



**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
Tuesday, October 12, 2010—6:00 pm**

**AGENDA**

**CALL TO ORDER:** Mayor Clemmons

**PLEDGE TO FLAG:**

**ROLL CALL:**

**APPROVAL/ADJUSTMENT OF AGENDA:**

**PRESENTATION:** Dr. Stephen Greiner, President of Brunswick Community College, to share information with the Board and community regarding BCC's new satellite campus.

**CONSENT AGENDA:**

1. Approve minutes of September 14, 2010-Regular Meeting (open session)
2. Approve minutes of September 17, 2010-Special Meeting (open session)
3. Approve minutes of October 5, 2010-Special Meeting

**MINUTES:** (If any Board member would like to discuss a set of minutes included on the Consent Agenda, they should be moved to this location during Adjustment of the Agenda)

**MAYOR'S COMMENTS:**

**PUBLIC COMMENTS:**

**CORRESPONDENCE:**

**INTERIM TOWN ADMINISTRATOR'S REPORT:**

**BUILDING INSPECTOR'S REPORT:**

**COMMITTEE REPORTS:**

1. Fire Department—Commissioner Nance
2. Planning & Zoning—Commissioner Knight
3. Finance—Commissioner King

4. Water/Wastewater—Mayor Clemmons
5. Town & Merchant—Commissioner King
6. Stormwater—attached
7. Long Range Planning—Commissioner King
8. Calabash Community Services—Commissioner Knight

**OLD BUSINESS:**

1. **Discussion/Action**--signs/animated signs; provide some direction to the Planning & Zoning Board so they can move forward in drafting amendments to Article 18 of the UDO.
2. **Discussion/Action** to consider the scope of work for RFQ's to address stormwater issues on River Road and Riverview Drive. (Commissioner Melahn)
3. **Discussion/Action** to consider appointing Planning & Zoning Board member, Mr. Kenneth Drennan, to the Wastewater Collection System Connection Assistance Program Review Committee.

**NEW BUSINESS:**

1. **Discussion/Action** to consider appointing Mr. Josh Truesdale to the Planning & Zoning Board as a Regular Town Member.
2. **Discussion/Action** to consider scheduling a retreat for the Board of Commissioners.
3. **Discussion/Action** to consider amendments to Chapter 117-Farmer's Market-of the Code of Ordinance; increase the items that can be sold and increase the season that the Farmer's Market is open. (Commissioner King)
4. **Discussion/Action** regarding the current Employee Evaluation Form; consider a new form. (Commissioner Knight)
5. **Discussion/Action** consider adopting a resolution for disposal of surplus property—old/unused Christmas decorations.

**CLOSED SESSION:**

1. Pursuant to G.S 143-318.11 (a)(3)—Legal Matters
2. Pursuant to G.S 143-318.11 (a)(6)—Personnel Matters: employee evaluations and employee performance.

**ACTION AS A RESULT OF CLOSED SESSION:**

**PUBLIC COMMENTS:**

**BOARD COMMENTS:**

**ADJOURN:**

**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
Tuesday, October 12, 2010 – 6:00 p.m.**

**MINUTES**

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, October 12, 2010, 6:00 p.m. in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

**MEMBERS PRESENT:** Mayor Anthony Clemmons, Commissioner Mary Louise Knight, Commissioner John Melahn, Commissioner Forrest King, Commissioner Joseph Nance, and Commissioner William Dixon; all members were present.

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

**GUESTS PRESENT:** At the onset of the meeting there were eight guests present with additional individuals arriving as the meeting progressed.

**CALL TO ORDER/PLEDGE/ROLL CALL:** Mayor Clemmons called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance to the Flag. Roll call of Board members and staff was taken; attendance is reflected above.

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

**PRESENTATION:** Brunswick Community College President Stephen Greiner shared information with the Board regarding the college's new satellite campus to be located in the southern portion (Shingletree Road and US 17) of the county. The building the college purchased has 15,000 square feet. Once refurbished there will be four general purpose classrooms, banquet hall with room for 350 people, lobby, offices and a coat check. They just learned that the building requires a sprinkler system and a water line – both items are being worked on. They want the classrooms to be finished first. He said that the banquet hall would be available for rental. One classroom will be done as a conference area. He stated the facility is a "conference facility." The primary function is for educational classes. The college still owns ten acres on Thomasboro Road for possible future expansion. He stated he would like to see senior citizen activities in the building as long as schedules can be worked out.

**CONSENT AGENDA/MINUTES:**

1. Approve minutes of September 14, 2010-Regular Meeting (open session)
2. Approve minutes of September 17, 2010-Special Meeting (open session)
3. Approve minutes of October 5, 2010-Special Meeting

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

**MAYOR'S COMMENTS:** The Mayor updated everyone regarding final percentages regarding the 2010 census participation.

**PUBLIC COMMENTS:**

1. Ms. Cecelia Herman made a statement regarding the painting of Town Hall and asked a question concerning the status of Devaun Park and its incorporation into the Calabash Fire District. When she asked him to address the question, Commissioner Nance declined.

2. Ms. Emily DiStasio read a statement regarding animated signs and that during the course of all the reviews and meetings regarding the Unified Development Ordinance no mention was made to change the existing ordinance. She stated that such illegal signs need to be brought into compliance.

**CORRESPONDENCE:** There was no discussion of the correspondences included in the Board's packets.

**TOWN ADMINISTRATOR'S REPORT:** Ms. Southward's written report is attached hereto and made a part of these minutes. She briefly commented on the Hidden Valley stormwater catch basin work and noted that the Town car needed four new tires which were acquired at the state contract price.

**BUILDING INSPECTOR'S REPORT:** The report is attached hereto and made a part of these minutes.

**COMMITTEE REPORTS:**

1. **Fire Department:** A copy of the minutes from the Calabash Fire Department's September 21, 2010 meeting is attached hereto. Commissioner Nance reported that of the 102 total number of calls received, 26 were for the Town of Calabash. He stated that the Fire Department was in good shape and moving forward.

2. **Planning and Zoning:** Commissioner Knight described activities that occurred during the October 4th meeting. Mr. Drennan was sworn in as an ETJ member and Mr. Martin Keefe was nominated and voted in as Vice-Chairperson. Mr. Josh Truesdale was in attendance in the audience; he is interested in becoming a member. She provided information regarding Riverwalk at Calabash project. The plan could be approved with special conditions. The plan will be resubmitted for a second review. She stated that Board members would need clearer direction from the Board of Commissioners as to how to proceed. Mr. Drennan was unanimously voted to be a member of the Wastewater Collection System Connection Assistance Program Review Committee.

3. **Finance:** Commissioner King noted that tax bills have been sent out and payments are being received. To date, about 11% has been collected.

4. **Water/Wastewater:** Mayor Clemmons stated that a list of items to be addressed as a consequence of the sewer project has been prepared. The state has not yet certified the remaining streets for hook up. Ms. Southward stated that this could happen at the end of the month.
5. **Town and Merchant:** Commissioner King stated that the annual festival is now called the Calabash Fall Festival and Car Show and it will be held Saturday, November 13, 2010.
6. **Stormwater:** Mayor Clemmons stated that the stormwater is attached to the minutes. He noted that the Town survived the recent storm without damage. He stated that there was community concern regarding some areas on Route 17 that continue to flood. He encouraged everyone to contact the NC Department of Transportation and local legislators to make revisions to Route 17 to alleviate those areas that continue to flood.
7. **Long Range Planning:** Commissioner King stated that they discussed at their last meeting sidewalks and the fund raising bricks.
8. **Calabash Community Services:** Commissioner Knight said that they were still discussing details behind the brick concept. A table will be set up at the Calabash Fall Festival to sell the bricks. There is a company that has a website to order a brick. There are some details remaining to be determined. Commissioner Nance stated that once information was available he would post it on his website. Commissioner King stated that signs announcing the Fall Festival could include information about the bricks and Ms. Southward stated that similar information can be included on the sign to be installed heralding the arrival of the Calabash Community Park.

#### **OLD BUSINESS:**

1. Discussion-signs/animated signs; provide some direction to the Planning and Zoning Board (PZB) so they can move forward in drafting amendments to Article 18 of the Unified Development Ordinance.

The Mayor began the discussion by stating that as it is the definition that drives what comes, he opined that the Board of Commissions direct the PZB to review the definition to see if it is clear. To help in their review, the Mayor stated that they could use some parameters, conditions and options. Commissioner Melahn stated that the PZB could look at signs that would be most in keeping with the vision outlined in the CAMA Land Use Plan and the introduction to the UDO and that best describe Calabash as a "town". He did not feel that flashing lights were part of the atmosphere of the Town. Mr. Lewis stated that he agreed with Commissioner Melahn and there were varying types of animated signs. Some might be acceptable and might vary their use within zoning districts. Commissioner King stated that animated signs have always been in Town and their lack of use has had a negative impact on business in Town. After the Town and Carolina Shores split that should have been the time to return to the use of animated signs. He knows of only one complaint against animated signs and that complaint was filed by an previous commissioner. He opined that 25% to 30% of a business's total permitted signage could be animated and that the PZB could be directed with setting parameters and conditions. Commissioner Nance stated that the Board's intent was for the PZB to provide the Board with a starting a point with suggestions and options for the Board to review. Commissioner Dixon stated that individuals who do not like animated signs do not have to do business in Calabash. Business owners need to advertise. Commissioner Knight asked if the signs were legal or not. Commissioner King noted that the ordinance was in abeyance. Mr. Lewis stated that there was

no unlawfulness related to not enforcing an ordinance held in abeyance while considering possible changes to it.

Following the consensus of the Board it was determined to have Commissioner King and the Interim Town Administrator devise and forward more concise directions to the PZB.

2. Discussion/Action to consider the scope of work for RFQ's to address stormwater issues on River Road and Riverview Drive.

Commissioner Melahn provided details regarding elevation and topography of the areas on Riverview Drive and he enumerated the problems and the impact existing negative conditions have on the surrounding environments. Previous attempts to correct the situation have been unsuccessful. According to 1995 Department of Transportation drawings, stormwater drainage along Beach Drive seems to be draining into two ditches. Commissioner Melahn recommendation is to get the entire situation together in order to get a better idea of what is occurring. The Mayor asked him what assistance, possibly from an engineer, he would need to compile more data in order to devise specifications to get construction costs. Commissioner Melahn also recommended there be improved compliance with NCDENR water quality practices. Commissioner King asked if the project would carry over into River Road. He also opined that the engineer should design the project into phases to be more financial feasible. Ms. Southward opined that a phased project is a definite consideration and suggested the Board consider a Capital Project Ordinance during the next budget cycle so the Town can start building a fund to cover the cost of the project.

Commissioner Nance, having read the material provided, suggested that an engineer be retained to start the process of devising concrete plans so that the Board will have something to discuss. Commissioner Melahn suggested the Town obtain bids from engineering firms in order to get the most competitive price.

Following discussion, *Commissioner Melahn moved that the scope be approved to include the drainage for River Road and that the specification be put out for bids. Commissioner Knight seconded.* Just as the Mayor asked for a vote, Mr. Lewis spoke up and suggested that added to the motion should be a four to five year phased plan and that when delivered the specifications be in the form of hard and electronic copies. The Mayor called for a brief recess at this junction.

After the brief recess, *Commissioner Melahn amended his original motion to include a four to five year phased plan and the specifications be sent via hard and electronic copies. Commissioner Knight seconded.* Discussion followed. Commissioner King stated that during their September regular meeting they discussed having a local company, Norris, Kuske and Tunstall, develop specifications based on the scope of work to devised by Commissioner Melahn. Commissioner Melahn said that if this was done, the Town would be in violation of their policy by not putting the work out for bid. Dollar amounts exceeding \$500 must go out for competitive bid. Ms. Southward read the ordinance; services were not included. Discussion followed. Commissioner Nance stated his reasoning for having a local company do the work is that they are familiar with the Town's stormwater issues and the ditch layout. As they are local, you can readily speak to them every day and money can be saved. Discussion continued with the

Mayor suggesting that they address one item at a time. *Commissioner Melahn motioned to have the scope of work include drainage for River Road with a four to five year phased plan and engineered specifications to be delivered in electronic and hard copy versions. Commissioner Knight seconded and the motion passed unanimously.* Discussion continued concerning the Town's ordinance as it applies to getting bids. Mr. Lewis stated that professional services are not required by state law to go out for competitive bid. No decisions regarding how to proceed with engineering were made.

3. Discussion/Action to consider appointing Planning and Zoning Board member, Mr. Kenneth Drennan, to the Wastewater Collection System Connection Assistance Program Review Committee.

Following discussion, *Commission Knight motioned to approve the appointment of Mr. Drennan to the Wastewater Collection System Connection Assistance Program Review Committee. Commissioner King seconded the motion.* Discussion continued with Commissioner Dixon and Commissioner Nance asking for some background information on Mr. Drennan's background and qualifications, which Ms. Southward and Commissioner Knight provided. Following the discussion, *a vote was taken which was unanimous.* Ms. Southward stated that she when she spoke with Mr. Jerry Pierce he told her that all funds will be allocated so as to help as many people as possible. Commissioner Nance asked Ms. Southward that she insure that every dollar allocated for Town citizens be appropriated until all funds are used and he asked that every way possible be used to advertise the availability of the funds be examined.

## **NEW BUSINESS**

1. Discussion/Action to consider appointing Mr. Josh Truesdale to the Planning and Zoning Board as a Regular Town Member.

Commissioner Knight read the letter of interest submitted by Mr. Truesdale. *Commissioner Melahn motioned to appoint Mr. Truesdale to the Planning and Zoning Board as a Regular Town Member. Commissioner Nance seconded the motion which carried unanimously.* The appointment is for a 3-year term ending October 13, 2013.

2. Discussion/Action to consider scheduling a retreat for the Board of Commissioners.

Commissioner Knight stated that the retreat would be an opportunity for members to discuss current and long range future plans and to all be on the same page and to focus their efforts for the good of the town and staff. The Mayor directed Board members to the detailed information included in their packets. Commissioner King stated that having Mr. Chris May of the Cape Fear Council of Governments would be a good option as related expenses would be kept down and Mr. May has been helpful to the Town in the past. Mr. May had relayed to Ms. Southward that the Council of Government's Wilmington office conference room can be made available for the retreat. She stated that COG may provide such sessions as a service to its members. Following discussion *Commissioner King made a motion directing the Interim Town Administrator to contact Mr. May to finalize details for the retreat, including setting a workable date and to provide Board members with those details. Commissioner Melahn seconded the motion.*

Discussion continued with the Board selecting October 29<sup>th</sup> or November 5<sup>th</sup> as possible retreat dates. *Following the discussion, a unanimous vote was made.*

3. Discussion/Action to consider amendments to Chapter 117-Farmer's Market, of the Code of Ordinance; increase the items that can be sold and increase the season that the Farmer's Market is open.

Commissioner King, while in Morehead City recently, observed the scope of their Farmer's Market, which encompassed more than the Town's. He opined that the Town could benefit from increasing the type of vendors the Town permits; there are local people who make craft items. He suggested locally caught seafood be included. Commissioner Dixon felt the market could be open year round. Following discussion, it was determined to open the market until the first week of January, to add locally caught fish and locally made craft items. *Commissioner King motioned to amend Title XI, Business Regulations, Chapter 117, §117.01(A) Farmer's Market to include locally caught seafood and locally made crafts and §117.03 extend the length of time the Farmer's Market is open to January 1<sup>st</sup>. Commissioner Nance seconded the motion and discussion continued. A vote was then taken and passed unanimously.*

4. Discussion/Action regarding the current Employee Evaluation Form; consider a new form.

Commissioner Knight stated that she looked to devise a form that was based on the original form with a one to ten scale and that allowed for discussion of each category. She did not include a category discussion area on the form as doing the job itself, the completed job, is worth more points than other categories. She asked members to review the categories and at a later time they can determine what each category is worth in points, based on a hundred total points. Commissioner Melahn stated that he had never used an evaluation form that assigned a numerical score. Mr. Lewis asked if he could comment about making the form fair. His suggestion was that the Board consider grading from zero to hundred in all categories and look at all grading to determine the overall grade based on strengths and weaknesses and then give a pay raise based on the overall grade. The Board agreed they should each review this form carefully and further discuss it in November. *Following discussion, Commissioner Knight motioned to table the issue; Commissioner King seconded the motion which carried unanimously.*

5. Discussion/Action to consider adopting a resolution for the disposal of surplus property-old/unused Christmas decorations.

Ms. Southward stated she had received an email from Denton, NC requesting old decorations which prompted her to think about the holiday decorations the Town has. She spoke with Mr. Bill Danford and learned that some older decorations were being used as buffers in the storage of those decorations that are in use. Following discussion, *Commissioner King made a motion approving a resolution authorizing the disposal of the old/unused Christmas decorations, seconded by Commissioner Melahn and carried unanimously.*

**PUBLIC COMMENTS:** Before adjourning to Closed Session, Mayor Clemmons recognized audience member Mr. Jennings Edge and allowed him to address the Board. Mr. Edge stated

that after some research was conducted, it was determined that the Calabash Volunteer Fire department had received from Washington \$917,000 in the past nine years.

**CLOSED SESSION:**

1. Pursuant to G.S. 143-318.11(a)(3)-Legal Matters
2. Pursuant to G.S. 143-318.11 (2)(6)-Personnel Matters; employee evaluations and employee performance.

*Commissioner Melahn moved that the Board enter Closed Session pursuant to G.S. 143-318.11(a)(3) and G.S. 143-318.11 (2)(6), seconded by Commissioner Dixon and unanimously carried.*

*Upon returning to Sanborn Hall, Commission Nance moved to enter Regular Session, seconded by Commissioner Melahn and unanimously carried.*

**ACTION AS A RESULT OF CLOSED SESSION:** *Commissioner King moved that Stanley W. Dills and Courtney Marshall receive an hourly pay increase of 1% retroactive to their respective anniversary dates. Commissioner Melahn seconded the motion which carried unanimously*

**BOARD COMMENTS:** There were no comments.

**ADJOURN:** Commissioner Melahn moved to adjourn, seconded by Commissioner Knight and unanimously carried.

(SEAL)

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Anthony Clemmons, Mayor

Attest:

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Kelley Southward, Town Clerk