



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
August 12, 2008-7:00pm**

APPROVED AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG: Mayor Clemmons

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARING: Devaun Park-Voluntary Annexation Petition submitted for a total of 15 acres along the south side of the Calabash River.

PUBLIC COMMENTS:

APPROVAL OF MINUTES:

1. April 23, 2008 Special Meeting-UDO Workshop
2. July 3, 2008 Agenda Workshop
3. July 8, 2008 Regular Meeting

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT:

BUILDING INSPECTOR'S REPORT: Attached

COMMITTEE REPORTS:

1. Fire Department—Commissioner Herman
2. Planning & Zoning—Commissioner Melahn
3. Finance—Commissioner King
4. Water/Wastewater—Mayor Clemmons
5. Town & Merchant—Commissioner King
6. Stormwater—Jim McCartney (written report attached)
7. Long Range Planning—Commissioner King
8. Town Hall Improvements—Commissioner Melahn

OLD BUSINESS:

1. **Action** to approve/deny amendment to §151.05 (definition of subdivision) public hearing was held July 8, 2008.
2. **Action** to approve Annexation Map and Ordinance #2008-A02, Voluntary Annexation for 15-acres of Devaun Park subdivision located along the Calabash River.

3. **Discussion** of a recommendation to the Brunswick County Board of Commissioners for Sewer Assessment Payback Plan—3-year, 6-year, or 10-year plan.
4. **Discussion**—update from Town Administrator on Agreements with Brunswick County:
 - a. Fire Inspections Agreement
 - b. Building Inspections Agreement

NEW BUSINESS:

1. **Action** regarding taxes and Tax Collector
 - a. To approve Tax Collector's settlement for the 2007-2008 Fiscal Year tax collections.
 - b. Charge the Tax Collector to collect 2008 taxes
2. **Action** to approve a refund to WB Properties for \$38,916 for paid building permits for a condo building at Kingfish Bay; Developer has decided not build subject building at this time.
3. **Action** to adopt all appendices of the North Carolina Fire Code, as noted in Section 101 of the Code.
4. **Action** to establish and approve:
 - a. A policy for how "Cost of Living" increases for employees salaries will be determined
 - b. The 2008 "Cost of Living" increases for employees salaries
5. **Action** to consider dissolving the "Commissioner Of" appointments (per Mayor Clemmons)
6. **Action** to approve revised Town of Calabash Organizational Chart
7. **Action** to adopt revised 2008/2009-meeting/holiday schedule, changing the day of Commissioner's Agenda Meetings from 5pm on the Thursday prior to Regular Monthly Meeting to 4pm on the Tuesday prior to the Regular Monthly Meeting
8. **Discussion** of speed limit and speed limit signs for Persimmon Road
9. **Discussion/Consensus** of Letter to the Brunswick County Board of Commissioners regarding the future of the Calabash Fire Department
10. **Discussion** of Town's legal services

CLOSED SESSION:

1. Discussion of employee performance evaluations pursuant to G.S 143-318.11(a)(6)
2. Discussion of property acquisition pursuant to G.S 143-318.11(a)(5)
3. Personnel Matters pursuant to G.S 143-318.11(a)(6)

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
August 12, 2008-7:00 pm**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, August 14, 2008, 7:00 pm at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Anthony Clemmons, Mayor Pro Tem Forrest King, Commissioner Emily DiStasio, Commissioner Cecelia Herman, Commissioner John Melahn, and Commissioner William Dixon; all members were present.

STAFF PRESENT: Vincent L. Long III, Town Administrator; Kelley Southward, Town Clerk; and Stanley Dills, Building Inspector/Code Enforcement Officer.

GUESTS: There were approximately 15 guests in the audience.

CALL TO ORDER/PLEDGE TO FLAG: Mayor Clemmons called the meeting to order at 7:00 pm and led everyone in the Pledge of Allegiance to the Flag—role call was taken.

APPROVAL/ADJUSTMENT OF AGENDA: Commissioner King said he would like to discuss another personnel matter in Closed Session (other than the employee evaluations that are already on the agenda) pursuant to G.S 143-318.11(a)(6). *Commissioner DiStasio made a motion to approve the agenda, as amended; Commissioner King seconded the motion and the motion carried by way of a unanimous vote.*

PUBLIC HEARING: Devaun Park Voluntary Annexation Petition submitted for a total of 15-acres along the south side of the Calabash River. *Commissioner Herman made a motion to open the Public Hearing. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*

Mayor Clemmons asked if any wished to comment on the Voluntary Annexation Petition submitted for 15-acres of Devaun Park located along the south side of the Calabash River. There were no speakers forthcoming.

