



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Thursday, November 10, 2011—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

CONSENT AGENDA:

1. Closed Session Minutes:

01/13/09	08/11/09	09/03/09	09/08/09	09/10/09	09/21/09	
	09/23/09					
09/30/09	10/13/09	10/22/09	10/28/09	12/08/09	01/12/10	
	02/09/10					
02/18/10	04/13/10	05/11/10	06/28/10	07/13/10	09/14/10	
	09/17/10					
10/12/10	12/14/10	01/11/11	02/08/11	02/16/11	04/18/11	05/05- 27/11
05/10/11	06/14/11	06/29/11	10/11/11	06/08/10		

2. Minutes of October 25, 2011-Special Meeting

3. Minutes of October 11, 2011-Regular Meeting

4. Minutes of May 26, 2011-Special Meeting

5. Designate Anthony Clemmons as the Calabash Town Historian

6. Reappoint John Thomas and Charlie Daniels to the Planning & Zoning Board each for a 3-year term.

MINUTES: (to discuss a set of minutes move here from Consent Agenda during Approve/Adjust Agenda)

MAYOR'S COMMENTS: Presentation of award to dedicated citizen.

PUBLIC COMMENTS:

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT:

BUILDING INSPECTOR'S REPORT:

COMMITTEE REPORTS:

1. Planning & Zoning—Commissioner Knight
2. Finance—Commissioner King
3. Town & Merchant—Commissioner King
4. Calabash Community Services—Commissioner Knight

OLD BUSINESS:

1. **Discussion/Action** to review scope of work for construction prepared by Norris & Tunstall Engineers for drainage repairs on Riverview Drive (Phase 1). Determine how to move forward.

NEW BUSINESS:

1. **Discussion/Action** to consider making a recommendation to the Brunswick County Board of Commissioners to appoint Mrs. Clare Leary to the Planning & Zoning Board as the ETJ member for a three year term ending 2014.
2. **Discussion/Action** to consider authorizing Christmas bonuses approved for staff in the 2011-2012 budget to be paid during the first payroll in December.
3. **Discussion/Action** to consider an addition to the Calabash Fee Schedule for a Minimum Cost Fee (MCF) for situations that require a permit but are minor—staff suggests a \$25 MCF. If necessary, schedule a public hearing.
4. **Discussion/Action** to consider the request by Mr. Steve Fowler to refund sign permit fees (\$50) that were paid for his office space at Old Georgetown Center, which he is closing.
5. **Discussion/Action** regarding the Town's waiver of plumbing and electrical permit fees for sewer connections—does the Board want to continue to waive permit fees beyond November 22nd.
6. **Discussion/Action** to consider waiving building permit fees for a non-profit volunteer organization that is constructing a handicap ramp for a Calabash citizen.
7. **Discussion/Action** to consider a change order to the original scope of work for the Deer Path resurfacing—extend asphalt to ensure stormwater runoff will flow properly.

PUBLIC COMMENTS: (limited to a maximum of 2 minutes per speaker)

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Thursday, November 10, 2011-6:00 PM**

MINUTES

The Calabash Board of Commissioners held their Regular Monthly Meeting on Thursday, November 10, 2011 at 6:00 pm in Sanborn Hall, located at Town Hall, 882 Persimmon Road.

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

STAFF PRESENT: Charles Nance, Town Administrator; Kelley Southward, Town Clerk; and Mark Lewis, Town Attorney.

GUESTS: There were approximately 20 guests in attendance in the audience.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Clemmons called the meeting to order at 6pm and the Pledge of Allegiance to the Flag was held. Roll call was taken; attendance is reflected above.

APPROVAL/ADJUSTMENT OF AGENDA:

1. Commissioner King requested that the Closed Session Minutes of July 13, 2010 be removed from the Consent Agenda and relocated to the "Minutes" section of the agenda.
2. Commissioner King requested that Consent Agenda Item #5-designate Anthony Clemmons as the Calabash Town Historian-be removed from the Consent Agenda and relocated to New Business as Item #8. Mayor Clemmons said that he had requested that item be included on the agenda and was at this time removing it from the agenda (entirely).
3. Commissioner Knight requested that the Closed Session Minutes of January 13, 2009 through December 8, 2009 be removed from the Consent Agenda and relocated to the "Minutes" section of the agenda. Mayor Clemmons said that since that effects 12 sets of minutes he would prefer a vote of the Board on this request. *Commissioner King moved to relocate all 2009 Closed Session Minutes from the Consent Agenda to the Minutes section of the agenda, seconded by Commissioner Melahn and unanimously carried.* Mayor Clemmons then asked Commissioners Knight and King if their concerns of the closed session minutes would be able to be discussed in open session or did they have detailed content matters that would have to be discussed in a closed session. Both Commissioners Knight and King said that their concerns could be addressed during open session.

Commissioner Melahn moved to approve the Agenda, as amended, seconded by Commissioner King and unanimously carried.

CONSENT AGENDA:

1. Closed Session Minutes: 01/12/10; 02/09/10; 02/18/10; 04/13/10; 05/11/10; 06/28/10; 07/13/10; 09/14/10; 09/17/10; 10/12/10; 12/14/10; 01/11/11; 02/08/11; 02/16/11; 04/18/11; 05/05-27/11; 05/10/11; 06/14/11; 06/29/11; 10/11/11; 06/08/10
2. Minutes of October 25, 2011-Special Meeting
3. Minutes of October 11, 2011-Regular Meeting
4. Minutes of May 26, 2011-Special Meeting
5. Reappoint John Thomas and Charlie Daniels to the Planning & Zoning Board (both in-town members for a 3-year term).

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

MINUTES:

Regarding the Closed Session minutes of January 13, 2009; August 11, 2009; September 03, 2009; September 08, 2009; September 10, 2009; September 21, 2009; September 23, 2009; September 30, 2009; October 13, 2009; October 22, 2009; October 28, 2009; and December 08, 2009 Commissioner Knight said that with the exception of December 8, 2009 she would like to be recused from voting because she was not on the Board of Commissioners at that time and is not comfortable voting on matters of which she was not a part of. She did not take her seat on the Board until December 8, 2009. The Town Clerk explained that she has previously inquired to the UNC School of Government (SOG) the exact concern that Commissioner Knight is expressing. The response that the SOG has provided is that the Closed Session minutes (like all minutes) belong to the sitting Board of Commissioners. Ms. Southward said that State Statutes are very specific about what/when/why a Board member can be recused from voting and this matter did not qualify Commissioner Knight from being recused. Mayor Clemmons noted that previous boards have examined this matter and minutes belong to the Board as a whole. Commissioner Knight said that she knows nothing of what took place during those closed sessions so, she is not comfortable “owning” those minutes. Mr. Lewis said that he agrees with Commissioner Knight’s concern. He understands her uneasiness in voting on closed session minutes when she was not a board member. He said her choices in voting are to either abstain from voting, which would be counted as an affirmative vote, or to vote “no” but the Board could not vote to recuse her from voting on the closed session minutes. He reiterated that a “non-vote” (abstaining) would be counted as a “yes” vote to the motion. Commissioner Knight asked if Commissioner Nance had ever voted during a similar situation. Commissioner Nance said he is certain that he has voted during similar instances as he never brought up an issue with voting in this situation. Mr. Lewis again stated that if a member abstains (says nothing) from voting they would be counted as a “yes”. Commissioner King said if someone abstains then ethically they’re not voting but technically it’s counted as a “yes”. Commissioner Knight said she wanted her fellow Board members’ perspectives on the SOG’s ruling that they would own the minutes even though some members might not have been on the Board at the time a meeting took place. She appreciated Commissioner Nance’s input.

Regarding the Closed Session minutes of July 13, 2010 Commissioner King stated that on at least four or five occasions during closed sessions there was a situation he made the Board aware of. He said that this particular meeting was the first time he brought up the matter and there was

a fairly long discussion of the matter during the closed session, which is not reflected in the minutes. Without including any names, he said there was a situation where town staff took town equipment outside of town limits and did half a day's work on private property and the Town Administrator had no knowledge of it. He reiterated that the matter was discussed in several different closed sessions and felt that July 13, 2010 was the first time it was brought up and should be included in the closed session minutes. He would like the minutes revised to include that he brought up that matter and made the Board, Mayor, and Town Administrator aware of the situation. If the audio still exists, he wants the Clerk to review it and accurately detail the conversation in the minutes. Mr. Lewis suggested tabling the minutes and directing the Town Clerk to review the audio and make any necessary adjustments to the minutes. *Commissioner King moved that the Town Clerk review the audio of the minutes of closed session from 7-13-10 and include any discussion with the issue concerning town staff performing work off town property without permission.*

Commissioner King moved to approve the Closed Session minutes of January 13, 2009; August 11, 2009; September 03, 2009; September 08, 2009; September 10, 2009; September 21, 2009; September 23, 2009, September 30, 2009; October 13, 2009; October 22, 2009; October 28, 2009. Commissioner Nance seconded the motion and Mayor Clemmons called for a roll-call vote, which was as follows: Commissioner Knight abstained, which was counted as a "yes" vote; Commissioner Melahn-"yes"; Commissioner King-"yes"; Commissioner Nance-"yes". The motion to approve the minutes carried unanimously.

MAYOR'S COMMENTS:

Mayor Clemmons recognized Commissioners Elect Sandy Melahn, Emily DiStasio, and Charles Walton, who were all in the audience as well as Mayor Elect, currently Commissioner, Mary Knight. He congratulated them all and wished them well in their endeavors.

Mayor Clemmons presented a plaque to Mr. William Seip for his steadfast attendance and support. Mr. Seip thanked the Mayor and Board and eloquently expressed his gratitude for all those who serve the citizens of Calabash. He said that he wished more people took interest in our Town and attended the monthly Board meetings.

PUBLIC COMMENTS:

1. Commissioner Elect Sandy Melahn noted that she received her invitation to the Town's Christmas party, which is being held at The Pearl this year, in today's mail. She pointed out the on-going issue with patrons of The Pearl getting lost by their GPS systems and turning around in her driveway (multiple mishaps each day). She said she wished that staff had included driving directions on the invitations.

TOWN ADMINISTRATOR'S REPORT:

Mr. Nance's written report is attached hereto and made a part of these minutes. He pointed out that he is working on submitting for a sidewalk project that will hopefully be considered for a DOT grant. He is working with the local RPO. The proposed sidewalk would extend along both sides of Beach Drive from the traffic light at ACE Hardware to Persimmon Road on the north side and to George's Restaurant on the south side. The sidewalk would also be located on the west side (only) of Persimmon Road from Beach Drive to the Town's new park. Commissioner

Nance thanked Mr. Nance for his informative reports to the Board. Commissioner Knight said that she is very pleased with the sidewalk information Mr. Nance has already gathered and put together; she is excited to have the opportunity on the presentation with the RPO representative.

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

COMMITTEE REPORTS:

Planning & Zoning: Commissioner Knight reported that the PZB met on Monday evening and they had another great meeting. There was an A to Z discussion of the tree ordinance and how it addresses violations of removal of trees. The PZB gave Mr. Nance direction on what they would like to see included in the ordinance; they plan to make a recommendation to the Board of Commissioners in December. Commissioner Knight said if the public would like to know what is going on in their community, please consider attending these public meetings. She is extremely proud of the PZB and the guidance they received from Mr. Nance and Ms. Southward.

Finance: Commissioner King reported that the Town has a total of \$1,476,444.01 in all funds. Revenues are all where they should be at this point of the fiscal year. In fact, local option sales tax is slightly ahead of where it was anticipated for this point in the year.

Town and Merchant: no report.

Calabash Community Services: Commissioner Knight said they have been working with members of staff for the Town Christmas party; invitations have been mailed. Likewise, the organization of the Christmas Tree Lighting and Parade (Friday, December 2nd at 6pm) is well underway. She added that volunteers for the event are sought.

Mayor Clemmons complimented all Town committees for their hard work and dedication over the past four years.

OLD BUSINESS:

1. Discussion/Action to review scope of work for construction prepared by Norris & Tunstall Engineers (NTE) for drainage repairs on Riverview Drive (Phase 1) and determine how to move forward. Commissioner Melahn favored the recommendation of staff to hold a special meeting/workshop with the sitting Board of Commissioners, the members of the in-coming board, and Mr. Norris of NTE. He said that it is going to be a lengthy and expensive repair project and it would be beneficial for everyone to get on the same page. Commissioners Knight and King both agreed that a special meeting/workshop would be very beneficial to everyone currently involved and those soon to be taking over. *Commissioner King moved to direct staff to set up a Special Meeting/Workshop of the Board of Commissioners and invite the Commissioners Elect and Mr. Norris of NTE—date to be determined; Commissioner Melahn seconded the motion, which unanimously carried.* It was clarified that Mayor Clemmons would call a special meeting/workshop once the Clerk has the opportunity to coordinate schedules. Mayor Clemmons pointed out that engineering reports, project manual, and maps related to the project are all available for review at Town Hall. He suggested that all commissioners elect

schedule a meeting with Mr. Nance to review these documents prior to the special meeting/workshop. Mayor Clemmons further suggested everyone visit Riverview Road; the area of interest is on the right side of Riverview Road as you enter the street from Beach Drive at George's Restaurant (all the way down to the river near the building that was formally Tiderunners restaurant).

NEW BUSINESS:

1. **Discussion/Action to consider making a recommendation to the Brunswick County Board of Commissioners to appoint Mrs. Clare Leary to the Planning & Zoning Board as the ETJ member for a three year term ending 2014.** Commissioner Knight said the Planning & Zoning Board has recommended Mrs. Leary for the vacancy and that she has a very impressive resume (which was included in the Board's packets). *Commissioner Knight moved to recommend to the Brunswick County Board of Commissioners that they appoint Mrs. Clare Leary to the Calabash Planning & Zoning Board as the ETJ member, seconded by Commissioner Melahn and unanimously carried.*
2. **Discussion/Action to consider authorizing Christmas bonuses approved for staff in the 2011-2012 budget to be paid during the first payroll in December.** *Commissioner Nance moved that Christmas bonuses be paid during the first payroll in December, seconded by Commissioner Knight and unanimously carried.*
3. **Discussion/Action to consider an addition to the Calabash Fee Schedule for a Minimum Cost Fee (MCF) for situations that require a permit but are minor—staff suggests a \$25 MCF. If necessary, schedule a public hearing.** There was a discussion as to whether or not a public hearing would be required for this reduction of fees. Mr. Lewis offered his legal opinion that a public hearing would not be necessary for a change of this nature. Commissioner Knight noted that this was not the lowest fee on the schedule; yard sale permits are only \$5. It was noted that in the building permit fees section the current lowest fee is \$50; this would be a reduction in the building permit fees section of the fee schedule. Mr. Lewis held that a public hearing was not necessary but that a public hearing could be held for anything. The Board felt it appropriate to move forward and take action now. *Commissioner Nance moved to amend the Calabash Fee Schedule to include a Minimum Cost Fee (MCF) of \$25 for minor situations related to the inspections department; seconded by Commissioner Melahn and unanimously carried.*
4. **Discussion /Action to consider the request by Mr. Steve Fowler to refund sign permit fees (\$50) that were paid for his office space at Old Georgetown Center, which he is closing.** Ms. Southward explained that Mr. Fowler recently rented an office unit at Old Georgetown Center and paid for three sign permits; \$75. He put one of the three signs up and decided to close his office at Old Georgetown Center. He has written a letter requesting a refund of \$50, which is the permit fees he paid for the two signs he never put up. The Board discussed the matter. Commissioner Nance was concerned that there was staff time involved in processing the sign permits. Mr. Nance and Ms. Southward opined that it was a fairly straightforward application and that staff time was

covered by the \$25 that is not being refunded. Commissioner Melahn was against refunding the permit fees and felt doing so was setting a bad precedence. *Commissioner King ultimately moved to refund a total of \$50 to Mr. Fowler, seconded by Commissioner Nance and duly carried by a vote of three (3) to one (1) with Commissioner Melahn voting in the opposition.*

5. **Discussion/Action regarding the Town's waiver of plumbing and electrical permit fees for sewer connections—does the Board want to continue to waive permit fees beyond November 22nd?** It was explained that the Brunswick County Board of Commissioners approved the Utility Department to waive tap-on fees for the sewer for one year after the Calabash Sewer Extension Project had been completed. That one-year waiver period will end on November 22, 2011. Brunswick County has given no indication that they plan to extend the waiver period. In fact, in recent correspondences with the Utility Department the waiver period will end November 22nd as originally intended. The Calabash Board of Commissioners had approved waiving plumbing and electrical permit fees associated with sewer connections for the first year as well. Staff sought direction; does the Board of Commissioners wish to extend waiving electrical and plumbing permit fees for sewer connections beyond November 22nd or do they wish to follow suit with Brunswick County and begin charging for permit fees after November 22nd? It was pointed out that anyone who has secured at least one of the required permits for sewer connection (be it electrical or plumbing or new construction building) prior to November 22nd the Utility Department will waive connection fees whether the actual connection has been made by November 22nd or not. Mayor Clemmons asked for each Board member to weigh-in on this matter. Commissioner Melahn said he feels as though the Town should follow suit with Brunswick County and discontinue waiving the permit fees as of November 22nd. Commissioner Knight expressed a concern that several people had made arrangements to have the work done (they've pulled permits) but that work had not been completed yet. Ms. Southward explained that so long as a permit had been pulled by November 22nd those folks would receive the waiver from Brunswick County so long as the permit (which is valid for six months—respectfully) does not expire. Commissioners King and Nance both agreed that the Town should follow suit with the county and end the waiver period on November 22nd. *Commissioner Melahn moved that the Town of Calabash discontinue waiving permit fees for plumbing and electrical permits associated with sewer connections effective November 22, 2011; seconded by Commissioner King and unanimously carried.*
6. **Discussion/Action to consider waiving building permit fees for a non-profit volunteer organization that is constructing a handicap ramp for a Calabash citizen.** Mr. Nance said the organization is legitimate according to his investigation. Commissioner Knight said if it is the resident's primary residence then she is in favor of waiving the permit fees. *Commissioner Knight moved to waive the permit fees for legitimate non-profit volunteer organizations building handicapped ramps for Calabash resident's primary residences, seconded by Commissioner Nance and unanimously carried.*

7. **Discussion/Action to consider a change order to the original scope of work for the Deer Path resurfacing—extend asphalt to ensure stormwater runoff will flow properly.** Mr. Nance said the recent scope of work for the Deer Path paving project that was recently completed was formulated based upon the Long Range Planning Board's recommendation; approximately 635 feet. There is a very slight natural grade where the paving project ends to the next storm drain. Adding 2-inches of asphalt at the bottom of this slight grade has caused a damming effect and water is ponding. The asphalt needs to be extended approximately 300 feet to the top of the grade so that water can make its way to the storm drain. The Board noted that since the extension of pavement is almost half of the original project it is too much to add a change order to the original job. They felt the needed paving should be re-bid as a separate job. *Commissioner Nance moved to empower the Town Administrator to put this project out for bid with a re-specification of work, seconded by Commissioner Melahn and unanimously approved.*

PUBLIC COMMENTS: None forthcoming.

BOARD COMMENTS: None forthcoming.

ADJOURN: *Commissioner Nance moved to adjourn at 7:05pm, seconded by Commissioner King and unanimously carried.*

(SEAL)

Mayor

Town Clerk