



**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
Tuesday, April 12, 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 proposed amendments to Article 2-Definitions and Article 18-Signs of the UDO.

**CONSENT AGENDA:**

1. Proclamation for Youth Week—May 1<sup>st</sup>-May 7<sup>th</sup> 2011
2. Advertise new Yard Debris Drop Off information in the *Living Local* (a subsidiary of the *Star News*)
3. Approve Donation requests. \$100 for each of the following: Calabash Volunteer EMS; Brunswick Family Assistance; Communities in Schools; and Brunswick Literacy Council.

**MINUTES:**

1. February 21, 2011 BOC/PZB Joint Special Meeting/Workshop
2. March 8, 2011 Regular Meeting (Open Session)
3. March 8, 2011 Closed Session (from Regular Meeting)
4. March 14, 2011 Budget Workshop #2

**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** regarding proposed amendments to the UDO:
  - a. Consider proposed amendment to Article 2-Definitions: #170 Sign Definitions—Animation.
  - b. Consider proposed amendment to Article 18-Signs: 18-4-C-Creative Signs.
2. **Discussion/Action** to consider holding a Special Meeting for the purpose of holding a Closed Session pursuant to G.S 143-318.11(a)(6) for the purpose of reviewing resumes received for the vacant Town Administrator position and selecting a list of candidates to interview. Suggested date and time of April 18, 2011-5:30 pm at Town Hall.
3. **Discussion/Action** regarding the resurfacing of Harbor Drive:
  - a. Open secured bids that were received for resurfacing of Harbor Drive
  - b. Discussion/Action to consider awarding bid to lowest responsive, responsible bidder.
4. **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 (Tabled in March).
5. **Discussion/Action** to rescind action from March directing the Interim Town Administrator to acquire a property appraisal.

**NEW BUSINESS:**

1. **Discussion/Action** to consider closing Town Hall from Noon to 1:00 pm on April 21, 2011 Administrative Professionals Day so that staff may go out to lunch together; lunch paid by Community Service Committee (Commissioner Knight).
2. **Discussion/Action** to consider releasing Closed Session minutes of March 8, 2011 with the exception of any portion pertaining to personnel matters.
3. **Discussion/Action** to disclose information regarding property Town was seeking an appraisal for in March.
4. **Discussion/Action** to consider expenditure of funds for an appraisal of real property.
5. **Discussion/Action** to consider expenditure of funds for improvements to the Town's Maintenance Yard site.
- 6.

**Discussion** of Brunswick County Public Utilities proposal of how to expend any funds that might be left over from the Connection Assistance Program Fund (money from SBWSA settlement).

**PUBLIC COMMENTS:**

**BOARD COMMENTS:**

**ADJOURN:**

**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
April 12, 2011 – 6:00 p.m.**

**MINUTES**

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, April 12, 2011, 6:00 p.m., Sanborn Hall, 882 Persimmon Road, Calabash, NC 28467.

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

**MEMBERS ABSENT:** Commissioners Forrest King and William Dixon.

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

**GUESTS PRESENT:** The audience consisted of approximately twenty-five guests.

**CALL TO ORDER/PLEDGE TO THE FLAG/ROLL CALL:** The Mayor called the meeting to order at 6:00 p.m. and lead the Pledge of Allegiance to the Flag. A roll call was taken with attendance reflected above.

**APPROVE/ADJUST AGENDA:** *Commissioner Melahn motioned to approve the agenda as presented; seconded by Commissioner Nance and unanimously carried.*

**PUBLIC HEARING:** *Commissioner Nance motioned to open the Public Hearing; seconded by Commissioner Melahn and unanimously carried.* The Mayor noted that the hearing was to receive comments regarding proposed amendments to Article 2, Definitions, and Article 18, Signs, in the Unified Development Ordinance.

The meeting was opened for public comments. Ms. Emily DiStasio of Saltaire Village read a statement in opposition to the proposed amendments regarding animated/creative signs. During the course of her recitation she requested that the issue be a referendum on the November ballot. Mr. John Buccilli and Ms. Daria Buccilli of Calabash Acres made comments in opposition to animated/creative signs. Mrs. Buccilli felt property values could be negatively affected by animated signs. Ms. Cecelia Herman of Saltaire Village, in her written statement, queried Board members as to their level of care for the opinions of its citizens. She cited the Town's Code of Ethics policy on conflict of interest. Mr.

Mack Sanders voiced opposition to animated signs and the idea of giving one person, i.e. the Town Administrator, sole authority in making decisions on animated/creative signs. Several of speakers felt that any Commissioner who owns a business in Town should not vote on the amendments as they were of the opinion that it was a conflict of interest. No one who spoke during the public hearing favored the proposed amendments.

Before closing the Public Hearing, the Mayor thanked those who shared their feedback. He then asked Mr. Lewis a question; State Statutes hold that no Board member should vote on an item where they would have substantial gain—but what constitutes “substantial gain”? Mr. Lewis stated that he would research the situation before providing a legal opinion. There being no further comments, *Commissioner Melahn motioned to close the Public Hearing and return to Regular Session; seconded by Commissioner Knight and unanimously carried.*

#### **CONSENT AGENDA:**

1. Proclamation for Youth Week the week of May 1 to May 7, 2011.
2. Advertise the new Yard Debris Drop Off information in the *Living Local*.
3. Approve donation requests of \$100 to Calabash Volunteer EMS, Brunswick Family Assistance, Communities in Schools and Brunswick Literacy Council.

*Commissioner Nance moved to approve the Consent Agenda, seconded by Commissioner Melahn and unanimously carried.*

#### **MINUTES:**

1. Approve Minutes of February 21, 2011-Combined Board of Commissioner and Planning and Zoning Board Workshop
2. Approve minutes of March 8, 2011-Regular Meeting
3. Approve minutes of March 8, 2011-Closed Session
4. Approve minutes of March 14, 2011-Budget Workshop

*Commissioner Nance motioned to approve all four sets of minutes, as written, seconded by Commissioner Melahn and unanimously carried.*

**MAYOR COMMENTS:** The Mayor commended several Town Hall staff members for their efforts during the week the Interim Town Administrator was indisposed and absent from Town Hall and he asked Ms. Southward to include a written commendation in their respective personnel files.

#### **PUBLIC COMMENTS:**

Mr. Chris Stanley and Mr. Chris Russell of East Coast Engineering were present. Mr. Stanley stated they were hired by the county to extend the Carter and Madison Drives water lines – about 1000 feet of water lines. He provided an update of the project. He stated that the project had been designed and the county had taken the design to the state and it is under review. He noted that it was a Capital Improvement project and there was no assessment to property owners and owners do not have to hook onto the line. A county water hook up was approximately \$1100 but it was not mandatory. Mr. Russell introduced himself and reported that that project had been funded and once permits were in place, the county would move forward. Mr. Stanley passed out a brochure and stated that they were visiting all county municipalities, asking that decision makers consider hiring local contractors.

Several Town residents spoke. They included: Ms. Cecelia Herman commenting on the Consent Agenda format and donations to the Calabash EMS and Fire Department; Mr. Mack Sanders commenting about conflicting actions the Board had taken over the past years and transparency in

government; Mr. Mitch Meares and Ms. Marilyn Sanders had signed up but elected not to speak; Ms. Billie Mitchell presented a request for specific information regarding the Brunswick County wastewater extension project and; Mr. John Buccilli opined that there should be a recall referendum to the November ballot.

### **CORRESPONDENCE:**

Ms. Southward read the Calabash Elk Lodge #2679 Youth Week Proclamation. The week of May 1 through 7 is Youth Week.

**INTERIM TOWN ADMINISTRATOR'S REPORT:** A copy of the report is hereto attached to these minutes.

**BUILDING INSPECTOR'S REPORT:** A copy of the report is hereto attached to these minutes.

### **COMMITTEE REPORTS:**

1. Fire Department: Commissioner Nance commented that the Calabash Fire Department had completed a Wall of Honor featuring all past department chiefs and board members. County Commissioner Norris attended a fire department meeting concerning radio communication.
2. Planning and Zoning: As there was no April meeting, hence no report.
3. Finance: Ms. Southward reported that the next Budget Workshop was scheduled for April 18, 2011 at 4:00 p.m.
4. Community Service: Commissioner Knight noted the committee's participation with the upcoming visit by Jessie Mae Monroe Elementary students, the Beautiful Yard Contest, staff appreciation day and thanked Ms. Daria Buccilli for her invaluable assistance.

### **OLD BUSINESS:**

1. **Discussion/Action** regarding proposed amendments to the UDO:
  - (a) Consider proposed amendment to Article 2-Definitions: #170 Sign Definitions-Animation.
  - (b) Consider proposed amendment to Article 18-Signs: 18-4-C Creative Signs.

The Mayor provided a brief history of the item and suggested that the discussion combine (a) and (b) as one topic as they were related. He placed both on the table for discussion. Commissioner Melahn noted that the Creative Sign proposed amendment struck him as "back door" access to avoid animated signs. He stated that he was not in favor of animated signs and did not associate animated signs with a high quality product. Commissioner Knight stated that she had spoken with many people about animated signs. As a part of her research to learn about what the past was like in Town, she got a copy of the River Road Enhancement Project. Reading from the narrative Commissioner Knight stated that the Town of Calabash had "attempted to maintain the small town fishing image" and that a well designed visionary streetscape would enhance that image. She noted that this was what she had to go by and that the River Road Enhancement Project had been signed by two current commissioners. The Mayor asked that commissioners confine their comments to proposed changes to the animated sign definition. Commissioner Melahn noted that a determination regarding proposed changes to Article 18 came before proposed changes to the animated sign definition. Commissioner Nance stated that the topic had gotten out of hand and that the proposed Creative Sign amendment was not enforceable as written. It gave too much discretion to the Town Administrator and had too much objectivity to it. His intention was to have a single flashing directional sign (arrow) with specific dimensions that, when attached to a pre-existing sign, would help to direct people to a business that was located off the main thoroughfare. He did not support the proposed Creative Sign amendment but, in the future, would like to revisit the use of a single directional animated arrow.

The Mayor noted that the topic started out as a directional arrow but took on a life of its own and now there was a two page proposed amendment to animated signs entitled "Creative Signs". He noted that the public made some good points and his basic position was that Calabash did not need an animated creative sign ordinance. He also noted that not a single resident had come to him in support of flashing/blinking signs. The Mayor stated that he was in an awkward position in that three members were needed for a quorum and if Commissioner Nance should exclude himself from voting, a quorum would not exist. Commissioner Nance stated that he had not asked to be excused. Commissioner Melahn stated that he did not see any reason for Commissioner Nance not to vote as he, as a business owner, would not derive any greater benefit than any other business. Mr. Lewis noted that he did not think any Commissioner needed to excuse him/herself.

The Mayor stated that this was a serious decision and issue and should not be based on politics and to ask someone to give up their vote and their representation of the people who voted for them, it was a serious issue. He did not think that any commissioner had to excuse him/herself from voting. If a vote was taken and if later it was proven that there was an error or an oversight, it was the intension of the vote to protect the integrity of the Board as elected by the community. He then called for a vote on the proposed amendment to Article 2, Definitions. He went on to say that the vote could be tabled.

*Commissioner Melahn motioned to take action to vote on the proposed amendment to UDO, Article 2-Definitions, #170 Animated Signs; seconded by Commissioner Nance and unanimously carried. Commissioner Melahn motioned to disapprove the adoption of the proposed amendment to Article 18, Signs, 18-4-C (Creative Signs), and seconded by Commissioner Knight. A roll call vote was taken with Commissioners Knight, Melahn and Nance voting "yes." The amendments were not approved by a unanimous vote.*

*Commissioner Nance motioned to remove from holding Article 18-5-A-15 from abeyance so that the sign ordinance was put back into full effect until such time as the Board elected to revisit it; seconded by Commissioner Knight and unanimously carried.*

The Mayor called for a ten minute recess.

2. **Discussion/Action** to consider a Special Meeting for the purpose of holding a Closed Session pursuant to G.S. 143-318.11(a)(6) to review resumes received for the vacant Town Administrator position and the selection of an initial list of candidates to interview. (Suggested meeting date is April 18, 2011, 5:30 p.m. in Town Hall)

*Commissioner Knight motioned to hold a Special Meeting for the purpose of holding a Closed Session to review resumes and select applicants to interview on Monday, April 18, 2011 at 5: 30 p.m. at Town Hall seconded by Commissioner Nance and unanimously carried.*

3. **Discussion/Action** regarding surfacing of Harbor Drive.  
(a) Open secured bids that were received.  
(b) Discussion/Action to consider awarding bid to the lowest responsible bidder.

The secured bids were opened and the bids were announced. The bid submitted by Anderson Construction Company was in the amount of \$64,106. The bid submitted by D and G Paving was \$64,560. The bid submitted by L.M. McLamb was \$61,982.70. *Commissioner Nance motioned to award the bid for the surfacing of Harbor Drive to L.M. McLamb Construction based on their bid of \$61,982.70; seconded by Commissioner Knight and unanimously carried.*

4. **Discussion/Action** to provide the Interim Town Administrator with direction on how to move forward in obtaining specifications and/or drawings for the structure at the park. (Tabled from March)

*Commissioner Nance motioned to remove the issue from the table; seconded by Commissioner Knight and unanimously carried.*

Ms. Southward noted that while Mr. Stewart had to leave, he had informed her via a note that he would be meeting with Commissioner King on April 26, 2011 to generate several design concepts for the pavilion. The concepts would be presented at the May Board of Commissioner meeting. His note also mentioned that the design might necessitate an engineered seal. Commissioner Knight stated that given her involvement with the Heritage Bricks she wanted to join Commissioner King and Mr. Stewart. She requested that as she would be out of town that day, that the date be changed. Ms. Southward noted she would check with Mr. Stewart to change the date. Ms. Southward asked if the Board wanted to move forward with obtaining cost estimates for the parking lot. The Mayor suggested that the parking lot be done in two stages. First would be the sub-base and have that settle and then later on pave. Ms. Southward stated she would check the specifications as her thinking was that the parking lot was slated to be gravel. *Commissioner Knight motioned to authorize the Interim Town Administrator to move forward in obtaining bids for the parking lot; seconded by Commissioner Melahn and unanimously carried.*

5. **Discussion/Action** to rescind action from March directing the Interim Town Administrator to acquire a property appraisal.

*Commissioner Melahn motioned to rescind the March 8<sup>th</sup> action directing the Interim Town Administrator to obtain a property appraisal; seconded by Commissioner Nance and unanimously carried.*

#### **NEW BUSINESS:**

1. **Discussion/Action** to consider closing Town Hall from 12:00 p.m. to 1:00 p.m. on April 27, 2011 for Administrative Professionals Day to allow staff to have a lunch paid for by the Community Service Committee.

Following discussion, there was a consensus of the Board to close the Town Hall on April 27<sup>th</sup> from noon until 1:00 p.m. to allow staff to have lunch together for Administrative Professionals Day.

2. **Discussion/Action** to consider releasing Closed Session minutes of March 8, 2011 with the exception of any portion pertaining to personnel matters.

The Mayor asked the Interim Town Administrator and Mr. Lewis for their feedback regarding the release of the March 8, 2011 Closed Session minutes. Mr. Lewis referred to case law that supported the decision to release the minutes. Ms. Southward concurred with Mr. Lewis. *Commissioner Nance motioned to release for public inspection the Closed Session minutes of March 8, 2011 with the exception of any portion related to personnel matters and seconded by Commissioner Knight. Before asking for a vote, the Mayor made a few comments. He noted that the minutes clearly showed that during the course of that Closed Session, any action taken by the Board was in compliance with the law every step of the way and nothing had been hidden. A unanimously carried vote was then taken.*

3. **Discussion/Action** to disclose information regarding property the Town was seeking an appraisal for in March.

*Commissioner Nance motioned to disclose information regarding the owner's name, address, tax parcel number and possible uses of the property for which the Town was seeking an appraisal; seconded by Commissioner Melahn and unanimously carried.* Ms. Southward provided the following information: tax parcel #2410002401, Brenda and William Dixon as owners, address was 800 Persimmon Road and proposed uses included, but not limited to, a government center, town hall, park playground, community center, government meeting room/chambers, walking trail, dog trail, tennis courts, picnic area, sports field, swimming pool, green space (use information taken from a 2008 survey of residents).

4. **Discussion/Action** to consider expenditure of funds for an appraisal of real property.

Commissioner Melahn stated that the posted county reassessment should be close enough and accurate enough to make a decision. A brief discussion ensued followed by *Commissioner Melahn motioning not to take any action regarding and appraisal; seconded by Commissioner Knight and unanimously carried.*

5. **Discussion/Action** to consider expenditure of funds for improvements to the Town Maintenance Yard site.

Ms. Southward noted that an under base, gravel and a fence, posts and/or barricades or fence around the dumpsters were enhancement improvements that she had discussed with Mr. Danford. She stated that the cost of a fence and gravel would be \$500. If the Board elected to approve more esthetically pleasing enhancements, such improvements would cost \$5000. She also noted that the Board had previously approved the expenditure of \$1000 for a security system. She stated that some goals could be accomplished with \$500 in the current budget and this was her recommendation. The Board concurred with her recommendation.

6. **Discussion** of Brunswick County Public Utilities proposal of how to expend any funds that might be left over from the Connection Assistance Program Fund (money from SBWSA settlement).

Commissioner Knight, referring to the county's April 8, 2011 letter to the Town, requested the words "by November" be added to the sentence beginning with "As the remaining funds in the program exceed \$58,000...that request service by November." Following discussion it was determined to look at the funds that had not been expended in November. The Board supported spending all funds in accordance with the SBWSA court settlement.

**PUBLIC COMMENTS:** Ms. Herman queried the Board regarding the released minutes if they were transcribed verbatim and if not, requested to purchase a disc. Mr. Sanders asked the uses the Persimmon Road property would provide.

**BOARD COMMENTS:** None forthcoming.

**ADJOURNMENT:** *Commissioner Nance motioned to adjourn; seconded by Commissioner Knight and unanimously carried.*

SEAL

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Anthony Clemmons, Mayor

ATTEST:

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Kelley Southward, Town Clerk