

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, May 12, 2009-6:00 p.m.**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, May 12, 2009, 6:00 p.m. at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner Forrest King, Commissioner Emily DiStasio, Commissioner John Melahn, Commissioner Cecelia Herman (6:03 pm), and Commissioner William Dixon; all members were present.

STAFF PRESENT: Jeremy Cribb, Town Administrator, Kelley Southward, Town Clerk and Mark Lewis, Town Attorney.

GUESTS PRESENT: There were approximately 25 guests in attendance.

CALL TO ORDER/PLEDGE TO FLAG/ROLL CALL: Mayor Clemmons called the meeting to order at 6:00 p.m. and led everyone in the Pledge of Allegiance to the Flag. Board members took roll call; their attendance is reflected above.

Mayor Clemmons called upon the Town Administrator to provide an overview and directions for the use of the new sound/power point system that was recently installed.

Mayor Clemmons asked that the record show that Commissioner Herman arrived and took her seat at 6:03 p.m

MAYOR'S COMMENTS: The Mayor thanked those who sent cards, flowers and said prayers during his wife's recent operation and recuperation.

APPROVAL/ADJUSTMENT OF AGENDA: *Commissioner Melahn made a motion to approve the agenda as amended, which was seconded by Commissioner King. With no further discussion, the motion passed unanimously.*

PUBLIC HEARING: *Commissioner Herman motioned to open the public hearings, seconded by Commissioner DiStasio and carried by a unanimous vote.*

Public Hearing #1: concerning a change to the maximum building height in all zoning districts from a maximum of thirty-five (35) feet to a maximum of thirty-five feet to the soffit and an additional, non-habitable ten (10) feet from the soffit to the peak of the roof [for a total maximum building height of forty-five (45) feet. There were no public comments forthcoming.

Public Hearing #2: The Mayor stated that the second item was an ordinance amendment to setbacks along perimeter lines in Planned Unit Developments and Subdivisions to be a minimum of thirty (30) feet and a maximum of forty-five (45) feet-relative to building height. After the Mayor asked if anyone in the audience had any comments, Mr. Jim Myers, of Shallotte Partners, asked for

clarification concerning “relative to building height.” He asked if the 45 foot set back was to the edge of the building or is it to the point where the building is 45 feet tall. He wanted to know the intent of the language. His question was addressed accordingly.

The Mayor reminded all those in attendance that the Board was listening public to input that evening and may/may not make any decisions until the next meeting.

The Mayor opened the floor to the Board regarding Item #2. Commissioner King opined that buffers and easements need to fall within the setback and not in addition to the buffer. The Mayor stated that any new development needs to be set back in addition to the buffer and any changes in this portion of the ordinance, changes will have to be made in other areas of the ordinance. Commissioner DiStasio stated the actual amendment did not include the additional ten feet “non-habitable” from the soffit to the peak of the roof. The Mayor asked Mark Lewis for direction. At the next meeting the ordinance can be changed to reflect continuity.

Commissioner DiStasio made a motion to close the Public Hearing and return to Regular Session. Commissioner King seconded the motion, which passed unanimously.

CONSENT AGENDA/APPROVAL OF MINUTES:

1. February 11, 2009-Closed Session
2. February 20, 2009-Special Meeting
3. February 24, 2009-Special Meeting
4. March 2, 2009-Special Meeting/Closed Session
5. March 2, 2009-Special Meeting/Open Session
6. March 3, 2009-Special Meeting/Closed Session (Recessed from March 2nd)
7. March 3, 2009-Special Meeting/Open Session (Recessed from March 2nd)
8. March 10, 2009-Closed Session of Regular Meeting
9. March 26, 2009-Special Meeting
10. April 2, 2009-Budget Workshop
11. April 7, 2009-Agenda Workshop
12. April 14-15, 2009-Regular Meeting

Commissioner King made a motion to approve the minutes as presented. Commissioner DiStasio seconded the motion, which passed unanimously.

Commissioner King asked where the Public Comments section of the agenda was. Public Comments was at the end of the agenda. He stated that normally Public Comments was at the end and the beginning of the agenda. Mayor Clemmons asked for a motion to suspend agenda rules to include Public Comments at the beginning of the meeting. *Commissioner made a motion to suspend agenda rules to allow for Public Comments. Commissioner Melahn seconded the motion. The motion passed unanimously. The Mayor asked for and received a motion from Commissioner King to add Public Comments to the agenda after the Consent Agenda portion of the meeting. Commissioner Dixon seconded the motion, which passed unanimously.*

PUBLIC COMMENTS:

Mr. Don Hege addressed the Board regarding a complaint he submitted some time ago. He stated he had not received any resolution or satisfaction to the complaint. He referred to a memo from Commissioner DiStasio in which she wrote that the Town of Calabash was too quick to make a decision and he would like proof that the Building Inspector, Stanley Dills, was out of town, that the

town SUV was locked in the maintenance building and that Jim McCartney returned from school on March 8th. He claims that he saw the town vehicle at 8:30 p.m. on March 8th. He wanted to know who “higher up” told Jim McCartney, Stanley Dills and Bill Danford to pick up the political signs. The Mayor opened up the issue to the Board for comment. He went on to say that the Board did meet during a Regular Meeting in Executive Session to address the complaint. The Mayor stated that the letter was to be included in personnel files and not for release. Commission Dixon stated he did not provide a copy to Mr. Hege but he did speak to him. He said that he had not seen a copy of the letter. Commissioner Herman apologized that he did not receive a written acknowledgement. Commissioner King stated if Commissioner Dixon spoke with Mr. Hege and Mr. Hege agreed to the action to be taken, and then he received a copy of Commissioner DiStasio’s memo, then that action negated what the Board did then he demanded the memo be removed from employee files. He wanted to know when the letters would be removed. Mr. Lewis suggested that discussion continue during Closed Session.

Mr. Fletcher Frink stated that he would like to see the town purchase the Calabash Fire Department. He prefers that the town collect fire fees and be responsible for what is being spent. He stated some of the fire equipment could be sold. The fire department needs to cut expenses, not increase expenses. He asked the Board to please keep in mind that they are spending other people’s money.

TOWN ADMINISTRATOR’S REPORT:

Mr. Cribb reported on a variety of subjects, which included the Beautiful Yard Contest, the May 25th Memorial Day ceremony and the new Sheriff’s substation.

BUILDING INSPECTOR’S REPORT:

Mr. Dills report is herewith attached.

COMMITTEE REPORTS:

Fire Department: Commissioner Herman stated that the Department and the Board have been looking into getting stimulus money and grants. A small contingent will be visiting other fire departments to gain information. There will be a meeting of Carolina Shores and Calabash regarding a joint fire department. Every avenue is being explored to keep the department local and within the control of the Town. The fire department ISO rating is a 4.

Planning and Zoning: report is attached.

Finance: Commissioner King stated that the Town received \$28,000 in FEMA funds from Tropical Storm Hanna. Tax collection is at 102% and expenditures are on target.

Water/Wastewater: The Mayor reported that the construction bid for the sewer project would be advertised this month; the Town will have input on the construction bids and the ads. The Town would like to see the Calabash River to be reopened for shellfishing.

Town and Merchant: A membership drive will be conducted this Thursday at 3pm; meeting at Becks’ Restaurant parking lot, members will go door to door trying to increase the number of businesses involved.

Stormwater: No report

Long Range Planning: A meeting was held with W.K. Dickson and various topical issues were discussed.

Ordinance Review Committee: The Town Administrator provided a brief overview of the Committee's progress.

OLD BUSINESS:

1. Discussion/Action to consider scheduling a Public Hearing regarding an amendment request to the current Code of Ordinances that all zoning districts which include density regulations should be subject to Net Buildable area (tabled item). *Commissioner Herman made a motion to reopen the issue for discussion. Commissioner Dixon seconded the motion, which passed unanimously. Following a discussion, Commissioner DiStasio made a motion to set a Public Hearing to discuss Net Buildable Area for Thursday, June 4, 2009 at 4:00 p.m at Town Hall. The motion was seconded by Commissioner King and passed by a vote of 4 to 1 (four to one) with Commissioner Herman voting against the motion.*

Mayor Clemmons called for a five-minute break.

2. Discussion/Action related to the 2009-2010 Fiscal Year Budget; Consider scheduling a Special Meeting to Conduct a Budget Workshop the week of May 18th; the Public Hearing for the draft 2009-2010 Budget Ordinance will be held June 9th, as stated in the 2009-2010 Fiscal Year Budget Calendar adopted February 10, 2009. *After a brief discussion, Commissioner King made a motion to hold a Special Meeting to conduct a Budget Workshop on Monday, May 18, 2009 at 4:00 p.m, at Town Hall. The motion was seconded by Commissioner DiStasio and carried unanimously.*

3. Discussion/Action Related to Saltaire Village ponds; report from the Town Administrator and Commissioner Dixon. The Town is responsible for the "hard core" maintenance of the ponds, according to the town administrator. He went on to say that while many options have been explored, the use of riprap appears to be the most cost effective method to fix the ponds and he is waiting for a bid for such material. Commissioner Herman stated that the ponds provide Saltaire Village with storm water drainage and once the area was involuntarily annexed, it dedicated its roads, ditches and storm water management to the Town. By contract the Town took over responsibility for the maintenance of the ponds with Saltaire Village responsible for dealing with algae in the ponds. Following discussion, it was determined to have the Town Administrator proceed with the installation of riprap as long as the cost did not exceed \$10,000.

4. Discussion/Action related to reinstating the Calabash Community Services Committee. Mayor Clemmons stated that the reinstatement of the Committee had been put on hold back in February. He wants to firm up the Committee and to see if former members are interested in rejoining. A membership drive will be conducted to find members. The Town Administrator will act as liaison and resource for the Committee. While not serving himself, the Mayor will be available to the Committee.

NEW BUSINESS

1. Discussion/Action to schedule a Public Hearing regarding an Ordinance Amendment Request to increase the required buffers in the PUD [§153.147 (D)(3)] and Subdivisions [§151.46 (A)] Sections of the Calabash Code of Ordinances. The Planning and Zoning Board has recommended this request be denied and the ordinances regarding buffers remain as they are currently. *Commissioner King made a motion to schedule a Public Hearing regarding an Ordinance Amendment request to increase required buffers in the PUD and Subdivisions on Thursday June 4, 2009 at 4:00 p.m at Town Hall. Commissioner Dixon seconded the motion, which passed unanimously.*

2. Discussion/Action to schedule a Special Meeting to hold a Public Hearing and to take action for an Ordinance Amendment to amend §153.219 of the Calabash Code of Ordinance for the purpose of establishing conditions for sweepstakes businesses. The Planning and Zoning Board has recommended approval for this ordinance amendment. *Commissioner DiStasio made a motion to schedule a Public Hearing on Thursday June 4, 2009 at 4:00 p.m. to take action on an Ordinance Amendment for the purpose of establishing conditions for sweepstakes businesses. Commissioner Melahn seconded motion, which passed unanimously.*

3. Discussion/Action regarding the Calabash Fire Department. The issues to consider are an exchange of property between the Town and the Calabash Fire Department and; sponsorship of the Calabash Fire Department in the Community Assistance Block Grant for the purpose of constructing a new fire station by way of adopting a resolution. *Commissioner Herman made a motion to table the exchange of property between the Town and the Calabash Fire Department for a possible workshop at a future date, which died due to lack of a second.* Following discussion concerning the issue of matching funds, it was suggested by Mr. Lewis that the resolution be amended by adding “provided that any matching funds are the responsibility of the Calabash Fire Department.” *Commissioner Melahn made a motion to adopt the amended resolution supporting the efforts by the Calabash Fire Department in applying for any grants the department may be eligible for. Commissioner DiStasio seconded the motion, which passed unanimously.*

4. Discussion/Action to create and adopt a policy that no meeting is to go beyond 9:00 p.m; meeting agendas that are not completed by 9 p.m. will be recessed until the next day (or another time approved by the Board). Mayor Clemmons proposed instead of having one agenda and one regular meeting, to have two regular action meetings per month with an agenda at the beginning of a meeting. *Commissioner Herman made a motion to create a meeting policy that meetings do not go past 9pm, Commissioner DiStasio seconded the motion which passed unanimously.*

5. Discussion/Action to direct the Ordinance Review Committee (ORC) to submit proposed revisions to the Planning and Zoning Board for review and recommendation to the Board of Commissioners. It was noted that in April, the Board of Commissioners had given the ORC 90-days to review the draft UDO. Commissioner Melahn felt once the ORC completed their review, they should submit their recommendations to the P&Z Board and all recommended changes should be included on ordinance change request forms. *Following discussion Commissioner Herman made a motion directing the ORC, upon their 90-deadline, should submit recommended changes to the Planning & Zoning Board, seconded by Commissioner Melahn and carried unanimously.*

6. Approval of minutes of the March 17, 2009 Budget Workshop. The Town Clerk was charged to change the word “county” to “town”. *Commissioner King made a motion to approve the amended minutes of March 17, 2009. Commissioner DiStasio seconded the motion, which passed unanimously.*

CLOSED SESSION:

1. Pursuant to G.S. 143-318.11 (a)(6)-Personnel Matters (employee annual evaluation).
Commissioner DiStasio made a motion to adjourn to Closed Session. Commissioner Herman seconded the motion, which passed unanimously.

Upon returning from Closed Session Commissioner King motioned to enter Regular Session, seconded by Commissioner Herman and carried unanimously.

ACTION AS A RESULT OF CLOSED SESSION:

1. *Commissioner DiStasio motioned to give Mr. William Silvers a salary increase of 2.5% starting the next pay period, seconded by Commissioner Dixon and carried unanimously.*
2. *Commissioner DiStasio motioned to give Mr. Stanley Dills a 2% salary increase starting the next pay period, seconded by Commissioner Herman and carried unanimously.*

PUBLIC COMMENTS: none

BOARD COMMENTS: none

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

Seal

Anthony Clemmons, Mayor

ATTEST

Kelley South, Town Clerk