



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
November 11, 2008-7:00pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG: Mayor Clemmons

ROLL CALL: (Board members, please remember to adjust your microphones)

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC COMMENTS:

CONSENT AGENDA:

1. Schedule Public Hearing for December 9, 2008, 6:00 pm at Town Hall for technical revisions to Ordinance # 2008-A02 and Map (Devaun Park Voluntary Annexation of 15-acres effective August 13, 2008).
2. Schedule Public Hearing for December 9, 2008, 6:00 pm at Town Hall for consideration of a minimum housing code, specifically adopting the *2006 International Property Maintenance Code*.
3. Schedule Public Hearing for December 9, 2008, 6:00 pm at Town Hall for consideration of adopting the *NC Fire Code Appendices*.
4. Schedule Public Hearing for December 9, 2008, 6:00 pm at Town Hall for consideration of Ordinance # 2008-04-amendment to Section 153.306, Parking Space Dimensions of the Calabash Code of Ordinances including references to standards set forth in *The American Institute of Architects Architectural Graphic Standards, Seventh Edition*.
5. Schedule Public Hearing for December 9, 2008, 6:00 pm at Town Hall for consideration of Ordinance #2008-03-amendment to Section 153.052, Planning Board Membership of the Calabash Code of Ordinances.

APPROVAL OF MINUTES:

1. October 14, 2008-Regular Meeting

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT: Attached.

BUILDING INSPECTOR'S REPORT: Attached

COMMITTEE REPORTS:

1. Fire Department—Commissioner DiStasio will report for Commissioner Herman
2. Planning & Zoning—Commissioner DiStasio
3. Finance—Commissioner King
4. Water/Wastewater—Mayor Clemmons
5. Town & Merchant—Commissioner King
6. Stormwater—Jim McCartney
7. Long Range Planning—Commissioner King
8. Town Hall Improvements—Commissioner Melahn

OLD BUSINESS

1. **Discussion** of Procedures for Meetings held by official Boards of the Town of Calabash (update from Mayor Clemmons and Commissioner Melahn).
2. **Discussion** review of ordinance governing State of Emergency events (tabled item).

NEW BUSINESS:

1. **Action** to approve:
 - a. Changing the time of Regular Monthly Meetings held by the Board of Commissioners from 7:00 pm to 6:00 pm.
 - b. Revise the 2008/2009 Town of Calabash Holiday/Meeting Schedule to show that the Board of Commissioners Regular Monthly Meeting is held the 2nd Tuesday of each month at 6:00 pm.
 - c. Consideration of Veteran’s Day as a Recognized, Legal Holiday for the Town of Calabash for the 2009/2010 fiscal year.
2. **Action** to schedule a Special Meeting to hold a Public Hearing and take action for the Conditional Use Permit Application submitted by Shallotte Partners to construct multi-family housing in the R-8 zoning district—Consider December 2nd, 3rd, or 4th at 6:00 pm.
3. **Discussion** of a proposed Branch/Brush Pick-Up Program Policy.
4. **Action** to approve re-appointments to the Planning & Zoning Board
 - a. Theresa McMahon for a three-year term ending 10/13/2011
 - b. Walter G. Cooper for a three-year term ending 10/13/2011
5. **Discussion** (re)codification of the Town’s General Code of Ordinances.
6. **Mayoral Appointments**
 - a. Appointment of Mary Knight to the Long Range Planning Committee
 - b. Mayor Clemmons to appoint himself the Policy & Procedures for Conducting Board Meetings Ad-hoc Committee appointed last month consisting of Commissioners Herman & Melahn.
7. **Action** to
 - a. Establish & approve a policy for determining Christmas bonuses for staff.
 - b. Approve payment of 2008 Christmas bonuses for staff.
8. **Action** appointment of a Zoning Administrator.

9. **Action** to approve Proclamation #2008-02 in recognition of an outstanding citizen-Erwin “Bud” Sweetman.

CLOSED SESSION:

1. Discussion of property acquisition pursuant to G.S 143-318.11 (a)(5).
2. Discussion of legal matters pursuant to G.S 143-318.11 (a)(3).
3. Discussion of personnel matters pursuant to G.S 143-318.11 (a)(6).

ACTION FROM CLOSED SESSION:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, November 11, 2008-7:00 p.m**

MINUTES

The Calabash Board of Commissioners held a Regular Meeting on Tuesday, November 11, 2008, 7:00 p.m at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Anthony Clemmons, Mayor Pro Tem Forrest King, Commissioner Emily DiStasio, Commissioner John Melahn, and Commissioner William Dixon.

MEMEBERS ABSENT: Commissioner Cecelia Herman.

STAFF PRESENT: Vincent L. Long III, Town Administrator; Kelley Southward, Town Clerk; Stanley Dills, Building Inspector/Code Enforcement Officer.

GUESTS PRESENT: There were approximately 25 guests in attendance.

CALL TO ORDER: Mayor Clemmons called the meeting to order at 7:00 p.m.

PLEDGE TO FLAG: Mayor Clemmons led everyone in the Pledge of Allegiance to the Flag.

ROLL CALL: The Board members and staff all stated their names and titles for the record and audience.

APPROVAL/ADJUSTMET OF AGENDA:

1. Mayor Clemmons adjusted the agenda to add “Mayor’s Comments” after the first Public Comments on the agenda.

2. Mr. Dills informed the Board that Item 2 of the Consent Agenda (Schedule a Public Hearing for December 9, 2008, 6:00 p.m at Town Hall for consideration of a minimum housing code, specifically adopting the *2006 International Property Maintenance Code*) needed to be removed, as the document was not completely ready, as he had hoped it would be. Items 3-5 of the Consent Agenda should be adjusted accordingly.
3. Mayor Clemmons asked that the language of Item 4 of New Business be amended to read: “Action to consider appointments to the Planning & Zoning Board for two terms that expired on 10/13/2008; the new terms will be for a period of three years ending on 10/13/2011.
 - a. Mayor Clemmons will accept nominations for appointment #1-Action to be taken by the Board.
 - b. Mayor Clemmons will accept nominations for appointment #2-Action to be taken by the Board.”
4. Mayor Clemmons asked to add Item 10 to New Business “Travel Policy for Board Members”.

Commissioner King made a motion to approve the agenda, as amended; seconded by Commissioner Melahn and carried by way of a unanimous vote.

PUBLIC COMMENTS:

1. Linda Perkins of Calabash Acres addressed the Board regarding burning. Ms. Perkins said her neighbors burn leaves and other yard debris and the smoke affects her breathing a great deal because she has lung disease.
2. Mitch Meares of 1120 River Drive in Calabash Acres addressed the Board reminding them of the petitions in opposition for the sewer project that were presented to the Town at last month’s meeting from Pine Bur and Calabash Acres. Mr. Meares said he has been in contact with County Commissioner Phil Norris who told him that time is of the essence because sewer contracts are near signing. He said that Commissioner Norris recommends the Town of Calabash vote to have Calabash Acres & Pine Bur Acres in or out of the project. Mayor Clemmons said such a vote would not be appropriate at this time.
3. Alinda Meares—Ms. Meares had signed up to speak but she yielded her time to other speakers.
4. Kyle Miller, 1384 Aylor Grubbs Ave, Stanley, VA 22851, who owns property in Pine Bur Acres, was concerned about the sewer extension project—especially the cost that property owners will be assessed. Mr. Miller said he owns three lots in Pine Bur and is therefore looking at a potential assessment cost of \$30,000.
5. Chester Wojcik, of West Virginia, who owns property in Pine Bur Acres said he understands the members of the Board have a difficult job to do. Mr. Wojcik said out of the 213 people who own property in Pine Bur Acres, 146 of them are non-residents and of those, 46 are out-of-state non-residents. Mr. Wojcik said he is not necessarily against the sewer project but he is concerned about the lack of information the public has received regarding the project—it is very frustrating. Mr. Wojcik felt that for a County project, Brunswick County seems to know very little about it, or they are not willing to share any information with the public; people making inquiries are directed to the Town. No one (neither the Town nor the County) can tell property owners the total cost of the

