



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
October 14, 2008-7:00pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG: Mayor Clemmons

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC COMMENTS:

CONSENT AGENDA:

1. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall for technical revisions to Ordinance #2008-A02 and accompanying map (Devaun Park)
2. Waive building permit fees for Calabash Fire Department.
3. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall to receive comments on the consideration of the Town adopting the *International Property Maintenance Code*, which governs minimum housing standards.
4. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall to receive comments on the consideration of the Town adopting the *NC Fire Code Appendices*.
5. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall to receive comments for proposed amendments to §153.306 Parking Space Dimensions to the Calabash Code of Ordinances.

APPROVAL OF MINUTES:

1. September 9, 2008-Regular Meeting

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT: Attached.

BUILDING INSPECTOR'S REPORT: Attached

COMMITTEE REPORTS:

1. Fire Department—Commissioner Herman
2. Planning & Zoning—Commissioner Melahn
3. Finance—Commissioner King

4. Water/Wastewater—Mayor Clemmons
5. Town & Merchant—Commissioner King
6. Stormwater—Jim McCartney
7. Community Service—Mayor Clemmons
8. Long Range Planning—Commissioner King
9. Town Hall Improvements—Commissioner Melahn

OLD BUSINESS

1. **Action** to approve Proclamation to terminate the State of Emergency enacted on September 5, 2008 (Proclamation # 2008-01).
2. **Discussion & Action** to appoint new member to the Planning & Zoning Board (tabled item).

NEW BUSINESS:

1. **Discussion/Action** review examples of Ordinances governing State of Emergency Events (per Commissioner Herman).
2. **Discussion & Action** to establish and adopt procedures for conducting meetings held by official boards of the Town of Calabash (per Commissioner Herman). Consider Robert's Rules of Order.
3. **Action**—approve the Halloween Festival sponsored by We Sell It On EBay 4 U and The Cutting Corner.

CLOSED SESSION:

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

ACTION FROM CLOSED SESSION:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, October 14, 2008-7:00 pm**

MINUTES

The Calabash Board of Commissioners held a Regular, Monthly Meeting on Tuesday, October 14, 2008, 7:00 pm at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner Cecelia Herman, Commissioner Emily DiStasio, and Commissioner John Melahn; a quorum was present.

MEMBERS ABSENT: Commissioner Forrest King and Commissioner William Dixon.

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

GUESTS PRESENTS: There were approximately 30 people in attendance.

CALL TO ORDER/PLEDGE TO FLAG: Mayor Clemmons called the meeting to order at 7:00 pm and led everyone in the Pledge of Allegiance to the Flag.

APPROVAL/ADJUSTMENT OF AGENDA: *Commissioner DiStasio made a motion to approve the agenda, as written; seconded by Commissioner Melahn and the motion carried by way of a unanimous vote.*

PUBLIC COMMENTS:

1. Mr. Marcus Daniel Stanaland of 1840 Beach Drive. Mr. Stanaland addressed the Board stating that he feels the Town of Sunset Beach has encroached upon the Town of Calabash's ETJ. He feels citizens' rights have been violated because an area (Forest Drive) recently annexed by Sunset Beach would have preferred to be incorporated by Calabash. These citizens would like the right to vote on the annexation (that is already in full effect). Mr. Stanaland requested the Town of Calabash consider drafting a Separation Document for the citizens of Forest Drive to separate from Sunset Beach. After several minutes of speaking on this matter, Mayor Clemmons asked that Mr. Stanaland get a small group of representatives from Forest Drive together and contact Town Hall Staff to schedule a meeting with Calabash officials.
2. Mr. Mack Sanders of 1126 River Drive. Mr. Sanders presented a petition to the Board in opposition of the current sewer expansion project on behalf of Calabash Acres subdivision (the petition as well as narrative statement from which Mr. Sanders read is attached hereto and made a part of these minutes). The petition stated the following: "The following land owners of the subdivision CALABASH ACRES, by their signatures below, do hereby declare and decree that the proposed sewer system that will affect all property owners in said development is invalid and unlawful. No vote of the residents or Referendum was ever held to ascertain the wishes of this development. The following

landowners hereby acknowledge and challenge the Board of the Town of Calabash to immediately cease and desist the inclusion of Calabash Acres in the proposed sewer system until such time the homeowners have a vote on the issue.” There were 101 signatures on the petition submitted by Mr. Sanders. Mayor Clemmons thanked Mr. Sanders and recognized receipt of the petition.

3. Mr. Simon Allen of 1055 Pine Bur Circle. Mr. Simon Allen also presented a petition against the current sewer expansion project. Mr. Allen’s petition represents Pine Bur Acres subdivision and reads the same as the Calabash Acres petition except, of course, it refers to the landowners of PINE BUR ACRES rather than Calabash Acres. The petition submitted by Mr. Allen as well as a narrative from which Mr. Allen read while addressing the Board are attached hereto and made a part of these minutes. Mayor Clemmons thanked Mr. Allen and recognized receipt of the petition. The petition submitted by Mr. Allen included 106 signatures when submitted. Both Mr. Allan and Mr. Sanders stated that they would continue to gather signatures both within these neighborhoods as well as other areas included in the sewer expansion project.
4. Mr. Mitch Meares of 1120 River Drive. Mr. Meares addressed the Board in his personal opposition to the sewer expansion project. Mr. Meares believes the project is illegal and invalid and should be put to a vote of the citizens. He requested the Board stop the project immediately and put it to a vote. Mr. Meares plans to involve himself in petitions for other neighborhoods affected by the proposed sewer expansion project.

CONSENT AGENDA:

6. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall for technical revisions to Ordinance #2008-A02 and accompanying map (Devaun Park)
7. Waive building permit fees for Calabash Fire Department.
8. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall to receive comments on the consideration of the Town adopting the *International Property Maintenance Code*, which governs minimum housing standards.
9. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall to receive comments on the consideration of the Town adopting the *NC Fire Code Appendices*.
10. Schedule a Public Hearing for November 11, 2008, 7:00 pm at Town Hall to receive comments for proposed amendments to §153.306 Parking Space Dimensions to the Calabash Code of Ordinances.

Commissioner Melahn motioned to approve the Consent Agenda; seconded by Commissioner DiStasio and carried by way of a unanimous vote.

APPROVAL OF MINUTES:

1. September 9, 2008-Regular Meeting.

Commissioner Herman submitted a motion to approve the minutes of the September 9, 2008 Regular Meeting; seconded by Commissioner Melahn and carried with a unanimous vote.

CORRESPONENCE:

Mayor Clemmons noted that there would be a meeting on November 6th in Raleigh, hosted by NCLM to discuss annexation. Mr. Long relayed that he plans to attend this meeting. Commissioner Herman said she was also interested in attending.

TOWN ADMINISTRATOR’S REPORT:

The Town Administrator's written Report is attached hereto and made a part of these minutes. Mr. Long stated that so far this fiscal year's revenues are exceeding expenditures; the Town is in good financial standings.

BUILDING INSPECTOR'S REPORT:

The Building Inspector's written Report is attached hereto and made a part of these minutes.

COMMITTEE REPORTS:

1. **Fire Department report by Commissioner Herman**—The Fire Department Board held its Regular Monthly Meeting on September 16th. It was reported that in August, the CFD responded to a total of 32 calls in Calabash, 24 calls responded to in Carolina Shores, 37 calls were responded to in unincorporated areas (Brunswick County), and there were 3 calls that the department assisted with in Horry County; there was a total of 96 calls run in August. The CFD and EMS has met to discuss working together. At the CFD Board Meeting there was discussion of remodeling the fire station. Brunswick County has employed Tom Grile to conduct a feasibility study to help determine the future of the CFD. The CFD Christmas Party was scheduled for December 6th, the next CFD Board Meeting is scheduled for October 21st.
2. **Planning & Zoning report by Commissioner Melahn**—The Planning & Zoning Board recommended not amending the ordinance to allow temporary portable signs but a committee was formed to look into other options for addressing business owner concerns related to signage. The P/Z Board has recommended the Board of Commissioners appoint John Thomas to the P/Z Board vacancy. The P/Z recommended approval of an ordinance amendment to address additional parking standards. The P/Z also recommended approval of the International Property Maintenance Code, which will govern minimum housing code standards in the Town. The Board, after an investigation of other local governments also recommended the Board of Commissioners approve adopting the NC Fire Code Appendices.
3. **Finance**—no report was given as Commissioner King was not present and Mr. Long had given a brief financial report during the Town Administrator's Report.
4. **Water/Wastewater report by Mayor Clemmons**—The Mayor relayed that he will present the petitions opposing the sewer presented tonight the County at the next Sewer Committee Meeting. Also at the next Sewer Committee Meeting there will be a discussion of House Bill 1770, which may allow a thirty-year payback for the sewer assessment.
5. **Town & Merchant**—Mayor Clemmons reported that Commissioner King has had great success in establishing the Merchant's Association, which will improve communications.
6. **Stormwater report by Mr. Long**—a prison work-crew has been in Town cleaning drainage ditches and cofferdams.
7. **Community Service**—Mayor Clemmons reported that the CSC is on hold right now but will be planning a Spring Fling celebration for next year.
8. **Long Range Planning by Mr. Long**—LRP Committee will meet on October 21st with an engineering firm to discuss future plans of the Town's 10-acre site.
9. **Town Hall Improvements by Commissioner Melahn**—Brunswick County cannot allow the Town Hall expansion to encroach the water tower area as far as the Town would like so the Committee is looking at other options.

OLD BUSINESS:

1. **Action to approve Proclamation to terminate the State of Emergency enacted on September 5, 2008 (regarding Tropical Storm Hanna, Proclamation #2008-01).** *Commissioner Herman motioned to approve Proclamation # 2008-01, seconded by Commissioner Melahn and carried with a unanimous vote.*
2. **Discussion & Action to appoint new member to the Planning & Zoning Board (tabled item).** Commissioner Herman said she had attended the P/Z Meeting where this matter was discussed. Commissioner Herman relayed that Commissioner Melahn (as a member of the P/Z Board) had critiqued the applicants and she appreciated his work. Unfortunately, Commissioner Herman said Commissioner Melahn (during the P/Z Meeting) did not get a chance to finish discussing the critique when another member made a motion that was voted on; the P/Z Board voted to recommend John Thomas for the vacant position left by Mr. (Commissioner) Melahn's resignation of the P/Z Board.

Commissioner Herman went onto say that she does not agree with the recommendation of the P/Z Board in part because they provided no basis for this recommendation—there was no discussion by the P/Z Board of the applicant they recommended. Based on Commissioner Melahn's diligent work (the critique of all applicants), Commissioner Herman recommended Alinda Lewis Meares be appointed the Planning & Zoning Board. Commissioner Herman said out of the three applicants, Ms. Meares is the only one with any governmental experience.

Mayor Clemmons stated that he feels this matter should receive fair discussion and asked for any other comments. Commissioner DiStasio said she too had attended the P/Z Meeting and felt the member who recommended Mr. Thomas was out of order when he made the motion; and should have been called out of order. Commissioner Melahn said his critique was created based upon the resumes provided and that critique has been included in this Board's agenda packets. His recommendation, as one can see from the critique, is to appoint Ms. Meares, which was also his recommendation for a vacancy in December of 2007.

Mayor Clemmons said he likes the evaluation form created by Commissioner Melahn. However, Mayor Clemmons said he had spoke with the Chairman of the P/Z Board who informed him the P/Z Board did not direct Commissioner Melahn to critique the applicants or create a form for such. Mayor Clemmons said he felt all P/Z Board members should have been provided with a blank critique form so each member could have performed their own evaluation. Commissioner Melahn said his critique was included in the P/Z Board's agenda packets. Commissioner Herman said each member could have done an evaluation using the form if they had taken the initiative to do so; in fact, she said, it was their duty to do so.

Mayor Clemmons requested Commissioner DiStasio's input. Commissioner DiStasio said the P/Z Board members all had copies of the resumes (which were from last year).

Commissioner DiStasio felt the P/Z Board did not do their job correctly; they must not have read the resumes. If they had read the resumes, Commissioner DiStasio said, and not just picked the applicant they wanted, they would have picked the right person based on experience. Commissioner Herman pointed out that the P/Z Board is an advisory board and because they play a crucial role it is important that the right people are appointed to the P/Z Board. However, the Board of Commissioners makes final decisions and they are not mandated to take any recommendation made by the P/Z Board.

Mayor Clemmons continued to facilitate discussion of this matter. He stated that as Mayor, he is trying to maintain a level of peace and working together/team work between the Board of Commissioners and the Planning & Zoning Board. Commissioner Herman said she and Mr. Brown (P/Z Chairman) spoke after the P/Z meeting, both sharing their views and she feels there is no problem, no sense of animosity, and the two boards will continue to work together. *Commissioner Herman made a motion to appoint Alinda Lewis Meares to the vacancy on the Planning & Zoning Board. Commissioner DiStasio seconded the motion and the motion carried with a unanimous vote.*

NEW BUSINESS:

1. **Discussion/Action to review examples of ordinances governing State of Emergency events.** Commissioner Herman explained that this is necessary because the Town does not currently have an ordinance governing “State of Emergency” events; having such an ordinance will give the Town the power to do certain things that may be necessary in a state of emergency (i.e set a curfew, prohibit the sale of alcohol etc). Previously, the Town has always done what ever the County did (like establish a curfew) but in fact, because the Town did not have its own ordinance, they did not really have the authority/power to do so. State Statutes say that the County does not have any rights or authorities within municipalities and municipalities only have the authority through ordinance. Included in the Board’s packets were several examples of State of Emergency Ordinances from nearby municipalities. Commissioner Melahn proposed that staff make a recommendation of a draft State of Emergency Ordinance to be reviewed and considered by the Board of Commissioners; the rest of the Board agreed.
2. **Discussion/Action to establish and adopt procedures for conducting meetings held by official boards of the Town of Calabash; consider Robert’s Rules of Order.** Commissioner Melahn explained that Robert’s Rules of Order was developed for very large, parliamentary type meetings and would be much to comprehensive for the Town. He recommended the Town use the publication *Suggested Rules of Procedure* by Flemming Bell of the School of Government as a starting place for meeting procedures; these suggested procedures can be modified to fit a specific local government. This publication is small and modifies applicable Robert’s Rules to be conducive to small governing boards. Mayor Clemmons appointed Commissioner Herman and Commissioner Melahn to an ad-hoc committee to further investigate procedures of meetings held by Town boards; Mayor Clemmons stated that he would like input from all boards including the Planning & Zoning Board.

3. **Action to approve the Halloween Festival sponsored by We Sell It On Ebay 4U and the Cutting Corner.** The Board discussed the need for a form (a no fee permit) to be utilized for festivals considered by the Board of Commissioners. *Commissioner Herman made a motion to approve the Halloween Festival to be held at Town Square; seconded by Commissioner DiStasio 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 personnel pursuant to G.S 143-318.11 (a)(6).
3. Discussion legal matters pursuant to G.S 143-318.11 (a)(3).

Commissioner DiStasio submitted a motion for the Board to enter Closed Session pursuant to the above referenced statutes. Commissioner Herman seconded the motion and the motion carried by a unanimous vote.

Upon returning to the Board Room from Closed Session, Commissioner DiStasio made a motion for the Board to enter Regular Session; seconded by Commissioner Melahn and carried unanimously.

ACTION FROM CLOSED SESSION:

Mayor Clemmons stated that in reference to Items 1 & 3 of Closed Session, no action would be taken.

Mayor Clemmons stated that he would entertain a motion regarding Item 2, Part-Time Building Inspector position. *Commissioner Herman made a motion to offer the part-time Building Inspector position to James McCartney with the 90-day probation for that position, the Town Administrator will discuss the terms and conditions of the position with Mr. McCartney. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*

PUBLIC COMMENTS:

Mr. Seip, citizen, said he attends most Board meetings and is frustrated that sitting in the front row, he has a difficult time hearing a lot of the discussion mainly because, he feels, Commissioners are not talking out to the audience but rather across to one another. Everything the Board has to say is public and he would appreciate it if the Board would use their microphones. Commissioner DiStasio feels the Board should have lapel mics. Mayor Clemmons said the Town would have the microphone system checked and Commissioners need to talk into their mics.

BOARD COMMENTS:

None forthcoming.

ADJOURN:

Commissioner Herman made a motion to adjourn, seconded by Commissioner DiStasio and carried with a unanimous vote.

(seal)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk