



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, June 14, 2011—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARINGS:

1. Proposed 2011-2012 Fiscal Year Budget Ordinance, which proposes a tax rate of \$0.0875 per \$100 of assessed value.
2. Zoning Map amendment: Tax ID# 2410003012 from R-8 to Central Business
3. UDO Text Amendment §10-2, Note 2: amend setbacks for accessory structures to 5-feet
4. UDO Text Amendment §8-7 correction of grammatical error; change first word from “When” to “With”
5. UDO Text Amendment §18-12(A): add R-8 to the list of districts (typo/accidental omission)
6. UDO Text Amendment §18-12(A)(4) change sign dimensional requirements from 24 sf to 32 sf
7. UDO Text Amendment §18-12(B)(6) change interval time from 30 seconds to 3 seconds

MINUTES:

1. May 10, 2011 Regular Board of Commissioners Meeting

MAYOR’S COMMENTS: Emergency Management update/presentation (Mayor/Jim McCartney)

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 the Stormwater Study and preliminary engineered drawings for Riverview Drive and River Road.
2. **Discussion/Action** to open bids received for the site preparation at the Calabash Community Park and to consider awarding the bid to lowest, responsive, responsible bidder.
3. **Discussion/Action** regarding the proposed 2011-2012 Fiscal Year Budget Ordinance, which proposes a tax rate of \$0.0875 per \$100 of assessed value.
4. **Discussion/Action** regarding the proposed Zoning Map amendment: Tax ID# 2410003012 from R-8 to Central Business
5. **Discussion/Action** regarding the proposed UDO Text Amendment §10-2, Note 2: amend setbacks for accessory structures to 5-feet
6. **Discussion/Action** regarding the proposed UDO Text Amendment §8-7 correction of grammatical error; change first word from “When” to “With”
7. **Discussion/Action** regarding the proposed UDO Text Amendment §18-12(A): add R-8 to the list of districts (typo/accidental omission)
8. **Discussion/Action** regarding the proposed UDO Text Amendment §18-12(A)(4) change sign dimensional requirements from 24 sf to 32 sf
9. **Discussion/Action** regarding the proposed UDO Text Amendment §18-12(B)(6) change interval time from 30 seconds to 3 seconds
10. **Discussion/Action** regarding sharing street light installation and monthly costs with the Town of Carolina Shores for the corner of Persimmon Road and HWY 17.

NEW BUSINESS:

1. **Board Comments/Discussion/Action** regarding ABC Store distribution of funds. (Mayor Clemmons)
2. **Discussion/Action** regarding the 2011-2012 Holiday/Meeting Schedule.
3. **Discussion/Action** to consider appointing Mr. Jim McCartney as Incident Commander in the event there is a natural disaster or other type of emergency situation.
4. **Discussion/Action** regarding a 4th of July event.
5. **Discussion/Action** regarding the 2011 Calabash Sidewalk Inventory prepared by Cape Fear Council of Governments.
6. **Discussion/Action** to consider the reappointment of Suzy King to the ABC Board for a 3-year term ending June 30, 2014.
7. **Discussion/Action** to consider an interlocal agreement with Carolina Shores during/after emergency/disaster events.
8. **Discussion/Action** regarding privilege licenses for docks and commercial boats. (Commissioner King)
9. **Discussion/Action** to review the Town’s existing Solicitation ordinance—Title XI, Chapter 116 to determine if it is sufficient. (Commissioner King)
10. **Board Comments/Discussion/Action** related to the Calabash Fire and Department and the Town of Calabash. (Mayor Clemmons)

CLOSED SESSION:

1.

Pursuant to G.S 143-318.11 (a)(6)—personnel matters: continue discussion of Town Administrator applicants and annual evaluations.

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
June 14, 2011**

MINUTES

The Calabash Board of Commissioners held a Regular Meeting on Tuesday, June 14, 2011, 6:00 p.m., Sanborn Hall, 882 Persimmon Road, Calabash, NC 28467.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner Forrest King, Commissioner Mary Knight, Commissioner Jody Nance and Commissioner John Melahn.

MEMBERS ABSENT: None.

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

GUESTS PRESENT: The audience consisted of approximately fifteen individuals.

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

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

PUBLIC HEARINGS: *Commissioner Nance motioned to open the Public Hearings; seconded by Commissioner Knight and unanimously carried.*

1. Proposed 2011-2012 Fiscal Year Budget Ordinance which proposes a tax rate of \$0.0875 per \$100 of assessed value.

The Mayor opened the floor to comments. Ms. Emily DiStasio read from a prepared statement which centered on the proposed tax rate and asked that taxes not be raised. The only other speaker to comment on the budget was Mrs. Cecelia Herman who noted that the Town was under-projecting revenues and over-projecting expenditures. In last year's audit there was a surplus of \$323,000. In the same year it was projected to collect roughly \$245,000 in actually \$273,000 were collected in taxes. Given that the surplus actually exceed collected taxes would mean that no citizens would even have to pay taxes. She

said that government should not be turning a profit. She asked that the Board reconsider the tax rate and the proposed budget. For example, she noted that the budget only includes projected revenue of \$217,000 in taxes when last year (FY 2009-2010) actually \$275,000 was collected. She ended by saying expenses are over budgeted and if you don't need it, you shouldn't budget for it.

2. Zoning Map amendment: Tax ID #2410003012 from R-8 to Central Business. No comments were forthcoming.
3. UDO Text Amendment §10-2, Note 2: amend setbacks for accessory structures to five feet. No comments were forthcoming.
4. UDO Text Amendment §8-7 correction of grammatical error; change first word from "when" to "with". No comments were forthcoming.
5. UDO Text Amendment §18-12(A): add R-8 to the list of districts (accidental omission). No comments were forthcoming.
6. UDO Text Amendment §18-12 (a)(4) change sign dimension requirements from twenty-four square feet to thirty-two square feet. No comments were forthcoming.
7. UDO Text Amendment §18-12(B)(6) change interval time from thirty seconds to three seconds. No comments were forthcoming.

Commissioner Melahn motioned to close the Public Hearings and return to Regular Session; seconded by Commissioner Nance and unanimously carried.

MINUTES:

1. May 10, 2011 Regular Session Board of Commissioners

Commissioner Nance motioned to approve the minutes as presented; seconded by Commissioner King and unanimously approved.

MAYOR'S COMMENTS: The Mayor noted that staff employee Mr. Jim McCartney would give a presentation on emergency management planning. The presentation provided information regarding FEMA forms, damage assessment, safety issues, communication systems, and a demonstration of a Hurrevac computer program used to track hurricanes.

PUBLIC COMMENTS: Ms. Cecelia Herman inquired as to when the Commissioner seat vacated by William Dixon would be filled.

CORRESPONDENCE: Copies of correspondence concerning signage, storm sewers on Riverview Drive, the paving of Traders lane Extension, Town proposal for sidewalks and a request for sidewalks from the new park to the intersection of Old Georgetown and Clariday Roads are attached to these minutes.

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 deferred his comments for later in the meeting.
2. Planning and Zoning: As there was no June meeting, there was no report.

3. Finance: Commissioner King noted a total in all accounts of \$1,369,260.55 and are, to date, slightly ahead of the same time last year.
4. Merchant's Association: No report.
5. Community Services Committee: Commissioner Knight reported that their meeting was re-scheduled for the following Thursday.

OLD BUSINESS:

1. **Discussion/Action** regarding the Stormwater Study and preliminary engineered drawings for Riverview Drive and River Road.

Ms. Southward noted that the engineer's written reports had been received (a copy is hereto attached to these minutes). Mr. Phil Norris was present for the discussion and addressed the Board of Commissioners and audience. He noted that Phase A of the contract was complete and reviewed the salient details of the submitted report. Their best recommendation was to pipe the entire length of Riverview Road, with intermediate catch basins for runoff from the street and adjacent properties. A budget estimate was included in their report. On River Road, the major problem was an overloaded/undersized pipe system and there were several alternatives to remedy the situation. Their best solution was "to make a straight shot from the source of the runoff to where the outfall should be. This solution would require the acquiring of an easement and they have a recommended pipe size.

Upon a question raised by the Mayor, Mr. Norris stated that if the Board elected to proceed using phases, the next step would be to devise construction drawings and obtain permits. Ms. Southward commented that she agreed that piping the ditch all the way down on both sides of Riverview Road was the best solution.

Following a question raised by Commissioner Melahn, Mr. Norris stated that piping would help eliminate pollutants being discharged into the Calabash River. Following a question raised by Commissioner Nance, Mr. Norris stated that he could assist in the acquisition of land on River Road. He went on to state that he would work with the Town during each phase of the project. Mr. Norris suggested that a workshop setting would be useful in disseminating information and discussing alternatives. Commissioner Melahn noted that he liked the idea of a workshop to discuss procedures and the budget.

Following discussion, Commissioner Melahn motioned to set a workshop to review the drawing options and the budget with a time and date to be determined and all parties notified. There was no second and the motion died as it was determined without a specific date/time/place the Board could not schedule the special meeting/workshop at this time. Ms. Southward stated that she would work on the details and set the special meeting/workshop. By consensus, the Board agreed to Ms. Southward moving forward to schedule the special meeting/workshop.

2. **Discussion/Action** to open bids received for the site preparation at the Calabash Community Park and to consider awarding the bid to the lowest, responsible bidder.

The Mayor opened the sealed bids and announced the following: Atlantic Elite Crete and Landscape submitted a bid in the amount of \$19,050 and Brunswick Trucking and Contracting submitted a bid in the amount of \$17,150. At this point the Mayor asked if the bid specifications were identical for each of the three bids. Ms. Southward noted that the companies that submitted the bids had received identical specifications/scope of work. McLamb Construction submitted a bid in the amount of \$29,600. Ms.

Southward noted that she would insure that the scope of work was identical for each bid. Commissioners King and Nance agreed that Ms. Southward insure that the scope of work for each was identical. Ms. Southward stated the three contractors that submitted bids received the same scope of work. Mr. Lewis opined that if the bids did not properly address the scope of work, the Town could reject all submitted bids. Following discussion it was determined that Ms. Southward would certify that each submitted bid was compliant with the scope of work. *Commissioner King motioned to table the issue; seconded by Commissioner Nance and unanimously carried.*

3. **Discussion/Action** regarding the proposed 2011-2012 Fiscal Year Budget Ordinance, which proposes a tax rate of \$0.0875 per \$100 assessed value.

Commissioner King stated that \$0.0875 is as revenue neutral as can be achieved, with \$200,000 from the General Fund budgeted to keep the tax rate as low as possible. He noted that one bad storm could deplete the Town's bank funds. He suggested that the Board hold to the \$0.0875 tax rate. Commissioner Nance stated that having extensively reviewed all the figures that the proposed budget is one of the leanest budgets and that he supported Commissioner King's suggestion. As she was speaking on behalf of Town residents, Commissioner Knight stated that she felt certain that residents were not happy with the budget. She noted that there were funds in the budget that had not been expended and that she had heard before that the current budget was very lean. Ms. Southward explained that funds in the 2010-2011 budget had pretty well been exhausted; not all expenditures will show up until the end of June. Commissioner Knight opined that there were line item amounts that could be decreased. She noted that amount budgeted for pot holes was one example. Ms. Southward explained that pot holes repair was covered in Powell Bill funds and that the line item for street supplies in the Town Services budget was for a myriad of supplies. Ms. Southward also noted that the 2011-2012 budget for Town Services was increased by slightly less than \$18,000, which includes a new fulltime position with benefits. She went on to compare the line item for salaries in the Town Services department. For the current year (2010-2011 FY) \$99,750 was included for salaries and in the proposed 2011-2012 FY budget \$116,450—this represents a difference of \$16,700 (the mass majority of the \$18,000 increase). Likewise, insurance and retirement expenses increased, to accommodate the new position. Therefore, all other line items had to roughly stay the same or decrease—respectfully. Following discussion *Commissioner King motioned to approve the proposed 2011-2012 Fiscal Year Budget Ordinance and set the tax rate at 8.75% and seconded by Commissioner Nance. The result of the roll call vote indicated that Commissioners Nance, King and Melahn voted for the motion and Commissioner Knight voted against the motion; the motion to approve the budget and tax rate carried by a vote of three (3) to one (1).*

4. **Discussion/Action** regarding the proposed Zoning Amendment: Tax ID#2410003012 from R-8 to Central Business.

Commissioner Melahn motioned to approve to change the zoning designation from R-8 to Central Business for Tax Parcel ID#2410003012; seconded by Commissioner King and unanimously carried.

5. **Discussion/Action** regarding the proposed UDO Text Amendment §10-2, Note 2: amend setbacks for accessory structures to five feet.

Following discussion *Commissioner Nance motioned to amend in the UDO §10-2, Note 2 for accessory structure setbacks to be five feet; seconded by Commissioner Knight and unanimously carried.*

6. **Discussion/Action** regarding the proposed UDO Text Amendment §8-7 correction of a

grammatical error; change first word from “when” to “with”.

Commissioner Melahn motioned to correct the grammatical error; seconded by Commissioner Knight and unanimously carried.

7. **Discussion/Action** regarding the proposed UDO Text Amendment §18-12(A): add R-8 to the list of districts (accidental omission).

Commissioner Nance motioned to add R-8 to the list of districts; seconded by Commissioner Knight and unanimously carried.

8. **Discussion/Action** regarding the proposed UDO Text Amendment §18-12(a)(4), change sign dimensional requirements from twenty-four square feet to thirty-two square feet.

Commissioner Melahn motioned to change in the UDO the sign dimensional requirements from twenty-four to thirty-two square feet; seconded by Commissioner Nance and unanimously carried.

9. **Discussion/Action** regarding the proposed UDO Text Amendment §18-12(B)(6), change interval time from thirty seconds to three seconds.

Commissioner Melahn motioned to change the interval time from thirty to three seconds; seconded by Commissioner Nance and unanimously carried.

10. **Discussion/Action** regarding sharing with the Town of Carolina the cost of installing and the monthly maintenance of a street light at the corner of Persimmon Road and Highway 17.

Commissioner King motioned to bring discussion of the topic back on the table; seconded by Commissioner Knight and unanimously carried. Discussion following with Ms. Southward stated that she had learned the Town of Carolina Shores had approved moving forward with the light and that she had not yet heard back from the Wilmington NC Department of Transportation contact person. The location of the light had been approved by DOT and according to BEMC the approved site may not sufficiently illuminate the area according to email correspondences from Carolina Shores staff and board members. However, there is a directional sign in that area and that the light would illuminate. Commissioner Nance stated that given the lack of more complete information he did not feel comfortable approving the joint venture.

Following discussion *Commissioner Nance motioned that the Town of Calabash not share in the cost of the street light at the intersection of Persimmon Road and Highway 17; seconded by Commissioner Knight and passed by a three (3) to one (1) vote; Commissioner Melahn voted against the motion.*

At 7:20 p.m.the Mayor called for a fifteen minute recess. Upon returning to the meeting room at 7:40 p.m., the Mayor apologized for the delay and announced that Commissioner Melahn requested to be excused from the remainder of the meeting. *Commissioner Nance motioned to excuse Commissioner Melahn from the remainder of the meeting; seconded by Commissioner Knight and unanimously carried.*

NEW BUSINESS:

1. **Board Comments/Discussion/Action** regarding ABC Store distribution of funds.

The Mayor began the discussion by reading a statement, a copy of which is hereto attached to these minutes. As he concluded his comments the Mayor requested the Board of Commissioners take action to make the necessary changes to update the 1983 legislation that states 15% of ABC profits are to be distributed to the nearest volunteer fire department providing fire services to the Town of Calabash. It was noted that the Calabash Volunteer Fire Department became the Calabash Fire Department a private corporation in 2005. The Raleigh ABC Board had informed the Town that a change to the distribution of funds can be made by a local act of the Commissioners. He asked the Board to instruct the Interim Town Administrator to prepare an act regarding the ABC profits distribution of funds for Board consideration and action. The Mayor placed on the table discussion by the Board regarding instruction to the Interim Town Administrator. *Commissioner Nance motioned to instruct the Interim Town Administrator to prepare an act to amend the distribution of funds of the ABC profits that 100% are distributed to the Town for the Board's consideration and action with a second by Commissioner King.* Discussion continued. Commissioner King noted that the 15% ABC donation by the Town to the Fire Department and Calabash EMS should be continued and that the Board take the necessary action to make the process legal. Commissioner Knight stated that she also wanted the Board to take the necessary action in order for the fire department to continue to receive the funds. Mr. Lewis noted that the fire department and the EMS would continue to need funds to operate. The Mayor stated that the Board was looking to have ABC Board funds come into the Town's General Fund, to clarify that ABC Board money is "real money" and to remove ABC Board staff from the political process. Commissioner King stated that the fire department receives in excess of \$850,000 in fire fees from taxes and anything over the original fifteen per cent from the ABC Board profit is a double tax. Commissioner Knight noted that the fire department does an excellent job and is well admired and their costs continue to increase for fuel, utilities, insurance, and maintenance/upkeep and updating of equipment. The Mayor asked Commissioner Knight to confine her comments to the subject at hand. Following the discussion and after some clarification, *Commissioner Nance reiterated his original motion for the record: to be that the Board direct the Interim Town Administrator to draft a local ordinance to transfer all the funds from the ABC Board to the Town's General Fund to be distributed as the Town sees legally fit. Before there was a second to the motion, Commissioner King asked if Commissioner Nance would amend the motion to instruct the Interim Town Administration to also draft an ordinance allowing the Town to contribute from the General Fund an amount equal to 15% of ABC Board profits to each the Calabash Fire Department and Calabash EMS/Rescue Squad. Commissioner Nance amended the motion to include the drafting of such an ordinance. Commissioner King seconded the motion. Mayor Clemmons called for a roll call vote, which was as follows: Commissioner Nance-"Yes", Commissioner King-"Yes" and Commissioner Knight-"Yes"; the vote carried unanimously.*

The Mayor noted that the above information would be posted on the Town's website so as to inform the Town's citizens.

2. **Discussion/Action** regarding the 2011-2012 Holiday/Meeting Schedule.

Commissioner King motioned to approve the 2011-2012 Holiday/Meeting Schedule as presented; seconded by Commissioner Nance and unanimously carried.

3. **Discussion/Action** to consider appointing Mr. McCartney as Incident Commander in the event of a natural disaster or other type of emergency situation.

Following discussion, *Commissioner Nance motioned to appoint Mr. McCartney Incident Commander for the Town of Calabash during natural disaster or other type of emergency situation. The motion was*

seconded by Commissioner King who noted that he had a question. He stated that as the Town was in the process of hiring a Town Administrator, he asked if not that person should be in charge of emergency situations. The Mayor suggested that Mr. McCartney be appointed Interim Incident Commander until the experience and qualifications of the new Town Administrator could be evaluated. Commissioner Nance amended his motion to appoint Mr. McCartney Interim Incident Commander until such time as a new Town Administrator is hired and that person's experience in this area has been evaluated; seconded by Commissioner King and unanimously carried.

4. **Discussion/Action** regarding a Fourth of July event.

Commissioner Knight stated that there had been discussions about starting the tradition of an old fashioned picnic with varied activities, bocce ball, horseshoes, an array of food and music. She asked Commissioner King about the merchant's participation. He stated that there would be help with setting up a band and a stage. The picnic would start at noon with food from noon to three. The Town would serve BBQ and other vendors may be selling treats such as popcorn, slushies, and cotton candy with the event concluding around 5:00. *Commissioner Knight motioned to have a Fourth of July picnic; seconded by Commissioner King and unanimously carried.*

Commissioner King asked if there was a Fourth of July event, would Town Hall Day still be held. The Mayor replied in the affirmative with Ms. Southward noting that July 22nd was the date starting at 11am.

5. **Discussion/Action** regarding the 2011 Calabash Sidewalk Inventory prepared by Cape Fear Council of Government.

Following discussion, *Commissioner King motioned to adopt the 2011 Sidewalk Inventory; seconded by Commissioner Knight and unanimously carried.* A copy of the inventory is hereto attached to these minutes.

6. **Discussion/Action** to consider the reappointment of Suzy King to the ABC Board for a three year term ending June 30, 2014.

The Mayor confirmed with Mr. Lewis that it was appropriate for Commissioner King to recuse himself. He stated that he would entertain a motion appointing Ms. King for a three year term ending June 30, 2014. *Commissioner Nance stated "so moved."* He then noted that he would make a more appropriate motion. *Commissioner Nance motioned to reappoint Ms. Suzy King to the ABC Board for a three year term ending June 30, 2014, with the thanks of the Town and appreciation for remaining on the ABC Board; seconded by Commissioner Knight.* As Commissioner King did not cast a vote, Ms. Southward stated that a motion was needed. *Commissioner Nance motioned to recuse Commissioner King from casting a vote due to a conflict of interest; seconded by Commissioner Knight. Commissioner Nance reinstated his original motion, to reappoint Ms. Suzy King to the ABC Board for a three year term ending June 30, 2014 which was seconded by Commissioner Knight and carried unanimously.*

7. **Discussion/Action** to consider an interlocal agreement with Carolina Shores during/after emergency /disaster events.

Following discussion, *Commissioner Nance motioned to direct the Interim Town Administrator to work with the Town Administrator of Carolina Shores to draft a mutual aid agreement for before and after emergency events; seconded by Commissioner Knight and unanimously carried.*

8. **Discussion/Action** regarding privilege licenses for docks and commercial boats.

Commissioner King provided background information regarding what had been occurring on the waterfront concerning signage and solicitation complaints. Currently, each charter boat purchases a separate business privilege license. A separate business license allows each boat to have its own sign (e.g. a fleet with eight boats would have a corresponding number of signs). Commissioner King noted that an option to discuss was to refund any business license fees collected so far from the boats and then each dock owner would be responsible for the primary business license for their dock and they would supply the Town with a list of all commercial boats linked to their dock, occupancy and owner information. A separate sublicense would be issued to the dock owner for each boat and the dock owner would be responsible for getting the sublicense to the boats and he would be responsible for recouping the cost of the license from the boat owner. There would be one primary business at the dock with sub-licenses representing the number of boats associated with the dock – with one A-Frame sign permitted per dock. Ms. Southward noted that other types of Town businesses, such as hair dressers, have a similar arrangement. The amount of the business privilege license would not increase (or decrease). Commissioners Nance and Knight expressed positive comments regarding Commissioner King’s suggestion.

The Mayor asked for Mr. Lewis’ opinion. He noted that several individuals had approached him about the situation. As he was the Town attorney, his suggestion to them was that they write a letter to the Town expressing their concerns.

Ms. Southward noted that she would devise, as a formality, an addendum to the ordinance for clarification, noting that fees would not change. She would also send a letter to all dock and boat owners a letter explaining the restructuring and send an application so that dock owners could send their most up-to-date information (number of boats, number of seats).

Commissioner King motioned to direct the Interim Town Administrator to prepare the necessary changes in the Business Privilege License section of the ordinance and to move forward; seconded by Commissioner Nance and unanimously carried.

9. **Discussion/Action** to review the Town’s existing Solicitation ordinance – Title XI, Chapter 116 to determine if it is sufficient.

Commissioner King noted that the second part of the problem at the docks/boats were complaints regarding solicitation. He noted that the Town had a Solicitation ordinance in place already. He opined that one problem was some ambiguity regarding identification. Commissioner Knight raised a question regarding the definition of public access. Mr. Lewis noted that without a police presence the enforcement of the ordinance is made difficult. He stated that the wording of the existing ordinance could be modified and strengthened. Ms. Southward noted that there was a \$1000 per day fine in the existing ordinance. She asked if someone in Town had to witness the violation in order to impose the fine. Mr. Lewis stated that was the case and that video recorded by another party could be used to substantiate the violation. A written complaint would not seem to be sufficient grounds to impose a fine at least not without some investigation. If a complainant was willing to testify in court, then a written complaint might suffice so long as they understand what it might come to. Discussion continued regarding the legal complications and ramifications. Mr. Lewis stated that from his understanding of the situation, he advised removing the sentence “no commercial solicitation is allowed on any property with public access” and adding more aggressive language to sentence number two. Ms. Southward noted that

changes made to Title XI, Chapter 16, §116.06, Rules of Solicitation did not require a public hearing. Mr. Lewis noted that there could be specific exceptions for charitable purposes.

Following discussion it was determined to make modifications to §116.03, Hawking; remove the reference to identification card; remove §116.05, Identification Required; modify §116.06 Rules for Solicitation by removing sentences one, three and four and adding a sentence for charitable exemptions.

Commissioner King motioned to adopt under Business Regulations, Chapter 116, Solicitation and the like, as amended; seconded by Commissioner Nance and unanimously carried.

10. **Board Comments/Discussion/Action** related to the Calabash Fire Department and the Town of Calabash.

The Mayor read prepared comments concerning the Town's financial and general support of the Calabash Fire Department and the seat held by Commissioner Nance on the Fire Department's Board. He noted that residents had been asking about the resignation of Commissioner Nance from the Fire Department's Board of Directors. He asked the Board for greater transparency so that the public can be better informed. The Mayor referenced the allegations of an agreement that in order to obtain a seat on the Fire Board, the Town of Calabash and the Town of Carolina Shores was based on allocating money to the fire department. The Mayor stated that the fire department bylaws contained no such agreement. The Mayor noted that fire fees paid by property owners supports the fire department. He stated that he had always championed the fire department and its receiving continued financial support. The situation became untenable leading to Commissioner Nance's resignation from the Board. Commissioner Nance read the letter of resignation dated June 3, 2011 tended to the Fire Department Board of Directors. He noted that his resignation was based on having received advice from the Town Attorney and others and that he had no other legal choice given such statements by fire department representatives that the Calabash Commissioner seat on the CFD Board of Directors was linked to funding by the Town. He noted that he regretted being placed in the position to resign and that he continued to support the fire department. Mayor Clemmons continued to read from a prepared statement.

The Mayor asked for and received a consensus of support from Board members regarding Commissioner Nance action of resigning from the CFD Board of Directors.

The Mayor asked the Board to direct the Interim Town Administrator to write a letter to the Calabash Fire Department Board of Directors requesting they remove from their bylaws the seat called the Commissioner of Calabash as "we don't want any part of that." *Commissioner King motioned to direct the Interim Town Administrator to write such a letter; seconded by Commissioner Nance and unanimously carried.*

CLOSED SESSION:

1. Pursuant to G.S. 143-318.11 (a)(6) – personnel matters; continue discussion of Town Administrator applicants and annual evaluation.

Commissioner King motioned to adjourn to Closed Session pursuant to G.S. 143-318.11 (a)(6) personnel-seconded by Commissioner Nance and unanimously carried.

MOTION TO ENTER REGULAR SESSION: *Commissioner Nance motioned to return to Regular Session; seconded by Commissioner King and unanimously carried.*

ACTION AS A RESULT OF CLOSED SESSION: *Commissioner Knight motioned to give Corky Marshall, based on his evaluation, a 2.5% increase effective on his anniversary date; seconded by Commissioner Nance and unanimously carried.*

BOARD COMMENTS: Commissioner Nance noted that repairs to River Road would be made in November.

ADJOURN: *Commissioner Nance motioned to adjourn; seconded by Commissioner King and unanimously carried.*

(SEAL)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk