



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, January 11, 2011—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

CONSENT AGENDA:

1. Approve minutes of December 14, 2010-Regular Meeting (open session)
2. Approve Contract to Audit Accounts—S. Preston Douglas & Associates

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—Ms. Southward
7. Long Range Planning—Commissioner King
8. Calabash Community Services—Commissioner Knight

OLD BUSINESS:

1. **Discussion/Action** regarding animated/flashing signs. (Commissioner Nance)

NEW BUSINESS:

1. **Discussion/Action** to consider approving the Budget Calendar for preparation of the 2011-2012 Fiscal Year Budget.
2. **Discussion/Action** to consider improvements to the Town's Maintenance Yard site at 619 Persimmon Road.

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(3)—Legal Matters; update to the Board of on-going matters.
2. Pursuant to G.S 143-318.11 (a)(6)—Personnel Matters; discuss employee performance.

ACTION AS A RESULT OF CLOSED SESSION:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, January 11, 2011**

MINUTES

The Calabash Board of Commissioners held a Regular Meeting on Tuesday, January 11, 2011, at 6:00 p.m. in Sanborn Hall, located at 882 Persimmon Road, Calabash, NC 28467.

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

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

GUESTS PRESENT: Approximately twelve guests were present.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Clemmons called the meeting to order at 6:00 p.m., requesting a Moment of Silence regarding the tragic events that had occurred in Tucson, Arizona. The Pledge of Allegiance was then recited. Roll call of Board members and staff was taken with attendance reflected above.

APPROVE/ADJUST AGENDA: *Commissioner Knight motioned to add a third item to New Business, Discussion/Action on the Planning and Zoning Board recommendation that Ms. Emily DiStasio be appointed to the vacant position on that Board, seconded by Commissioner Nance.*

Commissioner King requested that the December 14, 2010 minutes be moved from the Consent Agenda to the Minutes portion of the agenda, reducing the items on the Consent Agenda to one. *Commissioner Melahn motioned to approve the agenda as amended, seconded by Commissioner King and unanimously carried.*

CONSENT AGENDA:

1. Approve Contract to Audit Accounts-S. Preston Douglas and Associates
Commissioner Melahn motioned to approve the Consent Agenda, seconded by Commissioner Knight and unanimously carried.

MINUTES:

1. Approve Minutes of December 14, 2010-Regular Meeting (open session)

Commissioner King stated that it had come to his attention that some clarification may be needed on Item #3, Action as a Result of Closed Session. He stated that it was his understanding that it was the intent of the Board to allow the Interim Town Administrator and himself to negotiate final details with the County Inspection Department in order for County inspectors to perform inspections associated with the Town Center project and other inspections needed. When asked by Commissioner Knight if action had been taken, Commissioner King told her that it had been. Commissioner King stated that it was rather an urgent matter to be acted upon. *Commissioner King motioned to discuss the intent of Board members with Commissioner Nance seconding the motion.* Discussion continued. Commissioner Knight stated that when Commissioners negotiate something and are held responsible for the outcome, they should be informed before action is taken. Ms. Southward stated that Commissioners were sent a copy of the initial letter that was written to the County before it was sent out and that Commissioners were given a copy of correspondence after the County agreed to the negotiation. Ms. Southward addressed Commissioner Knight's question concerning the cost – the final cost was in the report and that the exact number of inspections was not known – inspections could be more or less. The Mayor noted that there was a cost per inspection and a total estimated number of inspections. The Mayor stated that if the costs exceeded what Shallotte Partners was charged, that cost would have to come back to the Board. Commissioner Knight stated that she would have liked the cost associated with the County inspections be compared with the cost associated with another individual and to see how those costs weighed out. Commissioner King stated that the discussion they were having that evening was the same conversation held the evening of the December 12th meeting and it was determined by the Board that evening that the County would be used so that the Shallotte Partners project would not be held up and inspections would continue without interruption. Commissioner Knight stated that what she recalled from that evening was that they did not know what the County would charge and they did not know if the County would accept the job. She stated that she wanted to follow it through from start to end. Ms. Southward noted that the cost was known in the agreement at \$40 per inspection but what was not known was the number of inspections. It was the number of inspections that was the basis of the negotiations. Commissioner Knight wanted to know how the contract with the County compared with the alternative of an individual who was available to do inspections. Ms. Southward noted that monetarily the County costs are not the same and that the Board ruled the second option out during the Closed Session in December. She went on to say that an audio accounting of that portion of the Closed Session is available to Board members to listen to for clarification. Commissioner Knight stated that she just wanted to see if the two costs had been equated. Commissioner King stated that the Board was past that and that the Board agreed on a certain direction and that the ball was already rolling with the County having started inspections. *The Mayor then asked for a vote to approve the minutes with all members voting in favor. [It*

should be noted that a motion nor a 2nd approving the minutes was never made therefore, the Clerk will make a clarification to the December minutes, as discussed, and bring them back before the Board of Commissioners at their February meeting for consideration.]

MAYOR'S COMMENTS: The Mayor's comments were very brief related to the weather and to family's member's visit north.

PUBLIC COMMENTS:

Mr. Chuck Olsen, 601 Stanton Hall Drive, Calabash, addressed the Board. He introduced Mr. Thomas Loughlin, the past president of Toastmaster's International and the regional Governor of thirteen chapters. It was his hope to charter a chapter in Brunswick County. Mr. Lauffler provided background information on the non-profit group. Its goal is to help individuals improve their public speaking skills and develop leadership skills. His hope was to see the Town become interested in such a chapter. He extended an invitation to Board members to attend one of their meetings at the Camp United Methodist Church in Shallotte. The group meets the first and third Wednesdays at 6:00 p.m.

Ms. Emily DiStasio, 495 Planters Place, stated that she preferred to make her comments at the Public Comment section at the end of the meeting.

Ms. Cecelia Herman commented on the discussion concerning the contract with the County regarding inspections and that the discussion was not a matter for Closed Session but in Open Session. She asked if the county had determined the amount of the sewer assessment.

Mrs. Daria Buccilli, 1128 River Drive, asked when a permanent Town Administrator would be selected.

CORRESPONDENCE: None.

INTERIM TOWN ADMINISTRATOR'S REPORT: A copy of the report is hereto attached and made part of these minutes. She noted that a sign had been erected announcing the Calabash Community Park. She did note that she had spoken with Mr. Scott Stewart about a certain few trees on the park site which he volunteered to remove as they do not quite fit into the park design. This will occur by the end February. Commissioner Nance stated that he would assist as needed in getting from Mr. Jerry Pierce an update of the sewer repairs on River Road.

BUILDING INSPECTOR'S REPORT: Commissioner King asked if the report was correct. It appeared the report is from the previous month. The Mayor asked that a current report be provided to them in their folders.

COMMITTEE REPORTS:

1. **Fire Department:** No report.
2. **Planning and Zoning:** Commissioner Knight reported that members presented and discussed material collected regarding animated signs. They addressed three options: no animated signs permitted; allow static/standard lighted signs that are neon, backlit and incandescent bulbs lit by any other means and; allow moving, chasing, changing and flashing animated signs whether neon or incandescent. They also discussed holding a public hearing, weighing the needs of business owners

and the Town's atmosphere and voted on recommending to the Board of Commissioners the appointment of Ms. Emily DiStasio to a vacancy on the Planning and Zoning Board.

3. **Finance:** Commissioner King noted the amount of the fund balance and that collection of taxes was excellent. Commissioner Knight asked a question concerning the \$1.00 per hour raise for Town Service employees. Commissioner King stated it was agreed upon in the last budget cycle to revisit the raise in six months to see if sufficient funds were available in the budget to increase those salaries and to see if the Town's salaries were in line with other municipalities. Commissioner Knight stated that there were funds available in the budget. Commissioner Nance noted that his understanding was that if there were sufficient funds, but as, per the Mayor, funds were not budgeted originally, that a series of meetings would have to be held and an amendment to the budget would be needed. Commissioner Knight stated that she wanted Commissioner Dixon to know that she had checked into the matter and found, that given the number of paid weeks remaining in the budget year, that the funds were available in the budget and with that said, the Mayor stated that Commissioner Knight's comments were noted and well taken.

4. **Water/Wastewater:** The comments read by Mayor Clemmons concerning the sewer assessment are hereto attached to these minutes. Mayor Clemmons, in addressing the question posed by Ms. Herman, stated that the county had not yet determined the method of assessment.

5. **Town and Merchant:** No report.

6. **Stormwater:** A copy of Ms. Southward's report is herein attached to these minutes. Mayor Clemmons referred to the correspondence received from Mr. John Raleigh, a resident of Saltaire Village. Mr. Raleigh expressed a concern about a sink area in the vicinity of Pepper Breeze Avenue and Crooked Pine Place. The Mayor said that as the county's sewer line is involved, that further exploration had to be done before any work could commence. Ms. Southward stated that it appeared there was a pipe in that area, that the County had been informed of Mr. Raleigh's concern and that she had not received any response from the County. Commissioner Nance suggested Ms. Southward follow-up with Mr. Jerry Pierce of the County Public Utilities Department.

7. **Long Range Planning:** The next meeting is January 20, 2011 at 4:00.

8. **Community Services:** Commissioner Knight stated that the committee assisted in some tasks at Town Hall, that she is looking forward to the Farmers Market, that she had inadvertently not thanked Mrs. Frances Clemmons and Ms. Linda Rogers for their valuable assistance and that Ms. Daria Buccilli had not missed a single time coming to Town Hall to help out with tasks.

OLD BUSINESS:

1. **Discussion/Action** regarding animated/flashing signs.

NOTE: As requested by the Board of Commissioners, this discussion of animated signs has been transcribed verbatim hereto these minutes; please use the following code for speakers:

MC – Mayor Clemmons

CD – Commissioner Dixon

CK – Commissioner King

CMK – Commissioner Knight

CM – Commissioner Melahn

CN – Commissioner Nance

MC: At this time we will move into Old Business and to place on the table discussion and action regarding animated/flashing signs. And I'll turn this over to Commissioner Nance.

CN: Thank you Mr. Mayor. First of all, so we can discuss it if it's in order Mr. Mayor I would like to make a motion that we bring it back on the table for discussion.

MC: It's not...

Kelley Southward: It's not a tabled item.

CN: It's not a tabled item so we can discuss it. OK. I attended the Planning and Zoning meeting the other night along with Commissioner Knight and I would like for the Board to take up discussion, I would like to put it back on the table, we have just done that, after attending the January Planning and Zoning meeting on January 23, 2011 I believe that our Planning and Zoning Board has misunderstood what the Board of Commissioners has requested of them. They are talking about maybe needing to re-write the entire sign ordinance. What I heard vice-chairman say that if he had his way there would no animated signs and I have a feeling that most of the Board were leaning in that direction. They have been working on this for over two months with little or no progress. They are talking about public hearings and so on and well you get my meaning. So I am suggesting to this Board for discussion to reinstate the current sign ordinance which we have, we have held in abeyance and if the Board still so desires I would like to see it pulled off the Planning and Zoning agenda list and handle this ourselves if we still want to allow some type of animated signs. We can hold a workshop and handle this matter very easily ourselves, ah, instead of it being drawn out month after month after month of public hearings. And I feel like we gotta pretty decent sign ordinance now and we worked on it with the UDO Committee and I think when we decide what we want I think we can do this with a simple amendment to that ordinance and I'm going to turn it back over to the Mayor as he sees fit and by the way if you would like to read about it I would have to say Ms. Laura Lewis did an done an excellent job of capturing the meeting pretty much as I remember it and that would give you more detail of what was done. So I'll throw it back to the Mayor to open up for discussion as he sees fit.

MC: Ok, it's open for discussion. John?

CM: As best as I can tell from going through the P and Z minutes and from what Mary just related the Planning and Zoning Board appears to be doing exactly what was requested by the BOC. They are taking a very logical and professional approach. Animated signage covers a large number of different types of signs which can create traffic hazards, make Calabash look like an amusement park, it's a pretty complicated issue that needs to be handled pretty carefully. Currently there have been a number of references as far as, we have only used animated signs. Animated signage in the 1980's ain't the same as animated signage now. Currently we have signage that is microprocessor controlled. You can have every thing from dancing girls to snapping alligators. I've seen some pretty ridiculous stuff particularly in Horry County. Where a sign flashes up and falling...falls apart. Driving down HWY 9 60mph and approaching a busy intersection. As far as interstates they, animated signs are not permitted along interstates as part of the US DOT guidelines. BOC Oct 12, 2010 PZ was directed to look at signs in keeping with the vision in statements in the CAMA LUP and introduction to the UDO. And introduction to the UDO and description of the town and a place everybody wants to see. Mr. Lewis pointed out there are many different types of animated signs and you just can't say take care of all animated signs—hands off it doesn't fit in. As far as signage percentage, Commissioner King brought up the possibility of percentage but what percentage I know looking at North Myrtle Beach ordinances they allow up to 20% of total signage to be animated signage. Just for interest, Myrtle Beach and North Myrtle Beach tightened up a lot on their signage b/c MB in particular was getting a reputation of looking like an amusement park.

Commissioner Nance stated that the BOC intent for the PZB was to provide BOC a starting point and suggestions. And that's what they were doing. With a history of animated signs, Commissioner King was quite correct in his terrible people of Carolina Shores took away animated signs in 1991. And that was the prohibited the definition of animation was amended in May 2005 the definition was made more restrictive and remained prohibited; this was long after the Carolina Shores was involved. Com Nance voted in favor of this as he was on the Board at that point and time and this is exactly the same definition we are currently using. And no, I do not feel it should be pulled back from the PZB. It is critical for separation, it needs scrutiny as far a signage what types of signs are they allowed to flash do they have dancing girls, stacking alligators you name it. It's a pretty darn complex issue.

CMK: And on top of that we have to look at the legal issue. DOT says you should not take your eyes off the road for more than two to five seconds at a time. And as late as four o'clock this afternoon, Mr. Keefe and I are still addressing what we can do to try and help everyone come around and be happy with a regulation we can put together. Unfortunately, Mr. Nance, I don't think enough time was spent listening to this group to understand you have a vice chair that is trying to balance both sides of the scale right now. He is not a person that is against animated signs at the present time. But he is very concerned legally of the ramifications if there is an automobile accident out on our road which is 2 lanes with a turn lane, 2-5 seconds when you have a sign listing six businesses or a trailing sign when you're waiting to see what comes next and it's something that we just have to work through, if you do it quickly then we're going to have a problem.

CK: Mr. Mayor, I've attended a couple PZB meetings on this issue and I've gotten the same impression I think Commissioner Nance got from the Vice Chair that he is anything but for it he's not (can't understand) for it one bit, I've heard him say in a meeting myself that he really didn't care for it he didn't want the signs in town.

CMK: Forrest, Forrest, I heard him say this afternoon...

CK: Ah, Mr. Mayor...

Mayor: Okay go ahead (motioning to Commissioner King) everyone gets their say

CK: I sat here and listened to him say it. I think it's a bit it reflects that a little bit in the comments that I've herd in the meetings when they've said they think it will take as much as a year to write this ordinance and I don't think it's that complicated of an issue. Nobody's asked for a twenty by sixty flashing billboard that cascades down and all that. I think it can be done by some amendments to the existing sign ordinance without rewriting the entire thing. Limit it down to whatever small portion there is. I'm glad to see that MB is tightening down on their sign ordinance and flashing lights because they did have a bit too many but there is room for some degree of them. And that's what we're asking they look at; to what degree should we be allowed to have. If we can't flex a little bit on this ya know it's just there are signs already in town that are currently in use that to date I haven't heard of anybody being offended by. There's not a overwhelming sense from the general public that this going to jerk the legs up under the town or ruin our town because nobody's been to town hall and complained about them. So, if we could just find some portion of the sign ordinance some small portion I think we can make everybody happy. And I don't really think that the PZB is on the track to get that done anytime soon. I think that there might be some stall tactics that I think are in place that they're gonna stretch it out and milk it out for the next year. I think they've been

influenced by some folks that are just dead set against it and I think they got side tracked by the wrong people.

Mayor: Okay, Commissioner Dixon has not had an opportunity; once we make the rounds we'll open it up.

CD: I'll tell you what the people that's against the signs they don't own a business in Calabash. You've got to advertise somehow some way. People sitting back off the street a block or half a block if you ain't got something to tell people where you at they're gonna drive right on by. I'm not saying put something up that'll blind nobody but if a man wants to put something up that's about his business its not hurting nobody doing up and down that street- power to him as far as I'm concerned. I'm off the beaten track myself I'm the only one that's been dragged up yonder. People have gotta try to make a living anyway they can. If she couldn't advertise that paper, she wouldn't sell no papers (pointing to the reporter in the audience) anyway she can and that's what I said.

Mayor: Okay, let me make a comment we've been forwarded from our TA a report that the PZB has been reviewing animated signs and in the report they have provided the BOC with several options. On January 3rd 2011 meeting the PZB has agreed upon...(Mayor Clemmons reads the three options from the report). So we have three recommendations from the PZB for the BOC to consider either or, or a combination of in this case #2 and #3. So, we're getting close the PZB saying..."this is what we're recommending". It appears that the board (PZB) at this time did not support #1, not make any changes. It appears that #2 and #3 would be accepted. So it might be that the BOC and the PZB would hold a joint workshop. Now reset and you're on Mary.

CMK: for it to have gone into the UDO were there not business people and residents on a panel that sat down had 90 days and sometimes were meeting night after night writing this together okay, this was their decision. Now we as commissioners are asking another task okay? And to take it from PZB before they've completed their work understand Kelley has researched Kelley will tell you, town after town does not have animated signs. And it is extremely difficult to find those that do to see what kind of a fit they could be in Calabash. Jody, honestly, they are working as hard as they can towards the right answer to bring to this board and the legality if there is an accident that motorist can sue not only the owner of the store that put that sign there but the town itself because we have put our fingerprints on animated signs.

CN: Who could sue?

CMK: the motorist, the pedestrian.

CK: Mark how would that play in?

CMK: Its been done Mark.

Mark: Anyone can sue anybody but its my opinion that the town would not be liable over some business sign whatever even if it was allowed um..Now if the town put up a sign and something happened because of the town sign then...Let me, can I make a suggestion? Because of the network I have with municipal attorney's what I would suggest would be a good way to go...let me do some research...some towns, little tourist kind of towns have drawn out like Southern Pines, New Bern, Maneo, Hampstead, Eden, Ashville, see what they have as far as animated signs in their ordinances and then put those together and have a joint workshop with the PZB and go over those

and see this is what we like, this is what we don't like and I think that would be the fastest way to get something done.

CN: Um, I object, I personally don't want what other towns has got. I don't even want to reference other towns. I think we should sit down as our board or as the Mayor suggested the two boards and come up with what we want not with what everybody else has got.

Mark: I understand Jody, what I'm saying is, its easy and nice to be able to say "I like that" I mean you might not see something you like but you say okay, I like what they're doing.

MC/several other voices talking over each other.

Mark Lewis: There is no copyright on this stuff.

MC: ...guidelines for saying you gotta do this.

Mark Lewis: Yeah.

CN: I just don't want to see this drag on and on and on you know just not getting anywhere.

Several voices talking over each other.

CM: I can assure you that Planning and Zoning doesn't want it to go on and on and on either.

CK: I heard them say a year and I think that that is unrealistic.

CM: I think the thing with this thing is simply a question ok what is the time line because no place has the Board of Commissioners seemed to indicate any particular urgency the thing has been hanging around since 1991...ok

Several voices talking over each other.

CM: ... again in 1998, what is it, ok so its been thirteen years and its not even been amended and tightened. In 2005. And no nobody's changed it...they didn't change it.

CK: Mr. Mayor...if...

CM: ...UDO...the ORC...they didn't change it. We did not change it and we approved the UDO.

MC: Ok. Commissioner King. We starting to beat a dead horse.

CK: Yeah. I know. I think that I must have heard you say twenty or thirty times the UDO is a living document, we'll change it as we need to, it's a living document we'll change it as we need to its by gosh a living document we'll change it as we need to. You've got commissions here that think that this needs to be addressed and we passed it to the Planning Board and the Planning Board will take a year to do it and I think that is unrealistic time frame and I think that there may be some stall tactics. If we can set up a workshop with the Planning Board and sit down and come up with some kind of guidelines and some kind of time frame all fine and dandy. If their still looking at a year and

the same mentality that I heard expressed in the couple of meetings I've been to, then I'm for pulling it back and doing it ourselves.

MC: OK. If I may interject (several voices talking over each other).

CD: If we're talking about a year, then let's get a workshop...

MC: It's time to stop sitting on the fence and take action. Ok, can we have a motion.

CN: I would like to make a motion Mayor and get back to us in email to find out what is convenient for them because you know there are a volunteer body a joint workshop between the Board of Commissioners and Planning and Zoning at such time as we may discuss this sign issue and try to bring it to a close if possible.

MC: We need a second.

CD: Second.

MC: All those in favor say yea.

NOTE: also attached hereto and made a part of these minutes is a verbatim transcription of the discussion of Animated Signs during the October 12, 2010 Board of Commissioners Meeting.

At 7:08 p.m. the Mayor called for a five minute recess.

NEW BUSINESS:

1. **Discussion/Action** to consider approving the Budget Calendar for preparation of the 2011-2012 Fiscal Year Budget.

The Mayor directed members to the copy of the proposed budget calendar in their packets. A copy of the calendar is hereto attached to these minutes. Ms. Southward reviewed the proposed dates and noted that one meeting per month should be sufficient to complete the task. Following her recitation, *Commissioner Dixon motioned to approve the budget calendar as presented, seconded by Commissioner Melahn and unanimously carried.*

2. **Discussion/Action** to consider improvements to the Town's Maintenance Yard site at 619 Persimmon Road.

The Mayor opened the discussion regarding the location of the dumpsters. Commissioner Dixon suggested that several inches of gravel be put down and then put the dumpsters back to where they were; this could save money and they would be hidden from the highway.

The Mayor asked Mr. Bill Danford, Town Services employee in the audience, to comment on what he had learned about moving the dumpsters, gravel and a rolling gate.

The Mayor stated there would be no cost to the Town if, on a trial basis, we put the dumpsters back behind the building after the County puts gravel in and use barricades. Everyone agreed to try this and see how it works out.

Commissioner King stated that there was an alarm system in part of the building. He suggested adding a camera system to record a possible break-in and to record possible accidents by Town Services to protect the Town and employees. The system works on a loop and information is stored for seven days. Upon a question asked by Commissioner Nance regarding motion detectors, Ms. Southward stated that ATMC did not recommend motion sensors due temperature variables. Ms. Southward stated that another source would be contacted to learn more about the pros and cons of motion sensors.

Commissioner King motioned to direct the Interim Town Administrator to proceed with the camera system; Commissioner Nance seconded the motion. Discussion continued with the Mayor asking that Commissioner King meet with the Interim Town Administrator to get more details as to what is needed. The Mayor went on to say that he will have a security contact person he knows come to Town Hall to review situation (pro bono) with Commissioner King and Ms. Southward. Commissioner Knight suggested that Commissioner Dixon be included in the discussion so he can point out what areas are most vulnerable. Following this discussion, *the motion passed unanimously.*

3. Discussion/Action to fill a Planning and Zoning Board vacancy with PZB recommended candidate Ms. Emily DiStasio.

Commissioner Knight stated that the PZB had voted unanimously to recommend Ms. DiStasio and that Ms. DiStasio is well qualified and a valuable resource. *Commissioner Melahn motioned to appoint Ms. DiStasio to the PZB vacancy, seconded by Commissioner Knight and after the vote was taken, Commissioners King, Nance and Dixon voted against the motion and Commissioners Melahn and Knight voted for. The motion did not carry.*

CLOSED SESSION:

1. Pursuant to G.S. 143-318.11 (a)(3)-Legal Matters; update the Board regarding on-going matters.
2. Pursuant to G.S. 143-318.11 (a)(6)-Personnel Matters; discuss employee performance.

Commissioner Knight stated that she did not know if she had sufficient information to move forward. *Commissioner King motioned to adjourn to Closed Session, seconded by Commissioner Nance and all members except Commissioner Knight voted for the motion.*

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

ACTION AS A RESULT OF CLOSED SESSION:

1. *Commissioner King motioned to authorize the Town's attorney to proceed with legal action against Mr. Hugh O'Connor, seconded by Commissioner Nance and unanimously carried.*

PUBLIC COMMENTS:

Ms. Emily DiStasio stated that the PZB recommendation was not an agenda item, that she was being discriminated against and she requested a reason as to why three commissioners voted against her. The Mayor stated that it had been the practice of the Board and the Mayor not to give out reasons why an individual is not appointed as it is inappropriate. Ms. DiStasio told the Mayor that it was his responsibility to set the agenda. Ms. DiStasio stated that she was more than qualified.

She went on to say that there are three business owners on the Board and they don't want people who disagree with them. She stated that she planned to pursue the issue of discrimination.

BOARD COMMENTS: None forthcoming.

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

(SEAL)

Anthony Clemmons, Mayor

ATTEST:

Kelley Southward, Town Clerk