



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, March 8, 2011—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARING: To receive Comments regarding the January 2011 Brunswick County Multi-Jurisdictional Hazard Mitigation Plan.

BOARD DISCUSSION/ACTION: Consider approval of the “Resolution to Adopt the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan”.

PRESENTATION: 2011 Stewardship Award

MINUTES:

1. January 11, 2011, Regular Meeting (tabled in February)
2. February 8, 2011, Regular Meeting
3. February 14, 2011, Budget Workshop #1
4. February 16, 2011, Special Meeting re: advertising for Town Administrator
5. February 16, 2011, Special Meeting/Workshop re: Town Services Salaries

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—Commissioner Knight
3. Finance—Commissioner King
4. Town & Merchant—Commissioner King

5. Calabash Community Services—Commissioner Knight

OLD BUSINESS:

1. **Discussion/Action** to consider amendments to Title V, Chapter 54-Roadways of the Code of Ordinances. (Commissioner Melahn-tabled item)
2. **Discussion/Action** to consider an appointment/reappointment to the Calabash Fire Department Board of Directors. **Disc**
3. **Discussion/Action** to consider scheduling a Public Hearing for Tuesday, April 12, 2011 6:00 pm at Town Hall for revisions/amendments to Article 18 of the UDO as they pertain to signs/animated signs/creative signs. **Disc**

NEW BUSINESS:

1. **Discussion/Action** to consider approval of Thistle map of revisions to Phase 2, Crail Court (amend side setbacks). **Disc**
2. **Discussion/Action** to review Long Range Planning Committee’s recommendation for street repairs; consider approving the scope of work for Harbor Drive; and direct the Interim Town Administrator to move forward in obtaining bids for street repairs. **Disc**
3. **Discussion/Action** to consider approving a budget amendment to appropriate funds to 10-540-45 (Building Inspections, Contracted Services). **Disc**
4. **Discussion/Action** to consider making an appointment for an In-Town Member of the Planning & Zoning Board. **Disc**
5. **Discussion/Action** to provide the Town Administrator with direction on how to move forward in obtaining specifications and/or drawings for the structure at the park (Commissioner King). **Disc**
6. **Discussion/Action** regarding Chain of Command and the Town’s Organizational Chart (Mayor Clemmons) **Disc**

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(6)—Personnel Matters; annual evaluation and employee performance/qualifications.
2. 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, March 8, 2011**

MINUTES

The Calabash Board of Commissioners held a Regular Meeting on Tuesday, March 8, 2011, 6:00 p.m. in Sanborn Hall, located at 882 Persimmon Road, Calabash, NC 28467.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner William Dixon, Commissioner Joseph Nance, Commissioner John Melahn and Commissioner Mary Louise Knight.

MEMBERS ABSENT: Commissioner Forrest King.

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

GUESTS PRESENT: There were approximately ten individuals present in the audience.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Clemmons asked Mr. Scott Stewart to lead the congregation in the Pledge of Allegiance. Roll call was taken with attendance reflected above.

APPROVE/ADJUST AGENDA: Mayor Clemmons, referring to Item #3 under Old Business, asked that the paragraph read as follows: "Discussion/Action to identify amendments/revisions regarding signs in the UDO on Article 2 and Article 18 and consider scheduling a Public Hearing for Tuesday, April 12, 2011, 6:00 p.m. at Town Hall. *Commissioner Nance motioned to approve the agenda as amended, seconded by Commissioner Melahn and unanimously carried.*

PUBLIC HEARING: *Commissioner Nance motioned to open the Public Hearing for the Multi Jurisdictional Hazard Mitigation Plan, seconded by Commissioner Melahn and unanimously carried.* Mr. Marc Pages, Land Planner with the Brunswick County Planning Department, presented the 2011 updated multi-jurisdictional Hazard Mitigation Plan and outlined its contents. He noted that the plan was required by federal law in order to receive federal disaster assistance. The plan had been approved by FEMA and the NC Emergency Management, pending adoption, and met field requirements. The plan was a complete re-write from the 2005 plan but build upon it. There were now twelve jurisdictions participating in the plan. It had been reviewed for the past year at the federal and state level. Commissioner Melahn posed a question regarding how often the plan was reviewed. Mr. Pages replied every five years.

Following the discussion, *Commissioner Nance motioned to close the Public Hearing and to reenter Regular Session, seconded by Commissioner Knight and unanimously carried.*

BOARD DISCUSSION/ACTION: Consider approval of the “Resolution to Adopt the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan.” *Commission Melahn motioned to approve the Resolution to Adopt the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan, seconded by Commissioner Knight and unanimously carried.*

PRESENTATION: Mayor Clemmons presented to Mr. Scott Stewart a Stewardship Award plaque. He lauded Mr. Stewart for his extensive efforts on behalf of the Town of Calabash and how he exemplified the spirit of Calabash. Following the presentation, Mr. Stewart expressed his appreciation and thanks. The Mayor asked the Board to continue the process of awarding a Stewardship Award.

MINUTES:

1. January 11, 2011, Regular Meeting (tabled in February)
2. February 8, 2011, Regular Meeting
3. February 14, 2011, Budget Workshop #1
4. February 16, 2011, Special Meeting-advertising for Town Administer
5. February 16, 2011, Special Meeting/Workshop for Town Service Salaries

Commissioner Melahn motioned to un-table the January 11, 2011 minutes, seconded by Commissioner Knight and unanimously carried. Commissioner Nance motioned to approve as presented all five sets of minutes, seconded by Commissioner Melahn and unanimously carried.

MAYOR’S COMMENTS: The Mayor asked for a moment of silence to honor the passing of Mr. Buddy Kelly, the Mayor of Shallotte.

PUBLIC COMMENTS: None

CORRESPONDENCE: None

INTERIM TOWN ADMINISTRATOR’S REPORT: A copy of the Interim Town Administrator’s report is hereto attached to the minutes. Ms. Southward briefly commented on the county’s sewer assessment.

BUILDING INSPECTOR’S REPORT: A copy of the Building Inspector’s report is hereto attached to these minutes.

COMMITTEE REPORTS:

1. **Fire Department:** Commissioner Nance reported that everything was going well.
2. **Planning and Zoning:** Commissioner Knight provided a recap of their March meeting. She thanked Mr. Ken Drennan, who resigned as a member of the Board, for his efforts, and acknowledged Mr. Marty Keefe, who had also resigned, for his efforts. She noted that Planning and Zoning Board members motioned to recommend sending the Creative Signs ordinance to the Board of Commissioners with an adjustment to the definition of animated signs. The Board also recommended the letters of interest of all three candidates to fill the vacant position on the Board.

3. **Finance:** In the absence of Commissioner King, Ms. Southward provided a brief summary of the Town's financial situation.
4. **Town and Merchant:** In the absence of Commissioner King, Merchant Association member, Mr. Michael Abushakra, provided a brief overview of current activities and advertising efforts.
5. **Community Service:** Commissioner Knight provided a brief report on activities. Concerning the Beautiful Yard Contest, a prize may be added to the best merchant landscaping. Commissioner Nance suggested not having a sign up and simply advertise that the event was happening and winners would receive a prize.

OLD BUSINESS:

1. **Discussion/Action** to consider amendments to Title V, Chapter 54-Roadways of the Code of Ordinances (tabled item).

Commissioner Melahn motioned to un-table the discussion of Title V, Chapter 54, seconded by Commissioner Nance and unanimously carried. Following a brief discussion, during which Commissioner Melahn noted that grammatical errors had been corrected and in §54.20 guard rails, according to the NC Building Code, were 42", not three feet as previously written. The basic code was basically in effect and the primary addition was the dollar amount to the penalty section and there was a clause that if the Town had to take remedial action to make repairs, the party responsible for the infraction was responsible for the cost of repairs. Commissioner Melahn noted that the cost of ordinance re-codification is estimated to be between \$20,000 and \$30,000, work he accomplished without cost to the Town. *Commissioner Melahn motioned to approve Title V, Chapter 54, Roadways, seconded by Commissioner Knight and unanimously carried.*

2. **Discussion/Action** to consider appointment/reappointment to the Calabash Fire Department Board of Directors.

The Mayor opened the floor for nominations. Commissioner Knight nominated Commissioner Nance. As there were no further nominations, the Mayor opened the floor for discussion. As there was no discussion, *Commissioner Knight motioned to appointment Mr. Jody Nance to the Calabash Fire Department Board of Directors, seconded by Commissioner Dixon and unanimously carried.*

3. **Discussion/Action** to identify amendments/revisions regarding signs in the UDO, Article 2 and Article 18, and consider scheduling a Public Hearing for Tuesday, April 12, 2011, 6:00 p.m. at Town Hall.

Following a brief discussion, *Commissioner Nance motioned to approve holding a Public Hearing, Tuesday, April 12, 2011, seconded by Commissioner Knight and unanimously carried.*

NEW BUSINESS:

1. **Discussion/Action** to consider approval of Thistle map of revisions to Phase 2, Crail Court (amend side setbacks).

Ms. Southward provided a brief overview. She noted that prior to Thistle's annexation, Brunswick County approved Phase I of the project with side backs of 8.5 feet. In 2009 the Town approved the Phase Two, Crail Court plat. The plat varied in that the number of Crail Court lots had been

increased from ten to fifteen with the stipulation that overall density for Phase 2 would not increase. Thistle was requesting side setbacks for Crail Court be reduced to five feet to allow for the smaller lot size with front and rear setbacks to remain as required in Phase I. The Planning and Zoning Board and staff recommended the side set back revision.

Commissioner Nance motioned to approve the Thistle map revisions to Phase 2, Crail Court, reducing side set backs to five feet, seconded by Commissioner Melahn and unanimously carried.

2. **Discussion/Action** to review Long Range Planning Committee's recommendation for street repairs; consider approving the scope of work for Harbor Drive; and direct the Interim Town Administer to move forward in obtaining bids for street repairs.

Commissioner Melahn motioned to approve the scope of work for Harbor Drive and direct the Interim Town Administrator to proceed in obtaining bids, seconded by Commissioner Knight and unanimously carried.

The Mayor paused the meeting for a ten minute break.

3. **Discussion/Action** to consider approving a budget amendment to appropriate funds to 10-540-45 (Building Inspections, Contracted Services).

Ms. Southward explained that the appropriated funds were needed to pay the county for the inspections they were conducting. *Commissioner Melahn motioned to approve a budget amendment to appropriate funds to 10-540-45, seconded by Commissioner Knight and unanimously carried.*

4. **Discussion/Action** to consider making an appointment for an In-Town Member of the Planning and Zoning Board.

Mayor Clemmons noted that there were currently two in-town member vacancies on the Planning & Zoning Board. However, only one vacancy has been available for a month or longer. The other seat just became available on February 15, 2011. This evening the Board of Commissioners would only be filling the vacancy created at the end of January due to the untimely death of Mr. Watts. After the Mayor opened the floor for nominations Commissioner Dixon nominated Ms. Sonia Climer, Commissioner Knight nominated Ms. Cecelia Herman and Commissioner Melahn nominated Ms. Emily DiStasio. There were no further nominations. Commissioners Dixon and Nance enumerated Ms. Climer's qualifications. Commissioner Knight enumerated the qualifications of Ms. Herman. Commissioner Melahn enumerated the qualifications of Ms. DiStasio.

Commissioner Dixon motioned to appoint Ms. Sonia Climer to the In-Town Member of the Planning and Zoning Board position, seconded by Commissioner Nance. The Mayor asked for a roll call vote. The results of the roll call vote were as follows: Commissioners Knight and Melahn voted "no" and Commissioners Nance and Dixon voted "yes." Given there were two votes for and two votes against, the Mayor cast the tie-breaking vote. The Mayor voted to appoint Ms. Climer to the Planning and Zoning Board. The motion carried with a three to two vote in favor of Ms. Climer's appointment.

In the event anyone had any second thoughts and for protocol, the Mayor asked for a roll call vote for Ms. Herman and Ms. DiStasio.

The result of the roll call vote called for by the Mayor to appoint Ms. Herman was as follows: Commissioners Knight and Melahn voted “yes” and Commissioners Nance and Dixon voted “no.” Given the tie vote, the Mayor cast the tie-breaking vote. The Mayor voted “no” to appointing Ms. Herman to the Planning and Zoning Board.

The result of the roll call vote called for by the Mayor to appoint Ms. DiStasio was as follows: Commissioners Dixon and Nance voted “no” and Commissioners Melahn and Knight voted “yes.” Given the tie vote, the Mayor cast the tie-breaking vote. The Mayor voted “no” to appointing Ms. DiStasio to the Planning and Zoning Board.

Given the result of the voting, Ms. Climer was appointed to the Planning and Zoning Board to fill the unexpired term left by Mr. Watts; a 3-year term ending 10/13/2013.

5. **Discussion/Action** to provide the Interim Town Administrator with direction on how to move forward in obtaining specifications and/or drawings for the park structure.

In the absence of Commissioner King, the Mayor noted that he was looking at various designs. Ms. Southward stated that while Commissioner King had not forwarded her any designs, Mr. Scott Stewart, seeing that the design was an agenda item, would like the opportunity to get something together for the next Board meeting and if he is unable to present a design at the April meeting, the Town could proceed in another direction.

Commissioner Nance motioned to table the discussion on the park structure design, seconded by Commissioner Knight and unanimously carried.

6. **Discussion/Action** regarding Chain of Command and the Town’s Organizational Chart.

The Mayor stated that the new Chain of Command was more user friendly. He went on to read a definition of a Town Administrator. The Mayor stated that the chart was devised to assist in establishing a clear line of communication between the Mayor, Board of Commissioners, Town Administrator and staff. Given that they are seeking a new Town Administrator, it was paramount to establish a well defined organizational chart. He called upon the Board to offer suggestions.

Commissioner Knight stated that rules were necessary in a society to function properly and that the Town’s chain of command needed to be followed by Board members, who are role models for staff. A chain of command provided the Town Administrator with an avenue to address issues that were raised by staff. Commissioner Melahn stated that Calabash citizens expected Board members to act professionally and there were lines of communication in any hierarchy that had to be followed. Commissioner Nance commended the Mayor for bringing the chain of command to the attention of the Board. He noted that he did not want any employee to have the misconception that staff could not speak to Board members and if information was being shared, the information needed to be directed to the correct individual. Procedures needed to be followed properly and supervisors should not be bypassed. Commissioner Dixon noted that situations in Town Services seemed to have straightened out.

The Mayor opened the topic for discussion. Commissioner Nance stated that if there was consensus of the Board to accept the chain of command as presented, it should become part of the Town’s Policies and Procedures, staff should each receive a copy of the chain of command (a copy is hereto

attached to these minutes), sign a sheet stating that he/she had reviewed the chain of command and had its contents explained with the signature sheet placed in each employee folder. If the chain of command was not followed there could be grounds for termination. Commissioner Melahn noted that bypassing policies and procedures, including the chain of command, was a serious problem. Commissioner Knight stated that the Board had addressed this issue previously and that it was time to take a firm stand that bypassing the chain of command would not be tolerated. Commissioner Dixon noted that an employee should have a second chance via a warning. The Mayor noted that an employee could be terminated on the spot for misconduct. For performance related situations, termination would be an option after there was an oral warning, then a written warning and a final warning.

Ms. Southward interjected that when the chain of command/organizational chart was being devised, one position, the Assistant Code Enforcement Officer, had not been included and if the Board was to approve the organizational chart that position should be included. Commissioner Knight asked if the Town Clerk position also reported to the Board of Commissioners, which was not reflected on the proposed organizational chart. She also noted that her involvement was not limited to Community Services. Ms. Southward noted that she would amend the area above Commissioner Knight's name to include the letters "PZB, CSC, BOA" to better reflect the Commissioner's involvements.

Commissioner Nance motioned to adopt the organizational chart as amended and as agreed to by the members present to be viewed by Town personnel along with the Interim Town Administrator, to be signed by each employee and the Interim Town Administrator then copy and herewith place in each employee's personnel file and that the Interim Town Administrator explain all procedures according to the Town's Personnel Policy on grievances and so forth. Commissioner Melahn seconded the motion.

Mr. Lewis suggested that the Town Clerk box be placed beside the Tax Collector on the same level and to include a line that ran from the Town Administrator over to the Town Clerk with a direct line from the Town Clerk to the Board of Commissioners.

Commissioner Nance amended his motion to reflect the change suggested by Mr. Lewis. Commissioner Knight seconded the amended motion which was unanimously carried.

CLOSED SESSION:

1. Pursuant to G.S. 143-318.11 (a)(6)-Personnel Matters; annual evaluation and employee performance/qualifications.
2. Pursuant to G.S. 143-318.11 (a)(3)-Legal Matters.

Commissioner Melahn motioned to adjourn to Closed Session pursuant to G.S 143-318.11(a)(6) &(3), seconded by Commissioner Nance and unanimously carried.

Upon returning to Sanborn Hall, *Commissioner Dixon motioned to enter Regular Session, seconded by Commissioner Melahn and unanimously carried.*

ACTION AS A RESULT OF CLOSED SESSION:

Commissioner Nance motioned to give Town Service/Code Enforcement Officer James McCartney, effective March 9, 2011, a 1.5% raise, seconded by Commissioner Melahn and unanimously carried.

Commissioner Nance motioned to instruct the Interim Town Administrator to acquire an appraisal on the property discussed in Closed Session, seconded by Commissioner Melahn and passed with Commissioner Knight voting against the motion.

PUBLIC COMMENTS: None.

BOARD COMMENTS: None.

ADJOURN: *Commissioner Melahn motioned to adjourn, seconded by Commissioner Nance and unanimously carried.*

(SEAL)

Anthony Clemmons, Mayor

ATTEST:

Kelley Southward, Town Clerk