



TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
Tuesday, September 11, 2012—6:00 pm

AGENDA

CALL TO ORDER: Mayor Knight

PLEDGE TO FLAG:

ROLL CALL:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARING:

To receive public comments regarding the rezoning application for a Zoning Map Amendment submitted for Tax Parcel ID# 24100020, 1401 Thomasboro Road by Compass Pointe Engineer, acting agent for Russell Price, Property Owner. The request is to rezone the subject property from Central Business (CB) to Residential-15 (R-15).

CONSENT AGENDA:

Approve Minutes of August 14, 2012 Regular Meeting (Open Session)
Approve Minutes of August 14, 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: August report/minutes (no meeting held in September)

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. Emergency Management Committee—Town Administrator
7. Personnel—Commissioner Melahn
8. Long Range Planning—Commissioner Buccilli/Town Administrator
9. Safety Committee—Commissioner Walton

PUBLIC COMMENTS #2: (2 minutes per speaker)

OLD BUSINESS:

1. **Discussion/Action** to consider the rezoning request for a Zoning Map amendment for the property at 1401 Thomasboro Road (Tax ID# 24100020) from CB to R-15. (Com. DiStasio)

PUBLIC COMMENTS #3: (2 minutes per speaker)

NEW BUSINESS:

1. **Discussion/Action** to appoint a Finance Director
2. **Discussion/Action** to consider accepting credit cards as a form of payment (staff)
3. **Discussion/Action** to rescind the amended budget approved on July 10, 2012. (Town Administrator)
4. **Discussion/Action** to consider awarding bid for asphalt paving in Bonaparte's Retreat. (Town Administrator)
5. **Discussion/Action** to review Community Services expenditures since December 15, 2011 to present day. (Com. Walton)
6. **Discussion/Action** to select an architect landscaper for the entrance beautification project by DOT; reimbursable expense. (Town Administrator)
7. **Discussion/Action** to repeal Article 16-4 Tree Protection, of the UDO.
- 8.

Discussion/Action to direct the Town Administrator to take the necessary steps to have the Tree Protection ordinance submitted for local legislation.

9. **Discussion/Action** to consider terminating property lease agreements with Captain John's Seafood House Inc and Morten Hansen. (Com. Walton)

10. **Discussion**, if needed, by Commissioners regarding the duties of Commissioners and the Mayor. (Com. Nance)

CLOSED SESSION:

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

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, SEPTEMBER 11, 2012—6:00 PM**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, September 11, 2012, 6:00 PM in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC. It is noted that just prior to Mayor Knight calling the meeting to order, Town Attorney Mac Tyson gave a statement about 9-11/Patriots Day and those who chose to do so, joined in prayer for the fallen, their families and our country.

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

STAFF PRESENT: Town Administrator Chuck Nance, Town Attorney Mac Tyson, and Town Clerk Kelley Southward.

GUESTS PRESENT: There were approximately 25-30 guests in the audience.

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

APPROVAL/ADJUSTMENT OF AGENDA: Commissioner Nance requested that item #10 of New Business be relocated to item #1 of New Business and New Business items re-numbered accordingly. The Town Clerk noted that it was necessary to add Legal Matters to Closed Session; Pursuant to G.S 143-318.11(a)(3) legal case numbers as follows: (1) Scott & wife Susan Stewart case #11-04129, (2) Michael Charles Hamilton and Kristel Hamilton case #11-04734-8-SWH, (3) William Thomas Leavitt case #10-04063-8-SWH; (4) Shrimp Hunters Inc. case #09-02375-8-SWH; (5) Residential Capitol LLC #12-12020 MG; (6) B.C Clerk file #97 CvD 512; and (7)B.C file # 12 CVS 183. *Commissioner DiStasio moved to approve the agenda, as amended, seconded by Commissioner Nance and unanimously carried.*

PUBLIC HEARING:

To receive public comments regarding the rezoning application for a Zoning Map Amendment submitted for Tax Parcel ID# 24100020, 1401 Thomasboro Road by Compass Pointe Engineering, acting agent for Russell Price, property owner. The request is to rezone the subject property from Central Business (CB) to Residential-15 (R-15).

Commissioner Buccilli moved to open the Public Hearing, seconded by Commissioner DiStasio and unanimously carried.

Speakers:

1. Christine Point, part owner of the 16-acre property adjacent to the subject property (owners collectively called The Commons at Calabash LLC). Mrs. Point objected to the rezoning stated that changing it to residential would greatly impact the development of her property. Further she stated that a lot of hard work went into the creation of the Unified Development Ordinance (UDO—Town’s zoning code) a couple of years ago. Part of the vision was to have this corridor along Thomasboro remain CB so that it could be developed as such in the future. Further, she noted that when her property gets developed as commercial her setbacks would have to be increased if the adjacent property is zoned residential. She also felt changing the zoning would negatively affect the value of her property and it would lower the tax base for the Town. An email outlining all of Mrs. Point’s (and her business partners’) concerns is attached hereto and made part of these minutes.
2. Chuck Lydon, real estate developer/agent for Christine Point/The Commons at Calabash LLC, was also opposed to the rezoning of 1401 Thomasboro Road to R-15 from CB given the negative impact the change could have on the adjacent properties. He too commented on the dedication put into the UDO by Town officials, staff, business owners

and residents. He was surprised that a rezoning request to change this area from CB to residential had been made as there was a lot of support for business in this area.

3. Michael Norton of Compass Pointe Engineering (acting agent for the owner of the subject property) addressed the Board. He requested that the Board table the matter of rezoning the property this evening. He stated that since the request was made and since the advertisement for the rezoning was published new evidence has come to light and it would be beneficial to the property owner as well as the Town to table this matter now and review this new evidence before making any final decision.

There were no other speakers forthcoming regarding the rezoning. The Town Clerk pointed out that five written correspondences had been received regarding the rezoning request: 1) the email from The Commons at Calabash LLC which opposes the rezoning; 2) a letter from Percy & Deborah Bullock; 3) a letter from Ahmed K. Abushakra; 4) a letter from Clifton Keith Gurganus; and 5) a letter from James Brown. All five items of correspondence are attached hereto and made a part of the official record. The Town Clerk noted that the four (4) letters of correspondence are very similar and read as follows: "I have been made aware of the subject property rezoning request and wish to offer my concurrence for this to proceed as proposed by the applicant. I am also in favor of any investigation by the Town Staff for similar consideration of my property"; parcel numbers are listed for each individual property that submitted a letter all of which are either adjacent to or within 150 feet of the subject property. Mayor Knight noted the publication dates of the print advertisements for the public hearing.

Commissioner DiStasio moved to close the public hearing, seconded by Commissioner Buccilli and unanimously carried.

CONSENT AGENDA:

1. Approve Minutes of August 14, 2012 Regular Meeting (Open Session)
2. Approve Minutes of August 14, 2012 Regular Meeting (Closed Session)

Commissioner DiStasio stated for the record that she was absent for the August 14th Meeting and would therefore be voting "no" to the approval of the minutes. She further stated that she would abstain from voting but would then be counted as a "yes" vote and that was why she would be voting "no".

Commissioner Buccilli moved to approve the Consent Agenda, seconded by Commissioner Walton and carried by a vote of four (4) to (1) with Commissioner DiStasio voting in opposition.

MAYOR'S COMMENTS:

1. Mayor Knight thanked Senator Bill Rabon for championing the Calabash request of DOT assistance for funding for pathways and beautification. The beautification will be for enhancement of entrances to Calabash (and main thoroughfare) which will include but is not limited to shrubbery and flowers. The Town Clerk was asked to share the amounts of funds set aside for these projects by DOT: \$65,000=beautification and \$150,000=pathways/sidewalks. Mayor Knight encouraged citizens to thank Senator

Rabon if afforded the opportunity. Mayor Knight said that pathways had been discussed by the Long Range Planning Committee and then approved by the Board of Commissioners. At the time of Board approval she said Commissioner Nance requested even more pathways in the future, if possible.

2. Mayor Knight extended great appreciation to Commissioner Buccilli, County Commissioner Phil Norris and County Commissioner Marty Cooke for stepping forward and having the County Utility Department recalculate fees for water/sewer connections at the Calabash Community Park. Connection fees have been reduced from \$15,955 to \$8,803. This is thanks to Commissioner Buccilli who took the initiative to contact Commissioner Norris and request the fees be examined again. Mayor Knight shared that upon her own inquiry to Commissioner Cooke at a recent Mayor's Meeting he immediately took out his i-pad and contacted the Utilities Department about the matter. This is the great service that Calabash is receiving from County Commissioners recently. She was thrilled at all the hard work performed by the Long Range Planning Committee, which is coming to fruition for the betterment of our community.
3. Mayor Knight thanked Commissioner Melahn for recently spending an entire Saturday at the Calabash Park for the Elks' youth soccer kick-off. She thanked the Elks for utilizing the Calabash Park for their event.
4. Over the past month Mayor Knight noted that she had attended various meetings including an MPO meeting at Town Hall with Town Administrator Nance and Forrest King and MPO representatives. She and Commissioner Buccilli attended an Emergency Management Meeting at Brunswick County. Commissioner Buccilli has passed her 900 level ICS training (hurricane training). She also attended the Mayor's Meeting and relayed that unfortunately there is not going to be any funding available this year for dredging. Town Administrator Nance and Mayor Knight met with Jayne Anderson, real estate agent recommended by Commissioner Walton last month. Ms. Anderson chose to step down from assisting the Town in this venture as she does not have the municipal government experience the Town is seeking. Mayor Knight hopes that soon the Town selects a realtor because Chris May of Cape Fear COG has forwarded information that there is \$7 million dollars available this year in grants for land purchase; and \$400,000 available for planning, bike trails and other types of recreational and green-space grants. She said this information was items 1 & 2 on Mr. May's website. Mayor Knight was honored to be in attendance last Friday at the EMS to take part in their tradition of pushing a new ambulance into the bay at the station. It is not a brand new ambulance but it's been refurbished; it is named the "Pride of Calabash", the twin of the "Spirit of Calabash". Monday she had the privilege of attending another ceremony at the EMS honoring Edith Correll; a volunteer with the Calabash EMS for 25 years.
5. Tomorrow Mayor Knight is slated to go to the Community College to discuss opportunities and issues that face the students of today.
6. Senior Center surveys have been received at Town Hall. 135 respondents are in favor of a senior center while there are only 18 against. As of today, 26% have responded, which is a great response.
7. Mayor Knight added that there are grants available that are associated with fish and wildlife; if the Town determines that we want/need something on the riverfront. Additionally, CAMA has also shown interest. Mayor Knight said she is just throwing that out there. She would like to see a public hearing held to gather input from the public

as to what they want in the near future. She would like Chris May to be present to explain what grants are available and hopefully have a very good realtor on hand. Last month, Mayor Knight said she presented a realtor that saved the county over half a million dollars on a property out on HWY 17; and most realtors are free until a purchase is made so don't get caught up by the word "free".

PUBLIC COMMENTS #1:

1. Mary Ann and Jerry Baker of Calabash Acres addressed the Board. Mrs. Baker said her concerns about high weeds/grass wasn't really resolved last month and was wondering if the ordinance could be revised to increase from mowing/bushhogging to being required more than just twice per year. She was concerned about the appearance of empty lots and empty homes. She felt the cutting of grass of vacant lots/homes should be done more often in the summer in particular. Regarding safety, Mrs. Baker suggested that Calabash and Carolina Shores come together to form a police department or security guard. She noted that over Labor Day weekend there were nine (9) DUI arrests made in Calabash; three (3) of those arrested were in Calabash Acres. She said there are drug and theft problems in Calabash. She is hopeful that the elected officials want to protect the citizens of Calabash. Mrs. Baker said she and her husband never received a survey regarding the senior center. She said there are roughly 1800 citizens in Calabash but only 500+ surveys were sent and that is not taking care of the whole town.

CORRESPONDENCE:

1. Mayor Knight noted that Town Hall received an email regarding the Wounded Warrior Ride. On the afternoon of Friday, September 28, 2012 the Wounded Warrior Ride will be coming through Calabash between 3:00 and 4:00 PM. We are trying get as many people as possible lining Beach Drive to show support for these amazing veterans who have given so much for us.
2. Brunswick Family Assistance is eligible for a \$250,000 grant if people go on-line and vote for them. People can contact Town Hall or Brunswick Family Assistance for more details.
3. Mayor Knight read the following letter: "Dear Mayor Knight, I wish you well on your new venture of acquiring and developing property for public use. My experience is proven to be very much appreciated by the public and all concerned. There are a lot of hoops to jump through and a lot of pitfalls but the rewards out-weigh the struggle. I am sure your good leadership will prevail. Alan Holden."

TOWN ADMINISTRATOR'S REPORT: Town Administrator Nance's weekly email reports are attached hereto and made a part of these minutes; he had nothing to add.

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

PLANNING & ZONING REPORT: Mayor Knight noted that a September Planning & Zoning Board meeting was not held but that the minutes of the August meeting and report of that meeting were in the Board's packets.

COMMITTEE REPORTS:

1. **Calabash Fire Department**—Commissioner Walton reported that the fire department is still waiting on the bank to review the new building plans. They are getting packed for the move. Hopefully the bank will have a response by the first of October. Mayor Knight asked if the CFD would be holding an auction. Commissioner Walton said there will be an auction but details have not yet been determined.
2. **Finance**—Commissioner DiStasio pointed out that the Board’s packets include a copy of the spreadsheet she prepared for August expenditures. Commissioner DiStasio noted that she has resigned as Finance Officer so this is likely the last spreadsheet of this nature that the Board will receive. Commissioner DiStasio pointed out that packets did not include the August Budget vs. Actual or Finance Report as they were not forwarded by staff. Upon a question posed by Mayor Knight, Town Administrator Nance noted that the amount under “cat food” on the expense spreadsheet included a typo; the amount should have been \$6.06 and not \$606.00. He noted that cat traps are set with canned cat food. Town Administrator Nance added that tax scrolls were received by Brunswick County last week and staff is working on these with the intention of having tax bills mailed by next Wednesday. Concurrently, we are in the process of catching up accounts receivable/payable. Once tax bills are mailed and accounts receivables/payables are caught-up he will be forwarding an August Financial Report (including Budget vs. Actual) to everyone.
3. **Town & Merchant**—Commissioner Nance said he had no new information to report.
4. **Calabash Community Service**—Commissioner Buccilli reported that a meeting was held last Tuesday. Halloween was discussed as well as the Wounded Warrior Ride. We are attempting to get a lot of people to line Beach Drive on Friday, September 28, 2012 around 3:00 PM to show support for those who have fought as well as those who are still fighting to protect our freedom. The park opening was also discussed.
5. **Stormwater**—Commissioner Walton reported a situation in Pine Bur Acres that himself, Town Administrator Nance and Mr. Dills reviewed today; it has to be determined if the area in question is a part of the Town’s stormwater system or not.
6. **Personnel**—Commissioner Melahn reported that Jim McCartney has resigned his position with the Town as Assistant Building Inspector/Code Enforcement Officer. The Town will be seeking applications to fill this position immediately. *Commissioner Melahn moved that Town Administrator Nance and Mr. Dills select the top five applicants for the position and bring them to the Board for their direction, seconded by Commissioner Nance and unanimously carried.* Commissioner Buccilli asked why raises are now increasing in increments of 2.5%; why is there not a graduating scale? Commissioner Nance said the short answer is because that is how the Board just adopted a revision to the pay scale. Commissioner Buccilli said a jump in salary increase from 2.5% to 5% is a big jump; why isn’t there something in between like 3% or 4%? Town Administrator Nance said Mr. May of Cape Fear COG explained that it was necessary to go in 2.5% increments because the pay scale increases in 2.5% increments; that way we won’t get off the scale again. Commissioner DiStasio pointed out that it is not an automatic 5%; it’s 2.5% for above-average and at the Board’s discretion/approval someone scoring an exceptional evaluation can receive a merit increase in increments of 5% but it is not automatic.

7. **Long Range Planning**—Commissioner Buccilli reported that the water/sewer connections have been made. Benches have been built and are in the Town's possession but have not been installed yet. Swings (like wooden porch swings for adults) have been ordered and are being constructed. Town Administrator Nance said he has been trying to make a more detailed report to the Board in his weekly reports regarding the progress at the park. There were some issues last week with the wall board in the bathrooms; due to all the recent rain/humidity, the adhesive used on the originally material did not stick but that is being rectified this week. The shuffle board court was stained today and the bathroom floors will be epoxied tomorrow. The plumbing and electrical fixtures should be installed next week. Likewise the concrete for the sidewalks should be poured next week. The bocce ball court is a few weeks out. Commissioner Walton asked about landscaping. Town Administrator Nance said he was going to contact Gail Price of the local garden club about their assistance with landscaping.
8. **Safety**—Commissioner Walton said there was nothing to report. Commissioner Buccilli asked Commissioner Walton why he has not called a Safety Committee Meeting; he has been the Chair of that committee for nine months. She said her neighbors from Calabash Acres spoke during Public Comments #1 and they feel there is a safety issue in town. Commissioner Buccilli went onto say that there was a presentation held last month by the B.C Sheriff's Department and Commissioner Walton did not attend although the presentation was all about community safety. Commissioner Walton said he explained at last month's meeting why he did not attend that presentation and that was because he gave an in-depth report about the things included in the presentation in the Spring/Summer edition of the Calabash Navigator (newsletter). He said that his report from the Navigator is probably the reason why only a few people showed up for the presentation in August. He said he didn't feel it was necessary for the B.C Sheriff's Department to hold a meeting at the fire department and then hold the same meeting at Town Hall a few months later. Commissioner Buccilli said she attended both presentations and there was different information presented at the meeting in August from the first meeting. She said that last month Commissioner Walton was told to check into a safety grant that Sergeant Reaves had told them about in August. Commissioner Walton said he didn't know what Commissioner Buccilli was talking about. Commissioner Buccilli said that during the August 14th Board of Commissioners Meeting it was reported that there was a grant available for safety; something they learned from attending the safety presentation in early August. Commissioner Walton said if Commissioner Buccilli had the audacity to go to a county commissioner and ask for a \$7,000 reduction in water/sewer tap fees then why didn't she ask for the safety grant. Commissioner Walton said there is staff at Town Hall that is to notify him of stormwater and safety matters and he has acted upon everything that he's been informed about. Commissioner Buccilli said she reported that her neighbor was having a stormwater issue and to her knowledge, that has not yet been addressed. There is also an empty lot along the river that is eroding because of stormwater draining onto it. He asked if Commissioner Buccilli emailed him or made the Town aware because just this morning he and the Town Administrator viewed several possible stormwater issues throughout town. Town Administrator Nance said he has Commissioner Buccilli's

concerns on a list and he will get with Commissioner Walton about those matters this week; he apologized for forgetting about those two matters while they were out this morning. Commissioner Nance asked Commissioner Buccilli if she and Commissioner Walton had ceased communication with one another; this appeared to be grand-standing to him rather than trying to accomplish something. Commissioner Buccilli said she has not seen Commissioner Walton. Mayor Knight said that when people in the community are concerned enough about safety to show up, not only at the presentation last month, but then come to this meeting and voice their concerns about safety in Calabash it would be nice to see some forward progress. She said that apparently the grant (from an insurance company) has not been looked into nor has a Safety Committee Meeting been called. Commissioner Walton said he was under the impression that Town Administrator Nance was in part, hired to seek/write grants; but was unsure as he was not a commissioner at the time Town Administrator Nance was hired. Commissioner Walton said that he (meaning himself) is not a grant writer. Mayor Knight said she is not asking him to write a grant rather simply to call a meeting (of the safety committee). Commissioner Walton said he thought that Mr. McCartney was in charge of the Safety Committee and Mr. McCartney would notify him if there were any issues. Mayor Knight clarified that Commissioner Walton is (and has been) Chairman of the committee and Mr. McCartney was a member of the committee. Commissioner Walton said he was led to believe that Mr. McCartney was head of the committee as he presented information at the meetings and organized the Town Hall Day event this year (these were functions of the Emergency Management Committee). Mayor Knight asked Commissioner Walton why his name is next to "Safety Committee" on the agenda if it is not his committee. She said that the presentation given at the fire department was completely different than the one at Town Hall. Commissioner Walton said he is very sorry that this has happened and he won't let it happen again and that he is willing to stand up and take his "blows". Mayor Knight said she would very much appreciate it if Commissioner Walton would contact Sergeant Reaves and to check into any kind of grant that might help the town provide a safer community. Commissioner Walton said he has (in the past) suggested hiring a security person to patrol the Town but that fell by the wayside. He asked if we were speaking about grants. Mayor Knight said there is always interest in obtaining grants. Commissioner Walton said he brought a grant to her once concerning the Farmer's Market that was never looked into or acted upon. Commissioner Nance asked to be recognized. Mayor Knight allowed it. He said that he felt it was rude and unnecessary to be argumentative with a sworn commissioner in public in this manner. He felt that Mayor Knight was stepping over the line. Commissioner Nance addressed Commissioner Walton by stating that he is appalled that he (Commissioner Walton) is allowing the Mayor to address him, in public in this way. He said Commissioner Walton is a voting commissioner; he can sit here and take it or invite the Mayor to meet with him since she appointed him head of the Safety Committee; if he's not doing a good job, request that she remove him from the committee. Commissioner Nance thanked Mayor Knight for allowing him to have the floor. Mayor Knight said that citizens of Calabash brought the matter up during public comments, Commissioner Buccilli asked Commissioner Walton about it and the matter then got tossed to her (the Mayor) and she was simply responded to what was thrown at her. She said the matter

is ended for now; they will further discuss in private. Mayor Knight added that the community has a right to know the safety issues in town.

PUBLIC COMMENTS #2:

1. Mrs. Baker addressed the Board again; she asked why the Community Service Committee did not hold a ceremony today in observance of 9-11/Patriots Day. Mayor Knight said there was a large event held in Shallotte today and the Calabash Fire Department and EMS were a part of that ceremony.
2. Carolina Shores Mayor Goodenough said that Carolina Shores sent out 3100 newsletters last week, which included a senior center survey; they will keep Calabash abreast of their responses. Papers have been signed with the bank for the loan of the new fire department; the bank has 40/45 days to respond. Another problem the fire department has run into is that DENR is involved in the demolition of the old station and that could add another 2-3 months to this process.

OLD BUSINESS:

1. **Discussion/Action to consider the rezoning request for a Zoning Map amendment for the property at 1401 Thomasboro Road (Tax ID# 24100020) from CB to R-15 (Commissioner DiStasio).**

Mayor Knight noted that the Board of Commissioners have three options this evening: they could approve the request to rezone; deny the request; or table the matter and send it back to the PZB to determine if the future land-use of the property needs to be changed to residential. Commissioner DiStasio opined that this matter should not be tabled; it should not go back to the PZB. The entire PZB was in agreement that the property should remain CB. Also, the PZB discussed the CAMA Land Use Plan (LUP) which includes the policy that the future land use of this property and the corridor in which it's located should be CB. If you start changing the use of that corridor now it's going to cause future problems because it will set a precedence that dwellings in that area designated for future business could be rezoned to residential. As stated during the Public Hearing, a lot work went into both the UDO and the LUP. When this property was originally zoned CB, letters were sent out and there was (likely) no objection at that time. Now it's many years later and suddenly they want to change it back to the way it was. Commissioner DiStasio felt the matter should be voted upon by the Board of Commissioners this evening.

Commissioner Walton said he would like to see it go back to the PZB for further review and consideration. He said if there is new information to be considered since the PZB reviewed this the first time then the PZB should be made aware of that new information so they can make a recommendation with all the facts possible. He felt the property owner should get a fair chance for his request to be heard and considered, with all applicable information reviewed. If you shut them down right now then they won't get a full/fair chance.

Commissioner Melahn said she too agreed with tabling the matter this evening and sending it back to the PZB for further review. Commissioner DiStasio again stated that it

should not be tabled this evening and should not go back to the PZB. Commissioner Buccilli agreed with tabling the matter to be reconsidered by the PZB.

Commissioner Nance agreed with Commissioner DiStasio that the matter should be voted upon this evening. He said he carefully reviewed the PZB minutes and reports related to this rezoning request and felt they were very thorough in their review of the matter and their recommendation to the Board was based upon established policies set forth by the Town. Even if it went back to the PZB and then ultimately was denied by the Board of Commissioners (BOC) he doesn't feel it would meet the criteria to go before the Board of Adjustment (BOA). He opined that there would have to be some great, very pertinent information to have this application go back through the entire process. He asked how long the applicant would have to wait to reapply for rezoning of this property if the request were denied. The Clerk relayed that they could not reapply for one year. He felt that would be ample time to get all facts and information together to resubmit the application should the request be denied.

Commissioner DiStasio stated that the property owner could go to Brunswick County (BC) and get their taxes reduced based upon the current use of the property (which is residential). Commissioner Nance said he didn't want to see all the hard work of the UDO undermined by setting precedence of changing property along this main thoroughfare to residential when clearly the vision is for this area to be business in the future. He also felt the Town could get into a legal issue of "spot zoning" if this request was to be approved.

Mayor Knight asked if staff had any comment; Town Administrator Nance said he had nothing to add at this time as Mayor Knight had stated the three options the Board could consider in this matter this evening.

Commissioner Melahn said that after listening to Commissioner Nance she would like to change her position; she felt the matter should not be tabled and not go back to the PZB but rather be voted upon this evening.

Commissioner Nance asked the Town Attorney, Mr. Tyson, if he had any input to share in this matter. Mr. Tyson said as with any rezoning request, the decision is purely at the Board's discretion.

Commissioner Walton asked if members opposed to tabling the matter felt it would be fair to the applicant/property owner to have the opportunity to present this new information rather than just shutting them down for a year. Commissioner Nance said he doesn't see that there could be any pertinent information to affect this request. Commissioner DiStasio said she would like to know what kind of pertinent information the applicant has to present. Town Administrator Nance said that four adjacent property owners whose property is also zoned CB but used for residential (i.e. their properties have homes on them) have requested the matter be tabled and that the Town look into rezoning their properties as well. Commissioner DiStasio felt all these properties were located along Thomasboro Road (which is zoned CB, which is consistent with the future

land use policy of the LUP). Staff pointed out that some of the lots to which Town Administrator Nance just referred are interior parcels and asked if the Board wished to see a large map of the area. Mayor Knight asked how long the subject property had been zoned CB. Ms. Southward said the property has been zoned CB since at least 1993; 19 years. Ms. Southward pointed out that Mr. Norton, acting agent for the owner of the subject property, would like to address the Board if they would recognize him. Mayor Knight welcomed Mr. Norton to address the Board.

Mr. Norton had a large map of the subject parcel and adjacent properties for the Board to view. He also had a map of the Future Land Use Map from the Town's CAMA Land Use Plan. He said this map does illustrate Calabash's vision for future use of land in Town. He both the LUP and the UDO are current living documents of the Town that can be modified and adjusted as the Town's sees fit. He noted that the subject property is located along Thomasboro Road between Thomasboro Rd. and Beach Drive. There are interior lots in this area (meaning the lots do not have frontage on neither Thomasboro Road nor Beach Drive) that are also zoned CB but used for residential purposes. He pointed out that at least four or five of these interior lots zoned CB (but used for residential) would not meet the development requirements of the CB district based upon the size of the lots. Therefore, these people are sitting on land that is unusable for the way in which it is currently zoned. He pointed out that these particular interior lots currently have mobile homes on them. The lots meet the requirements of the Manufactured Housing II (MFH-II) zoning district but the CB, which is what they are zoned. There is MFH-II zoned property adjacent to these properties on Wilson Ave.

The subject property, Mr. Norton continued, is nearly 7 acres. Based upon the acreage, it does not fall into the criteria of spot-zoning; a previously mentioned concern of the Board. He said the adjacent property owners have the same desire as the subject property owner; to have the zoning of their property be consistent with the use. He noted that the large (roughly 16-acre track) adjacent property (adjacent to the subject property) zoned CB would not have any difficulty being developed as CB; it could meet all setback and other development requirements. He stated that it is true that setbacks on CB zoned property do increase on a side that zones residentially zoned property. He was certain that the property owner he represents would be willing to forfeit this provision if his request for rezoning were approved. Mr. Norton felt this could be done legally as not to impact the owners of the adjacent property who addressed the Board during the public hearing. Mr. Norton felt there was other information to be considered; not only for the owner of the subject property but for all property owners in the general area as well as for the Town. There are agreements that could be made with adjacent property owners that could present the Town with more information, which would not require the subject property owner to wait another year before coming back to the Town for consideration. Mr. Norton again requested that the Board consider tabling this matter so that all these other factors could be considered prior to a final decision being rendered. Mr. Norton appreciated the Board giving him the opportunity to present them with a little more insight as to why they feel this matter should be tabled this evening. He urged the Board to give him more time to work with the Town to review the area to see what the best fit is

for the property owners. He said CAMA would have no concerns with the zoning of this area changing as it is outside of CAMA jurisdiction anyway.

Mr. Norton said these properties were residential historically and will remain residential so long as the current owners still own them. However, if the properties remain CB some property owners may be forced to sell as the tax rate is typically three-times greater than if they were zoned residential. Mr. Norton said he serves on the BC Equalization Review Board and the tax relief is not given to business zoned property used as residential. He said they will tax the dwelling itself as residential but not the land; if its zoned business, it's valued as business and taxed based upon that valuation. He said it is very disheartening to see people being taxed in a manner inconsistent with use; it creates a great hardship on many people who cannot afford to pay the higher tax rates. He said it starts at the municipal level because the municipality controls the zoning and BC values land based upon the zoning applied by the municipalities. Further, he said "future land use" does not mandate that zoning be made consistent to a future vision right now. If the Town sees interest in the future to comply with the future policy they have established the Town can initiate and act (after proper process) to rezone property at any time they see fit to be a betterment to the Town. He pointed out that there are lots along Beach Drive, which is slated for future development to be business zoned property, that are zoned residential because there are homes located on those particular lots. He said the home/property owners in the vicinity of the subject property are simply asking for the same consideration.

Commissioner Nance asked if Mr. Norton's plan was to gather information from the adjacent property owners in such a way as to sway the PZB to see his viewpoint. Mr. Norton said he wouldn't say that his intent is to "sway" them but rather present with this new information for their consideration so they can make a recommendation based upon all necessary information. Mr. Norton opined that the Town should be looking at parcels individually because there are many parcels in this area zoned CB that cannot meet the development requirements of such and therefore they may wish to initiate a rezoning to a more conducive district. He suggested that the Town might want to consider changing the zoning to residential and then create a business overlay district; he felt it warrants examining by the Town. He said that the only people who have objected to the rezoning request of the subject property spoke this evening and their major concern is that their setbacks would increase on that one side of the property if the rezoning was approved. He held that he felt it was within legal parameters for the property owner whom he represents to waive his right to have their setbacks increased based upon adjacent property zoned residential.

Commissioner Nance asked Mr. Tyson if the Town would have to hold another public hearing if this matter were tabled tonight; would that expense have to be incurred again. Mr. Tyson said if the Board simply tables the matter of the rezoning tonight they might not have to re-advertise nor hold another public hearing. Ms. Southward said that might be true for the subject property but if any other parcels are recommended for rezoning or any amendment changes proposed for the UDO (and possibly LUP too) then a public hearing would have to be held after proper notice is given; Mr. Tyson concurred.

Commissioner Melahn asked about the commercial corridor of Beach Drive; would it stay commercial. It was noted that nothing along Beach Drive is proposed to be changed. Rather several interior lots which are located between Thomasboro and Beach that do not have road frontage along either road. This is not the case of the subject property however, as it does have frontage on Thomasboro Road.

Commissioner DiStasio said the process of making changes could take several more months if another public hearing is necessary. Mr. Norton noted that the UDO is a living document meaning that changes and amendments are going to happen to take place and if it's beneficial to the town and its citizens that changes are not a bad thing. Commissioner DiStasio said the way that the UDO is written it allows homes in the CB district, if destroyed, to be rebuilt. Mr. Norton said that is a positive thing. However, he felt it was a negative thing for someone with a home on 7-acres of land to be taxed as though the entire 7-acres is used as commercial property. He held that taxes are triple as CB than what residential would be and the same is true for the adjacent properties that are used for residential but zoned CB.

Commissioner Nance noted that Town Administrator Nance has a lot of experience with zoning map/text amendments and asked if the evidence presented by Mr. Norton is substantial enough to warrant the PZB to review it again; would that be fair and reasonable. Town Administrator Nance said that he did not see a problem with the PZB to review of the area in question (again). Town Administrator Nance also pointed out that some of these matters were touched on by the PZB during their initial review; should an overlay be considered and/or a change to the LUP. Commissioner Nance said he would be "wishy-washy" one time. *Commissioner Nance moved to table the rezoning request for Tax ID# 24100020 and send it back to PZB for further review of pertinent and new information, seconded by Commissioner Buccilli and carried by a vote of four (4) to one (1) with Commissioner DiStasio voting in the opposition.*

PUBLIC COMMENTS #3: There were no speakers forthcoming.

Mayor Knight called for a brief recess at approximately 7:25 PM.

At 7:38 PM Mayor Knight called the meeting back to order. Mayor Knight stated that before moving back into the agenda, she would like the Town Clerk to announce the winner(s) of the Most Beautiful Yard Contest. Ms. Southward relayed that the First Place winner was yard #1; Larry & Emily Cheek of 1103 Charlotte Ave. There was a tie for Second Place between Yards 3 and 4; Yard #3; Stephen & Janet Bahniuk of 525 Deer Path and Yard #4; Finn Johannessen of 415 Deer Path. Each of the above would be receiving a gift certificate to Plantation Garden and Gifts.

NEW BUSINESS:

1. **Discussion, if needed, by Commissioners regarding the duties of Commissioners and the Mayor. (Commissioner Nance).**

Commissioner Nance said he included this item on the agenda because some of the commissioners went to him to discuss their concerns of Mayor Knight and the duties and boundaries in which she is acting upon/within. He said commissioners have voiced a concern to him and he shares their concern that the Mayor is acting without informing the Board of what is going on and without having the Board sanction some of the things she is doing and/or looking into. He said he was going to allow Commissioner Melahn to share some of her concerns.

NOTE: The remainder of New Business Item #1 is henceforth transcribed verbatim.

Commissioner Melahn made the following statement: “I Sandy Melahn would like to say to the citizens of Calabash, that I have not been as astute as I should have been. In hindsight I feel I may have voted for things which may NOT have been in the best interest of the town. After the last BOC meeting August, I became aware of a lot of things going on the town. And I have started investigating things I have not been aware of. This is my fault. The Mayor is the spokesman for the board. The Board should be informed first. Mayor works by the direction of the board. When the activities of a particular department requires some other schedule to meet work needs, the Board of Commissioners may authorize a deviation from the normal schedule; i.e. employees who speak at BOC meetings, they are paid overtime Hourly employees that worked at the 4th of July celebration received overtime and holiday pay. Was the board aware of this? Did the Board approve it? I as a board member did NOT approve this. Who did? The running of the Town is side tracked doing “special” projects not approved by the board. If the Mayor wants town staff to do something it needs to be reviewed and agreed to by the BOC first. I feel there was a lot of money spent on the 4th of July that the BOC was not aware of. At even the \$8,500 budgeted amount, this is like reaching in your pocket and removing \$4.00 per person. We the Board of Commissioners work for the citizens of Calabash it is your money! The entire BOC was copied on a note sent in response to a request made by Commissioner DiStasio to Commissioner Buccilli regarding a detailing of funds expended for the 4th of July event and I quote: ‘Community Services did not have any events in August, so don’t be concerned for your spread sheet this month. After the holiday and my company leaves, I will get back with Town Hall Staff and forward any information you need. Since there is such confusion I would like to respond directly to any Commissioners who have any questions regarding Community Service programs. Please forward the names of any commissioners, so I can contact them to make an appointment. Each month you reported directly to the Board and there weren’t any questions or concerns as to what was spent on any event. Thank you Daria.’ Commissioner Buccilli, I am one of those commissioners who is questioning the full cost of the 4th of July. And I’m also a tax payer. Please tell me why as a commissioner and tax payer in the Town of Calabash has to make an appointment to talk to you about this? Are not all expenditures public information to the town?”

Commissioner Buccilli responded: “number one, all the commissioners on the Board voted for me (community service committee) to have a \$4,000 budget for the 4th of July. I spent \$3630.87 for the 4th of July and Town Hall Day. I brought back in through the sales and the 50/50 \$2,557.50. I spent a total of \$1,073.37. I also have miscellaneous

paper supplies that go for the park opening. I have hot dogs in the freezer for the park opening; soda and water. That included the Parrot Man (music entertainment), the magician, the DJ, the clowns and all the food purchased. Plus I bought two, 4-foot coolers that we'll be able to use at different events. I don't think I overspent my budget.

Commissioner Melahn: "Well I'm questioning the 4th of July budget, the total cost spent."

Mayor Knight: "that is the 4th of July"

Commissioner Buccilli: "you gave me \$4,000."

Commissioner Melahn: "no, we gave you \$8,500"

Commissioner Buccilli: "you gave me \$8,200 for all of it." Meaning Community Services budget for all events to be held the entire fiscal year 2012-2013.

Commissioner Melahn: "Well I would like to see a break-down of everything that was spent. This includes employees overtime."

Commissioner Buccilli: "But that doesn't come out of Community Services"

Commissioner Melahn: "But I'm asking for all the 80..."

Commissioner Buccilli: "ah, you're speaking to the wrong person; talk to the financial director. I don't handle payroll, I don't handle the finances. Mine is community service. And, I believe the Town enjoyed themselves on Town Hall Day and also the 4th of July. And I'm sure when we have the park opening, they'll enjoy themselves again. And I'll still keep it under budget. Could you tell me, one person that could've put on what I did and the work that I've done for that much money?"

Commissioner DiStasio: "Daria, if you remember correctly in my email to you I did praise you; you are doing a wonderful job."

Commissioner Buccilli: " But you are also accusing me of..."

Commissioner DiStasio: "No, I did not accuse you."

Commissioner Buccilli: "Well, Ms. Melahn is,"

Commissioner DiStasio: "I asked you..."

Mayor Knight: "one person at a time"

Commissioner Buccilli: asking staff... "was my budget \$4,000 for the 4th of July event?"

Town Clerk: “yes.”

Commissioner Buccilli: “have I spent over my budget for the 4th of July or over my budget for Town Hall Day?”

Town Clerk: “no”

Commissioner DiStasio: “the question is...I would like to see a new department just for community service with line items for each event.”

Commissioner Buccilli: “Well how would I do that? I’m not financial”

Commissioner DiStasio: “That’s why I needed the information so I could’ve brought it...”

Commissioner Buccilli: “When I get my receipts I turn them all in. How could I, now, off the top of my head tell you how much I spent?”

Commissioner DiStasio: “Okay, when we get to this...”

Commissioner Buccilli: “It’s a personal attack.”

Commissioner DiStasio: “no it’s not.”

Everyone was making comments over one another.

Commissioner Buccilli: “...of my character...”

Commissioner Melahn: “no, it’s not meant that way.”

Mayor Knight: “Sandy, Commissioner Buccilli has the floor.” Asking Commissioner Buccilli, “Are you finished?”

Commissioner Buccilli: “yes”

Mayor Knight: Asking Commissioner Melahn, “do you have a response?”

Commissioner Melahn: “yes, my response is that this is not a personnel attack on anybody. I think we need the finances that this town is spending, period. Broke-down and that we know exactly how much we are spending. And I would like the full cost of the 4th of July. Including community services, including...”

Commissioner Buccilli: “but you can’t ask me for that, I can’t give you that other information.”

Commissioner Melahn: “but when we asked for that information you said to come in...”

Mayor Knight: “have you come to see Commissioner Buccilli?” she asked Commissioner Melahn.

Commissioner Melahn: “no I haven’t.”

Commissioner Buccilli: “Have you come to speak to me? Tonight is the first night I’ve known that Sandy Melahn has a problem with my budget.”

Commissioner Melahn: “I’m not, okay, I rescind the part about the community service, I would like to know the full cost of the 4th of July celebration.”

Commissioner Buccilli: “as I can remember, you were a part of going out, picking out the Parrot band, you were all a member of this.”

Commissioner Melahn: “well did the whole board approve the band?”

Commissioner Buccilli: “well yes they did”

Commissioner Melahn: “well I was one member on that”

Commissioner Nance: “no we didn’t”

Commissioner Buccilli: “yes we did”

Commissioner Nance: “well I vote no to everything”

Commissioner Buccilli: “well it was brought up”

Commissioner Nance: “well it might have been brought up but I voted no. Madam Mayor, when it’s my turn, I want to speak please.”

Mayor Knight: “Commissioner Melahn are you finished?”

Commissioner Melahn: “I am finished”

Mayor Knight: “Commissioner Buccilli, are you finished?”

Commissioner Buccilli: “finished”

Mayor Knight recognized Commissioner Nance.

Commissioner Nance: “thank you ma’am. I would feel that as a department head, any department whether it be community services or whatever, if there is any expense incurred those receipts should be presented to the Finance Director in proper order so they can put it on a spread sheet. That’s part of being head of that department. Not

saying you done anything wrong it just needs to be done proper. That's all. Not saying you've done a thing wrong or gone over your budget or nothing. I think she's just saying that you take those sheets and state: I spent \$500 on this and \$200 on that, \$300 on potato chips, so that we'll know where that money went. That's what she's asking for, I think."

Commissioner Buccilli: "when I hand in my receipts, on the receipts it says potato chips: so much money; hot dogs so much. All you need to do is look at the receipts that I turned in."

Commissioner Nance: "they want that on a sheet presented to the Finance Officer where she can put it in a spread sheet and give it out."

Commissioner Buccilli: "I don't believe that's a part of my job."

Mayor Knight: "excuse me, excuse me. In the past, when activities or events took place..."

Commissioner Nance: "excuse me mayor..."

Mayor Knight: "no, I have the floor."

Commissioner Nance: "alright but I object, if you are going to take part in the engaged debate on a particular proposal then you are to pass the gavel to someone else. If you become part of the debate, I'm sorry it's right here in the ordinance."

Mayor Knight: "I'm passing the gavel to the Mayor Pro Tem." Mayor Knight handed the gavel to Mayor Pro Tem DiStasio. "To state in the past receipts were given to our accounting department, the accounting department would fill them out, put them in the book and pass them onto the budget and town commissioners. Now, at the budget meetings, although Commissioner Nance was not there, each and every person sitting up here sat around that table and approved every item. The accountant, the interim accountant, was handed a part in the budget hearings there was no problem, none what so ever. And to this day I will make it known that Commissioner Buccilli handed every receipt to Carolyn Silvers and Cecelia Herman. If there is any mistake in the accounting, perhaps it goes back to the accounting department. And furthermore, when it comes to me asking people to work overtime; Kelley, have I ever asked you to work overtime?"

Ms. Southward: "no"

Mayor Knight: "Mr. Nance, have I ever asked you to work overtime?"

Town Administrator Nance: shook his head "no"

Mayor Knight: "Mr. Dills have I ever asked you to work overtime?"

Commissioner Nance: "what's that got to do with the question on the table?"

Mayor Knight: “the question on the table had two parts.” Turning to Mayor Pro Tem DiStasio, “Commissioner Nance is interrupting me.”

Commissioner Nance and Mayor Knight were speaking over one another for a few seconds. Mayor Pro Tem DiStasio banged the gavel noting that Mayor Knight had the floor.

Mayor Knight: “I have never asked one person of this staff to work overtime. Don’t even begin to go there with me. And I know for a fact because Commissioner Walton’s wife, Commissioner Melahn, Commissioner DiStasio, and the accountant interim person actually was there for the interviews of these people; our accountant happened to ask how much he charged, she was well aware and this a bunch of nonsense. And I will now take my gavel back.” Commissioner DiStasio gave the gavel back to Mayor Knight.

Commissioner Walton asked the Chair to be recognized; Mayor Knight gave him the floor.

Commissioner Walton: “Madam Mayor, I might remind you that when an employee is at a meeting and you call on that person, that person is paid overtime, by law.”

Mayor Knight: “absolutely”

Commissioner Walton: “you have inadvertently called...”

Mayor Knight: “I have not personally called one employee to work overtime. Personally. You as a board may have required for people to work overtime but I as the Mayor have never approached a person and asked them to work overtime.”

Commissioner Walton: “Maybe you didn’t hear what I said, inadvertently, by asking one of our employees on the floor to comment. They have to be paid overtime. Am I right?” (asking Town Administrator Nance)

Town Administrator Nance: “He (speaking about Mr. Dills) is an exempt employee; I am an exempt employee.”

Commissioner Walton: “I am talking about Mr. McCartney.”

Mayor Knight: “Mr. McCartney was here on his own time. I did not ask Mr. McCartney to be here.”

Commissioner Walton: “I didn’t say that you asked him; I said inadvertently.”

Mayor Knight: “I didn’t inadvertently anything.”

Commissioner Walton: “did you not call him on the floor for a question?”

Mayor Knight: “did you hear what Mr. Nance just said to you? Let’s hear him again, Mr. Nance would you share with this gentleman?”

Town Administrator Nance: “It depends on the employee. Some of us are exempt from being paid overtime. In this particular situation Stanley and myself are. Any other employee that attends a meeting, that is asked to attend a meeting, is paid overtime; that’s the way it works.”

Mayor Knight: “now are there any other parts to this discussion?”

Commissioner Melahn: “I have a question on that also. So all the employees who worked for the 4th of July were not paid for working for the 4th of July; is that right?”

Mayor Knight: “I am telling you I did not ask them to work.”

Commissioner Melahn: “I’m not saying you did. I’m asking, the employees that worked, on the 4th of July, were they paid for working on the 4th of July festivities?”

Town Administrator Nance: “Yes.”

Mayor Knight: “who asked them, you as a board?”

Commissioner Melahn: “no, I didn’t ask them; that’s why I’m wondering.”

Mayor Knight: “Kelley, did you ask them?”

Ms. Southward: “no, I didn’t ask anybody.”

Commissioner Melahn: “did they volunteer?”

Town Administrator Nance: “no, the people who worked...”

Mayor Knight: looking at the Town Administrator; “did you ask them?”

Town Administrator Nance: “the people who worked that weren’t exempt were paid overtime.”

Commissioner Melahn: “That’s what I wanted to know.”

Ms. Southward: “The Personnel Policy says you get paid holiday pay and hour for hour for anytime worked and that’s what happened.”

Town Administrator Nance: “Past the 40 hour week.”

Ms. Southward: “Then, if you’ve actually, physically worked 40 hours within that week then you would get overtime paid time. But the Personnel Policy addresses working on a holiday. If you work on a holiday you get paid hour for hour and you also get your holiday pay.”

Commissioner Melahn: “Well who asked you to work the 4th of July? Was that your choice or did the Board approve it? I’m trying to figure out the employees that were paid for working on the 4th of July.”

Commissioner Buccilli: “Aren’t you the head of the Personnel? So, you should know that.”

Commissioner Melahn: “I didn’t know that, that’s why I’m questioning it.”

Commissioner Buccilli: “Well, isn’t that your job, to know that?”

Commissioner Melahn: “Well it is now.”

Mayor Knight: “Moving on, is there any further discussion?” Pauses... “Alright.”

Commissioner Nance: “Excuse me Mayor. Do you have anything else to add...I’ll be frank with ya, I put this in there because there’s concerns as commissioners, Mr. Walton you told me you had some concerns or I wouldn’t have put it in there.”

Commissioner Walton: “what I have here, Madam Mayor is, you recommended that when we became commissioners to use a shoe box and put in any complaints we have and bring it to the commission. Well we had a citizen write a letter which you and Commissioner Buccilli were checking a stormwater problem in front of her house and sat there quite a long time. Which, you read this letter at the last meeting. I stated to the citizens at the Board Meeting, quote ‘You’re darn toot’n I want to know everything that goes on in this town.’ (end quote). “ I went down and talked to Mrs. Baker. She told me that you said there was a stormwater problem. I told her that I was the commissioner in charge of stormwater. And that I was not aware of her problem. When I returned home I called the Town Administrator. And he stated that he did not know of a problem in the area. So, are her problems and shouldn’t they have been addressed? Now the Board was not aware until Friday before the meeting that you were trying to solicit under contract with Alan Holden. To either rent or purchase land for Calabash for events for fireworks. This had been done behind the Board of Commissioners back. The Board is supposed to run this town. I was asked at a BOC Meeting July 10th about the Safety Committee, which I said I was not aware of any problems. So, you called Mr. McCartney because I felt he must of known something I had not been made aware of. Again, not informed but apparently you were and should have asked if I had been informed first. You made me feel like a complete idiot. And further, when a town employee is called at a meeting he is paid for his or her input at regular time or at time and a half, whichever might be the case providing they are not salary. I recommend in the future, that you keep this board well informed to all matters concerning our wonderful town.”

Mayor Knight: “Well for your information Commissioner Walton, I did not solicit anyone. Anything that came before...”

Commissioner Walton: “there was a contract”

Mayor Knight: “There is no contract.”

Commissioner Walton: “Was there or was there not a contract in that brochure that was put in front of us the night of the meeting.”

Mayor Knight: “That was not a contract.”

Commissioner Walton: “There was a contract in that packet.”

Mayor Knight: “There was a resume.”

Commissioner Walton: “Was there a contract in there?”

Mayor Knight: “There was not a signed contract.”

Commissioner Walton: “I didn’t say signed. I said was there a contract in there?”

Mayor Knight: “Mr. Alan Holden happens to be a person that knows his job, he does a fine job. He had everything appropriate that is elected and picked to the job was in the packet for you to fill out. Now, I'm going to tell you something, I didn’t even know the packet was going to be here for that evening. Do you understand what I’m saying to you? I did not place it in front of you. I did not know any more than you did, that it was arriving that evening. So, again, I caution you, when you’re saying things to understand where they are coming from and fully understand the context.”

Commissioner Walton: “Do you suppose that some kind of way he just pulled this thing out of the air that he sent to the town just hoping it might land here for some reason.”

Mayor Knight: “I’m certain that if you’re sending your resume to someone and you’re interested in a position that other people may qualify for also, and you were not available that evening then he gave you all the pertinent information to fill out unlike a commissioner submitting the name of someone saying they’re free and that’s all we know about them, so.”

Commissioner Melahn: “How did we know that we needed, how did he know that we needed, or were going to be needing a real estate broker? That he would send this?”

Mayor Knight: “who?”

Commissioner Melahn: “Alan Holden. I personally think...”

Mayor Knight: “Did Commissioner Walton know that we were discussing it that evening? Yes, because he had his own personal realtor. Alan Holden is not my own personal realtor. I have no connection other than governmental information that we exchange back and forth. I have met one time with Alan Holden and discussed property that had to do with Cece Durante. I have a witness to this information sitting in the room right now. Outside of that this is our only appointments and do not insinuate any differently.”

Commissioner Walton: “Well, I do not understand how...”

Mayor Knight: “And if you are not prepared with your person other than it’s your personal realtor versus I supplied you with information from start to finish and a contract that he would have liked you to look over if you had chosen him. Does that not make sense? It doesn’t make sense?”

Commissioner Walton: “What you said makes sense but how it landed here I do not know.”

Mayor Knight: “I’m not aware either.”

Commissioner Walton: “How did he get here, how did it just magically float out of the air and into our hands?”

Commissioner DiStasio: “Because it was on the agenda.”

Mayor Knight: “Thank you Commissioner DiStasio.”

Commissioner DiStasio: “it said action/discussion to consider...”

Mayor Knight: “anything else you would like to discuss?”

Commissioner Walton: “not at this time”

Mayor Knight: “Commissioner Melahn?”

Commissioner Melahn: “No, not at this time.”

Mayor Knight: “Commissioner DiStasio?”

Commissioner DiStasio: “Not at this time.”

Mayor Knight: “Buccilli?”

Commissioner Buccilli: shakes head “no”

Mayor Knight: "Commissioner Nance?"

Commissioner Nance: "There is a lot of problems that I see and that's the reason a lot of times I vote 'no' and I vote 'yes' when I think it's appropriate. My biggest concern with you ma'am is going out, like you did when you were a commissioner, doing things without board approval. Seeing officials, trying to get hooked up with a senior citizens home, wanting to buy property and this that and the other. And to say you've brought it before the board, I've never missed a meeting, and you ain't done it. You're just out there seeing people, talking things, doing things, representing this town and board without first coming before us and asking us if it's a good idea. And getting an up and down vote on it one way or another. That's what I have concern with. You're just, you've just gone wild out there doing things like that. And it's just not the proper way of doing things. I'm not saying you don't have good intentions; some of it may be great ideas but taking it within yourself to represent us and the town without discussing it in public and then taking a vote on it whether it go one way or the other doesn't matter to me but the fact that you're out there doing that and you did that as a commissioner and we had to ask you to stop that then and you agreed to do it."

Mayor Knight: "No, I believe your facts are wrong because as a commissioner I read to the public and I know Commissioner Nance was there that night, and I read to the public how I wrote and asked for information for myself. Forrest King was there that night and he was also a listener of that. Furthermore, I was addressed long before I was elected while the election period..."

Commissioner Nance: "I'm sorry there was an echo and I didn't get that first part, would you say that again please."

Mayor Knight: "Are you saying you do not want a senior center?"

Commissioner Nance: "That has nothing to do with it. No, no, no; the point is you're out there doing things without..."

Mayor Knight: "I'm talking about..."

Commissioner Nance: "This has nothing to do with senior citizen. No, you're not going to go there with me ma'am; you're not that smart. My question to you ma'am is going out in the public representing this board without prior permission, without a vote."

Mayor Knight: "I believe Mr. Fish is in the audience this evening and I would like to know from Mr. Fish who contacted you first Mr. Fish?"

Commissioner Nance: "about what?"

Mayor Knight: "Senior citizens."

Commissioner Nance: “Don’t just pick one out; I’m saying everything you’ve done since you were elected.”

Mayor Knight: “Mr. Nance you haven’t been in my office one time.”

Commissioner Nance: “And I ain’t going in there either. You can believe that.”

Mayor Knight: “Well that’s fine with me too.”

Commissioner Nance: “When I first, before you got elected, you came to me said ‘I need your help with the maintenance department and all like that’. Then all of a sudden you said ‘no’. And then I asked you why; ‘because your temperament’. I think I’m one of the coolest heads up here. Wait a minute, 8:30 the other morning she calls me up: ‘Jody, would you like to be head of the maintenance department?’ I said ‘no, I’ve got too much on my plate right now’. ‘Well we can discuss it.’ ‘No, if you put it on the agenda, I’ll turn it down.’ Ain’t that what you said—would you like to be in charge of maintenance department?”

Mayor Knight: “yes I did.”

Commissioner Nance: “How’d my temperament change? Is this man in your opinion not doing the job?” Is that what you’re saying? You need somebody now but you didn’t before?”

Mayor Knight: “May I respond?”

Commissioner Nance: “sure.”

Mayor Knight: “Absolutely...”

Commissioner Nance: “Oh, he’s not doing his job or what?”

Mayor Knight: “I would like you to be quiet and listen now, it’s my turn.”

Commissioner Nance: “ok, please”

Mayor Knight: “Hush.”

Commissioner Nance: “No. I’m sorry, I’m playing, I shouldn’t do that. I’m sorry that was a joke. Go ahead.”

Mayor Knight: “If you look at the original agenda you will see Chuck Nance, Chuck Nance, Chuck Nance repeatedly throughout the agenda; I’m I right?” asking the Clerk.

Ms. Southward: “That’s correct, on the tentative agenda.”

Mayor Knight: "Loud enough so the folks can hear you."

Ms. Southward: "On the tentative agenda, that's correct."

Mayor Knight: "As appointments were being given out, now I think it's important everybody in this room hear this. As appointments were being giving out, across the board, Commissioner DiStasio was not here that evening, this, I didn't ask for your opinion anyway, you sit there and you be quiet."

Commissioner Nance: "not if I choose to"

Mayor Knight: "Commissioner Buccilli, Commissioner Melahn, Commissioner Walton and you had an opportunity to vote, alright?"

Commissioner Nance: "on what ma'am?"

Mayor Knight: "Mayor Pro Tem."

Commissioner Nance: "oh, okay."

Mayor Knight: "My first two appointments were to go to Commissioner. I'm feeling sorry for this dab..."

Commissioner Nance: "for who?"

Mayor Knight: "because he's sitting over there at the end of the pile; she was Mayor Pro Tem, I didn't know they were going to vote for her, I didn't know when I made the appointment so it would have read off: 'Commissioner DiStasio, Commissioner DiStasio, Commissioner DiStasio' and this gentleman would have been sitting there."

Commissioner Nance: "What's that got to do with it?"

Mayor Knight: "Excuse me, I have the floor." Bangs gavel.

Commissioner Nance: "I'm a grown man, I don't need you to feel sorry for me."

Mayor Knight: "I didn't ask."

Commissioner Nance: "that's your opinion."

Mayor Knight: "because apparently I care a bit more than Commissioner Nance because his name was on the appointment and prior to me reading it off, Mr. Nance decided to resign. Now I have witness; Kelley, was his name on there for Town Services? Did he not storm out that door?"

Commissioner Nance: "After the meeting was over, I resigned."

Mayor Knight: "No."

Commissioner Nance: "Yes I did. After the meeting was over I resigned not prior to."

Mayor Knight: "Sir, you didn't even give me the opportunity..."

Commissioner Nance: "That meeting was closed ma'am, that meeting was closed. You called me a bald faced liar and I don't like that from anybody."

Mayor Knight: "You're sadly mistaken and I understand, there's drama here, Jody."

Commissioner Nance: "Okay, at the appropriate time I'd like to make a motion; when you're through, I'd like to make a motion."

Mayor Knight: "Why are you talking now, I have the floor."

Commissioner Nance: "I'm sorry, I thought you were through."

Mayor Knight: "I don't believe you."

Commissioner Nance: "No really go ahead."

Mayor Knight: "Then I saw Commissioner Nance in my office and I told him when he stormed out of the room it was a show of temper and that a certain commissioner that was appointed to personnel..."

Commissioner Nance: "again, opinion ma'am."

Mayor Knight: "no fact."

Commissioner Nance: "No opinion. I did not show no anger or temper when I left here."

Mayor Knight: "There was a hole in the wall."

Commissioner Nance: "I don't care what ya'll say, that's your opinion; go ahead."

Mayor Knight: "Well since we just had the hole fixed prior to the meeting and the next morning there was a hole in the wall from the door..."

Commissioner Nance: "oh, no, no, no, no ma'am I did not do that; oh no, I don't slam doors."

Mayor bangs gavel.

Commissioner Nance: "you beat that damn thing all you want but I didn't put no hole in no door; that's a bald faced lie. I hate it for you lady."

Mayor Knight: “that will be quite enough.”

Mayor Knight banged the gavel and called a brief recess. After about five minutes, Mayor Knight called the meeting back to order.

Mayor Knight: “Do you have any further comments?”

Commissioner Nance: “I have a motion whenever it’s appropriate.”

Mayor Knight: “Well I just had a discussion with Mr. Nance as to how we go about having employees work. We have an employee handbook they have the opportunity to make their own decisions; we do not say you have to work a holiday.”

Commissioner Walton: “I think if I may, I think what we’re looking for here more than anything is a total cost of each event that we’ve had; and we want a break-down.”

Commissioner Buccilli: “Well, every month, I get a report and it tells you. Maybe if you learned to read the report; you’ll get it. There’s a section that says Community Service and it tells you.”

Commissioner Walton: “And I might add that in your report...”

Commissioner Buccilli: “It’s not my report; it’s the financial report...”

Commissioner Walton: “It’s not in-depth, you can’t look at it and go here and just find what you’re looking for. You’d have to be some king of financial genius or something.”

Commissioner Buccilli: “What do you want to know the price of?”

Commissioner Walton: “The total event so that we can make a conscience decision for the budget the following year. I don’t think you have the total cost. There is no way you could possibly have the total cost. ”

Commissioner Buccilli: “With these two things that are here; the total cost is \$3,630.87.”

Commissioner Walton: “And how much did you pay employees?”

Commissioner Buccilli: “I’m not paying employees; you want community service.”

Commissioner Walton: “Is that a community service organized event?”

Commissioner Buccilli: “It doesn’t come out of community service.”

Commissioner Walton: “Well how does it come out? I’ve asked for all expenditures; that’s what they expect.”

Commissioner Buccilli: “Then why don’t you talk to your financial director because I don’t know what the guys are paid?”

Commissioner Walton: “I did call the financial director.”

Commissioner Buccilli: “Well did you get it?”

Commissioner Walton: “No, she said I’d have to call you and then...”

Everyone speaking over one another...

Commissioner Buccilli: “How do I know what the guys are paid? I don’t even know what they get an hour. So how could I figure that out?”

Commissioner Walton: “Well, why don’t you read the book?”

Commissioner Buccilli: “Read what book?”

Commissioner Walton: “That’s what you just told me! You’re in charge of it. I might remind you, okay, I’d just like to tell you about your account history on this and on one 1-5-12 it has Daria Buccilli, chips \$106.89.”

Commissioner DiStasio: “Excuse me but we didn’t get to that; we’re not there yet.”

Commissioner Nance: “we’re not there yet.”

Commissioner Walton: “we got off on that subject.”

Commissioner Nance: “I know but we’re not there yet.”

Commissioner DiStasio: “That’s discussion of community services; we’re not there yet.”

Commissioner Nance: “We’ll get there in a minute.”

Mayor Knight: “Any further comments.”

Commissioner Nance: “Motion now?”

Mayor Knight: “yes”

Commissioner Nance: “Thank you. *To the Board, I would like to make a motion that Mayor Knight as of this meeting, stop any and all activities which she has not received prior approval to do so by a vote of ‘yay’ or ‘nay’ from the Board of Commissioners of the Town of Calabash. Examples being meeting with elected or county officials referring to programs where Calabash without knowledge or prior consent from the Town Commissioners; property purchase reviews. I further motion that the Mayor is to only*

execute the duties given to the Mayor's office under Town Government, Title III, Chapter 30 a copy of such duties is attached to my motion. And that was taken directly out of the thing, that is the motion on the floor, Mayor."

Commissioner Walton: "I second that motion."

Mayor Knight: "I will respond."

Commissioner Nance: "You're the one who asks for discussion, not me. I just made the motion. I made the motion, got a second, you take it from there."

Mayor Knight: "Okay, all in favor..."

Commissioner Nance: "You don't want any discussion or anything?"

Commissioner Walton: "You're not gonna have a discussion?"

Mayor Knight: "I'm asking you two times if you want a discussion."

Commissioner Walton: "No, you didn't ask me if I wanted discussion."

Mayor Knight: "I asked..."

Commissioner Nance: "I'm sorry, I didn't understand. I have no further; I didn't understand it, I'm sorry."

Mayor Knight: "Discussion?"

Commissioner Walton: "I have no discussion."

Mayor Knight: "let's take a vote."

Commissioner Melahn: "What are we voting on?"

Commissioner Walton: "The motion."

Commissioner DiStasio: "What he just read."

Commissioner Nance: "Would you like me to do it again ma'am?"

Commissioner Melahn: "yes"

Commissioner Nance: "Okay, *I make a motion that Mayor Knight as of this meeting, stop any and all activities which she has not received prior approval to do so by a vote of 'yay' or 'nay' from the Board of Commissioners of the Town of Calabash. Examples being meeting with elected or county officials referring to programs where Calabash*

without knowledge or prior consent from the Town Commissioners; property purchase reviews. I further motion that the Mayor is to only execute the duties given to the Mayor's office under Town Government, Title III, Chapter 30 a copy of such duties is attached. And I have if you all like, I have made copies of that." Copies of the motion and Chapter 30 were distributed to Board members, the Town Attorney, the Town Administrator and the Town Clerk.

Mayor Knight: "Okay, while you're reviewing this I would like you to understand that part of my responsibility is to go to the Mayor's Meeting. At the Mayor's Meeting, your town is discussed, your problems, your issues, your good things, your bad things, and I meet with elected officials. Furthermore, when I'm invited to the county, from the county, I attend the meeting. I am there representing you. Showing that I'm bringing back information to this town and sharing it with our Town Administrator. Alright? As recent as this month I was up at an Emergency Management Meeting that the entire Board was invited to go to. Only one commissioner went with me. And yes, I will go about my duties as they're described to me. I will not neglect this town. When I'm to be at a meeting, I'm going and that's my final statement on it. I have never once represented anything that wasn't approved by this Board. When pathways were brought up, Long Range Planning discussed it, brought it up to the Board. Commissioner Nance voted on it, wanted additional pathways and a funding source was to be looked for at that point and time...."

Commissioner Nance: "incorrect."

Mayor Knight: "Long Range Planning had already addressed plans to go to DOT. Alright? DOT put us on a three-year waiting list. Commissioner Walton, Commissioner Melahn, Commissioner DiStasio, and Commissioner Buccilli attended a meeting up in...it was Senator Rabon with the building administration people; furthermore, he stood there and said if your town needs anything at this point and time be certain to tell me. Mr. Walton, did you hear those words?"

Commissioner Walton: "I don't recall them right now; to be honest, I don't recall."

Mayor Knight: "Commissioner Melahn?" pause with no response. "Come on."

Commissioner Walton: "I don't think I understood your question."

Mayor Knight: "Did not Senator Rabon stand up at the microphone while we all sat at the same table, stand up there and say: 'if you really need something for your town, call me'? How neglectful would I be as a Mayor if I had not called that man? You tell me. If you want it, I'm moving on it! And that man stood there and said 'who needs what?' We made his list, alright? That's how it went down, you'd better all believe it. DOT..."

Commissioner Nance: "But you should have stuff approved before you do it, whether you want to or not. I have a motion on the floor ma'am."

Mayor Knight: "I had the approval of the commissioners sitting at my table. Sitting at my table! Sitting at my table very grateful when Senator Rabon came over to address the issue that he was going to address. There is nothing, ever, going on behind this Board's back. That Town Administrator knows where I am going, when I'm going and who I'm speaking to..."

Commissioner Nance: "But he is not a commissioner."

Mayor Knight: "for the past six months, no two months, not one commissioner other than Buccilli has been in my office. I announce at every meeting, I am in my office every Tuesday afternoon, every Friday afternoon. I have watched, him come in and go out, never talk. Her go in and out and never talk. Her go in and go out and never talk. I am there to share everything and anything I am doing and I want you to know it. So, as they vote, know there's no listen to the Board but the Board had every opportunity to tell me what they wanted, when they wanted it and how they wanted it. They choose to do nothing; okay, we will do nothing. Absolutely nothing. I am satisfied because we have commissioners that don't even do their duty. As I encourage the Town Administrator to please have them pick up the paperwork when they're up in Bolivia. It hasn't been done. I have asked the Town Administrator to relate to another commissioner to hold a meeting; it hasn't been done. What's being done; that's a different story. And apparently these commissioners have a problem with it. And I'm willing to go by the law of the land, right here. I have done nothing wrong because every one of them has been notified, except for Mr. Nance, and at this point and time I called him, I said 'hey, town services', when he was in my office I said Jody when you can show me you can get along settle down, we'll readdress the issue of town services. It was Commissioner Melahn who told me 'I do not want him head of town services because he does not get along with the folks'. I gave him sufficient time to calm down and was readdressing him as late as Friday, due to this agenda that apparently is beginning to overburden our Town Administrator. I'm sorry if he can't see it any other way but for the good of the town, I have gone forward I have taken the commissioners with me. All that choose to go but one and we all know who that is. I'm finished."

Commissioner Nance: "The point is what you're doing; we are not debating in public and vote 'yay' or 'nay' as a group. That's my point."

Mayor Knight: "I'm doing..."

Commissioner Nance: "I'm not saying that things are good or bad..."

Mayor Knight: "What am I doing?"

Commissioner Nance: "you are not bringing; you are telling individual people; you're telling the Town Administrator. You are supposed to bring it before the Board and then proceed with it dear."

Mayor Knight: "I am in my office every Tuesday and every Friday afternoon anybody that has any precedent at all; be it a commissioner, be it a resident of this town, anyone..."

Commissioner Nance: "You're missing it though. You're doing that. And you are doing good things. What I'm telling you is; you don't come before the Board for approval. You are doing good things; that's not what I'm questioning. And I'm not replacing..."

Mayor Knight: "Did I mention stop doing good things?"

Commissioner Nance: "No, I'd like you to stop doing on your own and come before the Board to get approval. That's what the motion was about."

Mayor Knight: "I have repeatedly asked; okay, Commissioner Walton was there, Commissioner Melahn, DiStasio and Buccilli. Okay? When I spoke to Senator Rabon. Senator Rabon asked me to come to his office, wasn't a week later, wasn't a board meeting. I took all the information that we handed back and gave it directly to Senator Rabon to review. He said to me 'Mayor how much is this going to cost?' I got in my car, I'm driving back to Calabash and I called town hall office. I said would you please email Senator Rabon the price this project would run us. As I was at the conference up in Raleigh, with Commissioner Walton, with Commissioner Melahn, with Commissioner DiStasio, with Commissioner Buccilli my cell phone rang and I was informed that Senator Rabon got our grant. Okay? That's how it went down. That's how it is. I'm not going out to dinner trying to spend my budget as Mr. Walton went in to find out who I spent my budget on, when I spent my budget, and how much. And for your information, I haven't spent a cent."

Commissioner Nance: "So you're telling us it don't matter what the Board thinks, when you see something you want to do you're gonna do it?"

Mayor Knight: "I'm telling you that I did everything according to the rules."

Commissioner Nance: "I have once again Mayor, there is a motion on the floor with a second; I'm calling the question."

Mayor Knight: "Absolutely."

Town Attorney Tyson: "Mayor, could I ask a question; just for clarification?"

Mayor Knight: "Yes sir."

Town Attorney Tyson: asking Commissioner Nance, "Are you in any way trying to change the ordinance?"

Commissioner Nance: "No sir."

Town Attorney Tyson: "So, we can have that statement that as far as the second and the motion that this ordinance still stands?"

Commissioner Nance: "yes"

Town Attorney Tyson: "the motion is subject to Section 30.01 in all respects?"

Commissioner Nance: "Correct, yes sir."

Town Attorney Tyson: asking Commissioner Walton "is that true with the second?"

Commissioner Walton: "that's true, that's what I understand."

Town Attorney Tyson: "Alright, that's the only clarification I needed; purely legal."

Commissioner Nance: "Good, thank you very much. Always keep me straight sir; that's what I want."

Commissioner DiStasio: "Can I have discussion here? Your motion doesn't; there is nothing in your motion that doesn't; what I'm trying to say is, we can't change this, there is nothing on this that says she's doing something wrong."

Commissioner Nance: "I'm not saying she's doing nothing wrong."

Commissioner DiStasio: "The only thing I got."

Commissioner Nance: "I'm just giving it a reference is all I'm doing. I'm not motioning that she's done anything wrong other than not coming before the board. And that just, my motion just tells her to come before the Board."

Mayor Knight: "And the Board was with me."

Commissioner Nance: "That's all; I call the question; there is a motion and a second."

Mayor Knight: "you made the motion..."

Commissioner Walton: "I've already seconded it"

Mayor Knight: "okay."

Commissioner Walton: "All you have to do is call for a vote."

Commissioner DiStasio: "Call for a vote"

Mayor Knight: "I did call for a vote."

Commissioner Nance: “Aye”

Commissioner Walton: “I didn’t hear her. Could you repeat it please?”

Mayor Knight: “Call for vote”

Commissioner Buccilli: “No”

Commissioner Nance: “She’s calling for a vote. Aye”

Commissioner Melahn: “Aye”

Commissioner Walton: “Aye”

Commissioner DiStasio: “I have to say ‘no’ because it contradicts the ordinance. I just would like to know beforehand before it comes to the Board, either send an email or come in and talk to me.”

Commissioner Nance: “Ah, the recorded vote, Kelley?”

Commissioner Walton: “Excuse me.”

Commissioner Nance: “Wait, wait, we’re getting the recorded vote”

Ms. Southward: “The motion carried three (3) to two (2).”

Commissioner Nance: “thank you.”

Mayor Knight: “And it should be noted, Commissioner, speak up.”

Commissioner DiStaso: “I did.”

Mayor Knight: “It should be noted that Commissioner...”

Commissioner DiStasio: “I think his motion is; I don’t know the right word for it. It does not agree with the...”

Commissioner Nance: “The motion is as it stands; the second part is for reference taken right out of the book. As I stated to the attorney; I’m not changing nothing; it is what it is.”

Mayor Knight: “moving on.”

NOTE: end of verbatim transcription. New Business continues:

2. Discussion/action to appoint a Finance Director.

Commissioner Walton recommended that Commissioner Nance be appointed Finance Director. Commissioner Melahn agreed that Commissioner Nance would be good for the appointment since he has done this in the past on other boards. Likewise, Commissioner DiStasio said she would go along with Commissioner Nance if that be the pleasure of the Board. Commissioner Buccilli disagreed with Commissioner Nance being appointed Finance Director.

Commissioner Nance said if his appointment were approved, he would take it only on an interim basis. He said he would get with the Town Administrator and get up to speed. He would not micromanage; he would rely on staff and computer print outs. If commissioners want to know something they should go find out for themselves. Don't wait until a matter gets blown out of proportion like it has tonight.

Commissioner DiStasio moved to appoint Jody Nance as Finance Director, seconded by Commissioner Melahn and there was a roll call vote; Commissioner Walton, "yes"; Commissioner Melahn, "yes", Commissioner DiStasio, "yes"; Commissioner Buccilli, "no"; Commissioner Nance, "I don't vote, I'm the appointee"; the motion carried by a vote of three (3) to one (1).

3. Discussion/action to consider accepting credit cards as a form of payment.

Staff relayed that they recently met with representatives from BB&T about accepting credit/debit cards as payment for taxes, business licenses, building permits etc. This could be done in the office with a credit card machine and/or on-line (i.e. absentee property owners could pay taxes on-line with a credit/debit card). Staff noted that this day/time a lot of people try to pay with credit/debit cards and we have to send them to an ATM.

There are different ways in which fees for using this service can be charged. Fees could be completely incurred by the person paying the town, the Town could elect to incur all costs or there is a split combination of the two.

The Board was not opposed to keeping up with the times by accepting credit/debit cards and on-line payments. Staff said they were just interested in seeing if the Board was open to this and could bring details back if the Board so chooses. Staff was directed to get more information and bring it back to the Board next month; BB&T is also willing to come to a meeting and make a presentation.

4. Discussion/action to rescind the amended budget approved on July 10, 2012.

Town Administrator Nance said the amended budget was approved prior to the auditor coming to town. He sat down with the auditor to review the amended budget in late July and she told him it was unnecessary and it over complicated things. Her recommendation is for the Board to rescind it. Town Administrator Nance said that budget amendments

could be made periodically throughout the year if it's anticipated that a line item might exceed the budgeted amount.

Commissioner DiStasio moved to rescind the amended budget that was approved by the BOC on July 10, 2012; seconded by Commissioner Melahn and unanimously carried.

5. Discussion/Action to consider awarding bid for asphalt paving in Bonaparte's Retreat.

Town Administrator Nance noted that two informal bids had been received for this request for bids to pave a portion of Bonaparte Drive. Anderson Construction/Jack Haynes submitted a bid totaling \$47,859 and L.M McLamb & Son Construction submitted a bid of \$56,874. He pointed out that as requested, both companies had provided a spec sheet on the type of asphalt they would be using. The composition of the asphalt proposed by Anderson Construction includes some recycled material. During discussion members felt it best to go with the low-bidder.

Commissioner Nance moved to accept the bid from Anderson Construction in the amount of \$47,859 for the paving of a portion of Bonaparte Drive; seconded by Commissioner DiStasio and unanimously carried.

6. Discussion/action to review Community Services expenditures since December 15, 2011 to present day (Commissioner Walton).

Mayor Knight called upon Commissioner Walton and Commissioner Nance asked if he could ask a question first; it was permitted. Commissioner Nance asked if this matter could be tabled and in the interim, Commissioner Walton could sit down with the department head to gather the information that he is seeking. Commissioner DiStasio said she would like to read something before the Board takes any action.

Commissioner DiStasio said she came up with a total for line item 10-560-46 (Community Services) of \$3,033.76 as expenses but on the Budget vs. Actual the total is \$476.46. For line item 10-560-50 (Fireworks) she came up with a total of \$10,182.69 but on the Budget vs. Actual the amount is \$5,182.68; this was very difficult for her to understand. The information she used to do her monthly spreadsheet of expenses came from the accounting department in the form of check pre-audit reports; once the checks were signed. When she questioned where the check for the fireworks for the \$5,000 that Carolina Shores contributed to the 4th of July event went, she was told it was posted to 10-560-50 (Fireworks). And, she questioned that action since 10-560-50 is an expense account, not a revenue account; she was told it was "an in and out account". She said she did not understand this until she received this Board packet on Friday, September 7th. In the packet was a history file for both accounts; referred to previously. It was then that she saw deposits into both accounts; money collected at the 4th of July event and money received by Carolina Shores for the fireworks. When she subtracted the, \$2,000 plus deposit that was made to 10-560-46 from the \$3,033.76 that's where she came up with the \$476.46 that was listed in the Budget vs. Actual report; the same proved to be true

with the 10-560-50 account when she included the \$5,000 received by Carolina Shores for the fireworks. Therefore, she has come to the conclusion that the Budget vs. Actual report is not a true picture of our finances since the report only shows a bottom line of what has been spent year-to-date. It would be more helpful for everyone to see where revenues came from and not just listed as “general deposit”. She felt all reports should be easy for Board members and the public to easily read. She also opposed the descriptions used in the account history report.

Commissioner Nance inquired as to why Commissioner DiStasio had resigned as Finance Director and stated she had done (and is still doing) a great job. She said it is too much responsibility when she cannot find the information necessary to have a full understanding of what is going on. Commissioner Nance asked if she would reconsider if the reporting is made better and easier to understand. She said she might reconsider. Commissioner DiStasio and Commissioner Nance agreed to meet to discuss town finances. Commissioner DiStasio said to Commissioner Buccilli that she was not questioning her integrity she just needs all pertinent information to fully understand everything to be able to report it properly. Commissioner Buccilli said she does not have the time to list the price of every item she purchases for every event; her receipts already do that and she turns all of her receipts into the accounting department. Mayor Knight noted that equipment such as flashlights purchased for use at the 4th of July event will be used for years to come for other purposes so things of that nature might come out of another, more appropriate account in the budget. Mayor further noted that items of this nature were not purchased by anyone on the Community Service Committee.

Commissioner Walton said he asked Commissioner DiStasio (formally Finance Director) for a total that was spent on all events since December 15, 2011. Commissioner Walton said that Commissioner DiStasio relayed that she was unable to get all those figures. He said Commissioner Buccilli told him to read the budget. He said in reading the budget (but actually reading from an account history report) it says 1-5-2012 Daria Buccilli Chips \$106.89. Then on 3-27-2012 Carolyn Silvers Candy \$34.71. Commissioner Buccilli explained that was a reimbursement for candy purchased for the Easter event. Commissioner Walton said he was not questioning that at all but what he is doing is trying to make a point that if you read the account history descriptions it is not explained; the descriptions could be entered differently to give an easier understanding of what’s being purchased and why/for which event. *Commissioner Walton moved that “all past expenditures that are spent for whatever future functions to be accounted for in a line-item or in a spreadsheet like Commissioner DiStasio was trying to obtain and was unable to I don’t know how many times I’ve called to ask ‘how much was that dang on bon fire cost us’ the only thing I ever heard was ‘I don’t know but we sold wood back to somebody’ that’s all I ever heard, it didn’t cost as much for the wood, that’s all I ever heard about it so, if myself as a commissioner comes up here asking for information about the budget and a citizen this should be well explained and followed so that they could take a sheet and sit down and say ‘oh my goodness, fireworks or whatever cost us \$5,000’ or whatever the case may be, that’s all I’m asking for; a clear understanding in our budget; I make a motion that we have that done or that we have a separate spreadsheet whoever is in charge of accounting and that be accounted for and I*

understand it and with this new computer system it be entered into the computer and that it could be designated, I don't know how but I'm just saying that these things would certainly make it easier for us to understand and be able to make an educated guess and/or factual amount for our budget next year."

Mayor Knight asked Commissioner Walton if he saw this information coming from the accountant or from Community Service. He said that he did not know because he does not know how it is posted. He said he just wants it posted so that it is understood by a tax payer. Mayor Knight asked him how he would like it done. Commissioner DiStasio said in the account history where the description says "general deposit" it does not say where it came from; there should be more details which are a clear description. Mayor Knight noted that such information would be generated from the accounting department. Mayor Knight asked Commissioner Walton from who would he like the accounting; from the accounting department or the Community Service Committee. He said it was not Community Services job to handle the accounting; he didn't think, which is why he would rely on Commissioner DiStasio. Commissioner DiStasio said more information should be entered into the description than "candy" and she should know what deposits are being made and where the money is coming from.

Commissioner Nance opined that he and Commissioner DiStasio now have a good understanding of what Commissioner Walton is looking for; that things are described better. And, if Commissioner Walton would withdraw his motion at this time, Commissioner Nance and Commissioner DiStasio would get together and work with the department heads to get what he is asking for; get things better listed and in a table so it's easier to read and understand. *Commissioner Walton said that is all that he is asking for and he withdrew his motion.* Mayor Knight recognized Ms. Southward. The Town Clerk explained that in the previous accounting software (which was replaced in July 2012) there was very limited space to include descriptions. She believes (although she is not a part of the accounting department) that the new software allows for lengthy descriptions so she was fairly certain Commissioner Walton's request could be accommodated with the accounting department and the new software. Commissioner Melahn said she thought the new software was going to make things a lot simpler.

7. Discussion/action to select an architect landscaper for the entrance beautification project by DOT; reimbursable expense.

Town Administrator Nance reported that the \$65,000 NC DOT grant for the beautification of our entrance ways requires a landscaped design. Currently all DOT landscapers are busy on other projects and it would be 12-18 months before they could work on our project. DOT has informed the Town that if we do not wish to wait for a DOT landscaper, the town can select a landscaper and the cost for that service would come out of the \$65,000. He asked the Board to consider directing him to draft a Request For Proposals (RFP) for this service. *Commissioner Nance moved that the Town Administrator be director to prepare an RFP for landscape design for the DOT entrance beautification; seconded by Commissioner DiStasio and there was discussion.* Commissioner Walton asked if this would be put out for bid. Town Administrator Nance

explained the RFP is the same process used for the auditor and attorney; basically it's a scope of work requesting the landscaper provide their experience/references and a cost estimate for the project. The RFP would be sent to landscaper architects in the area (or within a certain distance) with a deadline for the Board to make a selection. Commissioners noted that we are attempting to keep services local to help the local economy. Mayor Knight asked if the landscape architect had to be licensed. Town Administrator Nance said he has had a "back and forth" with DOT about that today. He has not received a solid answer but rather it's been relayed that the Town would recommend someone to DOT and DOT would have to approve that person/company; they did not say the person/company had to be licensed. *There being no further discussion, Mayor Knight called for a vote and the motion carried unanimously.*

8. Discussion/Action to repeal Article 16-4 Tree Protection of the UDO.

Commissioner DiStasio moved to repeal Article 16-4 Tree Protection of the UDO, seconded by Commissioner Nance and unanimously carried.

9. Discussion/Action to direct the Town Administrator to take the necessary steps to have the Tree Protection ordinance submitted for local legislation.

Commissioner Nance asked if the Town Attorney should handle this matter for the Town. Town Administrator Nance said he felt he and the Town Attorney should work together on the matter; Commissioner Nance and Mr. Tyson were agreeable to the collaboration. *Commissioner Nance moved to direct the Town Administrator to take the necessary steps to have the Tree Protection ordinance submitted for local legislation and consult with the Town Attorney as needed, seconded by Commissioner DiStasio and unanimously carried.*

10. Discussion/Action to consider terminating property lease agreements with Captain John's Seafood House Inc and Morten Hansen. (Commissioner Walton).

Commissioner Walton said it is his understanding that both agreements are effective until June 30th, 2013. Captain John's has a 30-day termination clause and has given written notice that they will likely not be renewing the agreement next year. Mr. Hansen's agreement has a 60-day termination clause and he has given verbal notice that he may be terminating prior to June 30th of next year. Commissioner Walton said we have not received any 90-day advanced notice of any events scheduled to take place on these properties. This would take us to the first of January (2013). He said he doesn't see the need for the Town to continue mowing these properties beyond this point. *Commissioner Walton moved that both contracts be terminated.* Commissioner Nance requested discussion prior to a second being received; Mayor Knight allowed discussion. Commissioner Nance said since it's almost the end of mowing season that the Town should continue to mow the properties until the end of this mowing season since the property owners have been gracious enough to allow the Town use of the properties for so many years. This seemed agreeable to the rest of the Board. Commissioner Walton suggested waiting 30 days prior to notifying the owners of termination that would give Captain John's 60 days before the Town ceases maintenance and Mr. Hansen 90 days. It

was settled that January 1, 2013 should be final maintenance day to the Town for these properties; each property owner should be notified in proper advance, in accordance with their agreement to make January 1, 2013 the final maintenance day of obligation to the Town of Calabash. *Commissioner Nance seconded the motion submitted by Commissioner Walton and the motion carried unanimously.*

CLOSED SESSION: *Commissioner DiStasio moved that the Board enter into Closed Session pursuant to G.S 143-318-11(a)(6) Personnel Matters and G.S 143-318.11(a)(3) Legal Matters as follows: legal case numbers as follows: (1) Scott & wife Susan Stewart case #11-04129, (2) Michael Charles Hamilton and Kristel Hamilton case #11-04734-8-SWH, (3) William Thomas Leavitt case #10-04063-8-SWH; (4) Shrimp Hunters Inc. case #09-02375-8-SWH; (5) Residential Capitol LLC #12-12020 MG; (6) B.C Clerk file #97 CvD 512; and (7) B.C file # 12 CVS 183; the motion was seconded by Commissioner Nance and carried by way of a unanimous vote.*

ACTION AS A RESULT OF CLOSED SESSION: *Upon returning to Sanborn Hall Commissioner Nance moved that the Board enters Regular Session seconded by Commissioner DiStasio and unanimously carried.*

Commissioner DiStasio moved that James Morgan be promoted to Town Services Technician II with a 2.5% pay increase effective September 8, 2012; seconded by Commissioner Melahn and unanimously carried.

Commissioner Nance moved that the Town Attorney be directed to file a notice of voluntary dismissal without prejudice for B.C Clerk File #97 CvD 512 to be signed by Mayor Knight and/or the Town Attorney, seconded by Melahn and unanimously carried.

PUBLIC COMMENTS #4: none forthcoming.

BOARD COMMENTS: none forthcoming.

ADJOURNMENT: *Commissioner Nance moved to adjourn, seconded by Commissioner Melahn and unanimously carried at approximately 10:00 PM.*

(SEAL)

Mary Louise Knight, Mayor

Attest:

Kelley Southward, Town Clerk