 5-0)**

The December 14, 2007 Village Council Meeting adjourned at 4:35 p.m.

Approved:

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Larry Lammert, Mayor

Attest:

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Debbie Talbert, Interim Village Clerk