



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, April 13, 2010-6:00pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARINGS:

1. Proposed amendment to §153.241(L)(5) Signs for Which a Permit is Not Required, Free-standing A-Frame Signs.

CONSENT AGENDA:

1. Approve minutes of July 9, 2009; Closed Session
2. Approve minutes of July 14, 2009; Closed Session
3. Approve minutes of November 17, Special Meeting/Workshop-Shallotte Partners
4. Approve minutes of November 17, Special Meeting-Shallotte Partners (action meeting)
5. Approve minutes of February 17, 2010; UDO Workshop
6. Approve minutes of March 9, 2010; Regular Meeting
7. Accept the letter of resignation from Mr. Larry Steck, Regular Town Member of the Board of Adjustment.
8. Appoint Mr. Charles Daniels (currently an Alternate Member) to the Board of Adjustment as a Regular Town Member; fill an unexpired term ending April 9, 2011.
9. Approve a Resolution recognizing Municipal Clerk's Week, May 2nd—May 8th 2010.
10. Approve contract to audit accounts from S. Preston Douglas & Associates, LLP

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 COMMENTS:

PUBLIC COMMENTS:

CORRESPONDENCE:

1. Letter from the Calabash Fire Department

TOWN ADMINISTRATOR'S REPORT: Attached

BUILDING INSPECTOR'S REPORT: Attached

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—Attached
7. Long Range Planning—Commissioner King

OLD BUSINESS:

1. **Discussion/Action** of the proposed ordinance amendment to §153.241-Signs for Which a Permit is Not Required; add Temporary A-frame Signs.
2. **Discussion/Action** of the proposed recodification to Title V, Chapter 51, Wastewater of the Calabash Code of Ordinances (tabled in March).

NEW BUSINESS:

1. **Discussion/Action** to consider a Proclamation in Support of NC DOT Spring Litter Sweep; Calabash Spring Litter Sweep will be held April 22, 2010 (Earth Day).
2. **Discussion/Action** to consider a Resolution designating the Town of Calabash as the “Gateway to North Carolina”. [Mayor Clemmons]
3. **Discussion/Action** to consider the revised annual performance evaluation form as prepared by the Personnel Committee.
4. **Discussion/Action** regarding the Memorial Day Ceremony [Commissioner King]
5. **Discussion** of Chapter 32-Town Policies; review §32.11 Code of Ethics for Town Officials, Boards and Committees [Commissioner King]
6. **Discussion/Action** to consider the recodification of Title V, Chapter 50-Garbage [Commissioner Melahn]
7. **Discussion/Action** to consider pay scale increases for the Town Services Department [Commissioner Dixon]
8. **Discussion/Action** to consider accepting the Deed of Dedication for Landing II subdivision streets, easements, and drainage systems.
9. **Discussion/Action** to consider accepting the Deed of Dedication of two streets: Watkins Lane and Crabtree Circle.

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(6)—Personnel Matters: annual employee evaluation and employee classification.
2. Pursuant to G.S 143-318.11 (a)(3)—Legal matters: nuisance abatements and other legal matters.

ACTION AS A RESULT OF CLOSED SESSION:

1. Action regarding employee classification:
2. Action regarding employee evaluation:
3. Action regarding nuisance abatement(s):

4. Action regarding other legal matters:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MONTHLY MEETING
Tuesday, April 13, 2010-6:00 pm**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, April 13, 2010, 6:00 pm at Town Hall, 882 Persimmon Road, Calabash, NC.

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: Hiram Marziano, II, Town Administrator; Kelley Southward, Town Clerk; and Mark Lewis, Town Attorney.

GUESTS PRESENT: There were approximately fifteen guests in the audience.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Clemmons called the Meeting to order at 6:00 pm. Mr. Lewis led everyone in the Pledge of Allegiance to the Flag. Roll call was taken; attendance is reflected above.

APPROVEMENT/ADJUSTMENT OF AGENDA: Mayor Clemmons requested that “Discussion/Action to consider approving a pavement extension of Carlyle Street; award an estimate for work” be added to the Agenda as New Business #10; the Board agreed. *Commissioner Melahn motioned to approve the Agenda, as amended, seconded by Commissioner Nance and carried unanimously.*

PUBLIC HEARING:

Proposed amendment to §153.241(L)(5) Signs for Which a Permit is Not Required, Free-Standing A-Frame Signs. *Commissioner Melahn motioned to open the Public Hearing, seconded by Commissioner Nance and unanimously carried.*

Speakers:

1. Mr. Rector Sisk of Sunrise Pancake House said that about a year ago the Board agreed to allow A-Frame/temporary signs under certain conditions while they worked on this ordinance amendment. Mr. Sisk said many businesses have violated the conditions set

forth by the Board at that time; a handful of people have complied with the rules. Mr. Sisk said that the Ordinance Review Committee (ORC) included a provision for these signs in the UDO for A-Frame signs not to exceed 3'x 4'. This proposed ordinance, which would most likely carry over to the UDO, only allows for 2'x 3' signs. Mr. Sisk said there are several businesses that have already invested in the 3' x 4' signs. Mr. Sisk requested the Board change the size in the proposed ordinance amendment to 3'x 4'. He further asked that the ordinance be enforced; he felt the stick-in-the-ground signs should not be allowed.

2. Mr. Bill Seip of Village Green was concerned about some of the vague language in the ordinance amendment. He wanted to know what constitutes a "special sale or event". He also requested that there be a number of times that one business could use their A-Frame sign over the course of a year. Overall, Mr. Seip felt the wording of the amendment might cause the ordinance to be abused. Mr. Seip also wanted the ordinance enforced and felt the stick-in-the-ground signs should be removed and no longer permitted.
3. Cecelia Herman of Saltaire Village agreed that the wording of the amendment is too vague. She said, as written, the ordinance might clean up the stick-in-the-ground signs but could cause a free-for-all of A-Frame signs.

There being no other speakers forthcoming, Commissioner Nance motioned to close the Public Hearing, seconded by Commissioner Melahn and unanimously carried.

CONSENT AGENDA:

11. Approve minutes of July 9, 2009; Closed Session
12. Approve minutes of July 14, 2009; Closed Session
13. Approve minutes of November 17, Special Meeting/Workshop-Shallotte Partners
14. Approve minutes of November 17, Special Meeting-Shallotte Partners (action meeting)
15. Approve minutes of February 17, 2010; UDO Workshop
16. Approve minutes of March 9, 2010; Regular Meeting
17. Accept the letter of resignation from Mr. Larry Steck, Regular Town Member of the Board of Adjustment.
18. Appoint Mr. Charles Daniels (currently an Alternate Member) to the Board of Adjustment as a Regular Town Member; fill an unexpired term ending April 9, 2011.
19. Approve a Resolution recognizing Municipal Clerk's Week, May 2nd—May 8th 2010.
20. Approve contract to audit accounts from S. Preston Douglas & Associates, LLP

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

MAYOR'S COMMENTS: Mayor Clemmons recognized three members of Town Hall staff. Mrs. Carolyn Silvers will be receiving her Tax Collector Certification next week at the UNC-Chapel Hill School of Government. Mr. Stanley Dills, Building Inspector/CEO, was acknowledged for passing his Level III Building exams. Mr. Dills currently holds Level III certification in Building and Level II in Mechanical, Electrical, and Plumbing—he will be applying for Level III status in these as well. Barbra Hagan was recognized for her tireless efforts in preparing the 2010 Census information required from local governments. Mayor Clemmons requested that letters of recognition be placed in the three employees' files.

Mayor Clemmons reported that the most recent Census data shows that there is a 75% national response, N.C 68% response level, Brunswick County 69%, and 73% of Calabash has responded. Commissioner Melahn pointed out that if you have not received a form yet, you could visit the census online to get a phone number to request a form. Mayor Clemmons noted that Administrative Professionals Day is next Wednesday, April 21, 2010.

PUBLIC COMMENTS: there were none forthcoming.

CORRESPONDENCE: Mayor Clemmons noted that there was one item of correspondence; the Calabash Fire Department has sent the Board a letter regarding funding. Mayor Clemmons pointed out that the next Budget Workshop is scheduled for Monday April 19th.

TOWN ADMINISTRATOR'S REPORT: Mr. Marziano's written report is attached hereto and made part of these minutes. Mr. Marziano informed everyone that the County Sewer Extension project is about a month ahead of schedule; the county anticipates that construction will be complete by the end of August/beginning of September. Town staff is currently completing the latest changes to the UDO. The weekly Town Administrator report is being posted on the Town's website. The new streets maps are available at Town Hall for \$2 (color)/\$0.50 (black/white).

Mr. Marziano reported that the Town sign at the state-line on HWY 179/Beach Drive needs to be repainted. Staff has acquired several estimates, ranging from \$850-\$950, and he asked the Board if he could move forward with this expenditure. There were no objections forthcoming. Mr. Marziano was directed, by a consensus of the Board, to move forward in having the sign repainted.

Commissioner Nance inquired about repairs to River Road. Mr. Marziano and Commissioner King said that Long Range Planning is looking at all roads in Town to determine what repairs need to be made first. Commissioner Nance requested that River Road be examined and considered for immediate repairs. Mr. Marziano also relayed that Brunswick County has been contacted regarding River Road because the Town suspects that the "dipping" on River Road is directly related to a sewer pipe located under the road. Commissioner Nance asked that LRP keep River Road as a high priority. On another note, Commissioner Nance said that he received a visit from Mr. Jim Myers of Shallotte Partners last week. Mr. Myers said he understands that the ball is in his court and appreciates any and all help and cooperation the Town can lend. Commissioner Nance said Mr. Myers shared a lovely presentation promoting Calabash and that the project will be built in one phase. Commissioner Nance relayed that Mr. Myers requested that the Calabash Building Inspector not be overwhelmed by this project. Commissioner Nance told Mr. Myers that the Town has an agreement for building inspections with Brunswick County.

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

COMMITTEE REPORTS:

1. Fire Department: Commissioner Nance related that the rewrite of the Calabash Fire Department's by-laws is nearing completion. Commissioner Nance verbally reported

the Alarm Report for the month of March, which is attached hereto and made a part of these minutes.

2. Planning & Zoning: Commissioner Knight reported that the Planning & Zoning Board did not meet in April, as there were no agenda items to be discussed.
3. Finance: Commissioner King reported that the budget is in good shape; we are not collecting as much money as anticipated due to State revenue cut-backs but we don't plan to spend as much as was budgeted either. Ms. Silvers has collected 102% of 2009 taxes that were budgeted.
4. Water/Wastewater: Mayor Clemmons reported that the Town participated in a conference call today with multiple other agencies, including Brunswick County and grant agencies. He said the most promising grant opportunity for Calabash is the Rural Center, who will meet and discuss the Calabash Sewer Extension Grant Application on April 28th. The Clean Water Management Trust Fund (CWMTF) will reconsider our grant application in their 2010 cycle. However, their guidelines do not consider projects that are already in the ground. The earliest that CWMTF might meet is September, and the sewer project should be complete by that time. Calabash's best chance for grant assistance lies with the Rural Center. The sewer project is currently 75% complete and on budget. Major work continues in Pine Bur Acres. Bores along Persimmon Road are scheduled to begin next week. Commissioner Knight relayed that she also attended the conference call this morning and carried a message from Senator Soles to those in attendance. She further reported that Senator Soles has the support of Mr. Billy Ray Hall, an influential person at the Rural Center. Commissioner Knight said that she has very high hopes for the Rural Center Grant.
5. Town & Merchant: Commissioner King reported that the Merchant's Association is planning the 4th of July celebration.
6. Stormwater: written report attached. Mayor Clemmons said the Town is moving forward in obtaining estimates for repairs to the stormwater system in Hidden Valley.
7. Long Range Planning: Commissioner King reported that the LRP would meet on Thursday at 4pm. Road repairs will be prioritized and sidewalk projects/grants will be discussed.

OLD BUSINESS:

1. Discussion/Action of the proposed ordinance amendment to §153.241-Signs for which a permit is not required; add temporary A-Frames. Commissioner King felt that the size of the A-frame signs in the proposed ordinance should be increased from 2' x 3' to 3' x 4'. Commissioner King also stated that it has been an unwritten policy of the Town that if there were speakers in opposition to an amendment during public hearing, the Board does not take action in the same night. *To that end, Commissioner King motioned to table the ordinance amendment regarding A-frame signs, seconded by Commissioner Melahn and there was brief discussion.* Mayor Clemmons said the only concern he has with a 3' x 4' sign near the road is having them blow into the street; they need to be weighted down. Commissioner Dixon asked what happens with a business that is open 24-hours a day/7 days a week and wants an A-frame sign. Other commissioners said they had not thought about that and its something that should be explored. *Mayor Clemmons called for a vote; the motion to table carried unanimously.*

2. Discussion/Action of the proposed recodification to Title V, Chapter 51, Wastewater of the Calabash Code of Ordinances (tabled item). *Commissioner Nance motioned to bring discussion/action of Title V, Chapter 51 back to the table, seconded by Commissioner Melahn and duly carried.* Commissioner Nance said he carefully reviewed the recodification of Chapter 51, Wastewater and recommending that §51.04 Septic Tank Decommissioning be deleted. He said that Brunswick County does not have a mandatory septic tank decommissioning and he does not believe the Town should place any more of a financial burden (cost associated with decommissioning) on Calabash property owners. Commissioner Melahn felt that it was a safety issue and that the section should remain mandatory. Commissioner King agreed with Commissioner Nance on the matter. Mayor Clemmons suggested leaving the section in Chapter 51 but alter the language so as to say that the Town encourages this but it is not mandatory; he said that is what Brunswick County has done. Mr. Lewis said that the first sentence of the section could read: “Septic Tank decommissioning is recommended but not required.” Commissioner Melahn gave an overview and explanation of the entire Chapter for the audience. *Commissioner Melahn moved that Title 5, Chapter 51, Wastewater be approved on the condition that the wording of §51.04 (A) be changed to read that the Town recommends but does not mandate the following (the rest of §51.04).* Commissioner King seconded the motion but asked that there be discussion because he has other concerns in Chapter 51. Commissioner King was concerned that the changes made to §51.02 does not allow for people to use working septic tanks. Commissioner Melahn said the “wastewater system” is inclusive of both septic systems and sewer systems. Commissioner King said that if everyone is clear that “wastewater system” means sewer and septic he is okay with §51.02, as written. Mr. Lewis suggested adding to §51.01(B)(2) “the term wastewater system shall include sewer systems and/or septic systems.” Commissioner King was in favor of Mr. Lewis’ suggestion. Commissioner King felt that there should be clarification to §51.03 (B)(3). Mr. Lewis suggested the words “immediately prior to the improvements” be added to the end of the sentence. Finally, §51.05 (A)(2)(a), Commissioner King felt that 50% should be changed to 51%; Commissioner Nance agreed. *Commissioner Melahn moved to amend his original motion to include the changes discussed for §51.01(B)(2), §51.03(B)(3), and §51.05(A)(2)(a), Commissioner King seconded the amended motion and there was further discussion.* Commissioner Nance requested that Commissioner Melahn read aloud how §51.04 would be rewritten. Commissioner said that §51.04 would be revised to read: “Septic Tank Decommissioning
- a. At such time as a property owner connects to the county sewer system the town encourages the owner to have the septic tank:
 - i. Pumped, crushed and filled with soil or fill dirt or
 - ii. Connected as an extension to the property's storm drainage system by drilling or breaking holes in the tank bottom, per guidelines as may be approved by the town and the county's public health department. (permit required)
 - iii. Pumped and decontaminated and utilized for toilet flushing, fire protection, decorative water features, and landscape irrigation. (permit required)
 - b. If an existing well is to remain in service for lawn watering, washing cars or other nonpotable uses, any cross connections from such private well to the public system shall be eliminated at the time of connection.”

Mayor Clemmons called for a vote to the motion and the motion carried unanimously.

NEW BUSINESS:

1. Discussion/Action to consider a Proclamation in Support of NC DOT Spring Litter Sweep. Mayor Clemmons noted that the Calabash 2010 Spring Litter Sweep would be held Thursday, April 22, 2010 (Earth Day) from 10am to 2pm; all are encouraged to attend. Mayor Clemmons also relayed that there would be a prize for the most unique piece of trash found. *Commissioner Melahn motioned to approve the Proclamation in Support of NC DOT Spring Litter Sweep, seconded by Commissioner Knight and unanimously carried.*

2. Discussion/Action to consider a Resolution designating the Town of Calabash as the “Gateway to North Carolina”. Mayor Clemmons read the proposed Resolution, which is attached hereto and made a part of these minutes. Mayor Clemmons noted that, if adopted, this tagline would be in addition to the Town’s current tagline: “Seafood Capital of the World”. Mayor Clemmons asked for each Board member to share their thoughts on the matter. Commissioner King said he does not think the Town should mess with what works; “Seafood Capital of the World” has worked for a long time. Commissioner Knight suggested asking the residents of the Town their opinion through a survey or vote. Commissioner Nance agreed with Commissioner King; don’t mess with a good thing that works. Commissioner Dixon said that people all over the country know Calabash for the seafood; leave our slogan alone. Commissioner Melahn agreed that the slogan should be left alone; we don’t want too many “Calabash is...” slogans; it will confuse people. Mayor Clemmons asked that instead of killing the idea, table the matter and await public input. *Commissioner King motioned to table consideration of the Resolution designating the Town of Calabash as the “Gateway to North Carolina”, seconded by Commissioner Knight and unanimously carried.*

3. Discussion/Action to consider the revised annual performance evaluation form as prepared by the Personnel Committee. Commissioner Knight gave a brief overview of the proposed evaluation form. Commissioner Nance asked for clarification. Mr. Marziano said that for each category, the employee is rated between a 1 and 5 (5 being the highest); the sentence accompanying the number is just to give an example of what that number rating represents. Commissioner King felt that there was a big jump between a 3-rating and a 2-rating on each section of the proposed evaluation form. Mr. Marziano said that a 3-rating is a good & consistent employee; 4 is an excellent employee; 5 is perfect—an employee might excel in one area and receive a 5, it is unlikely for any employee to receive all 5’s. *Commissioner Melahn motioned to approve the evaluation form, seconded by Commissioner Knight and carried by a unanimous vote.*

4. Discussion/Action regarding the Memorial Day Ceremony. Commissioner King wants the Board of Commissioners to decide if the Town of Calabash will, as they have in the past, participate in hosting the Annual Memorial Day Ceremony for 2010 or not. Commissioner Nance expressed a concern that the Town Administrator’s weekly report (from a couple of weeks ago) stated that the Mayor and Town Administrator discussed the Memorial Day Ceremony and the two made a decision that the Town would not

participate this year. Commissioner Nance asked Mayor Clemmons to comment. Mayor Clemmons felt that some of what Commissioner Nance stated was inaccurate and he asked Mr. Marziano to give clarification. Mr. Marziano said it was never decided that the Town was not going to participate at all. Mr. Marziano said that upon review of the budget it was determined that the Town could not contribute financially to the event this year. Mr. Marziano said that he told the contact for the American Legion that the Town would not be able to purchase the food for the event this year but the use of town hall including the parking lot and flagpole was offered as well as flags and volunteers. Mayor Clemmons said the American Legion is in the process of appointing a new Commander in Chief; within the next week or so. Mayor Clemmons said that the current Commander, whom Mr. Marziano originally spoke with, has asked that the Town coordinate efforts with the new Commander. Mayor Clemmons said that for years the Town has been encouraging that all the Calabash civic organizations, the Town and the Fire Department coordinate efforts for one Memorial Day Ceremony rather than everyone holding their own. Mayor Clemmons said he intends to continue to promote one ceremony and hopes all other organizations will participate to bring this to fruition. Mr. Marziano apologized if there had been any miscommunication on his part regarding the Memorial Day Ceremony. Commissioner King said he wanted the matter brought before the Board this evening to ensure that the Town of Calabash would participate in celebrating and supporting Memorial Day in one way or another whether its in conjunction with other organizations in town or on our own. He asked if it was a consensus of the rest of the Board members that the Town participates in Memorial Day. Commissioners Dixon and Nance said they would love to see the Town celebrate Memorial Day as it always has. Mayor Clemmons said he does not see doing nothing for the holiday as an option. *Commissioner King moved to direct the Town Administrator to get a handle on the plans for the Memorial Day Ceremony—that the Town will participate either in conjunction with other organizations in Town or on its own, seconded by Commissioner Knight and unanimously carried.* Mayor Clemmons called for a brief, five-minute recess.

5. Discussion of Chapter 32-Town Policies; review §32.11 Code of Ethics for Town Officials, Boards and Committees. Mayor Clemmons relayed that in 2009 the North Carolina General Assembly passed a law requiring all N.C cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties to adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of their official duties as members of that governing board. Each governing board must adopt its resolution/policy by January 1, 2011. In 2008, the Town of Calabash adopted a Code of Ethics for Town Officials, Boards, and Committees. Additionally, the 2009 NC legislation requires all elected officials to receive 2-hours of ethics training by January 2011; some of our board members have already fulfilled this requirement, while others are slated to attend courses in the near future. There is one item on the Internet regarding the courses; he asked the Town Clerk to explain. Ms. Southward relayed that there are ethic courses available on-line and in fact, the Town has purchased an ethics webinar from the School of Government (SOG) that meets the statutorial requirements. Board members can watch the webinar from any computer between now and April 30th. Originally the SOG had said the webinar would

be available to view until May 30th but they notified the Town today that it would only be available until April 30th. Commissioner Nance made note of the deadline change. In an effort to support the state requirements, Mayor Clemmons encouraged all board members to become familiar with the Town's Code of Ethics Policy (§32) in addition to the training required by the state. Commissioner King said he feels a couple of things might have been left out of the policy. He said its always been a Town policy and he believes it is even state statute that the Board is to act as a whole; members are not to act independently of the Board. It is important that all commissioners have an idea of what the others are doing as far as town business is concerned. Commissioner Nance asked what Section Commissioner King was looking at. §32.08 refers to written communications on behalf of the Board; Commissioner King read §32.08 out loud—Section 32.08 attached hereto and made part of these minutes. Commissioner King said it's important that all Board members follow the Town Policies in §32 so that all Board members know what the others are doing. He said its just as important, and thinks at one time whether it was ever put in the books or not, it was a Town policy that the Board members didn't go out alone and act independently. Commissioner Melahn said this is a Town policy. Commissioner King said this section (32.08) specifically talks about written communications and everyone needs to be careful about going out all alone and acting independently when talking to people about town business. Commissioner Nance asked if that would be something like him advising the Board about him talking with Shallotte Partners' executive (as he relayed earlier during the meeting); the executive having concerns and him sharing those concerns with the board.

Commissioner King said if a person stops in to see a commissioner to talk to them about an issue, that's one thing but [for a commissioner] to out on their own and meet with people in town capacity with other elected officials and people from other agencies and act as if they're representing the entire board shouldn't be happening. The entire board should know if a person is going out and doing that and that person should have direction from the board. We just got to be real careful about that-it sets the town up to get blindsided. The Mayor or the Town Administrator could get a phone call from a state representative or even higher up wanting to talk about an issue and that person [the Mayor or TA] not have any idea of what they're even talking about. It puts town hall in an embarrassing situation and the entire board in an embarrassing situation and we all just need to be very mindful of that. That type of communication is not addressed in our town policies and we need to make sure that's in there. It's always been a policy but for some reason its not written in our Town Policies [section of the ordinance] at this time; Commissioner King would like for the board to take a look at it and get that in.

Commissioner Melahn said he is handling the recodification; any individual that would like to change any of these policies can follow the same procedure that he does, which is through an ordinance change request form. Commissioner King said he understands that and doesn't mind filling one of those out and getting it to Commissioner Melahn. Commissioner King said he felt it was important to point that out, in public, for each board member to know. Each board member should keep it in mind. Commissioner King said he would meet with the Mayor and Mr. Marziano to draft something to get that back into the book.

Commissioner Knight asked if a board member is to return a communication, then in addition to the board member signing it, the Mayor or Mayor Pro Tem should sign it as well? Commissioner King said if a commissioner is representing the board, and talking town business with someone else, or writing letters back and forth, it really should be approved by the Mayor or the board before it goes out because as a commissioner, you could promise something that the rest of the board would never agree to. Then, when that person [that the board member was corresponding with] walks into town hall and wants whatever that promise was, that you made; it could really put the Town in a bad situation. Commissioner King said he thought the Town Attorney would agree with that; Mr. Lewis said “mm hum” and nodded in agreement. Commissioner King said “we just all need to be mindful that there are five commissioners on the board, we all should act as one body, not five independent people out doing their own thing.” Commissioner Melahn said he believes that §32.11(9)-Non Advocacy covers actions that Commissioner King is referring to (Commissioner Melahn read §32.11(9), which is attached hereto and made part of these minutes).

Mayor Clemmons recognized Mrs. Cecelia Herman in the audience. Mrs. Herman said it has always been her understanding, and having been a prime member of this board, that a commissioner does not address an issue as the Board of Commissioners wanting this or wanting that but at no time does someone elected to a public position give up their constitutional right of free speech. If anything in that communication were to convey that the Board of Commissioners of the Town of Calabash take this position or that position, then yes, that would be a violation but even if an individual walks on the street their known in this town as a commissioner. That does not take away their right to have discussion; it certainly takes away their right to commit the town but not to say they can't talk on a matter until consulting the rest of the board. Commissioner Melahn said commissioners can express their own individual opinions on a matter but they need to make it clear that it is a personal opinion and does not reflect the position of the entire board. Mayor Clemmons said board members should also be careful in how they sign written communications not representative of the entire board; if its signed “Commissioner so-in-so” the public (or reader) wouldn't know that this person was sharing their personal views. He said such is the case when writing editorials; if the board member uses their title of “commissioner” how are readers to know that they're not representing the board; such actions should be discouraged so as to not mislead the public. Commissioner King he thinks that everyone knows that he would not trample on anyone's first amendment right, he was just pointing out, as town policy, if your out representing yourself as town commissioner and making any kind of promises, or setting up meetings or doing whatever, you need to keep in mind that you're only 1 of 5 and the board acts as a whole.

Mr. Lewis said the biggest concern is usually when someone approaches a member of a board, that person usually wants something and if a board member commits then that may be a mistake. The board member might not know what the constituents want, you haven't heard all the sides and you certainly wouldn't want to tell someone that they can do something and come to find out that the person does it and their in violation.

Commissioner King asked the Mayor to meet with him and the Town Administrator to review the policy to make sure that its clear, what guidelines commissioners should follow when they are out by themselves.

6. Discussion/Action to consider the recodification of Title V, Chapter 50-Garbage. Commissioner Melahn reviewed the recode of Chapter 50. There were not many comments or concerns. However, the Board engaged in a discussion about having someone from Town Services on call over weekends/holidays to clean-up dead animals. Mayor Clemmons said if someone is called in on the weekend, they should receive at least an hour pay even if it doesn't take a whole hour. Commissioner King asked what this added service would cost the Town. Mr. Marziano said that if whoever is on call has already worked a 40-hour workweek they would be paid time and a half by state law. *Commissioner Melahn moved to approve the recodification of Title V, Chapter 50-Garbage to include amending the section to provide that dead animals/road kill would be picked up on non-work days, seconded by Commissioner King and unanimously carried.*
7. Discussion/Action to consider pay scale increases for the Town Services Department. *Commissioner Dixon motioned to table this matter-to be discussed at the next Budget Workshop, seconded by Commissioner Nance and unanimously carried.*
8. Discussion/Action to consider accepting the Deed of Dedication for Landing II Subdivision streets, easements, and drainage systems. Commissioner Nance asked for clarification—does the deed of dedication include the street right of ways? Mr. Marziano said the deed included the easement of the roads, which is based upon a 1979 subdivision map. Commissioner Nance asked if the town had offered mowing along the street right of ways in the subdivision; Mr. Marziano said the Town would mow the right of ways. Commissioner Nance said he was not in favor of the Town mowing area that the Town does not own. Commissioner Nance said he was in favor of acquiring the roads but he would also like the town to acquire the right of ways and until such time, he does not want Town Services to do the mowing. Commissioner King said he wanted to see the map because Tract 2 of the deed refers to the drainage easements. Mr. Lewis said when a subdivision map is prepared the developer shows the roads and the lots. The roads shown on the map are not necessarily just the asphalt but it might be. All the POA can deed the Town are the roads shown on the map. A surveyor would have to determine what that actually is and it may include area out side of the asphalt, which would be the right of way. Commissioner Nance said he wants the Town do what is necessary to legally procure the area adjacent to the edge of the pavement in the event that in the future the Town needs to put in drainage or sidewalks etc. Mayor Clemmons asked what happens if the Town finds that property corner markers are ten feet from the edge of the road; does that imply that there is 10-feet of right of way? Mr. Lewis said that would be correct. Mr. Lewis suggested the Town hire a surveyor to determine where the roads actually are before doing any work, such as mowing. Mr. Marziano asked if the Board wanted to table this matter until the roads were surveyed. Mr. Lewis suggested that, if the Board is in favor of accepting the roads to go ahead and move forward in approving the deed of dedication this evening but do not do anything until the roads can be surveyed to show exactly how much right of way, if any, belongs to the

Town. Mr. Lewis said that if the map shows that the road easement is 50-feet wide and the survey shows there is 30-feet of pavement a safe bet is to consider there is 10-feet of right of way on each side of the pavement. *Commissioner King motioned to accept the deed of dedication for Landing II Subdivision streets, easements, and drainage systems; Commissioner Melahn seconded the motion and the motion carried unanimously.*

9. Discussion/Action to consider accepting the Deed of Dedication of two streets: Watkins Lane and Crabtree Circle (located off of Shady Forest Drive). Mr. Marziano said the Town has sought dedication of these streets because there are citizens of the Town that live on these dirt/gravel roads and maintenance of the roads is a service to those citizens. *Commissioner Nance motioned to approve the Deed of Dedication to get the matter on the table, Commissioner King seconded the motion and there was discussion.* Commissioner King asked if there would be any obligation on the Town to pave these streets as soon as we accept them. Mr. Marziano said there would be no such obligation nor would that be his recommendation. Alternatively, Mr. Marziano said he recommends the Town maintain the roads by filling in holes (large holes) with gravel and grading them. It was noted that the Town would be able to receive Powell Bill funds for the streets. Town Services will be able to maintain the streets and materials would be inexpensive. Commissioner Nance said it sounds as though the residents on the two streets are having a hardship. *Mayor Clemmons called for a vote of the motion/second to approve the Deed of Dedication for Watkins Lane and Crabtree Circle; the motion carried by a unanimous vote of the Board.*

10. Discussion/Action to consider approving paving a portion of Carlyle Street. Mayor Clemmons said there is approximately 103-feet of Carlyle Street that is unimproved and is eroding from runoff. The area is located at the end of Carlyle Street and passes by two homes. Somehow this portion never got paved when the original improvements to the road were made (before Pine Bur Acres and its streets were annexed into the Town). Mayor Clemmons noted that McLamb Construction Company is currently working in this neighborhood on the Brunswick County Sewer Extension Project. Part of what McLamb will be doing is road repairs; as part of the sewer construction contract they have to leave the roads in the condition they were in originally, or better. So, McLamb has provided the Town with an estimate to pave this unimproved 103-feet of Carlyle Street. Their estimate for the work is very low because they will already be in the area with the proper equipment; McLamb has quoted the Town \$8583 for the job. S&W Construction (Jack Haynes) has provided a quote of \$9792 for the job. Mayor Clemmons said that there is money in this year's budget (Powell Bill Fund) to do the job, which would include a 6" sub-base of ABC stone. The Town has the opportunity to save approximately \$1200; it is staff's recommendation to go with McLamb's quote. Commissioner King said that the Long Range Planning Committee is starting to look at and prioritize road repairs; he felt blindsided by this matter being added to the agenda. He continued by stating that LRP is expecting to use the Powell money in this year's budget to do repair jobs. How many repair jobs could be done with this money? Should this job not be prioritized with the rest of the repairs LRP is looking into? Commissioner Melahn said this is an opportunity to save \$1000. Mayor Clemmons said he was under the impression that the patching repairs that LRP is looking into are a long-range plan.

Commissioner Knight said the paving of Carlyle positively has to be done because it is a hazard, and since McLamb is already in the area and can save the Town money by doing the work now, the Town should move forward with the work. Commissioner Nance said he understood Commissioner King's point of view. Is this something that could be tabled tonight until the LRP could examine the necessity and prioritize it with other road projects? Commissioner Melahn felt that prioritizing an unpaved road with paved roads that need repairs is like comparing apples and oranges. He felt the Town should capitalize on saving money now. Mayor Clemmons noted that this matter was added to the agenda this evening because McLamb construction intends to be in the area paving next week; originally the matter was going to be held off until the May agenda. Ms. Southward noted that other companies on the contractor bid list were contacted about submitting estimates but the other two companies who do paving elected not to submit estimates for this project. Commissioner Dixon felt LRP should make a recommendation for paving this road. He noted that the LRP committee meets Thursday.

Commissioner Nance motioned to table until such time that the Long Range Planning Committee has a chance to look it over a little closer along with other roads in the city until such time that the Long Range Planning Committee deems that to be more of a necessity, until they can get in contact with the Mayor or two commissioners and call a special meeting to address the issue. Seconded by Commissioner King. There was further discussion.

Mr. Lewis suggested that because this is a time-sensitive, pressing issue that the Board could vote to approve this or authorize the Town Administrator to move on this if the LRP deems it appropriate. Mr. Lewis said the Board could do that tonight; they don't need a special meeting.

Commissioner Nance moves to amend his motion that if the LRP deems fit that this Carlyle St needs to be paved that such could be authorized by the TA to move and act upon LM McLamb construction bid and proceed with that. Commissioner Dixon attempts to second, its pointed out that Commissioner King made the original second. The Clerk requested that because the original motion was to table and the amendment includes action that the original motions be rescinded and a new motion made.

Commissioner Nance rescinded his motion; Commissioner King rescinded his second.

Commissioner Nance motioned to table this action this evening and send to the LRP to be evaluated along with the other roads, at such time that LRP deems it necessary or fit to do the Carlyle project that they can automatically authorize the TA to proceed using the bid from LM McLamb Construction Company. Commissioner King seconded the motion, which carried by a 4 to 1 vote with Commissioner Melahn voting in opposition.

CLOSED SESSION:

1. Pursuant to G.S. 143-318.11(a)(6)—
Personnel Matters: annual employee
evaluation and employee classification.

2. Pursuant to G.S 143-318.11(a)(3)—Legal matters: nuisance abatements and other legal matters.

Commissioner Nance motioned to enter Closed Session, stating the above referenced statutes/reasons for such, seconded by Commissioner King and unanimously carried; the Board retired to the Town Administrator's office for Closed Session.

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

ACTION AS A RESULT OF CLOSED SESSION:

1. Action regarding employee classification and evaluation: Commissioner Nance motioned that James McCartney, Town Services Technician I, pay be increased by 1.5% retro active to March 9, 2010, seconded by Commissioner King and unanimously carried.
2. Action regarding nuisance abatements: Commissioner King motioned to direct the Town Attorney to file legal suit against Kristen Barbee on the matter discussed in Closed Session (nuisance abatement for her property in Bonaparte's Retreat I), seconded by Commissioner Nance and unanimously carried.

PUBLIC COMMENTS: none forthcoming

BOARD COMMENTS: none forthcoming

ADJOURNMENT: *Commissioner Nance motioned to adjourn at 9:25pm, seconded by Commissioner Melahn and unanimously carried.*

(SEAL)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk