



TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, April 10, 2012—6:00 pm

AGENDA

CALL TO ORDER: Mayor Knight

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARINGS:

- 1) To amend Appendix A of Title XI, Chapter 111 of the Calabash General Code of Ordinances—change/increase privilege (business) license fees for sweepstakes machines and establishments.
- 2) To amend Article 2-Basic Definitions of the Unified Development Ordinance (UDO) to add a definition for “Bar”.
- 3) To amend Article 10 of the UDO: §10-1—add “Bars” as a use in the Table of Permitted/Conditional Uses; §10-2 add a Note outlining the requirements for “Bars”; §10-2(2)(A)(5) correct a clerical error.
- 4) To amend Article 11 of the UDO—reduce lot width and setback requirements in the R-8 district.
- 5) Article 12-Permit Approval; to correct clerical errors/omissions/formatting.
- 6) To amend Article 17—Off Street Parking & Loading; §17-9(B) add parking requirements for “Bars”.

MINUTES:

1. Board of Commissioners February 14, 2012 Regular Meeting (open session) (tabled in March)
2. Board of Commissioners February 14, 2012 Regular Meeting (closed session) (tabled in March)
3. Board of Commissioners Budget Workshop #2 March 12, 2012
4. Board of Commissioners March 13, 2012 Regular Meeting (open session)
5. Board of Commissioners March 13, 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: minutes/report attached

COMMITTEE/LIAISON REPORTS:

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

PUBLIC COMMENTS #2: (2 minutes per speaker)

OLD BUSINESS:

1. **Discussion/Action** regarding changes to Appendix A of Title XI, Chapter 111 of the Calabash General Code of Ordinances—change/increase privilege license fees for sweepstakes machines and establishments.
2. **Discussion/Action** of proposed amendment to Article 2-Basic Definitions of the Unified Development Ordinance (UDO) to add a definition for “Bar”.
3. **Discussion/Action** of proposed amendment to Article 10 of the UDO: §10-1—add “Bars” as a use in the Table of Permitted/Conditional Uses; §10-2 add a Note outlining the requirements for “Bars”; §10-2(2)(A)(5) correct a clerical error.
4. **Discussion/Action** of proposed amendment to Article 11 of the UDO—reduce lot width and setback requirements in the R-8 district.
5. **Discussion/Action** of proposed amendment to Article 12-Permit Approval; to correct clerical errors/omissions/formatting.

6. **Discussion/Action** of Article 17—Off Street Parking & Loading; §17-9(B) add parking requirements for “Bars”
7. **Discussion/Action** regarding completing the recodification of the General Code of Ordinances (tabled in February)
8. **Discussion/Action** regarding RFPs received for auditing services (tabled in February)

PUBLIC COMMENTS #3: (2 minutes per speaker)

NEW BUSINESS:

1. **Discussion/Action** regarding a proposed amendment to the General Code of Ordinances to include a provision that the Town be notified 90-days in advance of any major events that could affect the Town’s budget (Commissioner Walton)
2. **Discussion/Action** regarding developing and adopting a “Harassment Policy” (Mayor Knight)
3. **Discussion/Action** to consider approving a Proclamation supporting “Youth Week”

CLOSED SESSION:

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

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, April 10, 2012—6:00 PM**

MINUTES

The Calabash Board of Commissioners held their Regular Monthly Meeting on Tuesday, April 10, 2012 at 6:00 PM in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Mary Louise Knight, Commissioner Charles Walton, Commissioner Sandy Melahn, Commissioner Emily DiStasio, Commissioner Daria Buccilli, and Commissioner Jody Nance; all members were present.

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

GUESTS PRESENT: There were approximately 25 people in the audience.

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

APPROVAL/ADJUSTMENT OF AGENDA: *Commissioner DiStasio moved that the "Approval/Adjustment of the Agenda" be moved to be located directly after the public hearings; seconded by Commissioner Buccilli and unanimously carried.*

PUBLIC HEARINGS:

1. *Commissioner Buccilli moved to open Public Hearing #1-To amend Appendix A of Title XI, Chapter 111 of the Calabash General Code of Ordinances to change/increase privilege (business) license fees for sweepstakes machines and establishments; seconded by Commissioner DiStasio and unanimously carried.*

The Town Clerk noted that one speaker had signed up for this public hearing; Mayor Knight called upon that person—Mr. Kenneth Knight. Mr. Vincent Kenneth Knight of 1137 River Drive, Calabash addressed the Board. Mr. Knight said that the State of North Carolina Legislature originally outlawed electronic gaming. The electronic gaming industry appealed the state's decision and was allowed to continue to operate while the matter is in the appeals process. This is the point where we are at now. If the gaming industry loses the appeal then they are out of business in NC. If they win the appeal then they stay in business and the State of NC will come in and tax them heavily. He said right now, they are getting a free ride. They are paying the same amount in license fees and taxes as legitimate businesses. Legitimate businesses have to compete and make money and pay their employees. Mr. Knight said he believes the fees for these businesses

should be increased substantially. He feels they give very little to the community by way of employment. They are almost all profit and they can adjust their profits just by changing the odds. They own almost nothing; they have no assets. They lease their machines and building spaces. If they go out of business we cannot collect fees off of them. He feels that the revenues the Town receives from the fees should be dilled out similar to the ABC store funds; a percentage should be given to the fire department and the EMS department. Further, he feels a portion of the profits should go towards finishing the Town Park. He also suggested that the fees be levied on a monthly basis and the fees collected up front. He suggested a fee of \$100 per machine per month paid a month in advance. He feels this would be a way to give these gambling establishments a chance to give something back to the community instead of just taking. He would like fees to be increased \$100 per terminal per month.

Mayor Knight asked if there was anyone else who wished to speak on this first public hearing regarding the fees for sweepstakes; there were no other speakers forthcoming. *Commissioner DiStasio moved to close public hearing #1, seconded by Commissioner Buccilli and unanimously carried.*

2. *Commissioner Buccilli moved to open public hearing #2—To amend Article 2 of the UDO to add a definition for “Bar”. Commissioner DiStasio seconded the motion to open the second public hearing and the motion carried by way of a unanimous vote. Upon a question posed by Mayor Knight, the Clerk relayed that no speakers had signed up for this matter and asked if there was anyone present who wished to speak; there were no speakers forthcoming. Commissioner DiStasio moved to close public hearing #2, seconded by Commissioner Buccilli and unanimously carried.*
3. *Commissioner DiStasio moved to open public hearing #3—to amend Article 10 of the UDO, Section 10-1 add “Bars” as a use in the Table of Permitted/Conditional Uses, Section 10-2 add a note outlining the requirements for “Bars”, and Section 10-2(2)(A)(5) correct a clerical error. Commissioner Buccilli seconded the motion to open the third public hearing, which carried by way of a unanimous vote. Upon a question from Mayor Knight the Clerk noted that no speakers had signed up for this matter and asked if there was anyone present who wished to speak; there were no speakers forthcoming. Commissioner DiStasio moved to close public hearing #3, seconded by Commissioner Buccilli and unanimously carried.*
4. *Commissioner Walton moved to open public hearing #4—to amend Article 11 of the UDO to reduce lot width and setback requirements in the R-8 district. The motion was seconded by Commissioner DiStasio and unanimously carried. Upon a question from Mayor Knight the Clerk noted that no speakers had signed up for this matter and asked if there was anyone present who wished to speak; there were no speakers forthcoming. Commissioner Walton moved to close public hearing #4, seconded by Commissioner Melahn and unanimously carried.*

5. *Commissioner DiStasio moved to open public hearing #5—Article 12-Permit Approval to correct clerical errors/omissions/formatting. The motion was seconded by Commissioner Buccilli and unanimously carried. Upon a question from Mayor Knight the Clerk noted that no speakers had signed up for this matter and asked if there was anyone present who wished to speak; there were no speakers forthcoming. Commissioner Melahn moved to close public hearing #5, seconded by Commissioner Buccilli and unanimously carried.*
6. *Commissioner DiStasio moved to open public hearing #6—to amend Article 17 of the UDO—Off Street Parking & Loading-Section 17-9(B) add parking requirements for “Bars”. The motion was seconded by Commissioner Buccilli and unanimously carried. Upon a question from Mayor Knight the Clerk noted that no speakers had signed up for this matter and asked if there was anyone present who wished to speak; there were no speakers forthcoming.*

Mayor Knight called for a brief, 10-minute, recess at 6:12 PM.

At 6:22 PM Mayor Knight called the meeting back to order at 6:22 PM.

Commissioner DiStasio moved that the Board enter into Regular Session, seconded by Commissioner Buccilli and unanimously carried.

APPROVAL/ADJUSTMENT OF AGENDA: *Commissioner DiStasio moved to approve the agenda, as presented, seconded by Commissioner Buccilli and unanimously carried.*

APPROVAL/ADJUSTMENT OF MINUTES:

6. Board of Commissioners February 14, 2012 Regular Meeting (open session) (tabled in March)
7. Board of Commissioners February 14, 2012 Regular Meeting (closed session) (tabled in March)
8. Board of Commissioners Budget Workshop #2 March 12, 2012
9. Board of Commissioners March 13, 2012 Regular Meeting (open session)
10. Board of Commissioners March 13, 2012 Regular Meeting (closed session)

Commissioner DiStasio moved to approve all five (5) sets of minutes, as written, seconded by Commissioner Buccilli and unanimously carried.

MAYOR’S COMMENTS: Mayor Knight commented on the very successful, First Annual Egg Hunt, organized and hosted by the Calabash Community Services Committee (CCSC) on April 7th. The CCSC did a tremendous job and she applauded their accomplishment. She also noted that the dedicated CCSC also organized and hosted an Earth Hour Event, which was held on March 31st. Earth Hour was a world-wide event and what a wonderful thing it was for Calabash to participate. Mayor Knight said she is very proud of the CCSC and everything they have done.

PUBLIC COMMENTS #1: There were no speakers forthcoming.

CORRESPONDENCE: Mayor Knight read three correspondences, which are all attached hereto and made part of these minutes; the subject matters were as follows: 1) a letter from the manager of Home Headquarters complimenting the Building Inspections Department/staff, 2) an email correspondence by and between the Town Clerk and Mr. Don Hege—thanking town representatives for looking into a street matter for him, and 3) a letter from Gregg Bellamy of the Board of elections to Mayor Goodenough of Carolina Shores regarding the location change for 2011 elections. Citizens who normally vote at the Calabash Fire Department will be voting at Carolina Shores Town Hall. This information will be posted at the Calabash Town Hall.

TOWN ADMINISTRATOR'S REPORT: Mr. Nance's weekly reports are attached hereto and made a part of these minutes; Mr. Nance had nothing to add and there were no questions from the Board forthcoming.

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

PLANNING & ZONING BOARD REPORT: The draft minutes of the April 2, 2012 Planning Zoning Board meeting, the monthly report, and Annual Report to the Board of Commissioners are attached hereto and made a part of these minutes.

COMMITTEE/LIASON REPORTS:

1. Calabash Fire Department: Commissioner Walton reported that the building on the property recently purchased by the CFD has been demolished (formally Granny Allyn's restaurant). CFD is working on securing a loan for the new fire station.
2. Finance: Commissioner DiStasio had provided a spreadsheet report for the month of March for Town expenses. The current balance of all town funds is \$1,363510.74.
3. Town & Merchant: Commissioner Nance had nothing to report other than the Merchant's Association held a regular meeting.
4. Community Service: Commissioner Buccilli said the 1st Annual Egg Hunt was a big hit and thanked Pastor Tom Gore of River of Life Baptist Church and the members that volunteered; Tax Collector, Carolyn Silvers, who did a great job as the Easter Bunny—the children loved her; Savannah Davis for brining her pet rabbit; the Back Porch Ice Cream Shoppe for donating special prizes; ATMC for use of their port-a-potty and Mr. Gregg Warren for donating his time to open and close it for the Town; Mac Sanders for use of his golf cart; and the Community Service Members for all their hard work. This month the Committee will host a field trip for the 2nd Graders of Jessie Mae Monroe Elementary who will visit Town Hall to learn how local government works and they will be doing something special for Administrative Professional Day for town staff.
5. Stormwater: Commissioner Walton reported that the drainage repairs made on Bonaparte Drive a few weeks ago are holding up good to the recent rainfall events.
6. Safety: Commissioner Walton noted that certain members of staff will undergo OSHA training sometime after the first of July.
7. Personnel: Commissioner Melahn said we are fully staffed. She relayed that the tractor is in the shop for repairs, which has delayed debris pick-up; she said debris pick-up will

be completed as soon as the tractor is fixed and is hopeful the public will understand the situation.

8. Long Range Planning: Mr. Nance said the playground equipment has been installed; Town Services staff has done a great job in cleaning up at the park. LRP has nailed down most of the specifications for the bathrooms and storage so the town will be moving forward to bring those amenities to fruition. LRP will be selecting the picnic tables, benches, trash receptacles and other equipment of that nature during their April meeting.

PUBLIC COMMENTS #2:

1. Mr. Brent Jones of 472 Core Grass Lane of Little River, SC addressed the Board. He relayed that he works for a sweepstakes business in town. He said that before starting with this business he was unemployed for some time. He said he just found out about the proposed fee increase that the town is considering and is worried that the business he works for will have to close if the business license fees are increased. He is afraid of losing his job; he feels the proposed increase is too much. He thanked the Board.

There were no other speakers forthcoming.

OLD BUSINESS:

1. **Discussion/Action regarding changes to Appendix A of Title XI, Chapter 111 of the Calabash General Code of Ordinances—change/increase privilege license fees for sweepstakes machines and establishments.**

Mayor Knight opened the floor for discussion of the Board on this matter. She recognized Commissioner Nance first. Commissioner Nance said that looking at Commissioner Melahn's ordinance change request she has based her reasoning to increase fees on complaints, loud noise and signage and the like. He said he has done a little bit of research and has found no substantial complaints or violations from the sweepstakes businesses in town. He said the complaints/violations that have been lodged are no more than other types of businesses and said that is why we have code enforcement staff. He said there is protection in the 14th amendment of the U.S Constitution. He doesn't think it's the Board's right to determine if sweepstakes are a legitimate business or not. Just because you don't like something doesn't mean it's not legitimate. He said that he has not heard of nor observed any organized crime related to the sweepstakes businesses in Calabash. He said he has seen that previously unoccupied buildings are now being rented and jobs are being provided to people who were previously receiving unemployment. Some towns have taken the approach of increasing license fees, which have brought high legal fees to the Town's because lawsuits are being filed against them. Regardless of how any Board member feels about sweepstakes, decisions should be made based upon the law of the land. He said that to gamble or not to gamble is an adult decision to be made by individuals. He said at this time he does not have any state statutes or laws on which to make an informed decision and asked if anyone present did have such information that they share it with him. Commissioner Nance said at this time he does not feel comfortable making a decision that could affect the lively hood of a lot of people. He realizes that a lot of other towns are charging high

fees. Commissioner Nance felt that one business should not be singled out; fees should be charged fairly across the board, in his opinion.

Commissioner Buccilli was recognized next. Commissioner Buccilli said she tends to agree with Mr. Knight, who spoke during the Public Hearing. She thinks his idea of charging \$100 per machine, per month is a good idea. She thinks this approach would be fair to the residents of Calabash. Commissioner Buccilli said there have been concerning incidents at the sweepstakes businesses in Town. She said at one of the businesses patrons were tied up at gun point.

Someone from the audience asked if she could name those incidents and asked for documentation. Mayor Knight called this person out of order stating that a Commissioner is speaking and the interruption is rude and impolite; the person offered an apology. The person continued speaking out of order claiming that time was not given for people to make public comments. Commissioner Nance said the banging of the gavel Mayor Knight had done while calling the audience member out of order was rude and uncalled for; Mayor Knight called Commissioner Nance out of order. Mayor Knight noted that Commissioner Buccilli still had the floor.

Commissioner Buccilli said that she did not have the exact date of when the incident she spoke of took place but knew that it did happen at the sweepstakes business on the riverfront, which was formally Tiderunner's Restaurant.

Commissioner DiStasio was recognized by Mayor Knight. Commissioner DiStasio said she agrees with Commissioner Melahn's proposal to raise the privilege license fees from \$200 per machine to \$500 per machine and also charge \$2500 per year to those businesses whose primary income comes from sweepstakes. She feels the rates are fair considering what many other towns are charging; \$1000 per machine or more. She said it's only increasing by \$300 per machine and still a lot less than a lot of other places. She doesn't believe the proposed amount is outrageous.

Commissioner Melahn was recognized. She stated that she has done a lot of research on this matter over the past year. She went through the School of Government (SOG) and received a report that included what 41 municipalities in NC are charging. She said that Calabash is currently at the very bottom of the list for some of the lowest fees charged in the state for sweepstake machines. We have a community comprised of people who pay taxes to this town. If these businesses want to pay for street repairs and clean up after they've made messes and for added security that is the Town of Calabash's decision. If the people of Calabash want these businesses then the people of Calabash should stand up and say they want them.

Commissioner Walton was recognized. He stated that he has no opinion at this time.

Mayor Knight asked if anyone wished to make a motion. *Commissioner DiStasio moved that the license fee be changed from \$200 per machine to \$500 per machine and that a special use to the description "sweepstakes as a primary use \$500 per machine plus*

\$2500 per establishment”; Commissioner Melahn seconded the motion and Mayor Knight called for a vote. Commissioner Nance requested further discussion prior to voting. Mayor Knight recognized Commissioner Nance. Commissioner Nance asked Mayor Knight’s opinion on the matter. He said normally the Mayor weighs-in as the leader of the town; he asked for Mayor Knight’s position. Mayor Knight said it is not her time to speak; she is here to break ties should one occur. Mayor Knight said Commissioner Nance was asking an inappropriate question at the time. Commissioner Nance stated that he was curious as to her opinion on the matter. Mayor Knight called for a vote to the motion and second currently on the table; Commissioner Nance requested a roll call vote. The roll call vote was as follows: Commissioner Walton—“yes”; Commissioner Melahn—“yes”; Commissioner DiStasio—“yes”; Commissioner Buccilli—“no, because the residents deserve \$1,000 or more”; Commissioner Nance—“no”; Mayor Knight noted that the motion carried—by a vote of three (3) to one (1).

2. Discussion/action of proposed amendment to Article 2 Basic Definitions of the Unified Development Ordinance (UDO) to add a definition for “Bar”.

Mayor Knight sought discussion from each Board member individually, by name; there was no comment or discussion forthcoming from any of the members. Commissioner DiStasio moved to approve the amendment to Article 2 of the UDO to include a definition for “bar”, seconded by Commissioner Melahn and unanimously carried.

3. Discussion/action of proposed amendment to Article 10 of the UDO: §10-1—add “Bars” as a use in the Table of Permitted/Conditional Uses; §10-2 add a Note outlining the requirements for “bars”; and §10-2(2)(A)(5) to correct a clerical error (reference to Off Street Parking Article 17—currently states Article 19).

Mayor Knight sought discussion from each Board member individually, by name; there was no comment or discussion forthcoming from any of the members. Commissioner DiStasio moved to approve the amendments to Article 10, as presented, seconded by Commissioner Buccilli and unanimously carried.

4. Discussion/action of proposed amendment to Article 11 of the UDO—reduce lot width and setback requirement in the R-8 district.

Mayor Knight sought discussion from each Board member individually, by name; there was no comment or discussion forthcoming from any of the members. Commissioner Walton moved to approve the amendment to Article 11 to reduce the setback requirements and lot width in the R-8 zoning district, seconded by Commissioner Buccilli and unanimously carried.

5. Discussion/action of proposed amendment to Article 12-Permit Approval; to correct clerical errors/omissions/formatting.

Mayor Knight sought discussion from each Board member individually, by name; there was no comment or discussion forthcoming from any of the members. Commissioner Walton moved to approve the changes to Article 12, as presented, seconded by Commissioner Buccilli and unanimously carried.

6. Discussion/action of Article 17—Off Street Parking & Loading; §17-9(B) add parking requirements for “Bars”.

Mayor Knight sought discussion from each Board member individually, by name; there was no comment or discussion forthcoming from any of the members. *Commissioner DiStasio moved to approve the amendment to §17-9(B) of the UDO, parking requirements for bars, seconded by Commissioner Buccilli and unanimously carried.*

7. Discussion/action regarding completing the recodification of the General Code of Ordinances (tabled in February).

Commissioner Buccilli moved to remove the item from the table so that the Board could discuss and take action as necessary, seconded by Commissioner Melahn and unanimously carried. Ms. Southward reminded everyone that when this matter came before the Board in February it was as part of a proposal to complete the recodification and maintain the Town’s website from an independent contractor for \$35/hour. The matter was tabled until the Board made a decision regarding the website maintenance; which was done last month—the Community Service Committee volunteered to maintain the site. Ms. Southward also noted that in February, before this matter was tabled, Commissioner DiStasio had volunteered to complete the recodification of the General Code. Ms. Southward said she did not know if Commissioner DiStasio was still interested in volunteering her time but if so, she would certainly have staff available to assist her. Commissioner DiStasio said that she was still interested in volunteering to complete the recodification of the General Code. *Commissioner Melahn moved that Commissioner DiStasio and Town Administrator Nance work together on the recodification of the General Code of Ordinances, seconded by Commissioner Buccilli and unanimously carried.*

8. Discussion/action regarding RFPs received for auditing services (tabled in February).

Commissioner DiStasio moved to remove this matter from the table so that the Board may discuss and take action as necessary, seconded by Commissioner Buccilli and unanimously carried. Five (5) proposals had been received for auditing services. Commissioner DiStasio (Finance Officer/Director) requested that two of the firms be interviewed. She would like to interview Allen Thompson, CPA and Martin & Starnes. Mayor Knight asked who she would like to be included in the interviews. Commissioner DiStasio said she would like the interviews to include herself, the Mayor, the Town Administrator and the Town Clerk. *Commissioner Walton moved to accept Old Business 8 with the suggestion made by Commissioner DiStasio; seconded by Commissioner Buccilli and unanimously carried.* Commissioner Nance asked for clarification; will all five that submitted proposals still be considered when it comes down to a vote of who the town is going to use for auditing services. Commissioner DiStasio said she has looked over all the proposals twice and feels the two she wants to interview are the most qualified. Commissioner Nance reiterated his question—will all five be in the running when it comes before the board for a vote. Commissioner DiStasio said that is correct;

she just wants to get more information from Allen Thompson, CPA and Martin & Starnes.

NEW BUSINESS:

1. **Discussion/action regarding a proposed amendment to the General Code of Ordinances to include a provision that the Town be notified 90-days in advance of any major events that could affect the Town's budget (Commissioner Walton).**

Mayor Knight opened the floor for discussion of the Board starting with Commissioner Walton. Commissioner Walton said he feels the Town needs sufficient notice when assisting the Merchants or whomever when there is an event in Town. He said the Town needs the notice to finagle the budget around to make accommodations; his personal opinion. Mayor Knight went around seeking comment from the rest of the Board. Commissioners Melahn, DiStasio and Buccilli had no comment. Commissioner Nance said he did not see any point in receiving advanced notice of 90 days prior to an event. He said a budget amendment could be made at any meeting. He said he doesn't see the need of having another ordinance and feels it would be redundant.

Mr. Lewis, Town Attorney, asked to be recognized; the Mayor gave him the floor. Mr. Lewis said the principal is good but what if you pass it and someone wants to do something with only 60 days advance notice; is the Town going to tell them they cannot hold their event because they missed the 90 days notice? Town Administrator Nance said Mr. Lewis had a good point; we are already less than 90 days until July 4th. Mr. Nance suggested being cautious in setting hard-fast parameters that might make things difficult in the future to make adjustments. Commissioner Nance said the idea is good but it might put stress on the Board in the future. He said Special Meetings and budget amendments can be held/made accordingly and as necessary now, without limiting the Town. Mr. Lewis suggested adopting it but not as a mandatory thing but more of a suggested guideline; that way the Board won't tie its own hands (so to speak). Commissioner Walton said that he would be agreeable to such language. He said he just feels that the Board/Town needs to know what is going on and needs enough notice to make accommodations as needed.

Commissioner Walton said that Mr. Nance just brought up 4th of July—the Board/Town has no idea what is going on. Commissioner Nance said the Merchant's don't know what is happening either. Commissioner Walton said we are in the process of preparing the new budget that takes effect July 1st so it would be helpful to know what is going on, now, so the Board can prepare the budget accordingly. He said it's the idea of being informed before the last minute.

The Town Clerk asked to be recognized. Ms. Southward asked where the Board wants this policy to be included in the ordinance. Do they want it incorporated into Chapter 32-Town Policies or do they want it in Title 11-Business Regulations where it addresses charitable and other events. The Board seemed to feel it best to include this in Chapter 32 of the General Code. *Commissioner Melahn moved to direct staff to formulate a policy to include a provision that the Town be notified 90 days in advance of any major*

events that could affect the Town's budget, seconded by Commissioner Buccilli and unanimously carried.

Commissioner Buccilli asked the Mayor if Mrs. Mary Keefe (in the audience) could speak because it seems as though she might have some information on the Merchant's behalf regarding the 4th of July. Mayor Knight allowed Mrs. Keefe to address the Board after asking if anyone had a problem with Mrs. Keefe discussing this specific topic at this time (no one objected). Mrs. Keefe said that the Merchant's Association has established a 4th of July Committee. They have contacted Town Administrator Nance about setting up a meeting with him to discuss the 4th of July event. Mr. Nance concurred that a member of that committee contacted him this afternoon and they are working on scheduling a time to meet next week.

Mayor Knight asked the Clerk to read back the motion/action regarding New Business #1. Ms. Southward stated the motion was "to direct staff to formulate a policy to include a provision that the Town be notified 90 days in advance of any major events that could affect the Town's budget". She noted that Commissioner Melahn made the motion, which was seconded by Commissioner Buccilli and carried by way of a unanimous vote. She further noted that staff would formulate the verbiage for the ordinance amendment and bring it back to the board next month.

2. Discussion/action regarding developing and adopting a "Harassment Policy" (Mayor Knight)

Mayor Knight noted that a proposed policy was included in the Board's packets; attached hereto and made a part of these minutes. She said she would like to see one addition and such be that the word "Harassment" be put inside an oval with an "X" through it. She read the policy out loud (again the policy is attached hereto and made part of these minutes). *Commissioner DiStasio moved to approve the "Harassment Policy" seconded by Commissioner Buccilli and there was discussion.* Commissioner Nance asked if there were any incidents that occurred to prompt this or was this just something the Mayor felt is needed. Mayor Knight said something harassing has occurred. Commissioner Nance asked her if she would elaborate. Mayor Knight said it was not appropriate to discuss the incident at this time. Ms. Southward asked the Board if they wanted this to be included in Chapter 32 of the General Code (Town Policies) or in the Personnel Policy or both. Commissioner DiStasio said she felt it should be in both and also posted on the bulletin board in Town Hall. Commissioner Melahn added that she too would like the policy posted in Town Hall where everyone can see it; she said we have had this problem. Mayor Knight asked if there was any further discussion; there was none forthcoming. *Mayor Knight called for a vote to the motion on table to approve the Harassment Policy, which carried by a vote of four (4) to one (1) with Commissioner Nance voting in the opposition.*

3. Discussion/action to consider approving a Proclamation supporting "Youth Week".

Mayor Knight read the Youth Week Proclamation aloud; which is attached hereto and made a part of these minutes. Youth Week is a wonderful program sponsored by the

Calabash Elks and will be May 1st-7th 2012. *Commissioner Melahn moved to approve the Youth Week Proclamation, seconded by Commissioner Buccilli and unanimously carried.*

CLOSED SESSION: *Commissioner Melahn moved that the Board enter Closed Session pursuant to NC G.S 143-318.11(a)(6) to discuss personnel matters, seconded by Commissioner Buccilli and unanimously carried. The Board retired to the Town Administrator's office in Town Hall for Closed Session*

Upon their return to Sanborn Hall, Commissioner Walton moved that the Board enter Regular Session, seconded by Commissioner Buccilli and unanimously carried.

BOARD DISCUSSION/ACTION:

- 1. Commissioner DiStasio moved to accept Carolyn Silver's resignation for retirement effective April 30, 2012 and that she return to work as a part-time employee on June 1, 2012, seconded by Commissioner Buccilli and unanimously carried.*
- 2. Commissioner DiStasio moved to hire Ceil Herman as an intern to work part time, contingent upon agreement of salary in accounting, seconded by Commissioner Buccilli and unanimously carried.*
- 3. Commissioner Nance moved that based upon the annual evaluation of Stanley Dills that he be given a 2.5% pay increase effective on his anniversary date for a job well done, seconded by Commissioner Walton. Commissioner Buccilli requested a roll-call vote, which was as follows: Commissioner Nance—"yes, 2.5%"; Commissioner Buccilli—"I vote no, I think it should be higher"; Commissioner DiStasio—"I vote 2.5%"; Commissioner Melahn—"I vote 2.5%"; and Commissioner Walton—"I vote 2.5%"*
- 4. Commissioner DiStasio moved that upon Carolyn Silvers retirement/resignation after 12 years of service and such a great job of collecting taxes she be given a \$1,000 bonus, seconded by Commissioner Buccilli and carried unanimously. Although voting "yes" to the bonus Commissioner Nance commented that he thought the Board discussed giving the bonus once she came back part-time in June. Commissioner DiStasio said she would change her motion but the Clerk pointed out that the motion was already voted upon.*

BOARD COMMENTS: none forthcoming.

ADJOURNMENT: *Commissioner Buccilli moved to adjourn at 7:52 PM, seconded by Commissioner Melahn and unanimously carried.*

(SEAL)

Mayor Mary Louise Knight

Attest:

Kelley Southward, Town Clerk