



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, May 8, 2012—6:00 pm**

AGENDA

CALL TO ORDER: Mayor Knight

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

CONSENT AGENDA:

1. To approve donation request from Community In Schools-\$100 donation
2. To approve amended language for agreement for building inspection assistance with Town of Sunset Beach.

MINUTES:

1. Board of Commissioners Budget Workshop #3 April 4, 2012
2. Board of Commissioners April 10, 2012 Regular Meeting (open session)
3. Board of Commissioners April 10, 2012 Regular Meeting (closed session)

MAYOR'S COMMENTS:

PUBLIC COMMENTS #1: (5 minutes per speaker)

CORRESPONDENCE: Several items included in the Board's packets

TOWN ADMINISTRATOR'S REPORT: written report

BUILDING INSPECTOR'S REPORT:

PLANNING & ZONING REPORT: verbal report to be made at the meeting (PZB meeting is 5/7/12)

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 & Commissioner DiStasio
8. Long Range Planning—Commissioner Buccilli

PUBLIC COMMENTS #2: (2 minutes per speaker)

OLD 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—add to Town Policies §32.16 (Commissioner Walton)
2. **Discussion/Action** regarding the Harassment Policy approved on April 10, 2012—add to Town Policies as §32.17 and to the Personnel Policy.
3. **Discussion/Action** to review the proposed 2012/2013 Fiscal Year Budget as prepared during the four Board of Commissioners' Budget Workshops and the Budget Message that explains the proposed budget. Make any necessary adjustments. Schedule the Public Hearing for the budget and proposed tax rate for Tuesday, June 12, 2012 at 6:00 PM at Town Hall.

PUBLIC COMMENTS #3: (2 minutes per speaker)

NEW BUSINESS:

1. **Discussion/Action** regarding a proposed amendment to §30.22 Procedural Motions (General Code)—add procedural motions regarding “to table” and “to remove from the table”. (Clerk)
2. **Discussion/Action** to review correspondence from the Marine Corp; consider offering the utilization of the Town's 10-acres at the maintenance building to accommodate their needs. (Mayor Knight)

CLOSED SESSION:

1. Pursuant to G.S 143-318.11 (a)(6) Personnel Matters
2. Pursuant to G.S 143-318.11 (a)(3) Legal Matters regarding the Town's litigation against Stanaland Stewart Company LLC/Scott Stewart/Vaughn Stanaland—receive an update from Mr. Lewis, Town Attorney.

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, May 8, 2012—6:00 PM**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, May 8, 2012, 6:00 PM in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

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

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

GUESTS PRESENT: There were approximately 15 guests in the audience.

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

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

CONSENT AGENDA:

1. To approve donation request from Community In Schools--\$100 donation
2. To approve amended language for agreement for building inspection assistance with the Town of Sunset Beach.

Commissioner DiStasio asked if Mr. Lewis had read the revised agreement with Sunset Beach; he had and felt everything was fine. *Commissioner DiStasio moved to approve the Consent Agenda, seconded by Commissioner Buccilli and unanimously carried.*

MINUTES:

1. Board of Commissioners Budget Workshop #3 April 4, 2012
2. Board of Commissioners April 10, 2012 Regular Meeting (open session)
3. Board of Commissioners April 10, 2012 Regular Meeting (closed session)

Mayor Knight asked if Board members had any changes or corrections to any of the three sets of minutes; there were no comments forthcoming. *Commissioner Melahn moved to approve all three sets of minutes, as written, seconded by Commissioner Buccilli and unanimously carried.*

MAYOR'S COMMENTS: Mayor Knight thanked the surrounding municipal mayors for their support of Calabash and all of southeastern Brunswick County. During the monthly Mayor's

Meeting Breakfast, Mayor Knight has found all the mayors who attend to be helpful and supportive; she thanked the Town of Shallotte for hosting the breakfasts. Mayor Knight wished all mothers a happy and relaxing Mother's Day on May 13th. She noted that the Annual Memorial Day Ceremony would be held at the Calabash Fire Department on Monday, May 28th at 11:00AM. She asked that everyone come out to support and honor our veterans.

PUBLIC COMMENTS #1: There were no comments forthcoming.

CORRESPONDENCE: Mayor Knight thanked the American Legion for allowing her and Commissioner Buccilli to attend a breakfast on April 29th. She noted that they would be hosting a blood drive on Saturday, May 12th from 7AM to 12 Noon. Mayor Knight read an email correspondence in support of the Calabash Community Park from the adjacent property owner. Mayor Knight noted she also received an email from a US Marine Gunnery Sergeant but would address that request during New Business. Finally, Mayor Knight read another correspondence from Linda Rudick, Project Manager for Keep Brunswick Beautiful, thanking the Town for their support on Earth Hour and the lovely candlelight visual that was held in Town.

TOWN ADMINISTRATOR'S REPORT: Mr. Nance's written report is attached hereto and made part of these minutes. Mayor Knight thanked Mr. Nance for doing a great job of keeping everyone informed.

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

PLANNING & ZONING REPORT: Commissioner DiStasio reported that the Planning & Zoning Board had met the previous night (May 7th) and they forward a recommendation on to the Board of Commissioners to amend the ordinance to give some setback relief for odd-shaped lots, which will give property owners better use of their property. The recommendation would be officially forwarded to the Board of Commissioners in June so that that a Public Hearing for the amendment could be scheduled for July.

COMMITTEE REPORTS:

1. **Calabash Fire Department:** Commissioner Walton reported that the CFD is working to secure the loan for the new building. The building plans have been approved by the County Fire Marshal.
2. **Finance:** Commissioner DiStasio reported that there is a total of \$744,850.08 in the General Fund. There is a total of \$1,345,292.41 in all funds. The Budget vs. Actual is attached as well as the financial spreadsheet Commissioner DiStasio prepared, which is a partial listing of March 2012 Expenditures.
3. **Town & Merchant:** Commissioner Nance said he has not been attending the Merchant's Meetings because they have been discussing the 4th of July; he doesn't want there to be any conflict with the decisions he will have to make as Commissioner on the matter. He asked if Mr. King or Mrs. Keefe, who are the merchants on the 4th of July subcommittee is they wished to report. Mrs. Keefe was recognized. She said at the last Merchant's Association Meeting the May-Day Festival and Sidewalk Sale was discussed; that event was held this past Friday and Saturday. She thanked the Board for putting the

event on the Town sign. There was also discussion of the 4th of July; some merchants met with representatives of the Town last week. Also at the Merchant's Meeting, Mrs. Keefe relayed that they would like to hold the Fall Festival/Car Show again in order to raise revenues for their organization.

At this point, Commissioner DiStasio confirmed that representatives of the Town met last week with two representatives of the Merchant's Association. The Town offered \$8,500 for the 4th of July event and said the offer was not accepted. The Town representatives noted that \$8,500 was what was agreed upon by the Board of Commissioners during their last Budget Workshop and anything more would have to go back to the Board for their approval. Commissioner DiStasio asked Mayor Knight if she wanted to discuss this matter now or wait until the budget is being discussed under Old Business.

Mayor Knight opened the matter of the 4th of July Independence Day Celebration for discussion. Mayor Knight said she spoke with Mr. King a couple weeks ago and he understood at that time the Town was looking to spend a maximum of \$7,000 on the event. Soon after that meeting, the Board held their 4th Budget Workshop of the season and the Board increased the amount to allocate for the 4th of July event. Mayor Knight said that the Town of Calabash has currently included \$8,500 in the 2012/2013 Fiscal Year (FY) Budget for the event; the highest amount that the Town has ever offered to the event. She said that she would really like to see the Merchants succeed as well as the Town and would love the opportunity to work together. Mayor Knight said that she has a suggestion and asked if the Merchants present were open to hearing it. Mayor Knight said that the Merchant's Association (MA) has requested that the Town contribute \$10,000 to the event this year; they do not feel the event will be possible without \$10,000 from the Town. Mayor Knight suggested leaving the outcome up to the citizens of Calabash. She suggested that citizens call Town Hall on May 23rd and 24th and leave a message at extension 2 as to their opinion: 1) the Town should contribute \$8,500 or 2) the Town should contribute \$10,000. She further encouraged all citizens to attend the Public Hearing for the 2012/2013 FY Budget (June 12th at 6PM). She asked if this suggestion was appropriate to everyone. She said those leaving a message should leave their name and address and if they were for \$8,500 or \$10,000 contribution from the Town. The Town would go with the majority of the people.

Mr. King said his concern with the Mayor's suggestion was that there is an urgency at this point to confirm the firework contractor. If we wait until June it will be too late, there will not be a contractor available to shoot off the fireworks on the 4th of July. Mayor Knight reminded Mr. King that last year the contractor was not confirmed until the week before the 4th of July. Mr. King said that was a bit of a fluke; the Merchant's had canceled the fireworks through the company's main office but the actual technician was never informed of the change and he therefore still had Calabash on his calendar. So, it was just by pure luck that when the money for the fireworks came through just a few days before the event that we were still able to have the fireworks show. He said this year, waiting until June it is likely that we will not be able to secure the fireworks or a technician to shoot them off. Commissioner Melahn asked Mr. King how much advanced notice is needed to lock in the fireworks. Mr. King said we've always been

locked in well before this point; basically we've been scheduling a year in advance and keeping in contact with the company throughout the year to ensure the event is going to happen. He said nothing has been confirmed for this year. He felt we would be safe if we let them know now but waiting any longer would not be a good idea; Pyrotechniques is a world-wide company and they don't have but so many crews and the 4th of July is their busiest day. Commissioner Melahn said it is her understanding that the Town of Calabash is willing to put in \$8,500 up to half the total cost of the event. Mr. King said the MA is not in a position to put up \$8,500. He said the event normally totals \$14,000 to \$16,000 and the MA does not have the funds this year to cover half that amount. He said if the Town could cover the cost of the fireworks, which is \$10,000 then the merchants could probably cover the remaining \$4,000-\$5,000. Commissioner DiStasio said when she and other Town representatives met with two MA representatives last week she asked for an itemized budget from past events and her request was not made. Mr. King said he did not recall Commissioner DiStasio asking for an itemized budget. He reiterated the current position of the MA; they do not have a lot of funds and they are not willing or able to drain all the funds they currently have for the 4th of July.

Mayor Knight requested Commissioner Nance give his position on the 4th of July event. Commissioner Nance said that every year after the 4th of July event when people compliment the event he never hears "the Merchants did a great job" but rather people say "the Town did a great job". He said the Town is going to benefit three times more than any merchant from the event. He said he knows what funds both organizations have. He said he doesn't feel there is a significant difference between \$8,500 and \$10,000; it's a difference of \$1,500 and he felt the Town could afford that. Commissioner Nance said he doesn't understand what the big problem is in giving an additional \$1,500 to an event that is great for the Town of Calabash. He said the event has been a huge, crowd pleasing event; he's never heard anything negative and everyone attributes the success to the Town not the merchants. Commissioner Nance said he is for contributing \$10,000 to the event this year. He said he would like to the event happen this year and feels if the Town does not contribute the \$10,000 it just won't happen; it's up to the Board.

Commissioner Buccilli was requested to comment. She felt that we could economize on certain items associated with the event to bring the cost down. For instance, she felt that advertising could be reduced. She also suggested getting a more cost effective band or not as many bands or starting the band(s) later to save money.

Commissioner DiStasio said that she liked the Mayor's suggestions; let's find out what the community wants. Commissioner Melahn said that she has asked several residents of Calabash what they want and the people she spoke to are not interested in the 4th of July event. They do not want their tax dollars spent on the event, they haven't participated in the event over the past three years and they do not have intentions of attending the event should it take place this year. Commissioner Walton said that he went out and knocked on doors and spoke with sixteen citizens. Of the sixteen people he spoke with fifteen did not support the Town funding the 4th of July; only one person he spoke with was in support of the event.

Mayor Knight said if no one else has an alternative suggestion, then let's move forward with her suggestion to hear from the citizens of Calabash. If it is too late by the time we get our answer; it sounds like it's not happening tonight. Mr. King opined again that to wait would probably mean that the fireworks company would not be able to come on the 4th of July. Mayor Knight asked for the cost of the fireworks; Mr. King and Mrs. Keefe noted that the fireworks alone are \$10,000. Commissioner Melahn asked how much the Merchants could give to the event; they said they have \$4,000-\$5,000 for the event.

Town of Carolina Shores Mayor Goodenough was in the audience and was recognized to speak. He said that he would be willing to ask the Carolina Shores Board of Commissioners on Thursday, May 10, 2012 (during their Council Meeting) to consider co-sponsoring the cost of the fireworks (\$10,000) with the Town of Calabash. He said he has no idea how his Board would feel about it and he is in no way making any commitments other than to ask. His suggestion was that each town would pay \$5,000; he would like to see a stronger relationship between Calabash and Carolina Shores. Mayor Knight asked Mrs. Keefe how she felt about Mayor Goodenough's suggestion; Mrs. Keefe said that was fine. Mayor Knight said that she would be happy to attend the Carolina Shores' meeting on Thursday and asked if a representative of the Merchant's Association could attend. Mrs. Keefe said they would find someone from the committee to attend the Carolina Shores council meeting Thursday at 3:00 PM. Mayor Goodenough respectfully asked Laura Lewis of the Brunswick Beacon if he could pass this information along to his Board personally rather than them reading it in the paper tomorrow.

4. **Calabash Community Services:** Commissioner Buccilli reported that April was a very busy month and May was shaping up to be the same. She noted that the committee would be assisting with Memorial Day on Monday, May 28th at 11:00 AM and solicited everyone to attend the event. She thanked the Brunswick Beacon for the wonderful coverage they did of the Easter Egg Hunt last month. The Jessie Mae Monroe 2nd Grade Class visited Town Hall and the Fire Department in April—she thanked the Fire Department for their hospitality. Commissioner Buccilli also noted that the Farmer's Market opened this past weekend; their hours are Saturday's and Monday's 8AM-12PM. Town Hall Day has been scheduled for July 27th from 10AM – 2PM; the focus will be on major storms/hurricanes. There will be guest speakers, a simulation trailer, food and great door prizes. Mayor Knight said that Town Hall should be a great event and thanked Commissioner Buccilli and Jim McCartney for getting the event going.
5. **Stormwater:** no report
6. **Safety:** no report; Mayor Knight asked if Safety had a meeting scheduled. Ms. Southward noted that Safety Committee did not yet have a meeting scheduled but the Emergency Management Committee will meet May 22nd at 11AM. Mayor Knight noted that she and the Town Administrator would be attending an ALL HAZARDS Workshop next week hosted in part by Brunswick County Emergency Services.
7. **Personnel:** Commissioner Melahn relayed that one of the recently hired Town Services employees did not work out. However, the Board has another candidate who interviewed earlier this year to consider. She said that the committee has been working with Chris May of the Cape Fear Council of Governments on revising the job descriptions and pay

scale. She pointed out that Commissioner DiStasio has done a lot of hard work on revising the job descriptions. The proposed revisions have been included in the Board's packets this evening. The committee would like the entire board to review them. Next month the committee will be looking for the Board to take action on the job descriptions. Commissioner DiStasio requested Board members contact her if they have any questions or concerns.

8. **Long Range Planning:** Commissioner Buccilli reported that at the last meeting the committee discussed picnic tables, benches, trash receptacles and siding for the storage/bathrooms. They also discussed the possibility of piping the ditch along Persimmon Road in front of the park; Mr. Nance has met with DOT on this matter. Mr. Nance said he has met with a local vendor/manufacturer of picnic tables who has given the Town a very fair price. He said DOT is willing to sign an encroachment agreement to allow the Town to pipe the ditch. However, all costs (engineering, materials, labor etc.) would have to be incurred by the Town. He said he will try to get an overall cost estimate for the Board to consider but it is likely a far greater expense than we were anticipating (when we were hoping DOT would share some of the cost).

PUBLIC COMMENTS #2: none forthcoming.

OLD 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—add to Town Policies §32.16 (Commissioner Walton).**

Commissioner Nance stated that the policy had been drafted by staff as directed by the Board last month; that this is a policy and not a requirement. Commissioner Walton said he agreed and felt the policy was a good idea. *Commissioner Walton moved to approve the amendment to §32.16 of the General Code of Ordinances regarding advanced notice, seconded by Commissioner Buccilli and unanimously carried.*

2. **Discussion/Action regarding the Harassment Policy approved on April 10, 2012—add to Town Policies §32.17 and to the Personnel Policy.**

Commissioner Nance noted that last month Board members had noted there had been problems of harassment in Town and he again sought the specifics related to such. Mayor Knight said the Board was simply looking to include the Harassment Policy in Town Policies and the Personnel Policy. Mr. Lewis pointed out a typo: "king" should be "kind". Commissioner Melahn said she is under the impression that the policy covers physical and verbal harassment for employees and Board members; it was confirmed that her impression was correct. *Commissioner Melahn moved to add the Harassment Policy to §32.17 of the General Code of Ordinance and to Article V, Section 11 of the Personnel Policy, seconded by Commissioner Walton and carried by a vote of four (4) to one (1) with Commissioner Nance voting in the opposition.*

- 3. Discussion/Action to review the proposed 2012/2013 Fiscal Year (FY) Budget as prepared during the four Board of Commissioners' Budget Workshops and the Budget Message that explains the proposed budget. Make any necessary adjustments. Schedule the Public Hearing for the budget and proposed tax rate for Tuesday, June 12, 2012 at 6:00 PM at Town Hall.**

Mayor Knight sought discussion from the Board regarding the Budget but there was none forthcoming. *Commissioner DiStasio moved to schedule the Public Hearing for the proposed 2012/2013 FY Budget & tax rate for Tuesday, June 12, 2012, 6:00 PM at Town Hall, seconded by Commissioner Melahn and unanimously carried.*

PUBLIC COMMENTS #3: none forthcoming.

NEW BUSINESS:

- 1. Discussion/Action regarding a proposed amendment to §30.22 Procedural Motions (General Code)—add procedural motions regarding “to table” and “to remove from table”. (citizen request-refer to Town Clerk)**

Commissioner Melahn began by foreclosing that her husband was the citizen who made this text amendment request. She said if the Board did not wish her to vote on the matter that she would abstain. Ms. Southward noted that Commissioner Melahn would not be legally able to abstain from voting; if she chose not to say anything she would be counted as a “yes” vote to a motion; the Town Attorney agreed with Ms. Southward’s statement.

Upon inquiry from the Board Ms. Southward explained that the Board has always “tabled” items when necessary and then likewise “removed from the table” when necessary. However, the ordinance on meeting procedures does not address these two situations. Adding the process for tabling/removing from table will be explanative and allow everyone to follow a uniform process. *Commissioner DiStasio moved to approve the amendment to §30.22 regarding a procedure for tabling/removing from table, seconded by Commissioner Buccilli and unanimously carried.*

- 2. Discussion/Action to review correspondence from the Marine Corp; consider offering the utilization of the Town’s 10-acres at the maintenance building to accommodate their needs. (Mayor Knight)**

Mayor Knight read an email correspondence from US Marine Corp Gunnery Sergeant Erin Lisonbee who is coordinating a 2 night/3 day retreat for 60 Marines; they would like to camp in Calabash. Mayor Knight noted she had the Town Clerk respond by email stating that the Mayor would ask the Board of Commissioners if they could utilize the Town’s 10-acre property on Persimmon Road for their camp site. Mayor Knight asked if anyone would be objectionable for any reason to allowing them to use the 10-acres for 2 nights. She solicited any help from merchants or citizens that were interested. Mayor Knight felt this would be a wonderful opportunity to give back to the young men and women who serve our country and protect us every day. Commissioner Walton did not have a problem with it. Commissioner Melahn asked if 10-acres would be enough room;

it was felt that would be plenty for 60 people. Commissioner Nance said he did not have a problem with it so long as the attorney was okay with it and there was a hold harmless agreement executed. Mr. Lewis said he did not see any problem with it so long as there are some ground rules; he recommends against alcohol and weapons on the property. Mayor Knight suggested that staff contact GySgt Lisonbee to see if they are interested in working out an agreement. She said more would come back to the Board at a later date she just wanted to get a feel for the Board's position on the matter.

CLOSED SESSION:

1. Pursuant to G.S 143-318.11(a)(6) Personnel Matters
2. Pursuant to G.S 143-318.11(a)(3) Legal Matters regarding the Town's litigation against Stanaland Stewart Company LLC/Scott Stewart/Vaughn Stanaland—receive an update from Mr. Lewis, Town Attorney.

Commissioner DiStasio moved that the Board enter Closed Session Pursuant to G.S 143-318.11(a)(6) Personnel Matters and 143-318.11(a)(3) Legal Matters, seconded by Commissioner Melahn and there was discussion. Commissioner Nance asked if there was information regarding the legal matters that could be disclosed in Open Session; Mr. Lewis said there was not information for Open Session at this time but rather he needed to confer with the Board in Closed Session regarding the litigation(s). Mayor Knight called for a vote; the Board voted unanimously to enter into Closed Session for the matters stated in the motion and second.

BOARD ACTION: *Upon returning to Sanborn Hall, Commissioner DiStasio moved that the Board enter into Open Session, seconded by Commissioner Melahn and unanimously carried.*

Personnel: *Commissioner Melahn moved to hire Mr. Tommy Sparks to fill the vacant Town Services Technician I position, seconded by Commissioner Nance and unanimously carried.*

RECESS: *Commissioner Nance moved to recess the meeting until Friday, May 11, 2012, 1:00 PM at Town Hall, seconded by Commissioner Melahn and unanimously carried.*

(SEAL)

Mayor Mary Louise Knight

Attest:

Kelley Southward, Town Clerk