

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR/ORGANIZATIONAL MEETING
Tuesday, December 8, 2009-6:00pm**

MINUTES

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, December 8, 2009, 6:00 pm, at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner Emily DiStasio, Commissioner John Melahn, Commissioner Forrest King, Commissioner Cecelia Herman, Commissioner William Dixon, Commissioner Elect Joseph Nance, and Commissioner Elect Mary Knight; all members were present.

STAFF PRESENT: Hiram Marziano, Town Administrator; Kelley Southward, Town Clerk; Mark Lewis, Town Attorney; and James McCartney, Town Services/Code Enforcement.

GUESTS PRESENT: There were approximately 25 guests in attendance.

CALL TO ORDER/PLEDGE/ROLL CALL: Mayor Clemmons called the Meeting to order at 6:00 pm; Commissioner DiStasio led the Pledge of Allegiance to the Flag. The Board took roll call—attendance is reflected above.

APPROVAL/ADJUSTMENT OF AGENDA: Commissioner King requested to move the minutes of November 10, 2009, Regular meeting off the Consent Agenda to the Minutes section of the agenda; there were no objections. Commissioner King moved to approve the agenda, as amended, seconded by Commissioner DiStasio and carried by a unanimous vote.

CONSENT AGENDA:

1. Minutes of May 12, 2009; Closed Session
2. Minutes of June 9, 2009; Closed Session
3. Minutes of June 25, 2009; Closed Session
4. Minutes of November 10, 2009; Closed Session
5. Minutes of November 16, 2009; Special Meeting

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

MINUTES:

1. Minutes of November 10, 2009; Regular Meeting—Commissioner King noted an error on page 5, under New Business #3; it stated that the same Commissioner who made the motion seconded it as well; the Clerk was directed to review the audio and make any necessary corrections and include these minutes on the January agenda.

RECOGNITION OF SERVICE: Mayor Clemmons presented certificates and other tokens of appreciation commemorating the service and dedication to the Town provided by Commissioner

Cecelia Herman and Commissioner Emily DiStasio. After short benedictions from each, they took seats in the audience.

OATHS OF OFFICE: The Town Clerk administered oaths for the office of Town Commissioner to William Dixon, Joseph L. Nance Jr, and Mary Louise Knight. The Commissioners took seats among the rest of the Board.

NOMINATIONS FOR MAYOR PRO TEM: Commissioner Nance nominated Commissioner King to remain Mayor Pro Tem; there were no other nominations.

APPOINTMENT OF MAYOR PRO TEM: Commissioner Nance moved to (re)appoint Commissioner King to the seat of Mayor Pro Tem, seconded by Commissioner Dixon and carried by a unanimous vote.

MAYOR'S RECOMMENDATION FOR A COMMISSIONER TO BE APPOINTED TO THE CALABASH FIRE DEPARTMENT BOARD OF DIRECTORS. Mayor Clemmons recommended the Board of Commissioner appoint Commissioner Nance to be the Town's representative on the CFD Board of Directors.

APPOINTMENT TO THE CALABASH FIRE DEPARTMENT BOARD OF DIRETORS: Commissioner Dixon motioned to appoint Commissioner Jody Nance to the Calabash Fire Department Board of Directors as the Town's representative; Commissioner Knight seconded the motion, which carried unanimously.

COMMITTEE/LIASION APPOINTMENTS: Mayor Clemmons made the following appointments:

1. Personnel Committee: Commissioner Knight was appointed liaison of Personnel; Mayor Clemmons appointed Commissioner Knight, the Town Administrator and the Town Clerk to the Personnel Committee.
2. Long Range Planning: Mayor Clemmons removed Commissioner Melahn from the Long Rang Planning Committee (Commissioner Melahn was not opposed to this action). Mayor Clemmons noted that the Long Range Planning Committee was to include Commissioner King, Commissioner Knight, Mr. J.W Brown, the Town Administrator, and the Town Clerk.
3. Town Services: Mayor Clemmons noted that Commissioner Dixon would remain the liaison for the Town Services department; he noted that this appointment does not entail any managerial authority.
4. Policies & Procedures Liaison: Commissioner Melahn was appointed (to remain as) the Liaison for Policies & Procedures.
5. Calabash Fire Department: Mayor Clemmons noted that Commissioner Nance would not only serve on the Fire Department's Board of Directors but that he would also be the Liaison between the Fire Department and the Calabash Board of Commissioners.
6. Planning & Zoning and Board of Adjustment Liaison: Commissioner Knight was appointed to be Liaison between the Board of Commissioners and the Planning & Zoning Board as well as the Board of Adjustment; Mayor Clemmons noted that this appointment

would include providing a report to the Board of Commissioners during “Committee Reports” at Commissioner’s Meetings.

7. Town & Merchant’s Liaison: Mayor Clemmons requested Commissioner King to remain the Liaison between the Merchant’s Association and the Town.
8. Wastewater Committee: Mayor Clemmons appointed himself (the Mayor), the Town Administrator, and Commissioner Melahn to remain as the Wastewater Committee.

MAYOR’S COMMENTS: Mayor Clemmons requested that the Board move “Board Comments” before “Closed Session” (directly following “New Business”) on tonight’s agenda so that the Board could reflect on 2009 and share their goals for 2010 with the public in attendance. Mayor Clemmons noted that multiple long-time citizens of Calabash passed away in 2009, and noted that these influential citizens would always be remembered. On the other hand, many positives for the Town also took place in 2009: the annexation of the “Bonaparte Area” became effective, Shallotte Partners’ Conditional Use Permit for a multifamily project was approved, construction of the Sewer Expansion Project began, a 20-year development agreement with The Pearl was approved, the Town purchased the 1-acre property adjacent to Town Hall that will hopefully become a park in 2010, there were multiple celebrations including the very successful 4th of July Celebration, the Town Services department expanded its staff, the Unified Development Ordinance nears completion and will hopefully be adopted in 2010, and the Town has hired Mr. Marziano as the Town Administrator.

PUBLIC COMMENTS: none forthcoming.

PRESENTATION OF THE 2008-2009 FISCAL YEAR (FY) AUDIT: Mr. Johnny Britt of S. Preston Douglas and Associates presented the 2008-2009 FY Audit to the Board. Mr. Britt went over some highlights of the Audit and noted that at the end of June 2009 “the Town was in great shape.” Mr. Britt noted that this was true even though expenditures exceeded revenues by \$48,881; the Town has more than a sufficient fund balance to accommodate. On page 61 of the Audit Mr. Britt noted that the Tax Collection rate of just over 92% was a little below the state average but page 60 gives an explanation as to why; Commissioner King noted that the uncollected portion was in appeals and could not be collected in the FY in which it was billed however, it has since been collected. Mr. Britt noted that tax collection follow-up on previous years has been excellent. The Board thanked Mr. Britt for his presentation; there were no further questions or comments.

CORRESPONDANCE: Mayor Clemmons referenced one item of correspondence from the County informing municipalities of Mr. Randy Thompson’s, Director of Brunswick County Emergency Services, retirement at the end of the December. Mayor Clemmons noted that Mr. Thompson has always been a friend to Calabash and he will be missed.

TOWN ADMINISTRATOR’S REPORT: (written report attached) Mr. Marziano noted that the Town is applying for a grant to assist with funding for the future park; the grant is a 50/50 match. Mr. Marziano noted that at the last Board of Commissioners’ Meeting, the Board approved an expenditure of \$750 for street maps; the company preparing the maps notified Town Hall to inform them that the price would be nearly double the original quote. Mr. Marziano told the company to cease in moving forward with the production of the maps; Town staff would be

contacting other companies about the maps. Mr. Marziano thanked the Board, Town Staff, and citizens for their warm welcome to the Town and the opportunity to serve the Town; he relayed that his door is always open to anyone wishing to speak with him.

BUILDING INSPECTIONS REPORT: (written report attached) Mayor Clemmons highlighted one aspect of the written report: Brunswick County Public Utilities and the Town Inspections Department recently held a joint workshop for all licensed plumbers regarding sewer hook ups. A list of those plumbers who attended the workshop will be available at Town Hall as well as the County Utilities department. Mayor Clemmons noted that residents could use any licensed plumber for sewer hook ups; they're not limited to those who attended the workshop.

COMMITTEE REPORTS:

- 1. Fire Department:** The Town Clerk was asked to read the written report provided by Commissioner Herman; said report is attached hereto and made part of these minutes. Mayor Clemmons noted that Town employee James McCartney has completed his Level II Certification for Fire Inspections; the Mayor presented a certificate to Mr. McCartney. Mayor Clemmons also noted that Mr. McCartney has also passed his Plumbing Level I certification and is working towards obtaining certifications for other trades.
- 2. Planning & Zoning Board:** The Town Clerk reported that the PZB held their Regular Meeting last night; their agenda consisted of three items of business. They reviewed the Natural Resource Protection Ordinance (Chapter 155 of the current Code), as requested by the Board of Commissioners. Ultimately, the PZB tabled this matter because they felt changes had been sufficiently addressed in the UDO, and felt amending the current Code was not appropriate at this time. Second, they discussed adding commercial vending units as a permitted use in the Highway Commercial District and a conditional use in the Central Business district; ordinance amendments reflecting such were prepared and will be included on the January Board of Commissioners Agenda to schedule public hearings for February. Finally, the PZB reviewed a subdivision request for Devaun Park, which will also be forwarded to the Board of Commissioners in February for their consideration.
- 3. Finance:** Commissioner King reported that as of 9am this morning, 41% of taxes had been collected. He further reported that as of November 30th, all funds total \$1,079,913.51.
- 4. Water/wastewater:** Mayor Clemmons reported that most of the low-pressure line for the sewer is in the ground. Citizens that will be on the low-pressure system are responding to a letter sent by the County about interest in hooking on to the system once it is available. Currently, gravity line is being installed; because the gravity lines are larger than the low-pressure lines there is more land disturbance associated with the installation. Mayor Clemmons encouraged any citizen having any problems or concerns with the construction of the sewer to contact Town Hall and staff will immediately contact the County; problems will be addressed expeditiously. Mayor Clemmons said that the Town has been assured that after the assessment fee is levied, there is a 1-year agreement between the contractor and County, which means if there are any problems related to the construction, the contractor will address them. Commissioner King asked for a follow up on the availability fee. Mr. Marziano read a response from the Director of Public Utilities, which in short states that habitable structures that do not hook up to

the system will not be charged the \$18 [current rate] availability fee. However, if a home hooks up and for some reason service is disconnected that structure would continue to be charged the availability fee.

5. **Town & Merchant:** Commissioner King noted that the Car Show and Seafood Festival held in November was a huge success. Likewise, the Christmas Parade/Tree Lighting last week was a success and the parade will most likely be expanded next year.
6. **Stormwater:** Written report is attached hereto and made a part of these minutes. There was a discussion about a problem with the ditches on Riverview; recent rains have stressed the ditches. Commissioner King noted that Brunswick County has put cameras down pipes on River Road; he felt they might have missed a spot in front of his home where the manhole is located. Mr. McCartney relayed that the County would be back in that area soon and he would notify them of the situation.
7. **Long Range Planning:** Commissioner King reiterated about the PARTF Grant for the Park, which Mr. Marziano had discussed earlier. Commissioner King noted that Mr. Scott Stewart has volunteered his services to assist the Town with the necessary site drawing of the park.

OLD BUSINESS:

1. Discussion/Action to consider forwarding the UDO to Dexter Hayes for a statutory/legal and overall review. Commissioner King noted previously, the Board voted to utilize the Mr. Hayes for the legal review. Despite the fact that the Ad-Hoc Review Committee is still addressing a couple of concerns from the changes made by the ORC, Commissioner King feels it is appropriate to forward the UDO to Mr. Hayes now. Commissioner Melahn said the Ad-Hoc Committee needs to address the changes made to Planned Building Groups, which could be helpful to projects less than 10-acres; especially cluster residential development. Furthermore, Planned Building Groups would be helpful in addressing review of commercial shopping centers. Commissioner King asked if the UDO could still be forwarded to Mr. Hayes at this time. It was noted that Planned Building Groups would be in the draft sent to Mr. Hayes; it is struck but Mr. Hayes noted that he would review information that was recommended by the ORC to be deleted; Commissioner Melahn was satisfied by this response. Commissioner Melahn asked if Mr. Hayes could provide statutory references as well; the Clerk said she would inquire. Commissioner King motioned to forward the latest draft of the UDO to Mr. Dexter Hayes for statutory/legal and overall review and to flag the three items suggested by Commissioner Melahn (Planned Building Groups for (1) residential less than 10-acres, (2) commercial centers, and (3) statutory references. Commissioner Dixon seconded the motion and the motion carried by way of a unanimous vote.

Mayor Clemmons called for a brief, 5-minute, recess at 7:20 pm. The Meeting was called [back] to order at 7:25 pm

NEW BUSINESS:

1. Discussion/Action to consider approving the 2008-2009 Fiscal Year Audit as presented. Commissioner Nance motioned to approve the 2008-2009 Audit, seconded by Commissioner Melahn and unanimously carried.

2. Discussion/Action to consider an interlocal agreement with Brunswick County for Animal Control Services in the absence of the Town Animal Control Officer. Mayor Clemmons noted that Mr. Danford, Town Animal Control Officer, may be out of work for sometime due to medical reasons and the Town needs a back-up plan for animal control. Information related to the services Brunswick County could provide was included in the Board's packets and is attached hereto and made part of these minutes; this includes a letter of the services the County would provide, the interlocal agreement, and the County's Animal Control Ordinance, which the Town would have to adopt. Mayor Clemmons noted that the County would not come and pick up any animals running loose; the Town would still have to be responsible for impounding the animal, which means another Town employee would have to have all necessary shots—Mayor Clemmons said the Town is in need of full-service animal control. Commissioner King said the County would take over animal control (full service) if the Town had no animal control. He suggested suspending the Town Service/Regulations of Animal Control so the County could give us full service; the Town Clerk relayed that this is the only agreement the County for municipalities whether or not the municipality has its own animal control or not. The Board felt the Town Administrator should have the authority to negotiate a deal with the County. Commissioner King motioned to temporarily suspend Town Animal Control Services and give the Town Administrator the authority to negotiate with the County on taking over Animal Control Services within the Town of Calabash. Commissioner Nance seconded the motion and the motion carried by way of a unanimous vote.
3. Discussion/Action to consider approving Christmas bonuses for staff, as budgeted, to be paid during the first payroll in December. Commissioner King noted over the past couple of years employees have received one week's salary for as a Christmas bonus; he also noted that this is what has been budgeted. Commissioner King noted that anyone serving a probationary period would not be eligible to receive a Christmas bonus; anyone who has been with the Town less than a year but past the probationary period should receive a prorated bonus. Commissioner King motioned to approve Christmas bonuses for staff as budgeted to be one week's salary and to follow the Personnel Policy and other restrictions related to the expenditure. Commissioner Melahn seconded the motion and the motion carried unanimously.
4. Discussion/Action to consider waiving or reducing permit fees for plumbing and electrical fees associated with sewer connections for one year from the date that Brunswick County levies the assessment. Commissioner Melahn moved to waive plumbing and electrical permit fees associated with connecting to the sewer for one year from the date that Brunswick County levies the assessment for the sewer. Commissioner Dixon seconded the motion and the motion unanimously carried.
5. Discussion/Action to consider amendment to Chapter 30, which abolishes Agenda Workshops. Commissioner Melahn noted that the Agenda Workshops were originally initiated to reduce the length of the Regular Meeting. It was also noted that the Agenda Workshops have not reduced the length of Regular Meetings; it has been the consensus of the Board to abolish Agenda Workshops. Commissioner Melahn prepared an amendment to Chapter 30 that would abolish the Agenda Workshops. Commissioner Melahn motioned to approve the amendment to Chapter 30, seconded by Commissioner Dixon and there was a brief discussion. Town Attorney, Mark Lewis, noted some clerical errors

in the amendment—the changes were made. Commissioner Melahn amended his original motion to approve the amendment to Chapter 30 to include the clerical changes suggested by Mr. Lewis; Commissioner King seconded the motion and the motion carried by a unanimous vote.

PUBLIC COMMENTS: Mayor Clemmons requested the Board accept public comments at this time rather than waiting until after Closed Session; the Board agreed and the floor was opened for public comments:

1. Mr. Mack Sanders of Calabash Acres inquired as to the status of grants related to the sewer. Mayor Clemmons relayed that the Clerk had contacted Mr. Skip Green, grant writer for the Rural Center Grant Application today. Mr. Green relayed that if the Rural Center decided to give early review to the application it would be reviewed tomorrow and it would be sometime next week before the Town would know the outcome of the review. If the Rural Center does not give early consideration to the Town/County's application, it would not be reviewed until February/March of 2010.
2. Mrs. Sanders of Calabash Acres suggested everyone thank Town Clerk, Kelley Southward, for her service as Interim Town Administrator this year; Ms. Southward received a standing ovation from the all in attendance.
3. Ray Little of the Calabash EMS apologized to the Board for an email that had been sent to the Town earlier in the month; he noted that the email was drafted and sent in haste and it was a mistake. Mr. Little relayed that he would like to see the Town and the EMS mend fences and each entity get more involved with the other; the two need to begin communicating and he looks forward to being better neighbors with the Town. Mr. Little relayed that today the Calabash EMS donated an ambulance to Brunswick Community College. Mayor Clemmons thanked Mr. Little for his comments and agreed that the two entities should communicate more and work together.

BOARD COMMENTS:

1. Commissioner Knight: "In 2010, I would like to see a Board of Commissioners that will always think of the needs of the people of Calabash. A Board that considers the historic roots of the Town, and builds and grows around this once in a lifetime opportunity of combining the past with the present. Respecting the local legends and land along with its residents because if we loose this we will never get it back. Self-interests must go by the wayside in order to represent the fine folks who have placed their trust in us. The Board will come together to develop a plan to enhance the value of our town and the lives of the people that reside within its borders. We will not continue to burden residents financially and destroy their spirits. We must maintain the beauty and natural resources and revere the folks who have made this Town so special. To do this we must spend carefully and find funds that are out there to relieve the financial burdens that can destroy the residents' spirits. The residents cannot shop locally when their dollars must go to projects that could be diverted or other funding sources could be found. The merchants and residents must find a common ground and work together. When the Board of Commissioners sets the example, this will no doubt come about. The divide will end if we will act as one to guide the future and please most of the people, most of the time."

2. Commissioner Melahn: His goal is to represent the citizens of the Town and see the UDO finally get into place. Finally, his goal is to complete the codification of the general ordinances and do his job as a Commissioner.
3. Commissioner King: As for 2009, there have been some ups and downs in Town; the Town has got some black eyes on a couple of issues mainly from being trusting of people and a little naive. We have learned some lessons in the past year that we will not soon forget. For 2010, he too would like to see the UDO adopted. Would like to see the finances of the Town stay solid as it has been. This is the first time in a long time that the economy has really affected Calabash. The Town needs to watch the purse strings. He would like to see Town Hall get to the point where people are not hesitant or reluctant to come to Town Hall because of all the red tape and hoops they've had to jump through in the past.
4. Mayor Clemmons: Noted that he said most of his peace during "Mayor's Comments" but added a "thank you" to Mr. Bill Seip for his steadfast attendance and support.
5. Commissioner Nance: Thanked everyone who voted him into office. He will do his best to serve the people to his fullest capacity. He looks forward to working with the Board and "respectfully disagreeing" with other members when need be. When necessary, he'll do his best to sway Board members his way. Get some things done, keep it moving, keep it smooth and we'll have a good year.
6. Commissioner Dixon: He would like to see more business come to Town and people not take a year to get all the "I's dotted and T's crossed"; in three-four months time, someone should be able to get an approval on a project and get started. In 2010 he would like to see the park get going; he's been pushing for a park for four years. He believes the Town Services Department is doing a superb job.
7. Mr. Marziano: looks forward to working with everyone in the coming year.
8. Ms. Southward: thanked everyone (staff, Board, and citizens) for their support and understanding in serving dual roles with the Town and looks forward to simply serving as the Town Clerk.
9. Mr. Lewis: happy to be employed by a great Board and a great Town; looking forward to a great year.

CLOSED SESSION:

Commissioner King motioned to enter Closed Session pursuant to G.S 143-318.11 (a)(6)— Personnel Matters (three performance evaluations); seconded by Commissioner Nance and unanimously carried; the Board retired to Closed Session at 8:00 pm.

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

ACTION AS A RESULT OF CLOSED SESSION:

1. Commissioner King motioned to give Town Clerk, Kelley Southward, a 2.5% pay increase based on her annual evaluation and an additional 5% merit pay increase for a total pay increase of 7.5% effective starting the next pay period. Commissioner Melahn seconded the motion and the motion unanimously carried.

2. Commissioner Nance motioned to give Office Assistant, Barbra Bianco Hagan, a 2.5% pay increase based on her annual evaluation to be effective starting the next pay period. Commissioner Dixon seconded the motion and the motion unanimously carried.
3. Commissioner Dixon motioned to give Town Services Technician I, James Morgan, a 2.5% pay increase, based on the full-time rate for the position effective December 9, 2009. Commissioner King seconded the motion, which carried unanimously.

NEW BUSINESS (continued): Commissioner Nance motioned to suspend agenda rules to add an item #6 to New Business: "Appointment of Finance Director". Commissioner Knight seconded the motion to add item #6 to New Business and the motion carried unanimously.

Commissioner Knight motioned to appoint Commissioner King to Finance Director, seconded by Commissioner Melahn and the motion carried by a unanimous vote of the Board.

ADJOURN: Commissioner King motioned to adjourn at 9:15 pm, seconded by Commissioner Dixon and carried unanimously.

(Seal)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk