



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, October 9, 2012—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Knight

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

MINUTES:

1. Approve Minutes of September 11, 2012 Regular Meeting (Open Session)
2. Approve Minutes of September 11, 2012 Regular Meeting (Closed Session)

MAYOR'S COMMENTS:

PUBLIC COMMENTS #1: (5 minutes per speaker)

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT: written report

BUILDING INSPECTOR'S REPORT: written report

PLANNING & ZONING REPORT: October Report

COMMITTEE/LIAISON REPORTS:

1. Calabash Fire Department—Commissioner Walton
2. Finance—Commissioner Nance
3. Town & Merchant—Commissioner Nance
4. Calabash Community Services—Commissioner Buccilli
5. Stormwater—Commissioner Walton
6. Emergency Management—Town Administrator Nance
7. Personnel—Commissioner Melahn
8. Long Range Planning—Commissioner Buccilli/Town Administrator
9. Safety—Commissioner Walton

PUBLIC COMMENTS #2: (2 minutes per speaker)

OLD BUSINESS:

1. **Discussion/Action** regarding accepting credit cards as a form of payment at Town Hall; Presentation from Lisa Horsley of BB&T
2. **Discussion/Action** regarding Brunswick County/Brunswick Senior Resources consideration of establishing a Senior Center in Calabash; survey results. (Com. Buccilli & Com. Nance)

PUBLIC COMMENTS #3: (2 minutes per speaker)

NEW BUSINESS:

1. **Discussion/Action** to schedule a Special Board of Commissioners Meeting for either Monday, October 29th or Tuesday, October 30th, 2012 any time after 5:00 PM at Town Hall for the following purposes: (1) to hold a Public Hearing for the Conditional Use Permit Application received from Cindy Morgan to use the existing drive-thru window at 10080 Beach Drive for a restaurant (quasi-judicial proceeding). (2) To take Action to approve/deny the Conditional Use Permit application for a drive-thru window for a restaurant at 10080 Beach Drive (quasi-judicial proceeding). (3) To have the auditor present the 2011-2012 Fiscal Year Audit to the Board of Commissioners. (4) To consider approving the 2011-2012 Fiscal Year Audit. (Staff)
2. **Discussion/Action** to consider approving a Mutual Aid Agreement with Carolina Shores for Building Inspections. (Town Administrator)
3. **Discussion/Action** to consider the recommendation from the Long Range Planning Committee that Village Green subdivision is the next streets to be paved in Calabash. (Town Administrator)
4. **Discussion/Action** to consider an amendment to Section 94.15-Weeds to be Cut of the Calabash General Code of Ordinances; to remove language making the ordinance to cut weeds applicable to all parcels of land rather than just those that are occupied or improved. (Com. Buccilli)
5. **Discussion/Action** (if needed) regarding use of office space in a more practical way. (Com. Nance)
6. **Discussion & Advice Only** regarding staff work time. (Com. Nance)
7. **Discussion & Advice** regarding complaints made to commissioners from the public. (Com. Nance)
8. **Discussion/Action** to consider approving a Resolution Opposing the Proposed Rate Increase for Home Owners Insurance. (Staff)

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(6) Personnel Matters/evaluation

ACTION AS A RESULT OF CLOSED SESSION:

PUBLIC COMMENTS #4: (3 minutes per speaker)

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, October 9, 2012—6:00 PM**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly meeting on Tuesday, October 9, 2012 at 6:00 PM in Sanborn Hall located at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Mary Louise Knight, Mayor Pro Tem/Commissioner Emily DiStasio, Commissioner Sandy Melahn, Commissioner Daria Buccilli, Commissioner Charles Walton and Commissioner Joseph Nance.

STAFF PRESENT: Town Administrator Chuck Nance, Town Clerk Kelley Southward, and Town Attorney H. Mac Tyson II.

GUESTS PRESENT: There were approximately 20 guests in attendance.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Knight called the meeting to order at 6:00 PM; led the Pledge of Allegiance to the Flag. Roll call was taken; attendance reflected above.

APPROVAL/ADJUSTMENT OF THE AGENDA: *Commissioner DiStasio moved to adjust the agenda to move Board Comments directly following the Mayor's Comments; seconded by Commissioner Nance and unanimously carried. Commissioner Nance moved to approve the agenda, as amended, seconded by Commissioner Melahn and unanimously carried.*

MINUTES:

3. *Commissioner Walton moved to approve the minutes of September 11, 2012 Regular Meeting (Open Session); seconded by Commissioner Nance and unanimously carried.*
4. *Commissioner Nance moved to approve the minutes of September 11, 2012 Regular Meeting (Closed Session); seconded by Commissioner Melahn and unanimously carried.*

MAYOR'S COMMENTS: Mayor Knight said she was afforded the opportunity to speak with students attending Brunswick Community College. She had the honor of being present at the VFW when the Warrior Ride rolled into town. She was very proud of all the citizens that showed support by lining Beach Drive as these brave men and women rode through Calabash. She will be attending the Annual NCLM Conference in Charlotte the 21st-23rd of this month.

BOARD COMMENTS: Commissioner DiStasio read a prepared statement regarding how she believed the entire Board to be lacking in the knowledge of Title III of the Calabash General Code of Ordinances; herself included. She noted that there is no mention of a "Safety Committee" or anything regarding public safety. She urged everyone to study Title III prior to each meeting. A copy of her written statement is attached hereto and made a part of these minutes.

Commissioner Walton made a statement about the “Safety Committee”. He referred to statements made by Mayor Knight at the September 11th meeting regarding the condition at Kingfish Bay and meetings/efforts being made to secure this property for the safety of the general public. He said he was not notified about these meetings or efforts. He quoted sections of the Ordinance from Title III regarding committee, appointments and duties. He too noted that Title III does not reference a Safety Committee nor public safety; §32.01 references safety pertaining to employee safety.

Mayor Knight said a Safety Committee had been formed over a year and a half ago; they held one meeting. She asked the Clerk if there were minutes of said meeting; there were. Mayor Knight asked that Commissioner Walton be forwarded a copy of said minutes; Commissioner Walton noted that he had a copy of said minutes with him this evening.

PUBLIC COMMENTS #1: (5 minutes per speaker)

1. Mr. Bill Siep of Village Green commented on the September 11th Board of Commissioners meeting and how it was run. He felt the duties of the Mayor and Commissioners should be reviewed and followed. He said that a lengthy and uncalled for discussion began with a simple question; what was the total cost of the 4th of July. He felt some members got upset and defensive for no reason. He said felt that the 4th of July cost the Town a lot of money and asked if it was worth it.
2. Cecelia Herman of Saltaire Village also commented on the discussion from the last meeting surrounding the 4th of July event. She noted that the Community Services Committee raised \$2,500. She felt more meticulous record keeping is needed. She said what happened at the last meeting is a shame. She said that the 4th of July is an important event for the Town.
3. Forrest King of River Road opined that it is important for all expenses and revenues relating to the 4th of July event be made public. He commented on the International Property Maintenance Code (IPMC), which he feels is very invasive and far too restrictive for the small town of Calabash. He felt adopting the IPMC would create ill will against the Town once it is enforced. Commissioner Nance asked to be recognized. He noted that the IPMC was not on the agenda for consideration. Mayor Knight noted that a comprehensive report of all expenses and revenues regarding the 4th of July has been prepared and will be shared with everyone tonight.

CORRESPONDENCE: none

TOWN ADMINISTRATOR’S REPORT: written report attached hereto and made part of these minutes.

BUILDING INSPECTOR’S REPORT: written report attached hereto and made part of these minutes.

PLANNING & ZONING REPORT: October Report is attached hereto and made a part of these minutes.

COMMITTEE/LIAISON REPORTS:

10. Calabash Fire Department: Commissioner Walton reported that the CFD is very grateful to the Town Building Inspector for his assistance with expediting permits/review at Brunswick County of the new fire station. They will hold a yard sale November 2nd-3rd. There were a total of 122 runs by the CFD last month.
11. Finance: Commissioner Nance asked that Town Administrator Nance make the finance report. Mr. Nance said that staff has worked really hard the past month to make corrections to information that was either did not convert at all or converted in correctly when the new accounting/tax/payroll software changed. Likewise Mrs. Silvers has entered all the adjusting entries that were forwarded from the auditor for the last fiscal year. Also, Mrs. Silvers balanced

the tax scrolls received from Brunswick County, prepared tax bills and sent them out the end of September. He said that three members of staff worked on preparing a detailed report of all expenses/revenues associated with the 4th of July including making copies of all receipts for the Board of Commissioners. Mrs. Silvers expects that all monthly finance reports/bank reconciliations for July, August and September should be completed and forwarded to the Board within the next two weeks. According the most current bank statement there is \$1,040,435.03 in the town's main checking account and \$ 405,292.18 in the second business investment account; a total of all accounts \$1,445,727.21.

12. Town & Merchant: Commissioner Nance said there was nothing to report

13. Calabash Community Services—Commissioner Buccilli reported that 4th of July Expenditures were as follows:

Community Services (10-560-46)	\$ 3,905.23
Fireworks/Donation (10-560-50)	\$10,182.69
Salaries (multiple departments)	\$ 830.68
Total Expenses	\$14,918.60

She then reported that Revenues for the 4th of July were:

Raffle ticket sales	\$ 2,584.42
Donation from Carolina Shores	\$ 5,000.00
Total Revenues	\$ 7,584.42

Total incurred Town of Calabash expenses (Expenditures less Revenues) = \$7,334.18

It was noted that a total of \$12,500 included in the budget that was approved for the 4th of July event (\$8500 was included in 10-560-50 and \$4,000 in 140-560-46 specifically for the 4th of July event).

She said that CSC is working on a Halloween Event at the park on Saturday, October 27th.

14. Stormwater: Commissioner Walton had no report.

15. Emergency Management: Town Administrator Nance reported there was no meeting held in September; we have been very lucky this hurricane season. Karl and Lind Bennett have been a great asset to the Town in this capacity.

16. Personnel: Commissioner Melahn said there is a vacancy for an Assistant Building Inspector; the position has been advertised.

17. Long Range Planning: Commissioner Buccilli gave an update of the park; which is fully functioning at this point. New lighting and the flagpole display should be installed this week. Thanks to the Garden Club and River of Life Baptist Church to donations they have made. LRP did an on-site inspection of several streets. They have recommended that all of the roads in the Village Green subdivision be paved next; their roads are rated b and c. Mayor Knight noted that she is donating a large brick from the Service and Hospitality (Mayor's fund) to the Wounded Warriors that will be included in the brick display around the flagpole at the park.

18. Safety: Commissioner Walton reported he had originally called a safety meeting to review the IPMC but after reviewing it carefully he found that our ordinances are sufficient so the meeting was canceled; the IPMC too intrusive for the Town of Calabash in his opinion. He said that the existing ordinances just need to be enforced.

PUBLIC COMMENTS #2: (2 minutes per speaker)

1. Ceil Herman said that 3 months ago she submitted a written complaint to Town Hall regarding a stormwater issue in Saltaire Village. She said that nothing has been done and she has not received any response to her complaint. She feels that people who make complaints should receive a written response to their complaints. Commissioner Walton said that they are investigating solutions for the situation that Mrs. Herman is speaking about.
2. Mack Sanders of Calabash Acres complimented Commissioner Walton on his recent reconsideration of the IPMC. He was curious if there had been any update on possible grants from Lowe's or Home Depot regarding public safety programs and/or equipment. Commissioner Walton said he has not received any information back from the Sheriff's Deputy that was exploring that possibility for the Town.

OLD BUSINESS:

- 3. Discussion/Action regarding accepting credit cards as a form of payment at Town Hall; Presentation from Lisa Horsley of BB&T.**

Town Attorney Tyson recommended that if the Board chooses to begin accepting credit/debit cards as payment that they forward the costs onto the people electing to use this payment method rather than imposing any fees on to the tax payers (i.e. the Town coving the expenses associated with accepting credit/debit cards as payment).

Mrs. Horsley of BB&T presented all possible options to the Board of Commissioners on set-up and how costs associated with the service could be paid. She noted that what Attorney Tyson suggested is called a "convenience fee". The Board agreed that it was time to begin accepting credit/debit cards as payment and agreed with the Town Attorney that the fees for offering this service should be done through a convenience fee.

Commissioner Nance moved that the Town of Calabash start accepting credit and debit cards for payments the fees associated with the service shall be charged back to those who choose to use this service through "convenience fees" so that the Town ultimately does not incur expenses for offering this service; seconded by Commissioner Melahn and unanimously carried.

- 4. Discussion/Action regarding Brunswick County/Brunswick Senior Resources consideration of establishing a Senior Center in Calabash; survey results. (Com. Buccilli & Com. Nance)**

Town Administrator's in-depth analysis of the survey results is attached hereto and made a part of these minutes. To summarize 600 surveys were mailed (1 survey was sent to each permanent residence in the Town of Calabash—i.e. fulltime residents one survey to each household). The cost of the surveys was \$533.90. A total of 173 surveys were returned, which yields 28.83% well above the expected average for survey reply. 155 (or 91%) of responses said they would likely utilize the services of a local senior center. 18 (or 9%) of responses stated they would not use a senior center. The reply information has been forwarded to Brunswick County.

Commissioner Nance said he is in favor of a Senior in Calabash but the Calabash tax payers cannot afford it. He requested that B.C representatives come before the Board of Commissioners to make a presentation of their intensions for covering the cost of a facility in town. Commissioner DiStasio opined that the Town "jumped the gun" on sending out surveys; even though she too agreed to sending the surveys. She felt if B.C really wanted to know public interest in a senior center in Calabash they should've incurred the cost for the surveys and sent them out themselves. Commissioner Walton opined it would be too expensive for the Town of Calabash to even incur maintenance expenses/upkeep at a senior center in Calabash.

Commissioner Nance moved to direct staff to have Brunswick County Senior Resources representatives come before the Board of Commissioners to make a presentation to the Board if they so desire to put a senior center in the Town of Calabash and reassure that there would be no cost to the Town of Calabash. Seconded by Commissioner Walton and unanimously carried.

PUBLIC COMMENTS #3: (2 minutes per speaker)

1. Mack Sanders of Calabash Acres felt it was a good idea for B.C to pay for a senior center in Calabash but also felt that the Town could incur some minor maintenance and up-keep such as mowing and painting. Commissioner Nance said he just wants to know exactly what the Town is getting into up-front.

NEW BUSINESS:

9. **Discussion/Action to schedule a Special Board of Commissioners Meeting for either Monday, October 29th or Tuesday, October 30th, 2012 any time after 5:00 PM at Town Hall for the following purposes: (1) to hold a Public Hearing for the Conditional Use Permit Application received from Cindy Morgan to use the existing drive-thru window at 10080 Beach Drive for a restaurant (quasi-judicial proceeding). (2) To take Action to approve/deny the Conditional Use Permit application for a drive-thru window for a restaurant at 10080 Beach Drive (quasi-judicial proceeding). (3) To have the auditor present the 2011-2012 Fiscal Year Audit to the Board of Commissioners. (4) To consider approving the 2011-2012 Fiscal Year Audit. (Staff)**

Commissioner DiStasio moved to hold a Special Meeting on Tuesday, October 30, 2012, at 6:00 PM, at Town Hall for the four purposes stated above; seconded by Commissioner Melahn and unanimously carried.

10. **Discussion/Action to consider approving a Mutual Aid Agreement with Carolina Shores for Building Inspections. (Town Administrator)**

Commissioner DiStasio moved to approve the Mutual Aid Agreement with Carolina Shores for Building Inspections, as presented, seconded by Commissioner Walton and unanimously carried.

11. **Discussion/Action to consider the recommendation from the Long Range Planning Committee that Village Green subdivision is the next streets to be paved in Calabash. (Town Administrator)**

Commissioner Buccilli moved to accept the recommendation of the Long Range Planning Committee that Village Green Streets should be paved next and direct the Town Administrator to seek bids on the project; seconded by Commissioner Nance and unanimously carried.

12. **Discussion/Action to consider an amendment to Section 94.15-Weeds to be Cut of the Calabash General Code of Ordinances; to remove language making the ordinance to cut weeds applicable to all parcels of land rather than just those that are occupied or improved. (Com. Buccilli)**

After discussion of the matter Commissioner Nance moved that the proposed amendment to §94.15 NOT be accepted and that no changes be made to §94.15 and continue to enforce this ordinance under staff discretion. Seconded by Commissioner Melahn and the motion carried by way of a unanimous vote of the Board.

NOTE: Town Attorney Tyson was excused from the meeting at 7:30 PM.

13. **Discussion/Action** (if needed) regarding use of office space in a more practical way. (Com. Nance)

Commissioner Nance proposed that Mayor Knight's office be switched with the Tax Collector's/Accounting Clerk's office and that a window be put in (what is now Mayor Knight's) the office so as to have easy access to the front office where the Office Assistant's desk is located. He provided a sketch of town hall showing this proposed change.

Commissioner Buccilli said she spoke with all members of staff and everyone was happy with their current office locations. She felt this proposed change in offices was unnecessary. Commissioner DiStasio said she likes Commissioner Nance's suggestion. Commissioner Melahn said as long as Mr. Dills' office remains upstairs she is fine with any other office changes. Commissioner Walton agreed to the suggested change made by Commissioner Nance. Mayor Knight said that currently the Mr. Dills could utilize her office anytime he needs to meet with someone of the general public (who are not permitted in his upstairs office); if the Tax Collector is moved to that office his meeting with contractors would disrupt her work and the other office is not large enough to put a table in for him to review plans on. Mayor Knight further stated that Mrs. Silvers (Tax Collector/Accounting Clerk) does not like it up front; it is too noisy and her working with numbers requires concentration.

Commissioner Nance moved to change offices, as proposed, according to the layout he has provided, when practical—no rush. Commissioner DiStasio seconded the motion and the motion carried by a vote of four (4) to one (1) with Commissioner Buccilli voting in the opposition.

14. **Discussion & Advice Only** regarding staff work time. (Com. Nance)

Commissioner Nance said he is going to try to come to town hall at a consistent time to pick up his information from his folder. Other than that, he will make appointments with any staff that he needs to speak with and try to email whenever possible. He suggested his fellow board members think about doing the same thing so as not to disturb staff productivity by having a habit of dropping in unannounced.

15. **Discussion & Advice** regarding complaints made to commissioners from the public. (Com. Nance)

Commissioner Nance suggested Board members keep copies of complaint forms with them so that if someone complains to a commissioner about something when they are not at Town Hall, the proper form can be filled out. The commissioner (or the complainant) would then take it to Town Hall and turn it into the Office Assistant. Complainants should receive a response in writing; even if nothing can be done about the issue the Town should recognize in writing that the complaint was received and state what can/cannot be done and why.

16. **Discussion/Action** to consider approving a Resolution Opposing the Proposed Rate Increase for Home Owners Insurance. (Staff)

Commissioner Nance moved to approve the Resolution Opposing the Proposed Rate Increase for Home Owners Insurance, as presented, seconded by Commissioner Melahn and there was a brief discussion. All Board members offered comments of their full support of the resolution. Commissioner DiStasio said she was interviewed by WECT news on this issue today and she told

them how extremely opposed she is to any further rate increases; an additional 30% increase is ludicrous. *Mayor Knight called for a vote, which carried unanimously.*

CLOSED SESSION:

Commissioner DiStasio moved that the Board enter Closed Session Pursuant to G.S 143-318.11 (a)(6) Personnel Matters/evaluation seconded by Commissioner Nance and unanimously carried.

ACTION AS A RESULT OF CLOSED SESSION: *Upon returning to Sanborn Hall, Commissioner Nance moved that the Board enter Regular Session, seconded by Commissioner Melahn and unanimously carried.*

Commissioner Nance moved that Sherri Robinson, Office Assistant, be taken off of 90-probationary period and award her with a 2.5% raise increase effective next pay period; seconded by Commissioner Melahn and carried unanimously.

PUBLIC COMMENTS #4: (3 minutes per speaker)

1. Mr. Forrest King said there is a rumor going around that he feels the Board of Commissioners needs to address regarding the Building Inspections Department and why a former Building Inspector recently separated from his employment with the Town. He opined that if there have been any mis-doings the public should be made aware of such. He asked if there were any investigations taking place regarding the Building Inspections Department. Commissioner DiStasio asked that he be more specific. Mr. King asked the Board under what circumstances did we lose the Building Inspector that separated his employment with the Town a month or so ago.

BOARD COMMENTS:

1. Commissioner Nance stated, in regard to Mr. King's inquiry, that he has knowledge of such but since it is a personnel matter, he would have to ask the attorney for advice before making any information public. Both the Mayor and Commissioner Nance said they would look into the matter with the Town Administrator and Attorney.

ADJOURN: *Commissioner Nance moved to Adjourn at 8:00 PM, seconded by Commissioner DiStasio and unanimously carried.*

(SEAL)

Mary Louise Knight, Mayor

Attest:

Kelley Southward, Town Clerk