



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, February 8, 2011—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

CONSENT AGENDA:

1. Authorize Mayor Clemmons, as the Town Historian, use of the Town's digital camera for the purpose of taking quality historical pictures.
2. Schedule a Public Hearing Tuesday, March 8, 2011, 6:00 pm at Town Hall to receive comments regarding the proposed Hazard Mitigation Plan (Calabash is a part of the Brunswick County Hazard Mitigation Plan).

MINUTES:

1. December 14, 2010 Regular Meeting
2. January 11, 2011, Regular Meeting

MAYOR'S COMMENTS:

1. Side talking during meetings—please feel free to step outside to hold conversations during the meeting.
2. Other:

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** to schedule a joint workshop with the Planning & Zoning Board to discuss animated signs.
2. **Discussion/Action** regarding the proposal submitted by Norris & Tunstall for professional civil engineering services to address stormwater issues on Riverview Drive & River Road.

NEW BUSINESS:

1. **Discussion/Action** to consider amendments to Title V, Chapter 54-Roadways of the Code of Ordinances. (Commissioner Melahn)
2. **Discussion/Action** regarding the proposed Brunswick County curb-side recycling program; forward Town of Calabash's position to the Brunswick County Board of Commissioners.
3. **Discussion/Action** Mayor's appointment to the Fire Department Board of Directors (annual appointment).
4. **Discussion/Action** as pertaining to a commissioner's comments violating Title III Chapter 32 10b. (Commissioner King)
5. **Discussion/Action** to consider salary increases for Town Services employees.
6. **Discussion/Action** to consider an appointment to the Planning & Zoning Board. (Commissioner King)
7. **Discussion/Action** to consider consolidating some Committee Reports into the Town Administrator's Report. (Mayor Clemmons)
8. **Discussion/Action** to order the Tax Collector to advertise delinquent taxes in the April 14, 2011 edition of the Brunswick Beacon.

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(6)—Personnel Matters; annual evaluation and employee performance/qualifications.

ACTION AS A RESULT OF CLOSED SESSION:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, February 8, 2011 – 6:00 p.m.**

MINUTES

The Calabash Board of Commissioners held a Regular Meeting on Tuesday, February 8, 2011, 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: At the onset of the meeting there were ten individuals present.

CALL TO ORDER/PLEDGE/ROLL CALL: Before the Pledge of Allegiance, Mayor Clemmons recognized the efforts of the Boy Scouts and requested a moment of silence in remembrance of Mr. Alton Watts, a member of the Planning and Zoning Board who had recently passed away. After the Pledge of Allegiance a roll call was then taken of Board members and staff with attendance reflected above.

APPROVE/ADJUST AGENDA: Commissioner Melahn requested that New Business Item #1 and New Business Item #4 be moved forward to follow Public Comments so that he might be excused from the meeting due to a personal family situation. *Commissioner Melahn moved to approve the adjusted agenda, seconded by Commissioner King and unanimously carried.*

CONSENT AGENDA:

1. Authorize Mayor Clemmons, as the Town Historian, use of the Town's digital camera for the purpose of taking quality historical pictures.
2. Schedule a Public Hearing for Tuesday, March 8, 2011, 6pm at Town Hall to receive comments regarding the proposed Hazard Mitigation Plan (Calabash is a part of the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan).

Commissioner Nance motioned to accept the Consent Agenda as presented, seconded by Commissioner Dixon and unanimously carried.

MINUTES:

1. Approve minutes of December 14, 2010-Regular Meeting

Commissioner Nance motioned to approve the minutes as presented, seconded by Commissioner Melahn and unanimously carried.

2. Approve minutes of January 11, 2011-Regular Meeting

Commissioner Melahn requested the minutes be removed from the approval process and that there be a section of the minutes had only been just prepared and that a copy had just been provided to Board members. He stated that as Board members had not had an opportunity to review the transcript, that

approval of the minutes should be tabled. *Commissioner King motioned to table the minutes of January 11, 2011, seconded by Commissioner Knight and unanimously carried.*

MAYOR COMMENTS:

The Mayor requested that audience members and Board members who side talk to feel free to step outside to hold a conversation. He reminded everyone that the Board of Commissioners is the governing body of the Town and when speaking or referencing town policies, they act as a whole, that no one commissioner speaks for the Town or the Board.

PUBLIC COMMENTS: None forthcoming.

NEW BUSINESS:

1. **Discussion/Action** to consider amendments to Title V, Chapter 54-Roadways of the Code of Ordinances.

Commissioner Melahn stated that Chapter 95, Streets and Sidewalks, had been re-codified and re-titled to Chapter 54, Roadways, with sub-chapters titled General Regulations, Obstruction and Damage and Town Services; all moved from the existing separate "Town Services Policies and Procedures." Also, a penalties section was added with actual dollar amounts so as to recover Town costs for remediation. Mr. Lewis suggested, pertaining to §54.24 (B), that the word "clear" be added to the sentence so that it reads; "In addition to any penalty, the Town may *clear* the obstruction..." and to correct a typographical error on page 6. Following discussion it was determined that more time was needed to review the ordinance. *Commissioner King motioned to table the review of the amendment to Title V until the March Board of Commissioners meeting, seconded by Commissioner Dixon and unanimously carried.* The Mayor suggested that between this meeting and the next meeting that members review the related material and to contact Commissioner Melahn with any concerns.

2. **Discussion/Action** pertaining to a Commissioner's comments violating Title III Chapter 32 10b.

The Mayor stated that it appeared that the issue would be tabled but Commissioner Melahn noted that he had been accused of an ethics violation and that he was not accustomed to be accused of such a violation and wanted to know what the accusation is. Commissioner King read a prepared statement. The crux of his statement was that Commissioner Melahn attributed a statement to him that was incorrect and he wanted Commissioner Melahn to provide a retraction and clarification that he, Commissioner King, never made the statement in question. In addition, the Brunswick Beacon had misquoted Commissioner Melahn. Commissioner Melahn stated that if he was misquoted that he would publicly retract the word "terrible". He noted that he was entitled to an interpretation; he made an inference based on comments that Commissioner King had made during the course of two previous regular meetings (May and October, 2010) concerning animated signs. Commissioner Melahn apologized. Commissioner King stated that Commissioner Melahn had damaged his reputation and that the Beacon implied that he made the statement. Commissioner Melahn stated that Commissioner King had never said the word "terrible" or made any generalized statement that he disliked the people of Carolina Shores. Commissioner King stated that he was misquoted and the Brunswick Beacon should print a retraction.

Following the discussion, *Commissioner King motioned to excuse Commissioner Melahn from the meeting, seconded by Commissioner Nance and unanimously carried.* Commissioner Melahn exited the Sanborn Hall meeting room.

CORRESPONDENCE: The Mayor noted that he was in the process of responding to a letter he had received from the parent of a Boy Scout. The scout's parent had requested a supportive letter recognizing his efforts to assist a town resident. The Mayor's letter was to aid her son in his quest to become an Eagle Scout.

INTERIM TOWN ADMINISTRATOR'S REPORT: A copy of Ms. Southward's report is hereto attached to the minutes. Concerning stormwater, she stated that she had just learned that the NC Department of Transportation was making repairs to ditches in the Landing II and Shady Forest Drive areas. The Mayor asked about utility bills and a situation affecting some residents who had not received their monthly bills. Commissioner Nance asked her to keep the Board informed in the event the Board needed to intervene to insure residents received statements that were accurate.

BUILDING INSPECTOR'S REPORT: The report is hereto attached to the minutes.

COMMITTEE REPORTS:

1. **Fire Department:** Commissioner Nance provided a status report concerning the radio communication system.
2. **Planning and Zoning:** Commissioner Knight provided an overview of the February meeting.
3. **Finance:** Commissioner King stated that the tax collector had collected 101% of the total budgeted taxes and that the Town is at or well above projected budgeted amounts.
4. **Water/Wastewater:** Mayor Clemmons noted that the Interim Town Administrator's report contained a status report of several related items.
5. **Town and Merchants:** Commissioner King called upon a representative of the Merchants Association to present a \$200 check, proceeds from the second annual Car Show, to benefit the Town park.
6. **Stormwater:** Refer to Ms. Southward's previously mentioned report that is attached to the minutes.
7. **Long Range Planning-**Commissioner King provided an overview of the sidewalk survey, roads, and the community park.
8. **Community Services:** Commissioner Knight stated that the group would be meeting soon to discuss several items.

The Mayor noted that the ground breaking for the community park was hopefully still planned for the first week of March. Commissioner King stated that the Merchant's Association was thinking about a Spring town wide sidewalk sale.

The Mayor called for a five minute recess.

OLD BUSINESS:

1. **Discussion/Action** to schedule a joint workshop with the Planning and Zoning Board to discuss animated signs.

The Mayor opened for discussion a joint workshop scheduled with the Planning and Zoning Board for Monday, February 21, 2011 at 6:00 p.m. Following discussion *Commissioner Knight motioned to hold a joint workshop with the Planning and Zoning Board on the topic of animated signs on February 21, 2011 at 6:00 p.m., seconded by Commissioner Dixon and unanimously carried.* The Mayor recommended that everyone come prepared for the joint workshop. Commissioner Knight stated that Mr. Keefe had left information for everyone to review.

2. **Discussion/Action** regarding the proposal submitted by Norris and Tunstall for professional civil engineering services to address stormwater issues on Riverview Drive and River Road.

The mayor directed everyone to the information in their packets and asked Ms. Southward to provide a synopsis. Mr. Jody Bland, an employee of the firm who was in the audience, was asked how long it would take to prepare the data collection, study approval and construction drawing and specifications. He stated that the data collection would take the longest time as it was dependent upon the surveyor and their portion would take two to three weeks after they receive the surveyor's information. He will check with the surveyor to see how much would be needed to complete that portion of the project. During the course of discussion it was determined to separate the contract into three proposals (A is data collection, study preparation and preliminary design, B is coordination with the Town for study approval and C being developing final construction drawings and specifications for bidding), the cost being locked in and that the work would be completed in phases. Following discussion, *Commissioner King motioned to separate the proposal into three separate contracts, A, B and C as presented in the original contract proposal, seconded by Commissioner Dixon and unanimously carried.* *Commissioner King motioned to approve contract A, data collection, study preparation and preliminary design and seconded by Commissioner Knight—discussion ensued.* Mr. Lewis stated that a sentence on the second page of the contract, before printing costs, did not make sense to him. The sentence concerned "charges held to be in dispute including reasonable attorney and court fees." Mr. Bland stated that he would seek clarification. *Commissioner Knight amended his seconded motion to reflect approval of part A of the contract contingent on the verbiage being changed to reflect the fact that if charges are disputed do not bear any interest or attorney fees, seconded by Commissioner Dixon and unanimously carried* Mr. Bland stated that he would provide start dates and anticipated completion dates.

NEW BUSINESS:

1. **Discussion/Action** regarding the proposed Brunswick County curb-side recycling program; forward Town of Calabash's position to the Brunswick County Board of Commissioners.

The Mayor began the discussion and noted that Mr. Steve Stone, Assistant County Manager, was present in the audience. Ms. Southward provided a synopsis of the county's proposed county wide recycling program. She noted that the total cost was \$3 million per year with the cost per household approximately \$3.41 per month. Mr. Stone stated that the cost per month per household could be higher depending on the number of municipalities who elect to participate. Owners of vacant property would also be paying for the program as well with the cost included in their property tax bills and not separate like the fire tax is. Mr. Stone stated that he did not know what the county tax rate would be for the next fiscal year due to the recent revaluation but the best estimate that it would take between 1 and 1.5 cents per hundred to generate \$3 million dollars of revenue. Regarding a concern raised by the Mayor regarding funding the project through the county's General Fund, Mr. Stone stated that the amount paid per land parcel is proportional to the value of the property not related to the necessary value of the service received. The Mayor stated that Mr. Stone had indicated that if the Town opted not to participate and have its own "compatible" recycling program, there was the possibility of the county creating a district with a rebate from the general fund to the Town. The Mayor asked about the word "compatible." Mr. Stone said that the county would not create a district per se but if a Town was offering an alternative recycling program to their citizens in lieu of having the roll out receptacles. The County would not create a special district but try to provide the equivalent program service cost. The Mayor asked for clarification on the word "comparable". He asked Mr. Stone if that meant that the

Town's recycling program would have to provide roll out containers to all households. Mr. Stone stated that the county would want to see that the service provided by the Town available to all residents and that the Town would encourage all residents to recycle. He went on to say that County commissioners feel that recycling is the right thing to do and that in the long haul recycling will help save money. He said that the Town could propose for review having recycling convenient sites in different areas around the Town. The Mayor said that if the County would rebate the Town \$3 per household the Town could have a recycling program that costs less. Mr. Stone stated that he felt confident that if the Town proposed a comparable service level the County would pay up to the Town's actual cost. As many questions were being raised, especially concerning levying the fees, the Mayor, who supports recycling, stated that he did not think there was sufficient concrete information to make informed decisions. As an audience member asked to be recognized to pose a question, the Mayor held in abeyance for a very brief time the practice of not allowing questions from the audience. Mr. Stone addressed questions regarding the way the County is currently charged by Waste Industries, an alternate collection schedule and an increase in individual taxes. Commissioner King stated that the Town should not have to participate in County recycling if the Town is able to offer services that are more cost efficient. The Mayor stated that there were more questions than answers and with the consensus of the Board, the discussion could, for the time being, be stopped. The Mayor noted that there was a concern for those property owners of vacant lots who would be charged for a service they did not need. Mr. Stone stated that he would convey to the County Commissioners the Board's concerns and he would inform the Town of their response. Mr. Lewis stated that there were some legal issues to be considered. The Mayor asked Mr. Lewis to discuss those concerns with the Interim Town Administrator.

Commissioner King motioned to table the discussion, seconded by Commissioner Knight and unanimously passed.

2. Discussion/Action Mayor's appointment to the Fire Department Board of Directors (annual appointment).

The Mayor stated that he did not have sufficient information to comment and asked the Board to table the discussion. *Commissioner King motioned to table the issue, seconded by Commissioner Knight and unanimously carried.*

3. Discussion/Action to consider salary increases for Town Services employees.

Ms. Southward provided background information (copies of her research is hereto attached to these minutes). She noted that there were sufficient funds in Powell Bill salaries and in the amount budgeted for Town Services for the remaining 20 pay weeks to support a \$1.00 per hour increase for three Town Service employees. She stated that she had requested from the Cape Fear Council for Government to prepare another pay study of salaries by April 1 for all employees as the last study was completed in 2008. Commissioner King stated that he thought it would be wise to hold a workshop as soon as possible as the situation was complicated and to get as much information as necessary so that the Board could discuss the issue more fully. He went on to say that the Board never promised anyone of an increase in salary but that the issue of an increase would be reviewed in six months. The Mayor stated that pay scale increases should be based on parity and performance. Commissioner Knight reiterated the suggestion of bonuses, an idea she first mentioned during last years budget discussion. She noted that the Town would save money. She stated that she was glad to hear Ms. Southward state that the Board could (by voting to do so) make any increase retro-active. Commissioner King stated that there were some issues in Town Services that need to be addressed; there are five employees with

two and a half on the street. He said that the Board needed to discuss how to make the department work better. Ms. Southward stated that some issues would have to be discussed in closed session. *Commissioner Knight motioned to schedule a special meeting to hold a workshop, closed session, and to take action regarding Town Service employee's salaries and performances on Wednesday, February 16, 2011 at 6:00 p.m., seconded Commissioner King and unanimously carried.*

4. **Discussion/Action** to consider an appointment to the Planning and Zoning Board.

Following discussion, *Commissioner King motioned to appoint Mr. Charlie Daniels as a Regular Member to the Planning and Zoning Board, seconded by Commissioner Dixon and unanimously carried* after Commissioner Knight's brief supportive comments.

5. **Discussion/Action** to consider consolidating some Committee Reports into the Town Administrator's Report.

Mayor Clemmons reviewed the Committee Report list and suggested the following changes: Fire Department remain as a committee report; Planning and Zoning report to be written by the Town Administrator in conjunction with Commissioner King and included in the packets to be read by Board members; Finance to remain as a committee report; Wastewater to be incorporated into the Town Administrator's report; Merchant's Association report to remain as a committee report; Stormwater to be incorporated into the Town Administrator's written report; Long Range Planning report to be written by the Town Administrator in conjunction with Commissioner King and; Community Services to remain a Committee Report. Commissioner Knight asked about Board of Adjustment with the Mayor making that report a Town Administrator report. *Commissioner Nance motioned to approve the Committee Report changes as stated, seconded by Commissioner Knight and unanimously carried.*

6. **Discussion/Action** to order the Tax Collector to advertise delinquent taxes in the April 14, 2011 issue of the Brunswick Beacon.

Following discussion *Commissioner King motioned to order the Tax Collector to advertise delinquent taxes in the April 14, 2011 edition of the Brunswick Beacon, seconded by Commissioner Knight and unanimously carried.*

CLOSED SESSION:

1. Pursuant to G.S. 143-318.11 (a)(6) – Personnel Matters, annual evaluation and employee performance/qualifications.

Commissioner King motioned to adjourn to Closed Session at 8:15 p.m., seconded by Commissioner King and unanimously carried.

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

ACTION AS A RESULT OF CLOSED SESSION:

Commissioner Dixon motioned to give Town Service employee Sid Silvers, effective on his anniversary date, a 2.5% raise, seconded by Commissioner Knight and unanimously carried.

PUBLIC COMMENTS: None forthcoming.

BOARD COMMENTS: None forthcoming.

ADJOURN: Commissioner King motioned to adjourn at 8:39 p.m., seconded by Commissioner Knight and unanimously carried.

(SEAL)

Anthony Clemmons, Mayor

ATTEST:

Kelley Southward, Town Clerk