



**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
Tuesday, December 14, 2010—6:00 pm**

**AGENDA**

**CALL TO ORDER:** Mayor Clemmons

**PLEDGE TO FLAG:**

**ROLL CALL:**

**APPROVAL/ADJUSTMENT OF AGENDA:**

**PUBLIC HEARING:** Regarding an amendment to §10.99-Penalties- of the General Code of Ordinances that would allow the Town of Calabash to recoup attorney and cost of court fees for violations that are subject to the legal process. Also regarding an amendment to §1-10-Fees- of the Unified Development Ordinances (UDO) that references that violations of the UDO are subject to §10.99 of the General Code Ordinances.

**PRESENTATION:** S. Preston Douglas and Associates to present the 2009/2010 Fiscal Year Audit.

**CONSENT AGENDA:**

1. Approve minutes of November 9, 2010-Regular Meeting (open session)
2. Approve \$100 donation to WBHS Music Department/Board of Education for Jazz Band performance at the Town's Christmas Party scheduled for December 18, 2010.

**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 & COMMISSIONERS' COMMENTS:** Mayor Clemmons has requested that each Board member give comments reviewing 2010 and looking forward towards 2011.

**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 evaluation forms and related pay increase scale:
  - a. to consider approving the proposed revisions the personnel evaluation form(s) (tabled in October & November).
  - b. subsequent to action taken in “a” (above) the Board should amend Article III Section 7-A of the Personnel Policy to coincide with scaling changes.
2. **Discussion/Action** to consider approving the proposed amendments to §10.99 Penalties of the General Code of Ordinances as it pertains to collecting attorney fees and court costs for violations that have gone through the legal process.
3. **Discussion/Action** to consider approving the proposed amendments to §1-10 Fees of the Unified Development Ordinance as it pertains to referencing §10.99 of the General Code of Ordinances.

**NEW BUSINESS:**

1. **Discussion/Action** to consider approving the 2009/2010 Fiscal Year Audit as presented by S. Preston Douglas and Associates.
2. **Discussion/Action** to consider approving the Resolution to Adopt Brunswick County’s 3-Year Solid Waste Plan as requested by Brunswick County Waste Management.
3. **Discussion/Action** regarding the budget funds for the Calabash Community Park:
  - a. Approve the Capital Project Ordinance establishing Fund 65 as the reserve for the park’s budgeting. Establishing Fund 65 will allow the money to carry over from FY to FY it will also allow funds raised for the park to be earmarked for this purpose.
  - b. Approve the Budget Ordinance Amendment transferring \$113,000 from Public Buildings (in the General Fund; money budgeted for the park) to Fund 65.

**CLOSED SESSION:**

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

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

**PUBLIC COMMENTS:**

**BOARD COMMENTS:**

**ADJOURN:**

**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
Tuesday, December 14, 2010 – 6:00 p.m.**

**MINUTES**

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, December 14, 2010, 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 Commissioner William Dixon; all members were present.

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

**GUESTS PRESENT:** The audience was comprised of approximately eight individuals.

**CALL TO ORDER/PLEDGE/ROLL CALL:** Mayor Clemmons called the meeting to order at 6:03 p.m. He asked Beacon reporter Ms. Laura Lewis, who has a son serving in the military, to lead the Pledge of Allegiance. Roll call of Board members and staff was taken with attendance reflected above.

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

**PUBLIC HEARING:** *Commissioner Melahn motioned to open the Public Hearing, seconded by Commissioner King and unanimously carried.* The Mayor noted that the Public Hearing referred to an amendment to §10.99-Penalties-of the General Code of Ordinances that would allow the Town of Calabash to recoup attorney and cost of court fees for violations that are subject to the legal process and an amendment to §1-10-Fees-of the Unified Development Ordinance (UDO) that references that violations of the UDO are subject to §10.99 of the General Code of Ordinances. As there were no comments from the public, *Commissioner Melahn motioned to close the Public Hearing and return to the Regular Meeting, seconded by Commissioner King and unanimously carried.*

**PRESENTATION:** Mr. Johnny Britt, a representative of S. Preston Douglas and Associates presented the 2009/2010 Fiscal Year Audit. During his brief report he noted that there was an excellent ratio between liabilities and net assets and that the ABC Board was in excellent shape. Upon a question posed by Mayor Clemmons, Mr. Britt suggested the Town contact the State Treasurer's office regarding investment options.

**CONSENT AGENDA/MINUTES:**

1. Approve minutes of November 9, 2010-Regular Meeting (open session)
2. Approve the donation of \$100 to WBHS Music Department/Board of Education for the Jazz Band performance at the Town's December 18, 2010 Christmas party.

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

**MAYOR AND COMMISSIONER COMMENTS:** The Mayor recognized Mr. William Seip for his consistent attendance at Board meetings and presented him with a Town cap. Starting with Commissioner Knight, he asked each Board member to provide an update of 2010 activities and what each member looked forward to in 2011. Commissioner Knight noted 2010 was an interesting, exciting year and looking forward to sale of the Heritage Bricks and the bricks being the centerpiece of the new park. Commissioner Melahn referenced such 2010 projects as the approval of the Unified Development Ordinance, the progression of the sewer system and the re-codification of Titles 1,3,5 and 7 of the General Ordinance and a 2011 goal of finishing the re-codification. Commissioner King noted that he appreciated the opportunity to serve on the Board and that while 2010 had a few bumps, it was essentially a smooth year and that the community park along with possibly even more community events than those occurring in 2010, would continue to provide great exposure for the Town and additional ways the Town to work in conjunction with merchants. Commissioner Nance stated that keeping government small and transparent and maintaining keeping a tight rein on the budget were past and continuing goals and he thanked residents for their support. Commissioner Dixon was pleased that Town Service employees were given a raise, he had received less complaints from residents regarding the conditions of ditches, he was proud of the Town and Town Services and felt that the community park would be a great addition to the Town in 2011. Mayor Clemmons noted that in 2010 what appeared to be impossible became possible with the approval of the UDO, the completion of the waste water project and the projected cost to be less than five million dollars, and he commended the Brunswick Beacon for their accurate reporting. He went on to note that the July 4<sup>th</sup> celebration, the annual car show and the Christmas tree lighting helped enhance the spirit of Calabash. The Mayor's New Years resolution is to continue to foster the spirit of Calabash. Interim Town Administrator Kelley Southward thanked the Board and citizens for their support and noted approval of the UDO, the continuing progress of the waste water system and the advent in 2011 of the community park. Town attorney Mr. Lewis stated that he could see the Board working together and there was a great attitude toward helping residents, which assists him in doing his job.

**PUBLIC COMMENTS:** None.

**CORRESPONDENCE:** None.

**INTERIM TOWN ADMINISTRATOR'S REPORT:** A copy of the report is hereto attached to the minutes.

**BUILDING INSPECTOR'S REPORT:** A copy of the report is hereto attached to the minutes.

**COMMITTEE REPORTS:**

1. **Fire Department:** Commissioner Nance mentioned the fire at Captain John's and assured everyone that the Calabash Fire Department did a professional job in handling the fire and worked hard to limit the damage.
2. **Planning and Zoning:** Commissioner Knight reported that Mr. Keefe is doing a great job filling in for Chairperson J.W. Brown in his absence. During the course of their animated sign discussions many variables had been debated, Mr. Drennan outlined substantive goals and objectives and members are working to match criteria set forth in the Land Use Plan and the UDO. The Board meets January 3, 2011 to continue discussing the topic.
3. **Finance:** The current tax collection rate is 54% of the amount billed (specifically \$121, 592) and with a few exceptions, the Town's budget is on target.

4. **Water/Wastewater:** The Mayor stated that November 22, 2010 started the one year clock to tie into the sewer system as stipulated by the county, that before assessments are made there will be a public hearing, with the assessment to be levied in March, 2011. He also noted that the Town checked the bid list for any discrepancies and he complimented the county for keeping the change order list and costs to a minimum. The over run list was also carefully checked. He stated that he felt comfortable with the status and cost of the project.
5. **Merchant's Report:** Commissioner King suggested local merchants be supported during the holiday shopping season. He noted that the Christmas parade was well received.
6. **Stormwater:** A copy of Ms. Southward 's report is herein attached to the minutes. She provided an overview of items related to the stormwater drainage problems on Riverview Dr. and River Road.
7. **Long Range Planning:** Commissioner King stated that at the last meeting sidewalks, the community park and the Town Hall expansion were discussed.
8. **Community Service:** Commissioner Knight thanked the members for their assistance.

#### **OLD BUSINESS:**

1. **Discussion/Action** regarding evaluation forms and related pay increase scale:
  - a. Consider approving the proposed revisions to the personnel evaluation form(s)
  - b. Subsequent to action taken in the above, the Board should consider amending Article III Section 7-A of the Personnel Policy to coincide with any changes.
  
- a. *Commissioner King motioned to place the item back on the table, seconded by Commissioner Knight and unanimously carried.*

Ms. Southward noted that during the meeting held with Commissioners Dixon and Knight two evaluation forms were devised; one geared specifically for Town Services and a second one for all other staff members. The general evaluation form was adapted from various other, similar forms. Referring to the numerical scale on page one of the General Evaluation Form, Ms. Southward noted the number scale; one for below standard, five for meets standards, and ten for exceeds standards. Board members discussed bonus points; one form includes and one does not. Ms. Southward suggested that neither form include bonus points; the Board agreed after discussion. Conversation continued regarding different permutations of the current form, the use of words instead of numbers, the use of a tier scale and incorporating a bullet point judgment category into both forms. The Board came to a compromised agreement to not utilize numbers to be shared with employees. Rather use terms like "meets standards, doesn't meet standards, and exceed standards". The majority of members still felt the numbers were necessary for supervisors and the Board; although Commissioners Melahn and Knight felt numbers were not necessary at all. Ms. Southward stated that she would take their comments and incorporate them into the existing forms, with the edited forms available for the January meeting. The Board felt it was not necessary to bring the item back in January; rather the forms could be approved, as amended this evening. Discussion continued regarding the pros and cons of using numbers or using descriptions.

*Commissioner Dixon motioned to approve the two evaluation forms, as amended, seconded by Commissioner Knight and unanimously carried.*

- b. Discussion returned the pros and cons of using numbers versus using descriptions. Then discussion moved to the pay scale. The Board felt it was better to keep the five tiered scale rather than changing it back to the previous four tier scale. *Commissioner King motioned **not** to amend Article III Section 7-A in the Personnel Policy. As there was no second to the motion, the motion became null.* The five tier scale will remain in Article III, Sec. 7.

2. **Discussion/Action** to consider approving the proposed amendments to §10.99 Penalties of the General Code of Ordinances as it pertains to collecting attorney fees and court costs for violations that have gone through the legal process.

*Commissioner Melahn, after checking with Mr. Lewis that no changes to the wording were needed, motioned that changes to §10.99 Penalties of the General Code of Ordinances be approved as written, seconded by Commissioner Knight. Discussion ensued with Commissioner Melahn explaining exactly where the changes would be made. Following a brief discussion, a vote was taken and the motion was unanimously carried.*

3. **Discussion/Action** to consider approving the proposed amendments to §1-10 Fees of the Unified Development Ordinance as it pertains to referencing §10.99 of the General Code of Ordinances.

*Commissioner Melahn motioned to approve the proposed amendment as written to §1-10 Fees of the Unified Development Ordinance referenced in §10.99 of the General Code of Ordinances, seconded by Commissioner Knight and unanimously carried.*

#### **NEW BUSINESS:**

1. **Discussion/Action** to consider approving the 2009/2010 Fiscal Year Audit as presented by S. Preston Douglas and Associates.

*Commissioner King motioned to approve the 2009-2010 Fiscal Year Audit as presented by S. Preston Douglas and Associates, seconded by Commissioner Melahn and unanimously carried.*

2. **Discussion/Action** to consider approving the Resolution to Adopt Brunswick County's 3-Year Solid Waste Plan as requested by Brunswick County Waste Management.

*Commissioner Melahn motioned to approve the Resolution adopting Brunswick County's 3-Year Solid Waste Plan as requested by Brunswick County Waste Management and seconded by Commissioner Dixon and unanimously carried.*

3. **Discussion/Action** regarding the budget funds for the Calabash Community Park.

- (a) Approve the Capital Project Ordinance establishing Fund 61 as the reserve for the park's budgeting. Establishing Fund 61 will allow the money to carry over from fiscal year to fiscal year and it will allow funds raised for the park to be earmarked for that purpose.

Mayor Clemmons explained why the creation of the fund was necessitated. *Commissioner King motioned to approve the Capital Project Ordinance establishing Fund 61, seconded by Commissioner Knight, and unanimously carried.*

- (b) Approve the Budget Ordinance Amendment transferring \$113,000 from Public Buildings (in the General Fund; money budgeted for the park) to Fund 61.

*Commissioner King motioned to approve the Budget Ordinance Amendment of \$113,000 from Public Buildings in the General Fund to Fund 61, seconded by Commissioner Knight and unanimously carried.*

Prior to moving into Closed Session the Mayor wished everyone a good holiday, noted it had been a pleasure serving citizens and thanked everyone for their support.

**CLOSED SESSION:**

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

*Commissioner Dixon motioned to adjourn to Closed Session at 7:30 p.m., seconded by Commissioner King and unanimously carried.*

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

**NEW BUSINESS CONTINUED:**

In order to address an additional New Business item, a request for a donation from a non-profit organization, it was determined to hold the agenda procedure in abeyance. *Commissioner King motioned to hold in abeyance the agenda rules, seconded by Commissioner Knight and unanimously carried.*

Following discussion, *Commissioner King motioned to amend the agenda to add Item #4, New Business- Request for Donation and to grant the applicant, the Marine Corps League, a \$100 donation for their participation in volunteering in multiple Town events throughout the 2010 year, seconded by Commissioner Knight and unanimously carried.*

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

1. *Commissioner Melahn motioned to give Office Assistant Barbra Bianco Hagan, effective on her anniversary date, a 2.5% pay increase based on her annual evaluation, seconded by Commissioner Dixon and unanimously carried.*

2. *Commissioner King motioned to give Interim Town Administrator/Town Clerk Kelley Southward, effective on her anniversary date, a 2.5% pay increase based on her annual evaluation, seconded by Commissioner Knight and unanimously carried.*

3. *Commissioner Melahn made a motion authorizing Commissioner King and the Interim Town Administrator to negotiate with the Brunswick County Inspection Department in order to assist in performing inspections in the Town, seconded by Commissioner Nance and unanimously carried.* It should be noted that a contract for the County to provide the Town building inspection assistance has been in place since 2008, which includes a cost of \$40 per inspection. The negotiations Commissioner King and the Interim Town Administrator are to work out are the number of inspections per 12-unit apartment building at the Calabash Town Center Apartments; if the County wants to provide a reduced rate or if they can consolidate inspections in some way. Securing the County's assistance should be made as soon as possible so that construction of the apartments nor any other Town projects does not suffer due to the workload on the Town Building Inspector at this time. However, if the fees the Town will have to pay to the County for their assistance at the apartments exceeds the costs of the building permits issued by the Town to the developer of the apartments then the matter should be brought back before the Board of Commissioners for further consideration.

**ADJOURN:** *Commissioner Nance motioned to adjourn at 8:55 p.m., seconded by Commissioner King and unanimously carried.*

(SEAL)

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Anthony Clemmons, Mayor

ATTEST:

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Kelley Southward, Town Clerk