

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
July 8, 2008-7:00pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG: Mayor Clemmons

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARING: Amendment to §151.05—Subdivision Definitions.

MOTION TO APPOINT INTERIM TOWN CLERK TO TOWN CLERK

OATHS OF OFFICE: Ms. Kelley Southward, Town Clerk (oath administered by Mayor) & Mr. Vincent L. Long III, Town Administrator (oath administered by Town Clerk)

PUBLIC COMMENTS:

PRESENTATION: Federal Communications Commission (FCC) presentation regarding the Wilmington market's early DTV Transition on September 8, 2008.

APPROVAL OF MINUTES: June 5, 2008 Agenda Workshop and June 10, 2008 Regular Meeting

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT: Attached.

COMMITTEE REPORTS: Fire Department-Com. Herman, Planning & Zoning-Com. Melahn, Finance-Ms. Southward, Water/Wastewater-Mayor Clemmons, Community Services-Com. Dixon, Town & Merchant, Long Range Planning-Mayor Clemmons, & Town Hall Improvements-Com. Melahn.

OLD BUSINESS:

1. Action-motion to rescind current Fire Inspections Agreement with Brunswick County and approve revised Fire Inspections Agreement and submit to Brunswick Count for their approval.
2. Report from Town Clerk—Certification of Voluntary Annexation (portion of Devaun Park)
3. Action-Set Public Hearing for Voluntary Annexation (portion of Devaun Park) for 8/12/2008 7:00 pm
4. Action-Minor Subdivision of Tax ID# 24100030.01 Wilson Cemetery (tabled item)

NEW BUSINESS:

1. Discussion/Action-disposal site for electronics either in town or consider a county disposal site.
2. Action-appoint Town Administrator as the Personnel Officer
3. Action-consider waiving fees for Hidden Valley sign permit; sign was destroyed by a hit-and-run driver
4. Action-motion to approve resolution opposing the proposed annexation moratorium.
5. Action-make recommendation to County Commissioners on Sewer Assessment Payback Plan (3-yr, 6-yr, or 10-yr payback)
6. Action-motion to adopt resolution opposing Powell Bill Repeal

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 08, 2008**

MINUTES

The Calabash Board of Commissioners held a regular monthly meeting on Tuesday, July 8, 2008, 7:00 p.m in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Mayor Anthony Clemmons, Commissioner Emily DiStasio, Commissioner Cecelia Herman, and Commissioner John Melahn; a quorum was present.

MEMBERS ABSENT: Mayor Pro Tem Forrest King and Commissioner William Dixon.

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

GEUSTS PRESENT: There were approximately eight guests in attendance.

CALL TO ORDER/PLEDGE TO FLAG: Mayor Clemmons called the meeting to order at 7:00 pm and led everyone in the pledge.

APPROVAL/ADJUSTMENT OF AGENDA: Commissioner DiStasio asked to add #6 under Old Business—"Revisions to Complaint Form (tabled item)" to the agenda. Mayor Clemmons asked to add #7 under New Business—"Action to approve Mr. Long, Town Administrator, to sign checks on an as need basis" to the agenda. *Commissioner Herman made a motion to approve the agenda, as amended. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*

PUBLIC HEARING: *Commissioner Herman made a motion to open the public hearing for Amendments to §151.05—Subdivision Definitions. Commissioner DiStasio seconded the motion to open the public hearing and the motion carried with a unanimous vote. Mayor Clemmons asked for comments relating to the proposed amendment to §151.05, subdivision definitions. There were no comments forthcoming. Commissioner Melahn made a motion to close the public hearing. The motion was seconded by Commissioner DiStasio and carried unanimously.*

MOTION TO APPOINT INTERIM TOWN CLERK AS TOWN CLERK: *Commissioner DiStasio made a motion to appoint Interim Town Clerk, Kelley Southward, to Town Clerk. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*

OATHS OF OFFICE:

- ❑ Ms. Kelley Southward—Mayor Clemmons administered the Oath of Office for the newly appointed Town Clerk.
- ❑ Mr. Vincent L. Long III—The Town Clerk administered the Oath of Office for Town Administrator, Vincent L. Long III.

PUBLIC COMMENTS: none forthcoming.

PRESENTATION: Federal Communications Commission (FCC) presentation regarding the Wilmington market's early DTV Transition on September 8, 2008. Ms. Jessica Przybyla of the FCC explained to everyone that Wilmington, NC is a test-market for the DTV transition, which is why the transition will take place in September of 2008 rather than February of 2009; Brunswick County is included in the Wilmington transition. Everyone who is currently hooked up to satellite or cable TV will not have to do anything for the transition. Everyone else (those using antennas or "rabbit ears") will have to purchase a converter box—a coupon is available that gives \$40 off the needed converter boxes and each household is eligible for two coupons—boxes range from \$50 to \$60. Ms. Przybyla explained that people can apply for the coupon on-line or by mail—she gave the Board applications. The coupons take 3-4 weeks to arrive so, everyone should apply as soon as possible. Also, the coupons (which come as gift cards) expire in 90 days but the transition will take place in about 60 days so, its important to use the coupon as soon as you receive it. The coupon comes with a list of retailers in the area who sell the boxes or the boxes can be ordered through a 1-800 number that also comes with the coupon and those boxes are mailed direct. Ms. Przybyla left her contact information with Town and encouraged any questions to be forwarded to her.

APPROVAL OF MINUTES:

- June 5, 2008, Agenda Workshop
- June 10, 2008, Regular Meeting—Commissioner DiStasio noted that on page 3, at the end of the Planning & Zoning Board report there was the numbers "18.49". The Clerk noted that this was probably just a note made while listening to the recording of the minutes and said it would be removed. Commissioner Herman noted that also on page 3 under the P/Z report that in the fourth sentence the word "county" should be "town". Commissioner Herman also noted that there was no record upon the Board returning from Closed Session, which was "no action". Commissioner DiStasio noted on page 3, under the Finance report that "33" should be "3" referring to the number of accounts in repeal with the County.

Commissioner DiStasio made a motion to approve the minutes of June 5, 2008 and June 10, 2008, as amended. Commissioner Herman seconded the motion and the motion carried by way of a unanimous vote.

CORRESPONDENCE: There will be a citizen's informational workshop regarding the Georgetown Road extension on Tuesday, July 22, 2008, from 4:00 to 7:00 pm at the Ocean Isle Inn, hosted by NC DOT.

TOWN ADMINISTRATOR'S REPORT: attached hereto and made a part of these minutes. Mr. Long reported that the Town Clerk is currently assembling the Town's Powell Bill Map package due back to the Department of Transportation by July 21st. The Annexation Map and Ordinance for the Bonaparte Retreat, Oak Ridge Plantation, Shady Forest, and Landing II annexation has been recorded at the Register of Deeds. County Court has ruled in favor of the Town for an abatement of property on Small Way and a lien has been placed on the property for the amount of the cleanup costs incurred by the Town in the

amount of \$2,250—the cleanup has been completed. On June 27th, the court dismissed a litigation in which the Town was named.

COMMITTEE REPORTS:

- ❑ Fire Department report given by Commissioner Herman—the amount of calls made for the month of June was reported. Also reported was an excerpt from the June Fire Department Board of Directors Meeting regarding a discrepancy among how much money has been given to the Fire Department over the past ten years. Fire hydrants are in need of repainting. Written report given by Commissioner Herman is attached hereto and made a part of these minutes.
- ❑ Planning & Zoning report given by Commissioner Melahn—the P/Z Board has assigned Mr. Dills to create a Minimum Housing Standards Ordinance to present at the August P/Z meeting; ordinance to be included in Title 9 of the Code. It was also decided at the P/Z meeting that written reports to the BOC regarding rezonings would be produced by staff.
- ❑ Finance Report—In Commissioner King’s absence, Ms. Southward reported that on June 26, 2008, the Board of Commissioners approved the balanced budget for the 2008-2009 fiscal year in the amount of \$1,022,950. Commissioner King and the new Town Administrator have a meeting with bank representatives to look into placing some Town funds in CD’s. The 2007-2008 fiscal year budget ended in good standing with revenues exceeding expenditures; the auditor will be in town sometime in August or September.
- ❑ Water/Wastewater report given by Mayor Clemmons—the Sewer Progress Committee will meet on July 17th. Topics to be discussed include a public informational meeting to be held sometime in August, how the County plans to assess property owners for the sewer extension, and a method of assessment payback.
- ❑ Community Service report given by Mayor Clemmons—On July 2nd the Town hosted it first ever “Town Hall Day”, which was quite successful; over 50 citizen’s attended the festivities. Mayor Clemmons gave special thanks to Carolyn Silvers for her coordination of the event.
- ❑ Town & Merchant report given by Ms. Southward—Efforts continue in trying to place a sign near the corner of Beach Drive and River Road that directs people to the businesses at the waterfront. Commissioner King would like input from businesses about the sign; exactly where it should go and what it should say.
- ❑ Long Range Planning report was given by Mayor Clemmons—the committee was appointed at the last regular Board of Commissioner’s meeting and met once to discuss how the committee should function and a list of topics to consider working on. Most likely, the committee will meet quarterly; Mayor Clemmons hopes the committee will become a more integral part of planning for the Town’s future.
- ❑ Town Hall Improvements report given by Commissioner Melahn—The committee is looking into an extension of the rear of the building (an estimated cost of \$40,000) and a rearrangement of several existing walls to create more offices. Also, the committee is looking into making the front foyer larger so it is more comfortable for

patrons. The committee has determined that second floor office space is not particularly desirable.

- Stormwater—Commissioner Herman noted that there has been not stormwater report on the agendas and with hurricane season underway, she would like a monthly report. Commissioner DiStasio agreed and stated that when Mayor Clemmons took office, he abolished all previous committees and had never appointed a new stormwater committee. With that, Mayor Clemmons appointed Mr. James McCartney to the Stormwater Committee and delegated that the Town Administrator form the rest of the committee.

OLD BUSINESS:

1. Action-motion to rescind current Fire Inspections Agreement with Brunswick County and approve revised Fire Inspections Agreement and submit to Brunswick County for their approval. *Commissioner Herman made a motion to rescind the current Fire Inspections Agreement with Brunswick County. The Board felt this item needed to be two items so; Commissioner Herman withdrew her motion to rescind the agreement. Then, Commissioner DiStasio made a motion to hold the agenda procedure in abeyance and make “A motion to rescind the current Fire Inspections Agreement with Brunswick County” item # 1-A of Old Business and make “Approve revised Fire Inspections Agreement and submit to Brunswick County for their approval” item #1-B of Old Business. Commissioner Melahn seconded the motion and the motion carried unanimously.*

1-A. Action-motion to rescind current Fire Inspections Agreement with Brunswick County. *Commissioner Herman made a motion to rescind the current Fire Inspections Agreement with Brunswick County. Commissioner Melahn seconded the motion and the motion carried with a unanimous vote.*

1-B. Action-motion to approve revised Fire Inspections Agreement with Brunswick County. Commissioner Herman had some suggested amendments to the proposed, revised agreement: 1) the fourth paragraph should be revised to read “Whereas, the parties acknowledge that prior to the execution of this Agreement and under the terms of the old agreement dated May 11, 2004, the Town Fire Inspector (s) has performed the inspections required under the FPC since October 9, 2007.” 2) The words “upon written notice” should be added to the end of item #1 of the agreement. 3) In item #2 of the agreement, the word “existing” should be added to the first sentence between the words “all” and “commercial”. 4) In the first sentence of item #9 of the agreement, “CFMO” should be replaced with “TCID” and “TCID” should be replaced with “CFMO”—the two need to be flip-flopped due to the previous amendments (a typo was noted to be corrected in the second sentence of item #9). 5) Item #12 should be deleted. 6) Item #13 should be deleted. AND 7) “Sixty (60) days written notice” should be changed to “thirty (30) days written notice in item #18 of the agreement.

The Board discussed Commissioner Herman's suggested revisions at length. Mayor Clemmons suggested the Board table the matter to further examine the suggested revisions; he also asked for Mr. Long's opinion on the matter. Mr. Long said in his experience he has not often seen a positive outcome when cities give up their inspection powers to other entities. Normally, communications between the city and the other entity are weak and as a result, citizens do not have applications processed in a timely and effective manner, which in turn looks bad on the city. On another note, Mr. Long pointed out that these types of inspections should not be a revenue source; rather, the fees should only be comparable to what it costs the Town (inspector's time etc.). Mr. Long said if it's the Town's goal to free-up some of Mr. Dills' time by giving fire inspections to the County, there may be other ways to do so without giving up this important function that the Town is ultimately responsible for anyway.

Again, Mayor Clemmons suggested the matter be tabled (again). Commissioner Herman felt she did not have any major change to the agreement and the matter should not be delayed another month. Commissioner Herman stated that her biggest change was that the agreement shall be for existing buildings only—no new construction, and whatever is built this year will exist next year. *Commissioner Herman made a motion to approve the Fire Inspections Agreement, as amended above (7 items), and submit to Brunswick County for their approval. Commissioner Melahn seconded the motion and the vote was as follows: Commissioners Herman and Melahn voted in favor of the motion while Commissioner DiStasio voted in opposition of the motion; the motion carried by a two (2) to one (1) vote.*

2. Report from Town Clerk—Certification of Voluntary Annexation (portion of Devaun Park). Ms. Southward relayed that she had researched the petition for annexation submitted on June 10, 2008 to the Board of Commissioners by Stanaland Stewart Company LLC, Scott Stewart, Susan Stewart, Vaughn Stanaland, and Mary Stanaland. Ms. Southward certified that the petition meets N.C State Statute requirements for voluntary contiguous annexation, in that the subject area (15 acres of Devaun Park along the Calabash River) is contiguous to the municipal limits of Calabash and that all property owners have signed the annexation petition. *Commissioner Melahn made a motion to accept the Town Clerk's certification of the voluntary annexation petition for the above stated portion of Devaun Park. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*
3. Action-Set public hearing for Voluntary Annexation Petition (portion of Devaun Park) for August 12, 2008 at 7:00 pm. *Commissioner Herman made a motion to schedule the public hearing for Voluntary Annexation Petition for a portion of Devaun Park for August 12, 2008, 7:00 pm at Town Hall. Commissioner Melahn seconded the motion and the motion carried unanimously.*
4. Action-Minor Subdivision of Tax ID# 24100030.01 Wilson Cemetery (tabled item). Barring research forwarded to the Board just before the start of the

meeting, the Board decided to leave this matter tabled until they have the chance to examine the research.

5. Action-revisions to Town Complaint Form (tabled item). *Commissioner DiStasio made a motion to remove this item from being tabled to bring the complaint form back to discussion. Commissioner Melahn seconded the motion and the motion passed unanimously. Commissioner Herman made a motion to add a tracking number to the Town's current Complaint Form and approve the form as amended. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*

NEW BUSINESS:

1. Discussion/Action—disposal site for electronics either in town or consider a county disposal site. Commissioner Herman said with the switch to digital TV, we might see an increase in the amount of electronics being disposed of. Commissioner Herman said she would like to see the Town make this disposal convenient for our citizens and suggested the Town look into having a place and time period designated for electronics drop-off and/or check with the County to see if they have made any arrangements for electronics disposal. The Board directed the Town Administrator to look into this matter and report back to the Board.
2. Action-appoint Town Administrator as the Personnel Officer. *Commissioner DiStasio made a motion to appoint Mr. Long Personnel Officer. Commissioner Herman seconded the motion and the motion carried unanimously.* A consensus of the Board was that as his first act as Personnel Officer, Mr. Long should retain the services of someone to perform recording and transcriptions of the meetings held by Town Boards.
3. Action-consider waiving fees for Hidden Valley sign permit; a hit-and-run driver destroyed sign. Commissioner Herman reiterated that the sign is a replacement sign for the subdivision and that the original sign was destroyed through no fault of their own. *Commissioner DiStasio made a motion to waive the sign permit fees for the Hidden Valley entrance sign. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*
4. Action-motion to approve resolution opposing the proposed annexation moratorium. Mayor Clemmons explained that the N.C State House of Representatives and Senate are considering placing a moratorium for one year on involuntary annexations. *Commissioner Melahn made a motion to approve the Resolution for Sound, Fair, and Uniform Municipal Annexations. Commissioner DiStasio seconded the motion to approve and the motion carried by way of a unanimous vote.*
5. Action-make a recommendation to the Brunswick County Board of Commissioners on the Sewer Assessment Payback Plan. With the upcoming sewer expansion, citizens will be assessed by Brunswick County an amount (amount unknown at this time) to pay for the sewer infrastructure. Brunswick County has proposed three payback plans for the assessment amount; a 3-year payback, a 6-year payback, and a 10-year payback. The Brunswick County Board of Commissioners will make the final decision as to which plan will be implemented for all Calabash citizens subject to the assessment, however, they have asked that the Town make a recommendation on which plan to select. To show how

each payback plan works, the County used a fictitious estimated amount of a \$7 million project total and a per lot assessment method (actual method of assessment has not yet been determined either). So, using the fictitious total project cost of \$7 million and the assumption that each lot will be assessed an equal portion thereof, the [fictitious] assessment yields approximately \$9,900 (these amounts are just used to show how the three payback plans work). The assessment could be paid in full within one (1) year of project completion with no penalties.

Option 1, the 3-year plan, shows that citizens would pay approximately \$300 per month for three years, which yields an interest rate of 3.8% making the total payback amount \$10,808—9% more than assessment amount. Option 2, the 6-year plan, shows that citizens would pay approximately \$163 per month for six years, which yields an interest rate of 2.8% making the total payback amount \$11,729—19% more than assessment amount. Option 3, the 10-year plan, shows that citizens would pay approximately \$109 per month for ten years, which yields an interest rate of 2.25% making the total payback \$13,114—33% more than the assessment amount. Brunswick County has stated (verbally) that there is no penalty for early pay-off in any of the payback plans.

Mayor Clemmons explained that these amounts are in addition to citizen's monthly sewer bill. In fact, the assessment amount is billed and paid through the Tax Office and does not go through the Utilities Department. Actually, once the project is completed the assessment amount will become a lien against every applicable property and remain until paid in full (reduced accordingly when payments are made). Also, citizens will have to incur the cost of hiring a plumber (and an electrician in cases where grinder pumps are necessary) to run the lines from their home to the street (to unhook the home from their septic tank and tie into the new sewer lines). Mayor Clemmons also relayed that the above methods are assuming everyone hooks up to the sewer within the first year. After the first year, citizens will have to pay another \$4,000 on top of the assessment amount. This \$4,000 is called a Capital Recovery Fee, which is normally charged by the County. However, in an effort to entice citizens to connect as soon as possible, Brunswick County has decided to waive this fee for Calabash citizens in the subject area for the first year after completion of the project.

After Mayor Clemmons explained the payback plans, the Board discussed which method they felt would be best overall for Calabash citizens. Considering that a large portion of citizens in the subject area are elderly and living on fixed incomes, the Board came to a consensus that the lowest monthly payment would be the best fit for Calabash, which of course, is Option 3, the 10-year payback plan. This plan would pose the least monthly burden for those already struggling financially and anyone who wanted to pay-off the assessment faster could do so with no penalty (supposedly). The Board also came to consensus that since Commissioners King and Dixon were not present this evening, that no recommendation would be made until next month because this is an important matter that needs input from all Board members. Hopefully by August, the Board will have information on different assessment methods and will be able to forward a recommendation for this to the County Board of Commissioners as well.

6. Action-motion to adopt resolution opposing Powell Bill Repeal. *Commissioner DiStasio made a motion to approve the Resolution Opposing Powell Bill Repeal. Commissioner Melahn seconded the motion and there was discussion.* Commissioner Herman explained to everyone that the State is looking to [once again] reduce funds to municipalities. Powell Bill Funds are very important to small municipalities such as Calabash. With out these funds it would be difficult for the Town to make necessary street improvements. *Mayor Clemmons read the entire Resolution and explained the importance of the Powell Bill Funds in reference to street maintenance and called for a vote to the motion; the motion carried by way of a unanimous vote.*
7. Action-motion to authorize Mr. Long, Town Administrator, to sign checks on an as needed basis. The Board explained that checks require two authorized signatures (Currently the Mayor, Commissioner King, and Commissioner Dixon are authorized signatures) and sometimes it is difficult to get the second signature, authorizing the Town Administrator to sign in these rare instances ensures timely payments for the town. *Commissioner DiStasio made a motion to authorize Vincent L. Long III, Town Administrator to sign town checks on an as needed basis. Commissioner Herman seconded the motion and the motion carried by way of a unanimous vote.*

PUBLIC COMMENTS:

1. Mr. Larry Steck, on behalf of Hidden Valley, thanked the Board for waiving the fees for the subdivision entrance sign that was recently destroyed by a hit-and-run driver.
2. Mr. William Seip, of Village Green, had further inquires regarding the sewer hook-up and assessment; his concerns were addressed by the Board.

BOARD COMMENTS: none forthcoming.

ADJOURN: *At 9:25 p.m Commissioner DiStasio made a motion to adjourn, the motion was seconded by Commissioner Melahn and carried unanimously.*

(seal)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk