

Village of Bald Head Island

Council Work Session

October 26, 2007

9:30 a.m.

Location: Bald Head Association

Councilmembers Present: Mayor Larry Lammert, Mayor Pro Tempore 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, Chief of Emergency Services Chip Munna, Utilities Director Ken Bowling, Public Works Director Ben Liddle, Tax Collector Dawn Reno, Finance Director Deb Straub, Village Attorney Charles Baldwin and Village Clerk Amy Candler recording the meeting.

Others Present: Bald Head Island Limited Director of Transportation Woody Fulton, Bald Head Island Limited Director of Planning Jim Henry and Bald Head Association Manager Joey Hill

Citizens Present: Ray Webb and Bob Porter

1. Call to Order/Approval of Agenda Mayor Lammert

Mayor Lammert called the October 26, 2007 Village Council Work Session to order at 9:30 a.m. Mayor Lammert advised that the ordinance amendment regarding golf cart registration is not ready to go before the Council. Therefore he requested the discussion be postponed to the November meeting. Councilor Pitera made a motion to approve the Work Session agenda as amended. In a voice vote, all voted in favor.

(Motion carried 5-0)

2. Review of Agenda for the Regular Meeting of October 26, 2007.

Mayor Lammert reviewed the afternoon agenda. The only point of discussion was a recommendation from the Public Safety Committee regarding an amendment to the fire alarm ordinance of which was turned over to staff for further recommendation.

At this time, Mayor Lammert asked Ms. Reno to give an update on recent tragedies that have occurred involving the Village Staff in the past few weeks.

Ms. Reno advised that Daralyn Spivey's brother was killed in motorcycle accident while riding with the Blue Knights. The services were in Missouri and have already been held with a turnout of more than 1000 people.

Ms. Reno further advised that Officer Scott Anderson's baby passed away on Wednesday night at 6:45 p.m. She added that the baby had been sick for over a month. The visitation is scheduled for Saturday night from 6:00 p.m. until 8:00 p.m. and the funeral services will be held at the Old Shallotte Baptist Church in Shallotte on Sunday.

Ms. Reno added that Ron Barbine's father passed away on Wednesday morning. A private family service is scheduled for Saturday morning.

3. Discussion of the Proposed Amendments to the ICE Ordinance

Mr. Peck advised that the Village has been working closely with Bald Head Island Limited and Doug Hanna to come up with a faster and easier way to administer the ICE

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ordinance. He advised that the draft ordinance included is the final attempt to better clarify the ordinance.

a. Fee Schedule

The second item for ICE discussion is the amended rate schedule. Mr. Peck explained that the Village is proposing that the Village will charge ICE fees according to the length of the vehicles versus the weight and will supply hang tags to go on the mirrors of the vehicles. Each tag will have an expiration date. Mr. Peck advised that the new fee schedule will decrease revenue approximately 25%. There was discussion regarding the language used on the rate schedule. Mr. Peck advised that the language can very easily be corrected.

b. Operating Agreement with Bald Head Island Limited

Mayor Lammert disagreed with the renewal period of June 31, 2008 of which is stated in the contract. Councilor Pitera agreed that there has been a lot of work that has went into these changes to possibly scrap after 6 months. Mayor Pro Tempore Sayre agreed, but advised that the Village cannot force the contractor to sign on for a longer period of time. Councilor Douglas commented that he feels the Village should move forward with the implementation of the changes and the agreement and try to work the bugs out during the implementation period. Mr. Fulton advised that the agreement was written with the direction from upper management from Limited. Mayor Lammert shared his concern regarding the time frame of the agreement, stating that the Village and Limited would have to start negotiating a new contract shortly after implementing the agreement. After a continued short discussion and a few minor changes were made to the agreement, it was the consensus of the Village Council to move forward with the first reading and set a public hearing date at the afternoon meeting.

4. Discussion of the Proposed Amendments to the Water Shortage Response Plan

- Drought Restriction
- Recommendation of New Water Rates

Mr. Peck advised that the Village is currently under the water shortage plan that prohibits the use of outdoor potable water. He advised that this has placed a hardship upon island citizens as well as caused interruptions in business for contractors and subcontractors that work on the Island. Mr. Peck reviewed the proposed changes to the ordinance regarding drought designations. He advised that the Village Council can adopt a resolution at the afternoon meeting to immediately enact less stringent restrictions which will allow for the return of somewhat normal business. The Village Council agreed to add the resolution to the afternoon agenda as well as the first reading and set a public hearing date for the proposed amendment to the Village ordinance regarding drought designations.

Mr. Bowling explained that the Village is proposing a two (2) tier rate structure for residential and non-residential water customers. He advised that this rate structure will eliminate the current Brunswick County surcharge, therefore placing the burden of

the payment for Brunswick County water on the water users that exceed their water budget amount. The water rate changes will affect the irrigation only meters. Mr. Bowling explained that the Brunswick County Water surcharge is currently charged per household. It was the consensus of the Village Council to add the water rate fee schedule to the afternoon meeting.

5. Discussion of Property Taxes

- **County Tax Collections**
- **2008 Minimal Tax Billing**

Mr. Peck reported that he has been working with Brunswick County regarding the feasibility of the County collecting tax bills for the Village. The Council expressed concern regarding the collection rate. Mr. Peck advised that the collection rate for the municipalities that Brunswick County collects varies with the areas. He further advised that the County charges 1.5% to collect taxes. Mayor Lammert further advised that the Village is also going to check in the lock box option. It was the consensus of the Village Council to investigate the County collecting the taxes but advised that they do not intend to pay for this service.

Ms. Reno explained that the deadline regarding the collection of minimal tax bills has already passed but she is requesting that tax bills under \$5 be waived for the 2008 tax year. It was the consensus of the Village Council to add this resolution to the afternoon agenda.

6. Discussion of the Village Joining the “Cool Cities” Program

Mr. McCall explained that the “Cool Cities” program is a program initiated by the US Conference of Mayors. He advised that this program is a nonbinding commitment for cities to work toward reducing their greenhouse gas emissions. There was concern from within the Council that staff would have to spend time providing documentation to this organization regarding the steps that the Village has already taken to reduce the greenhouse gas emissions. Council directed staff to move forward with the “Cool Cities” program as long as it does not require any additional staff time.

7. Discussion a Resolution Seeking Amendments to the NCGS Concerning Property Tax Exemptions for Certain Homeowner Association Property

Councilor Douglas explained that the property tax exemptions came up at the BBC meeting. Mr. Peck helped explain that the North Carolina General Statutes are interrupted as so POA’s do not get taxed on common areas. Councilor Douglas explained that this instance has come up on Oak Island. A POA from another area in the state has purchased a house on Oak Island and is not being taxed on it because it is considered common area of the POA. Councilor Douglas made a motion to approve the resolution. In a voice vote, all voted in favor. **(Motion carried 5-0)**

8. Discussion of Becoming a Sponsor for the NCBIWA Annual Conference

Councilor Douglas advised that the NCBIWA Annual Conference is coming up in November and asked Council if they would be interested in becoming a sponsor of the conference. He added that NCBIWA is an effective organization and would recommend that the Council become a sponsor of \$1000. Council agreed.

9. Discussion of the Council Retreat Date and Location

The Village Council agreed to return to Litchfield Plantation for the Annual Retreat from January 13th through 15th, 2008.

10. Manager's Update and Other Items of Consideration

Mr. Peck reported that there had been a lull in the Middle Island Sewer Extension progress this week. He advised that this was caused by weather and equipment failure. He further advised that the contractors are shooting for a completion date of the end of November. Councilor Douglas asked if there have been any complaints regarding the road being blocked. Mr. Peck advised that the complaints have been minimal. Councilor Pitera advised that he has heard concerns that the road is not being put back to the way they were before the extension. Mr. Peck confirmed that the condition of the roads are the effect of cutting the price of the project almost in half. Council Pitera asked if the Village could at least put the calcium chloride back on the road to control the dust. Council discussed the cost and agreed it would be a minimal amount of funds. Council agreed to move forward with placing the calcium chloride back to the roads after the extension is complete.

Mr. Peck reported that during the Village Hall Expansion presentation the issue was raised regarding a library. He advised that he met with officials from Brunswick County and placing a library on the Island is a possibility. He asked Council if staff should investigate this possibility any further. Council directed the Village Manager to move forward with the negotiations.

Mr. Peck reported that the contract with Waste Industries will expire in December. He advised that all the solid waste contracts within the municipalities in Brunswick County will expire in December. Mr. Peck asked the Council if they want to continue with Waster Industries. The Council asked of other options. Mr. Peck advised that there are no other options for the Island due to the logistics of the Island. Council advised that they would like to see how much other towns in Brunswick County are being charged for solid waste pickup.

Mayor Pro Tempore Sayre asked for an update on the private sand placement process. Mr. Peck advised that the Village has contracted with an unknown Shrimper for additional testing to be able to answer additional questions that are needed to complete the EA or EIS. Mayor Pro Tempore Sayre advised that the Corps of Engineers have been very non-committal regarding their support of an EA. Mr. Peck advised that there is a briefing coming up on November 19th at the Corps and the Village is hopeful there will be additional information provided at that time.

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Mr. Peck reported that the first draft of census data on deer was received yesterday. He advised that the report is very preliminary and Westervelt has not made a recommendation yet. He further advised that it appears the deer population on the Island is the lowest that has been seen on the Island in several years. Mr. Peck reported that the yearly culling program appears to have been effective. Mr. Peck added that Westervelts final recommendation will be made to the Village next week.

Councilor Douglas asked if anyone has seen the news paper article in the State Port Pilot regarding the response from NCDENR? He advised that the article implied that DENR had contacted the Village regarding the lagoons and gave the impression that they are not at all happy with the Village. Mr. Peck advised that he will contact DENR for additional information.

At the request of Ms Straub Councilor Douglas clarified that the motion he made in December regarding the ferry tax fringe benefit is to be an ongoing fringe benefit with the Village paying for the ferry transportation tax for the Village Employees.

11. Closed Session (pursuant to N.C. General Statutes 143-318.11(a)(1), (3) (5) and (6))

- **Howard Biggers III, vs. Village of Bald Head Island, et al**
- **Property and Facility Acquisition**
- **Legal Issues Regarding ICE Fees**
- **Personnel**

Councilor Douglas made a motion to enter into closed session pursuant to N.C. General Statutes 143-318.11(a) (1), (3), (5) and (6). In a voice vote, all voted in favor. **(Motion carried 5-0)**

The closed session began at 11:30 a.m.

Councilor Morris made a motion to return to open session. In a voice vote, all voted in favor. **(Motion carried 5-0)** Mayor Lammert advised that no action was taken during closed session.

The open meeting reconvened at 12:50 p.m.

12. Adjourn

With no additional items for discussion, Mayor Lammert entertained a motion to adjourn the Work Session Meeting. Mayor Pro Tempore Sayre made the motion to adjourn. In a voice vote, all voted in favor. **(Motion carried 5-0)**

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The October 26, 2007 Village Council Work Session adjourned at 12:52 p.m.

Approved:

Larry Lammert, Mayor

Attest:

Amy R. Candler, Village Clerk