project or what property owners will be assessed, according to Mr. Wojcik. From what he has been able to discover just today, he believes the total project cost is approximately \$7,300,000—the Board of Commissioners acknowledged that this figure was in the ballpark. Mr. Wojcik said that time is of the essence, and he would like to work with the Town & Board on this matter because, as of right now, the property owners by far, are going to get the short end of the stick. Mr. Wojcik said he does not understand why the Board approved the Sewer Service Agreement with the County; especially when NC law allows up to ten years for assessments to be repaid and the Agreement formulated by the County and approved by the Town stipulates a three-year payback. He also questioned why the engineering firm with the highest bid was selected—he acknowledged that there may be a good reason as to why but pointed out that the public has been kept in the dark. Mr. Wojcik said he has numerous questions and understands that this forum is for comment but would like to receive answers at some point in time. Mr. Wojcik informed the Board that 13 property owners from Pine Bur Acres have banded together and sought legal consultation regarding the sewer project. He explained that he was not giving the Board this information in a threatening way, but rather, he is just informing the Board of what they are doing in reaction to the lack of information provided to property owners regarding the sewer project. Mr. Wojcik requested the Town stall the project for at least 6 months and find some funding for the project so that citizens do not have to foot this huge cost all on their own. Mr. Wojcik wanted to know how property owners would be assessed and what the individual assessments would be to the people. Mayor Clemmons encouraged Mr. Wojcik to meet with him one-on-one so that some answers may be provided to the questions that have been presented; Mr. Wojcik said he would be leaving early the next morning to return home to WV. However, Mr. Wojcik said he plans to be back in Town around November 18th; Mayor Clemmons said he would be happy to meet with him and suggested that Mr. Wojcik write out all his questions and, if possible forward to Town Hall prior to meeting in case any answers need to be researched. Commissioner Dixon stated that he has been concerned of the cost that will be assessed to the property owners from the start of this project because he realizes that many of Town citizens are elderly and live on fixed incomes that are already too tight. Furthermore, Commissioner Dixon said as last that he knew it, the County does not yet know how the assessments will be determined (i.e. by lot, street frontage, acreage, etc.).

6. Mack Sanders of Calabash Acres said he believes, as a whole, the people of Calabash would be in favor of the sewer project had it been handled properly; Mr. Sanders feels the matter was not handled correctly. He feels that to be handled properly, it means Brunswick County would pay for the infrastructure and the people would pay a service fee. Citizens of Calabash cannot afford the sewer project, as proposed. He wishes elected officials (both town and county) would make decisions with the citizens in mind. Mr. Sanders referenced an article that appeared in an October edition of the Sun News, which stated the good financial standing of Brunswick County; he wanted to know why the Town (citizens) could not demand that Brunswick County pay for the sewer project. Mr. Sanders said he would like to see this Board vote on the sewer project to show where each member stands on the issue.
7. Karen Hardee, owner of Totally Chic Salon, addressed the Board who said one of the Town's [General] Code Enforcement Officials addressed her last week stating that her business is in violation of the Town's parking ordinance because patrons and staff of her

business park in the Town's right-of-way along Wilson Ave. Ms. Hardee said she came this evening to find out from the Board what she needs to do, although rectifying the matter would be down the line as there are many other businesses in Town where people park in the right-of-way. Mayor Clemmons asked Ms. Hardee if she had contacted the Town Building Inspector/Code Enforcement Officer, Mr. Dills, regarding this matter; Ms. Hardee relayed that she had not. Ms. Hardee said it was Mr. McCartney, of the Town, who had approached her on the matter last week and informed her that a letter was suppose to be sent to her; she has not yet received a letter. Ms. Hardee feels as though her business is being singled out because there are plenty of other businesses that have parking in the right-of-way, especially along River Road, according to Ms. Hardee. Ms. Hardee, again, said she is present to find out what the Town wants from her or needs her to do. Mayor Clemmons said the Town has an ordinance that prohibits parking in the Town's right-of-ways and some of the businesses along River Road who violate this ordinance are grandfathered/nonconforming, meaning that they were doing so before the ordinance was created and enacted. Ms. Hardee asked the date of the ordinance. Mayor Clemmons said he did not have the date in front of him and felt this was a matter that Ms. Hardee needed to take up with Code Enforcement staff. Mayor Clemmons said he does believe Ms. Hardee's business was built after the ordinance was passed, which would make her business subject to comply with the ordinance; although, Mayor Clemmons said he would not swear to the time line. Ms. Hardee said she does not feel because of a date that she should be singled out when she has seen cars parked in the actual road at other businesses. Ms. Hardee said that if her employees were forced to park in the parking lot of her business, then there would be no room for her customers to park, which may cause her to lose customers. Ms. Hardee noted that if the sewer system had been available to her eight years ago when she built the business, her parking lot would have been bigger but she needed her land to remain open for the septic system. Mayor Clemmons asked Ms. Hardee to set up a time with Mr. McCartney to go over this matter. Mr. Meares (citizen in the audience) asked to be recognized to comment on this matter; Mayor Clemmons allowed Mr. Meares to comment. Mr. Meares felt that he believes the Town is starting to have far too many rules. He felt Ms. Hardee should be allowed to have her parking wherever necessary and that the Town, in trying to enforce the Ordinance, is jeopardizing Ms. Hardee's livelihood.

MAYOR'S COMMENTS: Mayor Clemmons thanked Mr. Bill Danford of Town Services for a small appreciation ceremony he hosted at Town Hall in recognition of the 233rd birthday of the U.S Marine Corp on 11/10/2008. Mayor Clemmons said the Town is looking into holding some kind of ceremony in recognition of Armed Forces Day. Mayor Clemmons wished the entire community a happy Thanksgiving.

CONSENT AGENDA: Although it had been done under "Approval Adjustment of Agenda", Mayor Clemmons requested that a motion be made to [again] remove [the original] Item #2 from the "Consent Agenda", which was "Schedule a Public Hearing for December 9, 2008, 6:00 pm at Town Hall for consideration of a minimum housing code, specifically adopting the 2006 *International Property Maintenance Code*." *At the behest of Mayor Clemmons, Commissioner DiStasio made a motion to remove [the original] Item #2 (referenced in the previous sentence)*

from the Consent Agenda. Commissioner Melahn seconded the motion and the motion carried, unanimously.

1. Schedule a Public Hearing for December 9, 2008, 6:00 p.m at Town Hall for technical revisions to Ordinance # 2008-A02 and Map (Devaun Park Voluntary Annexation of 15-acres effective August 13, 2008).
2. Schedule a Public Hearing for December 9, 2008, 6:00 p.m at Town Hall for consideration of adopting the *NC Fire Code Appendices*.
3. Schedule a Public Hearing for December 9, 2008, 6:00 p.m at Town Hall for consideration of Ordinance # 2008-04-amendment to Section 153.306, Parking Space Dimensions of the Calabash Code of Ordinances including references to standards set forth in *The American Institute of Architects Architectural Graphic Standards, Seventh Edition*.
4. Schedule a Public Hearing for December 9, 2008, 6:00 pm at Town Hall for consideration of Ordinance # 2008-03-amendment to Section 153.052, Planning Board Membership of the Calabash Code of Ordinances.

Commissioner DiStasio made a motion to approve the Consent Agenda, seconded by Commissioner Melahn and carried by way of a unanimous vote.

APPROVAL OF MINUTES:

1. October 14, 2008-Regular Meeting. *Commissioner DiStasio made a motion to approve the minutes of October 14, 2008, Regular Meeting, as written. The motion was seconded by Commissioner King and carried by way of a unanimous vote.*

CORRESPONDENCE: none

TOWN ADMINISTRATOR'S REPORT: The TA's written Report is attached hereto and made a part of these minutes. Mr. Long highlighted from his report that Calabash and Carolina will hold a meeting with the Brunswick County Sheriff's Department on 11/18/2008 to discuss police protection in our area and on 11/24/2008 there will be a meeting between the 2 towns and Brunswick County Emergency Services to follow-up on the future of the Fire Department.

BUILDING INSPECTOR'S REPORT: The BI's written Report is attached hereto and made a part of these minutes. Mr. Dills reported that he had requested the Public Hearing regarding the Town's consideration of adopting the International Property Maintenance Code be delayed because there are some specific numbers and other information directly related to Calabash that have to added to the document and he more time is needed to research the correct information so that nothing incorrect is applied to the citizens of Calabash. Mr. Dills reported that Devaun Park has submitted drawings for their multifamily phase of the development. Commissioner King asked how many permits were issued over the last month. Mr. Dills said that he would have to look up the exact figure but as far as new construction only 2 or 3 were issued; most of these were mobile homes.

COMMITTEE REPORTS:

1. **Fire Department:** Commissioner DiStasio relayed that Commissioner Herman had not been able to provide her with and information to report.
2. **Planning & Zoning:** Ms. Alinda Meares received her Oath of Office and took her seat at the November 3rd P/Z Meeting. Vice Chairman, Gary Cooper, led the proceedings on November 3rd in Mr. Brown's absence. The Committee formed by the P/Z in October to investigate signage for aggrieved business owners recommended that the P/Z make no recommendation to the BOC at this time to amend the sign regulations. Shallotte Partners' Conditional Use Permit Application to construct a 228-unit multifamily development in the R-8 was heard by the P/Z Board. The P/Z Board recommended approval of the project to the BOC with the condition that the project adhere to all conditions set forth in the ordinance and therefore, they recommend that only 180 units be allowed at a height of 35-feet. Finally, the P/Z Board recommended the BOC reappoint both Ms. Theresa McMahon and Mr. Gary Cooper to the P/Z Board, each for a term of 3-years ending 10/13/2011.
3. **Finance:** Commissioner King reported that the Town funds that had been placed in CD's in July have generated approximately \$2200 in interest for the Town to date. Approximately 30% of the property taxes that were billed for 2008 have been collected; property taxes are due by January 5th. Typically, at this point in the budget year, entities should be at about 33% of their budgeted amounts; roughly, the Town has collected about 34% of what was budgeted for the year and has spent about 35% of what was budgeted. Currently the Town's income is exceeding expenditures by approximately \$110,000.
4. **Water/Wastewater:** The Town has provided copies of the sewer petitions (presented to the Board at the October Meeting) to Brunswick County as well as the Town Attorney. The Calabash Board of Commissioners has taken no official action at this time. The Wastewater Treatment Service Committee continues to provide guidance to the County and the Town Attorney until such time as the Board is ready to take official action. Mayor Clemmons said the Town is moving cautiously and as expeditiously as possible. The Town is also in contact with County Commissioner Norris.
5. **Town & Merchant:** The Halloween Festival was held October 31st; hopefully next year, the Town & Merchant Association will be able to play a bigger role. The Christmas Tree Lighting Ceremony will be held Friday, December 5th at 6:00 pm in the parking lot at Callahan's. The next Merchant's Association Meeting will be November 13th at 6:30 p.m at Granny Allyn's.
6. **Stormwater:** Since there has not been any significant rainfall over the past month, there is not much to report. However, Mr. McCartney did inform everyone that the prisoners were in Town assisting Town Services in the cleaning of gutters along Beach Drive.
7. **Long Range Planning:** Commissioner King said the Town has retained the services of WK Dickson out of Wilmington to devise a Master Plan for the Town's 10-acres on Persimmon Road. To date, a park or some other kind of recreation area for citizens has been discussed. WK Dickson will be looking into grants that the Town can apply for to assist with this project.
8. **Town Hall Improvements:** Commissioner Melahn reported that Town Hall Improvements are being deferred to the Long Range Planning Committee. If all goes well with WK Dickson for the 10-acres, they may be asked to assist the Town with a plan for expanding Town Hall.

OLD BUSINESS:

- 1. Discussion of Procedures for Meetings held by official Boards of the Town of Calabash.** Commissioner Melahn explained that the Town's current Code of Ordinances only references *Robert's Rules Of Order* as a guide for conducting Town Meetings. *Robert's Rules* is 677 pages and is intended for large parliamentary procedures. Last month, Commissioners Melahn and Herman were appointed to an Ad-Hoc Committee to formulate procedures for Town Meetings and their recommendation is to base a template for Calabash Meeting Procedures on the *Suggested Rules of Procedure for a City Council* by A. Flemming Bell, II of the Chapel Hill School of Government. The Ad-Hoc Committee is in the process of formulating a draft; once the draft is complete, the Board of Commissioners will hold a Workshop to discuss the procedures (it is likely that this will be a joint workshop for both the P/Z and BOC).
- 2. Discussion to review ordinance governing State of Emergency Events (tabled item).** *Commissioner DiStasio made a motion to place this item back on the table for discussion, seconded by Commissioner Melahn and carried by way of a unanimous vote.* Last month, the Board was provided several examples of State of Emergency Ordinances from other towns; they directed staff to make a recommendation. Mr. Long has furnished the Board with one State of Emergency Ordinance that is comprehensive yet easy to understand and administer and should suit the needs of Calabash. Commissioner Melahn said the document needed to be reformatted to look like other revisions of the Town Code. The Board discussed the necessity of having the document reformatted for the December Meeting so that a Public Hearing could be scheduled for January. *Commissioner Melahn made a motion to table this matter, seconded by Commissioner King and carried with a unanimous vote.*

At this time, Mayor Clemmons announced that the Board would take a five-minute recess.

NEW BUSINESS:

- 1. Action to approve:**
 - a. Changing the time of Regular Monthly Meetings held by the Board of Commissioners from 7:00 p.m to 6:00 p.m; and if approved, revise the 2008/2009 Holiday/Meeting Schedule to reflect the time change.** *Commissioner DiStasio made a motion to change the Board of Commissioners Regular Monthly Meeting time from 7:00 p.m (on the 2nd Tuesday of the month) to 6:0 p.m (on the 2nd Tuesday of the month). Commissioner Dixon seconded the motion and Mayor Clemmons asked if there was any discussion of the matter.* Two members of the audience (presumed to be interested citizens) asked why the Board wanted to change the time and expressed opposition to the change. Commissioner King explained that lately it has been 10:00 p.m or 11:00 p.m before Regular Meetings have been adjourned. Moving the start time up one hour will hopefully get everyone out at a more decent time. *Mayor Clemmons called for a vote to the motion to change the Meeting time from 7:00 p.m to 6:00 p.m and the motion carried by way of a unanimous vote.*
 - b. Consideration of Veteran's Day as a recognized, legal holiday for the Town of Calabash for the 2009/2010 fiscal year.** *Commissioner DiStasio motioned to approve Veteran's Day as a recognized, legal holiday for the Town of Calabash*

for the 2009/2010 fiscal year, as recommended by Commissioner Cecelia Herman. Commissioner Melahn seconded the motion and there was discussion. There was discussion over how many paid holidays were already given to staff. Eventually, Mayor Clemmons called for a vote and the motion to approve Veteran's Day as a holiday for 2009/2010 carried by way of a unanimous vote.

- 2. Action to schedule a Special Meeting to hold a Public Hearing and take action for the Conditional Use Permit Application submitted by Shallotte Partners to construct multi-family housing in the R-8 zoning district—consider December 2nd, 3rd, or 4th at 6:00 p.m.** The Board discussed this matter and noted that they are not required to take action directly following the Public Hearing but may do so if they so choose. Since the Board will hold an Agenda Setting Meeting on Tuesday, December 2nd at 4:00 p.m, they felt 5:30 p.m on the same date would be an appropriate time to hold the Special Meeting/Public Hearing regarding Shallotte Partners' Conditional Use Permit Application. *Commissioner DiStasio made a motion to schedule a Special Meeting and a Public Hearing for the Conditional Use Permit Application submitted by Shallotte Partners' on Tuesday, December 2, 2008, at 5:30 p.m. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*

- 3. Discussion of a proposed Branch/Brush Pick-Up Program.** Mr. Long had drafted a proposed program to pick-up branches and brush for citizens, which was included in the Board's packets for their review. Mr. Long said he has a lot of experience with these programs in other cities he has worked. This program has been designed with the anticipation that the Town would one day have a wood chipper. So, the structure of this proposed program disciplines citizens to pile their branches and brush in a way that will be easily picked up and placed in a chipper; pick-up would take place on a continuous cycle. The one thing that he has found to not work with these types of programs is picking up leaves. The Board discussed the need to have leaves picked up as well and decided that leaves would have to be bagged. It was clarified that the program was not intended to take away citizens' right to burn leaves and other yard debris. Mr. Danford of the Town Services Department asked if the program would include the ETJ portion of Town that was recently annexed (to be effective June 2009)? Mayor Clemmons suggested the Town start be applying the program just to current city limits and revisit the suggestion of adding the ETJ (that is soon to become a part of the corporate limits) at a later date once Town Services gets used to the program. *Commissioner Melahn made a motion to approve implementing a Branch/Brush/Leaf Pick-Up Program and allow the Town Administrator and Town Services department to workout a schedule for the program. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*

- 4. Action to consider appointments to the Planning & Zoning Board for two terms that expired on 10/13/2008; the new terms will be for a period of three years ending on 10/13/2011.**
 - a. Mayor Clemmons will accept nominations for appointment #1-Action to be taken by the Board.**

b. Mayor Clemmons will accept nominations for appointment #2-Action to be taken by the Board

Mayor Clemmons opened the floor for nominations for the vacant seats on the Planning & Zoning Board.

- Commissioner King nominated Mr. John Thomas, stating that Mr. Thomas has had an application submitted for a seat on the P/Z Board for a long time.
- Commissioner DiStasio nominated Ms. Theresa McMahon to be reappointed for 3-year term.
- Commissioner Dixon nominated Walter G. Cooper.

Mayor Clemmons asked if there were any other nominations. Upon no response, Mayor Clemmons closed the floor for nominations.

Before taking any action, Mayor Clemmons asked the Board if it would be agreeable to them to open the floor for discussion; there were no objections to this notion.

Commissioner Melahn stated that he was confused. He went onto say that for position #1, Theresa McMahon is the current incumbent. Commissioner DiStasio said she made a motion to appoint Theresa McMahon; and asked if anyone seconded the motion. The Town Clerk pointed out that the Mayor had asked for nominations. Commissioner DiStasio corrected her previous statement to say that she recommended (nominated) Ms. McMahon. The Town Clerk stated that there were three nominees for the two positions: Mr. Thomas, Ms. McMahon, and Mr. Cooper. Mayor Clemmons asked if the Board would like to discuss the nominees so that everyone could have some information on each nominee and then put the matter to a vote.

Commissioner DiStasio said that Theresa McMahon has been on the Planning & Zoning Board for a long and is doing a good job. She went onto say that John Thomas was the lowest rated applicant (in October Commissioner Melahn had rated applicants for a then vacant seat on the PZB).

Commissioner King he has known John Thomas for quite a few years, feels he is sharp and has a level head on his shoulders. Furthermore, Mr. Thomas has been trying to get on a board for sometime. In fact, in October, Mr. Thomas was recommended by the PZB to fill a vacancy by a vote of four (4) to one (1).

Mayor Clemmons noted that Mr. Cooper is currently the Vice Chairman of the Planning & Zoning Board.

Commissioner Melahn asked if it was correct to say that they (other members of the Board of Commissioners) are looking to replace Theresa McMahon with John Thomas. Commissioner King said he does not know how the vote will go. Commissioner Melahn noted that Ms. McMahon has been on the PZB for quite a

few years. The Town Clerk said she did not know exactly how long Ms. McMahon has served but it has been multiple years.

Commissioner DiStasio inquired about Mr. Cooper's attendance. The Town Clerk said she believed he had only missed one or two meetings this year.

Mayor Clemmons asked if there were any further comments of the nominees; there was nothing forthcoming. With that, Mayor Clemmons said he would entertain motions on the nominees in the order in which they had been nominated.

P/Z Appointment #1: Mayor Clemmons asked if anyone would like to make a motion regarding John Thomas. *Commissioner King made a motion to appoint John Thomas to serve a three-year term on the Planning & Zoning Board. Commissioner Dixon seconded the motion to appoint Mr. Thomas and the vote was as follows: Commissioners Dixon and King voted in the affirmative while Commissioners DiStasio and Melahn voted in opposition; the vote was tied two (2) to two (2). Mayor Clemmons broke the tie vote by voting in the affirmative; the motion to appoint John Thomas to the Planning & Zoning Board for a three-year term carried by a vote of three (3) to two (2).*

P/Z Appointment #2: *Commissioner DiStasio made a motion to reappoint Theresa McMahon to the Planning & Zoning Board. Commissioner Melahn seconded the motion to reappoint Ms. McMahon and the vote was as follows: Commissioners DiStasio and Melahn voted in the affirmative while Commissioners Dixon and King voted in opposition; the vote was tied two (2) to two (2). Mayor Clemmons broke the tie by voting "neigh". The Motion to reappoint Theresa McMahon to the Planning & Zoning Board was denied by a vote of two (2) to three (3).*

Commissioner Dixon motioned to reappoint Mr. Cooper to the Planning & Zoning Board. The motion to reappoint Mr. Cooper was seconded by Commissioner King and there was a brief discussion. Commissioner Melahn commented that it seems as though Mr. Cooper has been absent a considerable amount of times from Regular Meetings held by the Planning & Zoning Board. Commissioner DiStasio agreed with Commissioner Melahn. Mayor Clemmons said he has spoke with Mr. Cooper concerning his absenteeism and relayed that Mr. Cooper has stated that he would improve his attendance record. Upon no further discussion, Mayor Clemmons called for a vote, which was as follows: Commissioners Dixon, King, and Melahn voted in the affirmative while Commissioner DiStasio voted in opposition; the motion to reappoint Mr. Cooper to the Planning & Zoning Board carried with a vote of three (3) to one (1).

Ms. Alinda Lewis Meares approached the podium saying "Mr. Mayor" in a request to be recognized. Mayor Clemmons said he was not taking comments from the floor at this time. Ms. Meares said she was standing outside and heard her name being discussed and asked that any conversation concerning her name

be said to her face. Again, Mayor Clemmons said the Board was not taking any comment from the floor at this time and moved onto New Business, Item #5.

5. **Discussion of (re)codification of the Town's General Code of Ordinances.** Commissioner Melahn gave some background regarding the last recodification performed by American Legal Publishing; the entire Board engaged in a discussion of the need to have the General Ordinances recodified. *Commissioner Melahn made a motion that the recodification to the Town of Calabash General Ordinance sections be completed internally. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*

6. **Mayoral Appointments:**

- a. **Appointment of Mary Knight to the Long Range Planning Committee**
- b. **Mayor Clemmons to appoint himself to the Ad-Hoc Committee for Policy & Procedures for Conducting Board Meetings (this Committee was formed last month and consists of Commissioners Herman and Melahn).**

Mayor Clemmons announce the above-referenced appointments; he noted that he was appointing himself to Ad-Hoc Committee because, as Mayor, he is required to conduct Meetings so it only makes sense that he be involved from the ground up.

7. **Action to**

- a. **Establish & approve a policy for determining Christmas bonuses for staff.** Commissioner King commented that there should be a more structured policy for the way in which Christmas bonuses are determined. However, at this time a new policy has not been determined; the policy should be examined and revamped at budget preparation time next year. In preparing the 2008/2009 Budget funds were appropriated to give each employee one week's pay as a Christmas bonus, which was what had been done last year.
- b. **Approve payment of 2008 Christmas bonuses.** *Commissioner DiStasio made a motion to approve a week's pay for staff Christmas bonuses except that Christmas bonuses for employees that have been with the Town less than one year will receive a prorated bonus determined by the number of weeks they have been with the Town and no Christmas bonus will be given to any employee working a probationary period; Christmas bonuses shall be paid during the first pay period in December. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*

8. **Action to appoint a (new) Zoning Administrator.** *Commissioner DiStasio made a motion to release Stanley Dills as Zoning Administrator; seconded by Commissioner Melahn and carried by way of a unanimous vote. Commissioner DiStasio then made a motion to appoint Vincent L. Long III Zoning Administrator; seconded by Commissioner Melahn and carried by way of a unanimous vote.*

9. **Action to approve Proclamation #2008-02 in recognition of an outstanding citizen, Mr. Erwin "Bud" Sweetman for his many years of donating blood (300 units donated).** *Commissioner King made a motion to approve Proclamation # 2008-02*

honoring Erwin Sweetman; seconded by Commissioner DiStasio and carried by way of a unanimous vote.

10. Determine a Policy for Board member travel. Mayor Clemmons stated the Ordinance currently contains a Travel Policy for staff but does not contain anything pertaining to Board members. Mayor Clemmons believes Board members should only be reimbursed for using their own vehicle for travel when a Town vehicle is not available. *Commissioner King made a motion to table the matter of formulating a Travel Policy for Board members; seconded by Commissioner Melahn and carried by way of a unanimous vote.*

CLOSED SESSION:

1. Discussion of property acquisition pursuant to G.S 143-318.11 (a)(5).
2. Discussion of legal matters pursuant to G.S 143-318.11 (a)(3).
3. Discussion of personnel matters pursuant to G.S 143-318.11 (a)(6).

Commissioner King made a motion for the Board to enter Closed Session pursuant to the above referenced Statutes. Commissioner Dixon seconded the motion and the motion carried by way of a unanimous vote (9:35 p.m).

Upon returning from Closed Session, Commissioner DiStasio motioned to return to Regular Session; seconded by Commissioner Melahn and carried by way of a unanimous vote.

ACTION FROM CLOSED SESSION: *Commissioner Melahn submitted a motion to request Brunswick County to put the Calabash Wastewater Project on hold after the engineering is complete for not less than six (6) months in order for the Town of Calabash to explore financing options. Commissioner DiStasio seconded the motion and there was a brief discussion. After the brief discussion, Commissioner Melahn amended his original motion to include a second request of Brunswick County that they do not submit for permits to the Department of Natural Resources. Commissioner DiStasio seconded the amended motion and the entire motion carried by way of a unanimous vote.*

There was no other action taken or discussion of the matters reviewed during Closed Session.

BOARD COMMENTS:

Commissioner King commented that he doesn't feel Totally Chic Salon, as far as parking is concerned, is not doing anything that at least a dozen other businesses in Town do. Commissioner Dixon said if she wants to let people park on the right-of-way, let her but suggest that she put gravel down. Mr. Long said the issue is that many times vehicles obstruct the view of the stop sign for travelers heading down Wilson Ave to Beach Drive and even if the view of the stop sign is not obstructed, often motorists cannot see oncoming traffic to turn off Wilson onto Beach. Furthermore, Mr. Long continued, if the Town allows this situation to continue (not only at this location but other areas of Town as well) the Town is allowing them to take property that belongs to the Town. Commissioner King said he agreed with Mr. Meares, who spoke earlier in defense of Totally Chic, in that the Town has too many rules and regulations. Mayor Clemmons asked if the Town is simply suppose to allow the people to do whatever they want

and have no enforcement. Commissioner King asked if there had been any complaints lodged against Totally Chic or any accidents resulting from the parking in the right-of-way; zero is the answer to both questions, Commissioner King said.

ADJOURN: *Commissioner Melahn moved to adjourn, seconded by Commissioner Dixon and carried by way of a unanimous vote.*

(seal)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk