



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, November 9, 2010—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

CONSENT AGENDA:

1. Approve minutes of October 12, 2010-Regular Meeting (open session)
2. Approve DOT concurring resolution to make the speed limit on HWY 179 between Clariday Road and Landing II 45mph (The Calabash Board of Commissioners originally approved this change on January 12, 2010—DOT never made the change and needs a current resolution passed to move forward).

MINUTES: (If any Board member would like to discuss a set of minutes included on the Consent Agenda, they should be moved to this location during Adjustment of the Agenda)

MAYOR'S COMMENTS:

PUBLIC COMMENTS:

CORRESPONDENCE:

**INTERIM TOWN ADMINISTRATOR'S REPORT:
BUILDING INSPECTOR'S REPORT:**

COMMITTEE REPORTS:

1. Fire Department—Commissioner Nance
2. Planning & Zoning—Ms. Southward
3. Finance—Commissioner King
4. Water/Wastewater—Mayor Clemmons
5. Town & Merchant—Commissioner King
6. Stormwater—Ms. Southward
7. Long Range Planning—Commissioner King
8. Calabash Community Services—Commissioner Knight

OLD BUSINESS:

1. **Discussion/Action**—review the updates made to the RFE for the stormwater runoff review of Riverview Drive and River Road to ensure they were made in accordance with BOC direction made on October 12, 2010; determine how to move forward in obtaining an engineer and/or select an engineering firm.
2. **Discussion/Action** to determine prices for the Heritage Bricks for the park fund raiser (Commissioners Knight and King).
3. **Discussion/Action** to review and revise the personnel evaluation form (tabled in October).

NEW BUSINESS:

1. **Discussion/Action** to consider the Preliminary Subdivision Plat for Riverwalk at Calabash—a 1.6 acre tract into 6 lots (1360 Beach Drive, Tax ID #2550000305). (Ms. Southward)
2. **Discussion/Action** to consider making a portion of the revised Fee Schedule that was adopted in September retro-active to June 10, 2010—fees included in the schedule that pertain to multifamily developments (all trades).
3. **Discussion/Action** to consider ordinance amendments regarding re-cooping attorney/legal fees for violations regarding in legal action:
 - a. Amendment to §10.99 of the General Code of Ordinances
 - b. Amendment to §1-10 of the Unified Development Ordinance
 - c. Schedule a public hearing for Tuesday, December 14, 2010 6pm at Town Hall for the two amendments.
4. **Discussion/Action** to consider reappointments to the Planning & Zoning Board:
 - a. Reappoint Mr. J.W Brown for a 3-year term
 - b. Reappoint Mr. Alton Watts for a 3-year term
 - c. Reappoint Mr. Martin Keefe for a 3-year term
5. **Discussion/Action** to review Chapter 96-Open Burning of the Code of Ordinances; make changes as necessary. Weigh the pros and cons of the Yard Debris Pick Up Program (Commissioner King).
6. **Discussion/Action** to consider approving Christmas bonuses for staff, as budgeted, to be paid during the first payroll in December.
7. **Discussion/Action** §32.10-Purchasing-to cover services in addition to supplies and materials. (Commissioner Melahn)
8. **Discussion/Action** to consider authorizing the Interim Town Administrator to hire temporary clerical assistance to provide better coverage of Town Hall until a “permanent” Town Administrator is selected. (Commissioner Melahn)

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(3)—Legal Matters

ACTION AS A RESULT OF CLOSED SESSION:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, November 9, 2010 – 6:00 p.m.**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, November 9, 2010, 6:00 p.m. in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC 28467.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner Mary Louise Knight, Commissioner John Melahn, Commissioner Forest King, Commissioner Joseph Nance, and Commissioner William Dixon; all members were present.

STAFF PRESENT: Interim Town Administrator/Town Clerk Kelley Southward and Town Attorney Mark Lewis.

GUESTS PRESENT: There were approximately ten guests present.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Clemmons called the meeting to order at 6:00 p.m. and in honor of Veterans Day local resident and Army veteran Mr. William Seip was asked to lead the Pledge of Allegiance. Roll call of Board members and staff was taken with attendance reflected above.

APPROVE/ADJUST AGENDA: Commissioner Nance added a ninth item under New Business, update of River Road manhole/sink hole. *Commissioner Melahn motioned to approve the adjusted agenda, seconded by Commissioner Nance and carried unanimously carried.*

CONSENT AGENDA/MINUTES:

1. Approve minutes of October 12, 2010 Regular Meeting (open session)
2. Approve DOT concurring resolution to make the speed limit on HWY 179 between Clariday Road and Landing II 45 mph (The BOC originally approved this change on January 12, 2010—DOT never made the change and needs a current resolution passed to move forward).

Commissioner King moved to approve the Consent Agenda, seconded by Commissioner Knight and unanimously carried.

MAYOR'S COMMENTS: The Mayor commended Town Services employee Sid Silvers for his efforts in painting Sanborn Hall as well as the offices.

PUBLIC COMMENTS:

Mr. Jim Myers, in his update on the Town Center apartment complex, noted that more than twenty-eight local businesses were used or hired on the project. The economic impact on the local economy to date has been over 1.7 million dollars and will exceed 6 million dollars before the project is complete. Thirty apartments have been rented for a year. There are one hundred people working on the project and that number is expected to double. Debris removed during clearing has been recycled and they are working hard to save trees. All first floor units will be ADA compliant; far exceeding the mandated complaint

rate. He stated that Building Inspector Stanley Dills has been doing a superb and thorough job. He invited Board members to visit the site.

CORRESPONDENCE: No items.

INTERIM TOWN ADMINISTRATOR'S REPORT: While Ms. Southward did not include a written report, she stated that she could answer any questions.

BUILDING INSPECTOR'S REPORT: The Mayor noted that a total of 133 building and fire inspections had been completed.

COMMITTEE REPORTS:

1. **Fire Department:** A copy of the minutes from the Calabash Fire Department's November 8, 2010 meeting is attached hereto. Commissioner Nance stated that the fire department was in good financial standing. The fire department has available in its budget the funds to replace their existing fire/rescue truck that is in need of extensive repairs. There is an almost new one in Garner, NC that a bid was submitted. He will report the results of the bid opening to the Board
2. **Planning and Zoning:** Ms. Southward reported that Planning & Zoning Board (PZB) members reviewed plans for Riverwalk at Calabash, which is included on tonight's agenda for the Board of Commissioners to review. The PZB recommended that sidewalks be included in the hammerhead right of way per the requirement in the Land Use Plan that all new subdivisions have sidewalks. They discussed animated signs and set a workshop for Monday, November 15, 2010 at 6:00 p.m. to continue the discussion. The PZB discussed the penalty section of the UDO and recommended approval of the proposed amendment to §1-10 Fees.
3. **Finance:** Commissioner King noted that to date 36% of Town taxes had been collected.
4. **Water/Wastewater:** Mayor Clemmons noted that more Town residents would soon be able to tie into the sewer. The County should be sending out letters sometime in November informing residents in Calabash Acres, Pine Bur, Bay Point and Beach Drive that they may begin the connection process. No hook ups can occur without first receiving this letter from the County. The contractor continues to take care of items on the punch list--stabilization of ditches, reseeding, etc. Project infrastructure is complete. He suggested that if the County does not expend all the funds set aside to provide assistance to low income and handicapped residents, the Board consider asking the County to raise the income level so more residents can apply for and be approved for the assistance money.
5. **Merchant Association:** Commissioner King stated that the Second Annual Fall Festival and Car Show would be held on Saturday, November 13th from 9:00 a.m. to 5:00 p.m. The Christmas Tree Lighting is the next event to be held in Town. There was discussion regarding the inclusion of decorated vehicular conveyances (such as floats) from outside the municipal limit in the golf cart parade. It was determined that people/business from outside the town could enter golf carts (and other small conveyances) in the parade. Larger conveyances, such as floats, were a subject that would require further review.
6. **Stormwater:** The report is herewith attached to the minutes. Commissioner Knight provided an update regarding work performed by County Mosquito Control staff in Calabash Acres in response to a ditch complaint registered by a resident. She would like the County complimented on the work performed. Commissioners Dixon and Nance noted it was probably Mr. Brady Hickman.
7. **Long Range Planning:** Commissioner King stated that the Committee would be meeting Thursday, November 18th and would be discussing sidewalks and the Town Hall expansion project.
8. **Community Service:** Commissioner Knight thanked Community Service members for their efforts, including volunteering in Town Hall once a month to assist with various projects. She also thanked the

Mayor for the purchase of a tent for the Fall Festival. She said they would be taking orders for the Heritage Bricks at that event as well as selling lemonade and cookies.

OLD BUSINESS:

1. **Discussion/Action**-Review updates made to the RFE for stormwater runoff review of Riverview Drive and River Road to insure they are made in accordance with BOC direction made on October 12, 2010; determine how to move forward in obtaining an engineer and/or select an engineering firm.

Commissioner Melahn stated that he had incorporated changes into the engineering specifications. Commissioner King, referring to Section 2.2.2, noted that the area experiencing wash outs was between Coleman's and Capt. John's restaurants, not Captain Nance's. Discussion continued with Ms. Southward noting that the RFP had been approved and the decision to be made was that of how to move forward with the engineering. *Commissioner King motioned to instruct the Interim Town Administrator to contact Norris Kuske and Tunstall Consulting Engineers, give them the scope of work, requesting an as close as possible estimation of the cost and to proceed immediately. Commissioner Nance seconded the motion.* Discussion continued with the Mayor asking if Commissioner King was requesting only a ball park cost and time frame. With no further discussion, the *Mayor asked for a vote; the motion unanimously carried.*

2. **Discussion/Action** to determine the price of the Heritage Bricks for the park fund raiser.

Commissioner King stated that one of the three companies found was local, out of Wilmington, and that the prices were about the same for all of the companies. He went on to say that Long Range Planning Committee members had discussed the donation for a 4x8 brick with one line at \$50, two lines for \$75 and three lines at a cost of \$100. He stated that one line seemed insufficient to convey a message. He suggested the base donation include two lines of printing with the third line at an additional cost. He said that the donation for the 8x8 brick still had to be established. Commissioner Knight asked that they keep in mind that the donation should be set at an amount town residents could afford. Commissioner Knight suggested that one or two lines be \$50. Before a consensus of the Board was taken, Commissioner King asked Mr. Scott Stewart, who was in the audience, to comment on the base donation. Mr. Stewart stated that the cost of engraving a brick could be \$18. For every 100 bricks sold, the Town would make, according to Mr. Stewart, \$2800 to \$3200, but that does not include the installation and ground preparation. Commissioner Dixon stated that he thought he could get some people he knew to volunteer to help with the installation. Commissioner King stated that the donation amount for a third line could be an additional \$25. Mr. Stewart suggested a base donation of \$50 with the donation of three lines at \$75. The addition of a symbol and customized bricks would have an additional cost. The bricks are to be sandblasted. During the course of the discussion it was recommended the donation for an 8x8 brick could be \$100 for one to two lines of engraving, three lines of engraving for a donation of \$125 and four to eight lines of engraving for a donation of \$150 and some flexibility in the donation associated with the addition of a symbol/logo pending the outcome of the information Mr. Stewart said that he would gather. Following the lengthy discussion it was the consensus of the Board to proceed as discussed.

The Mayor called for a ten minute recess.

3. **Discussion/Action** to review and revise the personnel evaluation form.

The Mayor asked that a motion be made to reopen the item for discussion. *Commissioner Nance motioned to reopen the review of the personnel evaluation form, seconded by Commissioner Knight and unanimously carried.* Such issues as devising separate evaluation forms for supervisors and day-to-day workers, classifications, point systems, updating the blocks, adding more room for comments, the basis of the existing evaluation form, gathering samples from other towns and having Commissioner Knight address the evaluation form with a representative of the Cape Fear Council of Government was discussed. Commissioner Knight stated she would meet with the Town Clerk, she will pass out a copy to each Board member prior to the next meeting, and after reviewing the form, make any necessary changes so that before the meeting

Following the discussion, Commissioner Knight motioned that she would meet with the Town Clerk and before the next meeting she would pass out a copy of the evaluation form, spend a few minutes reviewing the form and, if corrections and/or changes are needed, incorporate the changes so that a final draft can be approved at the next meeting. This motion was seconded by Commissioner Nance and unanimously carried.

NEW BUSINESS:

1. Discussion/Action to consider the Preliminary Subdivision Plat for Riverwalk at Calabash-a 1.6 acre tract into six lots (1360 Beach Drive, Tax ID #2550000305).

Ms. Southward stated that the Planning and Zoning Board had recommended approval of the preliminary plat upon the condition that sidewalks be added to the hammerhead (a cul-de-sac) per the Land Use Plan. She noted that Mr. Chris Stanley was present to explain and to show the Board a revised plan that had incorporated sidewalks. Discussion ensued during which the width of the sidewalks (5 feet), location within the right-of-way, the pedestrian access along the rear of the lots to the common area and the Land Use Plan policy as it pertains to the inclusion of sidewalks in new developments. Commissioner King, citing a provision in the building code, stated that a builder did not have to be compelled to do something that was impractical. He stated that the inclusion of a sidewalk inside the cul-de-sac was impractical and could pose a potential hazard.

Commissioner Knight motioned to disregard the inclusion of the sidewalk. Commissioner King seconded the motion. Discussion continued concerning the location of utilities, stormwater management, NCDOT permit application, an area of environmental concern at the high water line, impervious surface and an infiltration system.

Commissioner Knight amended her motion to approve the Preliminary Plat for Riverwalk at Calabash and the developer is to disregard the inclusion of sidewalks. Commission Melahn seconded the motion which unanimously carried.

2. Discussion/Action to consider making a portion of the revised Fee Schedule that was adopted in September retro-active to June 10, 2010-fees included in the schedule that pertain to multifamily developments (all trades).

The Mayor provided a brief overview. Commissioner King stated that it was an oversight by the Board not to have made the changes to the fee schedule retro-active when the new schedule was approved during its September 14, 2010 Regular Meeting. Following discussion *Commissioner Melahn motioned to approve the revised fee schedule as it pertains to multifamily developments which was adopted on*

September 14, 2010 retro-active to June 10, 2010. Commissioner King seconded the motion which unanimously carried.

3. Discussion/Action to consider ordinance amendments regarding re-cooping attorney/legal fees for violations regarding legal action:

- a. Amendment to §10.99 of the General code of Ordinances
- b. Amendment to §1-10 of the Unified Development Ordinance
- c. Schedule a public hearing for Tuesday, December 14, 2010, 6:00 p.m. at Town Hall for the two amendments

The Mayor provided a brief overview and Ms. Southward stated that she had spoken with Town Attorney Lewis during the break and he suggested that in General Code 10.99 adding a subsection F: “in addition to the recovery of fines and injunctive relief the Town shall also recover the cost of court and reasonable attorney fees.” Discussion ensued regarding alternate wording to be included in §10.99 and referencing the language to the UDO. Mr. Lewis suggested the following wording: violation of this ordinance is subject to penalties provided in section 10.99.” It was determined to have the wording regarding penalties to the new General Code subsection F §10.99 and in the UDO. A public hearing is may be needed to make the change to the UDO and the pubic hearing can include the change to the General Code. *Commissioner King moved to set a Public Hearing for Tuesday, December 14, 2010 at Town Hall, 6:00 p.m. for the purpose of amending Section 1-10 of the UDO and §10.99 of the General Code. Commissioner Melahn seconded the motion which unanimously carried.*

4. Discussion/Action to consider reappointments to the Planning and Zoning Board:

- a. Reappoint Mr. J.W. Brown for a three year term
- b. Reappoint Mr. Alton Watts for a three year term
- c. Reappoint Mr. Martin Keefe for a three year term

Commissioner Nance motioned to reappoint Mr. J.W. brown, Mr. Alton Watts, and Mr. Martin Keefe to the Planning and Zoning Board for three year terms, seconded by Commissioner Knight and carried unanimously.

5. Discussion/Action to review Chapter 96-Open Burning of the Code of Ordinances; make changes as necessary. Weigh the pros and cons of the Yard Debris Pick Up Program.

Commissioner King noted that approximately \$1600 is spent per month to empty the Maintenance Yard dumpsters and there have been incidents of abuse by people using the dumpsters that are not residents. He stated there are some misconceptions about burning and asked for clarifications regarding what can and cannot be burned in town. Discussion continued regarding acquiring information on the cost of mulching machines, researching contracting with mulching companies, locking the Maintenance Yard gate, staffing the Maintenance Yard, and restricting the hours at the Maintenance Yard. Ultimately it was determined to add information on the Town’s website about burning, return to having set hours at the Maintenance Yard (with hours to be set by staff), staff are to clarify the exact nature of the type of recreational open burning that is permitted and devise an informational sheet for residents.

6. Discussion/Action to consider approving Christmas bonuses for staff, as budgeted, to be paid during the first payroll in December.

Following discussion *Commissioner Nance motioned to approve Christmas bonuses for staff as budgeted to be paid in the first payroll in December, seconded by Commissioner Knight and unanimously carried.*

7. Discussion/Action §32.10-Purchasing-to cover services in addition to supplies and materials.

Commissioner Melahn provided an overview of a change to Title III, Chapter 32, Town Policies, §32.10 the ordinance; the addition of the “services”, the requirement of three quotes for services exceeding or expected to exceed \$5,000 and the addition of a provision for low dollar amounts (approximately \$100) unless specifically waived by the BOC. Paragraph §32.10 currently states that a purchase order be used for all purchases of materials and supplies that exceed \$100. Commissioner Melahn stated that tracking charges for services can be difficult without assigning a purchase order number so that multiple invoices for services from multiple vendors extending over a period of time is not readily available. Ms. Southward explained that currently services are not assigned purchase orders as costs associated with services are high and are approved by the BOC and are noted in the minutes. While existing software tracks vendor names not purchase order numbers, new software could track purchase orders. She noted that the current system is working. Commissioner King noted that the BOC can always request three quotes if need be.

Following the discussion, *Commissioner Nance motioned not to change §32.10 and maintain the status quo, seconded by Commissioner Dixon and carried with Commissioner Nance, Commissioner Dixon and Commissioner King voting for the motion and Commissioner Melahn and Commissioner Knight voting against the motion.*

8. Discussion/Action to consider authorizing the Interim Town Administrator to hire temporary clerical assistance to provide better coverage of Town Hall until a “permanent” Town Administrator is selected.

Commissioner Nance motioned to table agenda items eight and nine until the December meeting; seconded by Commissioner Dixon. Commissioner Melahn stated that the purpose of the agenda item was to provide the Town Clerk with approval to hire temporary assistance. Commissioner Nance stated, as the approval was the only crux of the agenda item, he would withdraw his motion. *Commissioner Nance withdrew his motion and Commissioner Dixon then withdrew his second. Commissioner King motioned to authorize the Town Clerk to hire, if needed, temporary clerical assistance, seconded by Commissioner Melahn and unanimously carried.*

9. Update, River Road manhole/sink hole.

Commissioner Nance provided an update of the repairs to River Road. He reported that there had been some miscommunication regarding the scope of the work. The Town Clerk relayed a conversation she had with Mr. Jerry Pierce. Mr. Pierce told the Town Clerk that he was not aware that the scope of work included more than the paving of a low spot that had been done. The Town Clerk relayed this information to Commissioner Nance. He then contacted Brunswick County Commissioner Norris. Commissioner Norris who stated that his impression was more work was to be done, that formation might not have been relayed properly and that he would look into the matter.

CLOSED SESSION:

The Mayor dispensed with the Closed Session upon being informed by the Town Clerk that there were no items requiring updating.

PUBLIC COMMENTS: No comments.

BOARD COMMENTS: The Mayor requested that at the December meeting, Commissioners provide an end-of-the year report and comment on their goals for 2011.

ADJOURN:

Commissioner King motioned to adjourn the meeting, seconded by Commissioner Knight and unanimously carried.

(seal)

Anthony Clemmons, Mayor

attest

Kelley Southward, Town Clerk