

Village of Bald Head Island
Council Work Session
July 18, 2008
Location: Bald Head Association Center

Council Present: Mayor Larry Lammert, Mayor Pro Tempore Andrew Sayre, Councilor Gene Douglas, Councilor Art Morris, Councilor John Pitera

Staff Present: Village Manager, Calvin Peck; Assistant Village Manager/ Development Service Director, Chris McCall; Finance Director, Deb Straub; Human Resource Administrative Officer, Dawn Reno; Police Chief, Richard Herring; Captain Doug Leggett; Public Works Director, Ben Liddle; Utilities Director, Ken Bowling; Systems Administrator, David Cox; Attorney Charles Baldwin; Jason Kesler, Legal Assistant to Charles Baldwin; Village Clerk, Joy Davis (recording minutes).

Others Present Per Meeting Sign-In Sheet: BHI Limited Director of Communication, Joyce Fulton; President of BHI Club, Joe Brawner.

- 1. Call to Order/ Approval of Agenda-** Mayor Lammert called the July 18, 2008 Council Work Session to order at approximately 9:30 a.m. Mayor asked Council for approval of the Agenda. With all in approval, voice vote.

(Motion 5-0)

- 2. Review of Agenda / July 18, 2008 Public Hearings & Regular Meeting -**

Public Hearings / Ordinances 2008-0701 & 2008-0702 -

There were no comments, concerns, or questions.

Consent Agenda –

There were no comments, concerns, or questions.

Old Business -

Engineered Beach Project – There were no comments, concerns, or questions.

New Business -

June Financial Statement / FY 07-08 Update / Middle Island Update – There were no comments, concerns, or questions.

Council Consideration – Ordinance Amendment #2008-0701 – There were no comments, concerns, or questions.

Council Consideration – Ordinance Amendment #2008-0702 – There were no comments, concerns, or questions.

Pirate’s Day Proclamation - Mayor Lammert explained that each year Council extends a Pirate’s Day Proclamation in support of the program which contributes to the maintenance and preservation efforts of the Old Baldy Foundation.

Committee Reports -

Public Works

Floodwater Management Study - Council directed Mr. Peck, per his \$50,000 spending approval limit, to sign the Coastal Land Design, PLLC’s proposal to provide a floodwater management study for approximately 20 acres in the area encompassing Sandwich Turn, Edward Teach, Partridge Berry, Poorman’s Pepper Trail, Spanish Needles, Gray Fox and North Bald Head Wynd. (Hereafter Made a Part of These Minutes.)

Re-Appointments - Per the expiration of terms for Board of Adjustment members Marvin Neuwith and Richard Mesaris, as well as Zoning Board of Adjustment alternate members, Ann Hevener and Dana Quanstorm, Councilor Douglas made a motion to approve their re-appointments with Neuwith and Mesaris’ terms being 3 years and Hevener and Quanstroms’ terms being 2 years. Councilor Pitera seconded and the motion was unanimously approved.

(Motion 5-0)

*Notation : There were no reports from Beach, Finance, Public Safety or Transportation Committees.

Monthly Reports -

Captain Doug Leggett answered in the affirmative when the Mayor asked if he would be giving Fire / EMS Report at the regular meeting due to Chief Munna’s absence.

There were no other comments, concerns, or questions.

Addendum Item -

Coastal Resources Commission Update - Per Charles Baldwin’s request Mayor Lammert directed Joy Davis to add an item 6.5, “Ocean Setback Rules” to the afternoon agenda.

3. Managers’ Update on Village Projects & Other Items -

Public Creek Access – Mr. Peck discussed the newly revised Public Creek Access conceptual drawing referencing changes made per the concerns of adjacent property owners regarding an impeding fence line and entrance with both being moved further away from the properties. When asked by Mayor Lammert about the Oakley dock, Mr. Peck confirmed that it will be moved further center of the Oakley property but no final location has been designated. Mayor Pro Tempore Sayre stated that the location should be reflected on the drawing before presentation to the BHA membership.

Mr. Peck stated that the Creek Access project will most likely not be completed by the spring when asked by Councilor Morris, but explained that the Village will be applying for a water access grant in January or February.

Tree Improvements - Mr. Peck reported that the Public Works Department has been pruning and fertilizing oak trees on North Bald Head Wynd, with plans to replicate the process in the Middle Island area. Mayor Pro Tempore Sayre and Councilor Douglas stated that there is a need for this on Muscadine and Stede Bonnet, with Mr. Peck acknowledging that basically there are trees throughout the entirety of the Island which need attention and that the assessment and rectification will continue.

Senate Bill 599 – Mr. Peck reported that Senate Bill 599, introduced by Senator R.C. Soles in an attempt to have the CRC acquire the ability to grant a variance to allow terminal groins on coastline inlets, was killed in Committee. Mr. Peck informed Council that he had expressed his disappointment by phone to Speaker Hackney’s secretary, explaining that the Speaker had made past promises that every bill would be given a vote.

Village Charter – Mr. Peck reported that R.C. Soles’ bill to revise the Village Charter whereby the clerk will report to the manager rather than to Council has passed, and letters of thanks have been mailed to all elected officials who assisted the Village during this process.

N.C. Ports – Mr. Peck and Council discussed a March 13, 2008 Caswell Beach resolution opposing the N.C. Port, as well as a Boiling Spring Lakes’ proposed multi-entity position resolution whereby the Village of Bald Head Island, Boiling Spring Lakes, Caswell Beach, Oak Island, Southport and St. James would jointly state their opposition based on factors such as adverse environmental impact, traffic congestion and other problems.

Following Council discussion it was agreed that a letter be sent thanking them for the invitation, but stating that at this time it would be premature for the Village to take a position until more information concerning the overall plan has been gathered, thus allowing the Village to continue open and positive talks with the Corps and the Port Authority regarding the very important issue of the Channel.

Offshore Drilling - Council stated its support pertaining to the N.C. Beach, Inlet & Waterway Association’s opposition of any federal policy that conditions funding of coastal projects upon granting permission to drill and produce oil and natural gas off the coast of North Carolina. However, Council did agree that the wording could be clearer as some may view it as opposition to offshore drilling.

City of Southport’s Kidney Dialysis Resolution Request - Subsequent to discussion, Council agreed that support of a Doshier Hospital kidney dialysis treatment center is not necessary as there are other local facilities which residents

have access to and the housing of another at Doshier would constitute a duplication of services.

Woodlands Bank – Council discussed Woodlands Bank’s effort to open a branch on the Island and agreed to pen a letter of support drafted from a sample provided by them.

Club Agreement - Mr. Peck reported that the Club Agreement has been signed and filing of the associated easement should be completed within the next day or two.

4. **Creek Access** - *Mr. Peck covered the Creek Access during his manager’s report

5. **Ravella Consulting / Engineered Beach Update**

Mr. Peck and Council discussed Peter Ravella’s charrettes which were held on July 11th and 12th at the BHA, agreeing that Public comments were generally positive, and that his presentation was very informative , interesting, and confidently delivered.

However, Mayor Pro Tempore Sayre and Councilor Douglas stated that a few facts were incorrect, with Mayor Pro Tempore Sayre emphasizing that Mr. Ravella should be accurately versed on all related facts so as to communicate even more effectively during future sessions.

Mayor Lammert stated that some of the Public comments he heard suggested that many have the misconception that the Engineered Beach project has already been approved by Council. The Mayor stressed that the overall project has not been approved but, rather, has involved a series of approvals for matters such as studies and permits which are necessary to gain proper insight into the feasibility and validity of the project as well as to establish facts which will be presented to the Public for their comments prior to Council’s final consideration.

Mayor Pro Tempore Sayre stated that Mayor Lammert is more confident than he is with regards to obtaining the permit and that they really need to stress to Congressman McIntyre the need for this project when meeting with him on Saturday evening. Mayor Lammert replied that he knows there is no assurance regarding a permit, but that he is confident that the application process had been properly executed, thus improving the chances for permitting.

Councilor Douglas stated that he thought the charrettes were effective, but he noted during the Friday session that people do not fully understand two points, with the 1st being the importance of the Village’s contribution to last year’s federal sand project, explaining that if the contribution had not been made the Island would have received only a small and almost insignificant amount of sand. Secondly, regarding the resident’s questions as to whether the Engineered Beach Project would merely be a “band-aid”, Councilor Douglas stated that all efforts made with regards to beach protection and nourishment is, in essence, a “band-aid” as no one has come up with a long-term answer to the problem of beach

erosion. Mr. Peck interjected with his comparison of painting one's house or paving of roads, with beach protection being an ongoing and necessary "band-aid" process.

Mr. Peck brought up the option of a tax on gross receipts of golf cart rentals as a means of supporting the cost of beach nourishment, with Councilor Pitera stating that such a move would be ridiculous if only a small amount of money was generated. Mr. Peck said that he will have staff investigate and will provide a report at the next Council meeting.

Council discussed the \$7M the County makes available to parks and questioned why beaches are not considered parks, stating that Mr. Ravello may be able to offer his assistance on how this might be approached with the County.

Council agreed to hold the next charrettes at 1:00 p.m. on August 22nd and at 10:00 a.m. on August 23rd at BHA, with Mr. Peck stating that a card of invitation will be mailed to all property owners.

6. Election & Terms of Office for Mayor & Council – Per Council's directive at the June 13th Council Work Session, Charles Baldwin reported that either through ordinance or referendum, the Village Charter could be changed with regards to the mode of election of the Mayor as well as Council term limitations.

Subsequent to Councilor Douglas' motion that the mayor be selected through general election for a 4-year term and that council members serve under a 2-term limit, discussion ensued regarding various issues.

Mayor Pro Tempore Sayre expressed his preference for a referendum due to the fact that many times residents do not attend the public hearings associated with ordinance adoption. Councilor Douglas answered that it solely depends on the importance of the proposed ordinance, and that there are many ways of informing the public other than a public hearing notice whether through e-mail blasts, letter, or having another resident speak for them. Mayor Lammert stated that a referendum is very time consuming and may be costly.

Mayor Pro Tempore Sayre commented that another reason to hold a referendum is because this will be dealing with more than just one issue as both term limits and mayoral election are to be addressed.

Councilor Pitera questioned why the mayor could not be elected every 2 years which would be a safeguard in a situation where the mayor is not carrying out his duties. Councilor Morris replied that 2 years may not be enough time to effectively serve the people as it takes time to become familiarized with the role.

Following Mr. Peck's input regarding the various aspects of term limits, Mayor Pro Tempore Sayre stated that staff should investigate and gather definitive information before Council proceeds further.

At discussion's end Councilor Douglas withdrew his original motion and the motion was amended to hold a Public forum at the August 15th 3:00 p.m. meeting to hear comments, opinions, and questions regarding a possible general election of mayor as well as term limitations for Council members and Mayor. With all in approval, voice vote.
(Motion 5 – 0)

Corps of Engineers' Refund - Mr. Peck reported that the Village received the \$421,626.46 refund from the Corps of Engineers for last years federal beach re-nourishment project, thus reducing the total amount expended during Fiscal Year 2007-2008 from \$1.2M to approximately \$800,000.

7. Manager Evaluation & Council Assessment – Douglas

Councilor Douglas reported that he, along with Mayor Lammert, Councilor Morris and Mr. Peck, attended a School of Government seminar on Manager and Council Evaluation in April.

Councilor Douglas stated that currently Council completes an evaluation form, meets to discuss the findings, then, the Mayor compiles the information into a packet and meets with the manager to convey the report.

He explained that at the seminar, they were given sample evaluation forms and learned of the recommendation by SOG that managers be evaluated in the presence of their Council as a means of improving communication. Mr. Peck stated that one of the benefits for the manager is that they hear all aspects of the review first-hand.

Councilor Morris stated that he thought this was a very effective means of evaluation whereby the manager and Council may state their goals and determine if they are in accordance with one another. He went on to say that it would also be a chance for all parties to express any frustrations they may have and to converse on many topics.

Additionally, Councilor Douglas reported, the SOG also recommends that Council evaluate its own performance in a similar process except that Council evaluation must occur in an open meeting per North Carolina law. SOG also suggests that a facilitator be present, at least for the 1st Council evaluation, and he stated that the Davidson County manager had tentatively agreed to preside over the Village Council evaluation if members so desired.

Following Councilor Douglas suggestion that these 2 processes begin in October, Councilor Pitera questioned what would be gained regarding the Council evaluation, other than embarrassing someone or hurting someone's feelings.

Councilor Douglas replied that all members of Council are adults and are civil to one another and there is a potential to improve communication between members, explaining that no one will know fully the impact or results until it has been attempted. He stated that one of the important points conveyed at the seminar was that most people agreed on the effectiveness of the procedures.

Councilor Pitera stated that he thought the Council evaluation should occur at the annual Council Retreat where members can comfortably discuss and work on issues. He also stated that due to what is involved in an evaluation, Mr. Peck's review should occur separately from a monthly work session or council meeting, with Mayor Lammert agreeing and stating that such an evaluation may take a longer amount of time than what is reasonable for regular meetings.

Council agreed that the evaluation methods as proposed by the SOG will be implemented with Mr. Peck's evaluation being held during the month of October and separate from the regular monthly meeting and that Council evaluation will occur at the annual retreat, with dates and times to be set and announced later.

8. Closed Session pursuant to N.C. General Statute 143-318.11 (a) (1), (3), and (5)

Mayor Lammert entertained a motion to enter into Closed Session. With all in approval, voice vote.
(Motion 5 – 0)

Mayor made a motion to return to Open Session, in a voice vote, all in approval.
(Motion 4 – 0)

***Notation : Councilor Morris had to leave the Closed Session due to another obligation.**

Mayor Pro Tempore Sayre made a motion giving Mayor Lammert approval to execute the DWQ settlement agreement. With all in approval, voice vote.
(Motion 4 – 0)

Mayor Pro Tempore Sayre made a motion for approval of the DENR Lagoon agreement. With all in approval, voice vote.
(Motion 4 – 0)

***Notation : There was no Public in attendance at return of Open Session.**

9. Mayor Lammert entertained a motion for adjournment at 12:27 p.m. With all in approval, voice vote.
(Motion 4 – 0)

The July 18, 2008 Village Council Work Session adjourned at 12:20 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Joy Barrow Davis, Village Clerk