Commissioner Melahn submitted a motion to close the Public Hearing. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.

PUBLIC COMMENTS:

1. Mr. And Mrs. Spooner of 1400 Village Green Drive addressed the Board about removing trees on an adjacent property. Mr. & Mrs. Spooner felt the Town should remove or force their neighboring property owner to remove a number of tall pine trees that could be potentially hazardous to their home.

2. Mr. Marion Davis, candidate for Brunswick County Commissioner, addressed everyone stating that he is visiting local town meetings to see what issues are pressing so that the County may better serve the towns and in turn, towns may better serve the public.

APPROVAL OF MINUTES:

1. April 23, 2008 UDO Workshop
2. July 3, 2008 Agenda Workshop
3. July 8, 2008 Regular Meeting

Commissioner Melahn submitted a motion to approve the minutes of 4/23/2008, 7/3/2008, and 7/8/2008. Commissioner DiStasio seconded the motion to approve and the motion carried by way of a unanimous vote.

CORRESPONDENCE: The Board relayed that the Town has received notice that the Brunswick County Register of Deeds Office will once again be issuing passports. The Register of Deeds stopped issuing passports about eight years ago.

TOWN ADMINSTRATOR'S REPORT: Mr. Long relayed that his report mainly focuses on Old Business, Items 3 & 4 and would update that Board on those items during Old Business.

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

COMMITTEE REPORTS:

1. Fire Department-Commissioner Herman: Carl Neacker has been hired as the new Chief of the Calabash Fire Department. It was agreed upon at the last Fire Department Meeting that the Town of Calabash has contributed approximately \$250,000 to the Fire Department over the last ten years. This year, the Town of Calabash has allocated \$7,000 to donate to the Fire Department from the Town's General Fund; the Calabash ABC Board has allocated a \$20,000 donation for a total maximum amount of \$27,000 to be donated from the Town to the Fire Department in the 2008/2009 Fiscal Year.
2. Planning & Zoning-Commissioner Melahn: At the P/Z Regular Meeting on August 4, 2008, the Board discussed a draft Minimum Housing Code prepared by Mr. Dills; ultimately, the matter was tabled until September so that the Code could be paired down and be reviewed by the Town Attorney. The P/Z Board approved some minor changes to the Thistle's Master Site Plan for Phase I.
3. Finance-Commissioner King: With guidance from Mr. Long, the Town has invested funds into several CDs, one of which has already matured; the investments should earn the Town quite a bit of interest this fiscal year.
4. Water/Wastewater-Mayor Clemmons: Brunswick County will host a Public Informational Meeting at the Calabash Fire Department on Thursday, August 28, 2008 from 4pm—7pm to answer questions regarding the Calabash Wastewater Expansion (sewer) Project; residents should be receiving a flyer in the mail. The sewer assessment amount is still unknown at this time. Both the County and the Town have applied for grants to help incur some of the cost; announcement of grant awards will not be until December so, it is unlikely that the assessment amount will be identified before then.

5. Town & Merchant-Commissioner King: Sadly, a local passenger boat caught fire and burned at sea earlier in the month; luckily there were no serious injuries or fatalities. Sketches are being drawn for the signs directing travelers to the waterfront.
6. Stormwater-James McCartney: Written report attached hereto and made a part of these minutes.
7. Long-range Planning-Commissioner King: Town will meet with Jerry Pierce of Brunswick County Public Utilities to discuss how far they are willing to move the fence around the water tower so that the Town can expand Town Hall.
8. Town Hall Improvements-Commissioner Melahn: The latest proposed sketch of the expansion is attached hereto and made a part of these minutes.

OLD BUSINESS:

1. **Action to approve/deny amendment to §151.05 (definition of subdivision) public hearing was held July 8, 2008.** *Commissioner Melahn made a motion to approve the revised definition of subdivision, §151.05. Commissioner King seconded the motion to approve and the motion carried by way of a unanimous vote.*
2. **Action to approve Annexation Map and Ordinance #2008-A02, Voluntary Annexation for 15-acres of Devaun Park subdivision located along the Calabash River.** *Commissioner King made a motion to approve the Annexation Ordinance and Map for 15-acres of Devaun Park located along the Calabash River to be effective as of August 13, 2008. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*
3. **Discussion a recommendation to the Brunswick County Board of Commissioners for Sewer Assessment Payback Plan—3-year, 6-year, or 10-year plan.** Mr. Long clarified that a decision on the payback plan does not have to be determined prior to the August 28th Public Informational Meeting. In fact, Sunset Beach held their Public Informational meeting before the payback plan was determined. Mr. Long felt it was odd that the County was looking to recoup the assessment costs so quickly. The sewer is going to benefit property owners for years to come. Normally, Mr. Long said public infrastructure improvements are financed over a 20 or 30-year period and the payback is applied over a 20 or 30-year period. Future owners and tenants of subject parcels will benefit from the sewer, not just current owners and tenants. So, why are the current owners being forced to incur the total cost? Even though an extended payback time period drives up the interest costs, the overall immediate impacts are greatly reduced making the payback far more manageable for citizens. Mr. Long said he plans to present these questions to the County Finance Officer and welcomed other questions from the Board and citizens alike to be presented to him so that he could forward those as well.

Commissioner Herman pointed out that the Sewer Agreement made between the Town and the County mandates a three-year payback; the agreement states that changes to the agreement must be made in writing. Mayor Clemmons said once a payback term is determined, the agreement will have to be amended; in fact, there may be other necessary amendments. Commissioner Herman said she would like to know exactly how much the County has spent on the Calabash Wastewater Extension Project to date. There is a termination clause in the agreement, which, states that the project cannot be cancelled once closing on the financing has commenced. If the Town wished to terminate the

agreement prior to closing in the finance, the Town would have to pay the County all costs that had been incurred to that point. Commissioner Herman asked Mr. Long to find out what costs have been so far. Commissioner Herman also had a concern about how the agreement reads regarding the Capital Recovery fee (\$4,000) that will be waived if one hooks up to the sewer within the first year of completion. The agreement reads as though this fee waiver is only valid for properties that have a home existing on them when the project is completed. Mayor Clemmons shared Commissioner Herman's concern of this matter. The Board is also concerned about vacant properties that will require grinder pumps. The costs of all grinder pumps have been included in the total project cost. If a vacant property that requires a grinder pump develops two years after completion, the Sewer Agreement states that they will have to pay for a grinder pump at that time but technically, all grinder pumps will have already been paid for. Mayor Clemmons said he wants the total number of properties identified to need grinder pumps to be counted.

At this time, Commissioner Dixon asked to be excused from the meeting due to health issues. *Mayor Clemmons made a motion to excuse Commissioner Dixon from the meeting; the motion carried with a unanimous vote.*

Commissioner Melahn had questions regarding the million dollars of finance charges. Commissioner Melahn said he would like to see a complete financial breakdown. Another concern Commissioner Melahn has was from the estimate of how many will not pay appears to be charged back to (and spread out among) those estimated to pay. Mr. Long said he would forward these questions and concerns onto the appropriate people/departments at the County.

4. **Discussion—update from Town Administrator on Agreements with Brunswick County:**
 - a. **Fire Inspections Agreement:** Mr. Long relayed that he has not yet received any comments back from the County regarding the Fire Inspections Agreement that was approved by the Town in July.
 - b. **Building Inspections Agreement:** Included in the Board's packets, was a letter from Mr. Long to the County Manager, Mr. Lawing, that lists changes the Town would like to make in the agreement that was previously approved by the County Board of Commissioners. Mr. Long said he has not yet received a response to his letter from Mr. Lawing.

NEW BUSINESS:

1. **Action regarding taxes and Tax Collector:**
 - a. **To approve Tax Collector's settlement for the 2007-2008 Fiscal Year tax collections.** *Commissioner DiStasio made a motion to approve the Tax Collector's Settlement Statement for the 2007-2008 tax collections. Commissioner Herman seconded the motion to approve and the motion carried by way of a unanimous vote.*
 - b. **Charge the Tax Collector to collect 2008 taxes.** The Board directed the Town Clerk to read the Charge to Collect, as found in the North Carolina State Statutes.

Commissioner King made a motion to approve the Charge to Collect, which directs the Tax Collector to collect 2008 taxes. Commissioner DiStasio seconded the motion and the motion carried with a unanimous vote.

2. **Action to approve a refund to WB Properties for \$38,916 for paid building permits for a condo building at Kingfish Bay; the developer has decided not build the subject building at this time.** *Commissioner King made a motion to approve the \$38,916 refund to WB Properties. Commissioner Melahn seconded the motion and discussion ensued. Commissioner DiStasio felt the Town should not refund the money. Commissioner Herman said the ordinance states if the project is cancelled within 30 days of the permit being issued then a refund is entitled; if a project is cancelled in six months there is no refund. This project was cancelled about 2.5 months after receiving a building permit and the ordinance doesn't stipulate the time between 30 days and 6 months. Commissioner Herman was concerned that issuing the refund would send a bad message to developers. Commissioner King said he would share this concern if the developer had purchased the permit but the contractor had purchased the permit. Discussion continued for several minutes, Mr. Brian Smith of WB Properties addressed the Board to further explain his position. Mr. Smith understood the Town's position, in that this expense was not budgeted for; he agreed to receive payment installments. Commissioner Melahn felt this issue was more a question of fairness than policy. Mayor Clemmons called for a vote to the motion submitted by Commissioner King to approve the refund, which had been seconded by Commissioner Melahn and the vote was as follows: Commissioners Herman, King, and Melahn voted "yeah"; Commissioner DiStasio voted "neigh" the motion to approve the refund of \$38,916 to WB Properties carried by a three (3) to one (1) vote. Commissioner King said he and the Town Administrator would work out a payment schedule, it was also pointed out that a Budget Ordinance Amendment would have to be approved by the Board.*
3. **Action to adopt all appendices of the North Carolina Fire Code, as noted in Section 101 of the Code.** *Commissioner Melahn submitted a motion to approve adopting the appendices of the NC Fire Code. Commissioner DiStasio seconded the motion to approve and discussion ensued. There was an in-depth discussion of the information and regulations contained in the appendices. Focus was on the regulations for the size of cul-de-sacs and secondary access roads to buildings for fire apparatuses. Sometime during discussion it was suggested that the P/Z Board review the appendices. Eventually, Commissioner Melahn withdrew his motion to approve; Commissioner DiStasio withdrew her second. Then, Commissioner Melahn submitted a motion to table, seconded by Commissioner DiStasio and carried with a unanimous vote by the Board.*
4. **Action to establish and approve:**
 - a. **A policy for how "Cost of Living" increases for employees' salaries will be determined.** *After some discussion, Commissioner King made a motion that the Town establishes, as policy, adopting the U.S Department of Labor Statistics, Bureau of Labor Statistics, Southeast Consumer Price Index Card, the cumulative 12-month index that runs June to June, as a guideline for determining COLA and to deduct 25% from that amount to determine how annual Cost of Living increases will be determined for Town employees (Town of Calabash COLA increased will be 75% of the U.S Department of Labor*

Statistics Consumer Price Index Card mentioned above). Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.

- b. Approve 2008 “Cost of Living” increases for employees’ salaries.** Based upon the policy established in item “a” above, 75% of this year’s U.S Department of Labor, Bureau of Labor Statistics Southeast Consumer Price Index Card (5.3%) yields 3.975%. *Commissioner Herman submitted a motion to approve a 3.975% COLA increase for employee’s salaries, to be retro active to July 1, 2008. Commissioner King seconded the motion and the motion carried by way of a unanimous vote.*
- 5. Action to consider dissolving the “Commissioner Of” appointments (per Mayor Clemmons).** *Commissioner Melahn made a motion to approve dissolving the “Commissioner Of” appointments made by Mayor Clemmons in December 2007. Commissioner King seconded the motion and there was discussion. Commissioners Herman and DiStasio were not in favor of dissolving the appointments stating that the School of Government and the NCLM supports the idea of the appointments. Furthermore, the Town is always cited in the annual audit for not having enough oversight from the Commissioners; these appointments add a layer for oversight. Commissioner King felt dissolving the appointments would streamline functions at Town Hall. After several minutes of discussion, Commissioner Melahn rescinded his motion to approve dissolving the appointments. Then, Commissioner Melahn submitted a motion to table the matter pending a better definition of responsibilities and oversight. Commissioner Herman seconded the motion to table and the motion carried by way of a unanimous vote.*
- 6. Action to approve the revised Town of Calabash Organizational Chart.** *Commissioner Herman noted that the chart indicated there were 2.6 full-time employees for the Town Services department and requested an explanation of this figure. The Town Administrator explained that this figure derived because there is one full-time employee completely devoted to the Town Services department (T.S), another full-time employee who spends roughly 3/5ths of his time in T.S, and two part-time employees for the department. Commissioner DiStasio had concerns about the title “Code Enforcement Officer” being used—it becomes confusing between the Building Inspector referred to as CEO for building related issues and then employees who enforce Town Ordinances also being referred to as “Code Enforcement Officer”. She felt another title should be given to the employees responsible for enforcing Town Ordinances. Commissioner DiStasio also wanted to know who is the Zoning Administrator; Mr. Long felt it is the Building Inspector, Mr. Dills. Commissioner King made a motion to table the approval of the Organizational Chart until item 5 above was determined. Commissioner Melahn seconded the motion and the motion carried with a unanimous vote.*
- 7. Action to adopt revised 2008/2009 Meeting/Holiday Schedule, changing the day of the Commissioner’s Agenda Meeting from 5pm on the Thursday prior to the Regular Monthly Meeting to 4pm on the Tuesday prior to the Regular Monthly Meeting.** *Commissioner King made a motion to approve the revised Meeting/Holiday Schedule for the 2008/2009 fiscal year. Commissioner Melahn seconded the motion and the vote was as follows: Commissioners King, Melahn, and DiStasio voted “yeah”;*

Commissioner Herman voted “neigh”—the motion to approve carried by a three (3) to one (1) vote.

- 8. Discussion of speed limit and speed limit signs for Persimmon Road.** The Town Clerk explained that DOT has contacted Town Hall regarding several outdated ordinances that enacted the 45 mph speed limit for Persimmon Road. DOT would like to update these ordinances but wanted to make sure the Town was still in favor of the 45 mph speed—technically all speed limits within city limits could be 35 mph. The Board agreed that they would like the speed limit on Persimmon Road to remain 45 mph but they felt another speed limit sign was necessary. The Clerk relayed that she had spoke with DOT about placing another speed limit sign on the road but they were not in favor. The Board directed staff to relocate the one speed limit sign near the corner of Persimmon and Thomasboro farther north for the northbound lane and purchase a second sign to be placed in the same location for the southbound land.
- 9. Discussion/Consensus of letter to the Brunswick County Board of Commissioners regarding the future of the Calabash Fire Department.** *Commissioner King made a motion to approve sending the letter to the Brunswick County Board of Commissioners regarding the future of the Calabash Fire Department. Commissioner Melahn seconded the motion to approve sending the letter and the motion carried by way of a unanimous vote.*
- 10. Discussion of Town’s legal services.** The Board requested that the current Town Attorney be notified prior to the Request for Proposal for new legal services being dispersed. *Commissioner Herman made a motion to send out the RFP for legal services. Commissioner King seconded the motion and the motion carried by way of a unanimous vote.*

CLOSED SESSION:

1. Discussion of employee performance evaluations pursuant to G.S 143-318.11(a)(6)
2. Discussion of property acquisition pursuant to G.S 143-318.11(a)(5)
3. Discussion of employee matters pursuant to G.S 143-318.11(a)(6)

At approximately 9:15 pm Commissioner Melahn made a motion to recess for ten minutes prior to entering Closed Session; after the recess the Board will directly go to Closed Session. Commissioner King seconded the motion and the motion carried by way of a unanimous vote.

After approximately 45 minutes of Closed the Session the Board returned to Sanborn Hall where Commissioner Herman submitted a motion to enter Regular Session, Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.

ACTION AS A RESULT OF CLOSED SESSION: *Commissioner DiStasio made a motion to approve a 2.5% pay increase for William Danford and Carolyn Silvers to be effective upon their anniversary dates. Commissioner Melahn seconded the motion and the motion carried with a unanimous vote.*

BOARD COMMENTS: None forthcoming.

ADJOURN: *Commissioner DiStasio made a motion to adjourn, seconded by Commissioner Melahn and carried with a unanimous vote; the meeting adjourned at 10:25 pm*

(sea)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk