

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
May 13, 2008 -7:00 P.M.**

AGENDA

CALL TO ORDER:

PLEDGE TO FLAG:

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC HEARINGS:

1. Rezoning Request of Tax ID# 241OC020 from R-6 to Central Business (9081 Beach Drive, Calabash Acres on the corner of Beach Dr and Durham Ave)

APPROVAL OF MINUTES: April 8, 2008 Regular Meeting.

CORRESPONDENCE:

PUBLIC COMMENTS:

CONSENT AGENDA: Set Public Hearing for June 10, 2008 at 7:00 pm at Town Hall for the 2008-2009 Fiscal Year Budget.

INTERIM CLERK'S REPORT: attached

COMMITTEE REPORTS: Fire Dept, Planning & Zoning, Finance, Water/Wastewater, Community Service, and Town & Merchant.

OLD BUSINESS:

- A. Consider/Action U-Haul Truck/Truck Rentals as a Conditional Use in Central Business.
- B. Action—Agreement with Seaside Animal Hospital for Emergency Care of Animals Under Town's Animal Control Officer's Responsibility (tabled item).

NEW BUSINESS:

- A. FY 2008-2009 Budget—No Action; Brief Overview by Finance Officer.
- B. Consider/Action Amendment to Code of Ordinances §151; Definition of Subdivision.
- C. Consider/Action –Release of Personal Property Taxes; 5 accounts totaling \$228.49
- D. Consider/Action – Adopt Code of Ethics for Town Officials, Boards & Committees.
- E. Consider/Action – Amend Fee Schedule; Add \$25 Permit Fee for Water/Sewer Connections
- F. Consider/Action – Rezoning Request of Tax ID# 241OC020 from R-6 to CB.
- G. Consider/Action – Re-Instate Contract with Brunswick County for Fire Inspections.
- H. Action – Appoint Alternate Member to the Board of Adjustment; Mr. Wayne C. Lane.
- I. Action – Proclamation—May 2008 Calabash Beautification Month.
- J. Action – Proclamation—Motorcycle Awareness Month.
- K. Action – Proclamation—Youth Week; Requested by Calabash Elks Lodge 2679.

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
May 13, 2008**

MINUTES

The Calabash Board of Commissioners held a regular monthly meeting on Tuesday, May 13, 2008, 7PM at Town Hall, 882 Persimmon Road, Calabash, NC

MEMBERS PRESENT: Mayor Anthony Clemmons, Mayor Pro Tem Forrest King, Commissioner Emily DiStasio, Commission William Dixon, and Commissioner John Melahn.

MEMBERS ABSENT: Commissioner Cecelia Herman.

STAFF PRESENT: Interim Town Clerk Kelley Southward, Building Inspector/Code Enforcement Officer Stanley Dills, and Town Recording Clerk (PT) Judy Andricak.

GUESTS: There were approximately fifteen guests in attendance.

CALL TO ORDER: Mayor Clemmons called the meeting to order at 7PM.

PLEDGE TO FLAG: Mayor Clemmons led everyone in the pledge to the flag.

PRESENTATION: Mayor Clemmons welcomed all residents present and introduced Judy Andricak as the new Recording Clerk for the Town of Calabash.

APPROVAL/ADJUSTMENT OF AGENDA: Item B - Mayor Clemmons called to remove Seaside Animal Hospital for Emergency Care of Animals Under Town's Animal Control Officer's Responsibility from the agenda. *Commissioner King made a motion to remove Item B from the Agenda; the motion was seconded by Commissioner DiStasio and carried by way of unanimous vote. Commissioner DiStasio made a motion for a closed session under GS143-318, 11A&3 (Personnel & Legal). The motion was seconded by Commissioner Melahn and carried by way of unanimous vote. Closed session was added to the Approval/Adjustment of Agenda.*

Item F – Mayor Clemmons solicited to remove Item F of New Business from the Agenda. *Commissioner Melahn made a motion to remove New Business, Item F from the Agenda; the motion was seconded by Commissioner King and carried by way of unanimous vote. Commissioner DiStasio made a motion to approve the Agenda, as amended; the motion was seconded by Commissioner Dixon and carried by way of unanimous vote.*

PUBLIC HEARING: *Commissioner DiStasio made a motion to enter into public hearing; the motion was seconded by Commissioner Melahn and carried with a unanimous vote. Zoning Tax Parcel ID 241OCO20, 9081 Beach Drive from R-6 to Central Business. All received written correspondence was made part of the official record—there were no speakers forthcoming. Commissioner Melahn made a motion to close the Public Hearing; the motion was seconded by Commissioner DiStasio and carried by way of unanimous vote.*

APPROVAL OF MINUTES: April 8, 2008 – regular meeting. Commissioner DiStasio asked whether there was any information missing from the minutes. Interim Town Clerk Southward stated she would research the minutes for the BOC; it appeared as though page four was missing. *Commissioner DiStasio made a motion to table the minutes until the next BOC meeting to approve the minutes; the motion was seconded by Commissioner King and carried by way of unanimous vote. Minutes were tabled.*

CORRESPONDENCE: Mayor Clemmons received a letter from Brunswick County Emergency Services for their annual Multi-Hazard Readiness meeting on Thursday, June 5, 2008 to be attended by two (2) people. He also had a letter from Brunswick County Fire Marshall Scott Gardner indicating that the Fire Fee meeting would be held in Calabash May 29, 2008 at 7PM.

PUBLIC COMMENTS: Bob Taylor of Calabash Fishing Fleet voiced a complaint detailing how a competitor was unfairly and unethically taking business from the Fleet by diverting customers with reservations to another boat. Mr. Taylor said business has suffered and he felt that this practice hurts business in Calabash. Mr. Taylor requested assistance from the Town of Calabash to help resolve this issue. While Calabash cannot get involved, the Board agreed to check town ordinances regarding solicitation. Commissioner King offered that Mr. Taylor would be might get some recourse from the Chamber of Commerce.

Businessman Igor Moldavsky made another plea to operate a U-Haul rental on a conditional basis at the Citgo station on Beach Drive. The Board heard Mr. Moldavsky's request and informed him that the matter is on the agenda for action under Old Business.

CONSENT AGENDA: Set Public Hearing for June 10, 2008 at 7:00PM at Town Hall for the 2008-2009 Fiscal Year Budget. *Commissioner Melahn made a motion to approve the Consent Agenda; the motion was seconded by Commissioner DiStasio and carried with a unanimous vote.*

INTERIM TOWN CLERK'S REPORT: Attached hereto and made a part of these minutes. Interim Town Clerk Kelley Southward thanked all involved for the recognition afforded to her during Clerk's Week. Ms. Southward noted they had received numerous applications for the Town Administrator position. Calabash sold the Ranger for \$705 from sealed bids and purchased a Chevy Trailblazer SUV for \$19,900; it is due to arrive in 2-3 weeks. The main focus of the UDO workshop was the PUD section; another workshop is necessary. The first website consult was on Friday May 9, 2008 with all included information due by May 16, 2008. The new site will be available May 30, 2008. Ms. Southward has a second week of Clerk School from June 9th through June 13. The Board meeting will be held June 10. Ms. Southward has been dealing with insurance renewals and Powell Bill package as well.

BUILDING INSPECTOR'S REPORT: Attached hereto and made a part of these minutes. Building Inspector/Code Enforcement Officer Stanley Dills offered that various residences at Devaun Park were under construction with more anticipated including multi-family units and town homes; the first construction phase of The Pearl will consist of single family homes and while drawings for the proposed gatehouse and communications buildings have been submitted, no applications for these have been submitted; Thistle's clubhouse is nearing completion, construction

continues at the Cassara residence and an application was received for the Bazydlo residence with review almost completed; underground electric service was set for two new townhouses at Kingfish Bay, Wakefield Development has requested a change in location for the first condominium building, pool house drawings were approved, the 10 unit condominium building were submitted for review and an additional townhouse is anticipated as Site development for Phase 1A is proceeding. Kingfish Bay's street revisions along Beach Drive have been postponed until DOT's next quarterly meeting. The Walker residence is nearing completion at Bonaparte Retreat; the Smith residence at Pine Bur Acres is nearing completion. Dollar General has submitted its application, site and building drawings, and demolition and grading permits have been issued. Revisions to drawings for Calabash Fish House and Marina are still pending including CAMA permit changes; dredging for this project has begun.

COMMITTEE REPORTS:

- **Community Service Committee:** On April 19, 2008 there was a ribbon cutting at the Maintenance Building followed by a Litter Sweep, both of which went well. There will be a change in the CSC meeting date from Thursday, May 15, 2008 to Thursday, May 22, 2008 to ready for the Memorial Day Celebration on May 26, 2008 11AM at Fire Station serving hot dogs and drinks. The updated Mayors' plaque, created by Susie King, was presented to the BOC.
- **Planning and Zoning:** Commissioner Melahn noted that their meeting on Monday, May 5, 2008 included a presentation on home sprinkler systems and their value in saving lives; at a cost of 1.5% of the total building cost, the sprinkler systems provides a valuable window of safety as to loss of life and property damage. He noted that a workshop was scheduled for June 6, 2008 at 6:30PM to amend Code of Ordinances to Include Municipal Buildings. Discussion/Action for Abandoned Septic Tanks: Backfill with sand, use by permit only or storm water runoff with a 12 month window for conversion.
- **Finance:** Commissioner King stated tax collection was at 94% although one property was still unpaid. He noted that it would be 99% if they collected on that one property. He didn't foresee any departmental issues.
- **Water/Wastewater:** Mayor Clemmons noted they now had water along Persimmon Road and are presently working with the County to get water to the remaining areas. Grants for sewer for the county are still being worked on. Ms. Southward spoke with Eric today who said that design work for the system is continuing; they have completed basic alignment of the piping and where bores will be made when necessary. The next step is to determine pipe depth. They are reviewing the two pump stations required. HSR has forwarded a map to the county to assess for easements for installation. Mayor Clemmons noted that the slightly later completion date would allow residents some extra time to make payments.
- **Town & Merchant:** Commissioner King met this week with DOT regarding signage. Business is picking up county-wise. Commissioner Dixon made the observation that many visitors don't know exactly where Calabash is. There was a question if the state would help pay for the signage.
- **Fire Department:** Stanley Dills stated there was no substantial change since last month, but that the Dollar General project was starting. Canio's, an Italian specialty store, opened recently in Calabash. Officer Dills asked that the BOC consider a recommendation: that the Fire Department is used as a technical review committee concerning fires on new

construction. Mayor Clemmons called for more time to review this recommendation and suggested they discuss the issue later under New Business when they had more details.

OLD BUSINESS:

1. Action/U-Haul Truck Rentals as a Conditional Use in Central Business. (Planning & Zoning meeting held May 5, 2008). Planning & Zoning made the recommendation to the Board of Commissioners not to amend the CB to include U-Haul. Issues against U-Haul are: adversely affects adjacent business, not a suitable business for CB, and storage of trucks/trailers. The table was opened for discussion and there was an active discussion by all BOC members citing the pros and cons of the business followed by a vote on condition use. *Commissioner King made a motion to instruct the BOC to draw up conditional use description for U-Haul Rentals; Commissioner Dixon seconded the motion. Commissioners King and Dixon voted in favor of the motion while Commissioners Melahn and DiStasio voted in opposition to the motion. The vote was tied: Mayor Clemmons cast the tie-breaking vote by voting against the CB conditional use and the motion was denied. Code Enforcement Officer to be instructed that any violation in any CB district be dealt with appropriately.*
2. Action – Item B/Agreement with Seaside Animal Hospital for Emergency Care of Animals Under Town’s Animal Control Officer’s Responsibility has been removed from Agenda (tabled item).

NEW BUSINESS:

1. FY 2008-2009 Budget for Town of Calabash: Propose for fiscal year 2008-2009 to appropriate for General Fund for Operation of Town \$1,022,950.00. Estimate income at \$1,022,950.00 to match. Expect to \$81,500.00 to be allocated in the Powell Bill Fund. We have an evaluation of property for purposes of taxation within the town limits of \$292,956,638.00. Based on our current collection of 94%, the town should collect approximately \$193,000.00 of ad valorem taxes in real and personal property. Appropriated \$100,000 of the budget to transfer to the Sewer Fund to lessen some impact of the sewer on the residents. Administration is advertising for an Administrator and a salary has been added; the Street Department has had an increase by combining Beautification, Animal Control and Community Services with the Street Department. No number yet in the transfer to the Police Department; the Town is still waiting on the ABC store to transfer funds. A copy of the budget will be available for review in the Town Hall. Consent to reset the Public Hearing for the budget to June 8, 2008, 7:00PM at the Town Hall. Tax rate remains unchanged at .07 cents. Mayor Clemmons and Commission King thanked Kelley Southward and Carolyn Silvers for all of their hard work and dedication.
2. Action/Discussion Amendment to the Code of Ordinances 151; Definition of Subdivision: Commissioner Melahn was commended for his extensive research of this Ordinance. Commissioner Melahn noted that Calabash continued to support transfer of properties to children and heirs. Change is in Section 155.05 to revise to incorporate Brunswick County exclusions to include certain utility easements. A lengthy discussion ensued covering all of the points outlined in the Family Member Transfer Subdivision. Commissioner Melahn indicated that, in the interest of time and energy, the best way to handle the issue would be to incorporate the new into the old in the minor subdivision.

- Commissioner Melahn made a motion for the Board to accept the Amendment to the Code of Ordinances § 151, Definition of Subdivision, as written; Commissioner DiStasio seconded the motion and the motion carried by way of unanimous vote.*
3. Action/Release of Personal Property Taxes; Five Accounts Totaling \$228.49: Commissioner King noted that amounts on outstanding taxes totaling \$228.49 since 2002 be written off as there is no way at this time to collect on the outstanding bills. *Commissioner Melahn made a motion to release personal property taxes on five accounts totaling \$228.49; Commissioner DiStasio seconded the motion and was carried by way of unanimous vote.*
 4. Action/Adoption of Code of Ethics for Town Officials, Boards & Committees: *Commissioner DiStasio made a motion to accept the document, as proposed; Commissioner King seconded the motion and was carried by way of unanimous vote.*
 5. Action/Amend Fee Schedule; Add \$25.00 Permit Fee for Water/Sewer Connections: Interim Town Clerk Southward said that the \$50.00 fee was a bit steep and Mayor Clemmons agreed noting that the lower fee would save \$10,000.00 for the sewer assessment. Building Inspector Dills said they had issued a Bulletin to advise on hooking up to the County water and sewer. Mr. Dills noted that the county is a closed system, therefore residents would be paying \$65.00 to replace the float ball in the toilet tanks to ease water pressure and compared the device to expansion tanks on hot water heaters. *Commissioner DiStasio made a motion to amend the fee schedule to include a \$25 minimum residential plumbing fee; the motion was seconded by Commissioner Melahn and carried by way of unanimous vote.*
 6. Item F Removed from Agenda: Action/Rezoning Request of Tax ID#241OC020 from R-6 to CB.
 7. Action/Discussion/Reinstate Contract with Brunswick County for Fire Inspections: Commissioner King noted that there was a contract but no letter was ever sent terminating the contact with the county. Although the BOC made a recommendation to rescind the contract, it was never officiated. There was some discussion on the preparedness of Item G; the BOC felt there was not enough time to devote to the issue at this meeting. *Commissioner DiStasio made a motion to table Item G; Commissioner Melahn seconded the motion. Further discussion ensued.* Commissioner King noted that the Building Inspections didn't have enough time to do all they needed to do and suggested that the County become involved in inspecting multi-family and commercial builds saying the County should be more involved in fire inspections; Commissioner DiStasio said she needed more time to consider this issue. Commissioner King voiced further concerns stating that he felt the Town should do the fire inspections for the next month. Building Inspector Dills made comments on plan review and noted he was making mechanical, electric and plumbing. He asked to have fire inspections left in; he feels inspections are difficult to do without fire inspection on his part. Building Inspector Dills felt that annual business fire inspections should be turned over to the County. *Mayor Clemmons called for a vote on the motion to table this item. Commissioners Melahn and DiStasio voted in favor of tabling the matter while Commissioners King and Dixon voted not to table the matter; Mayor Clemmons broke the tie by voting in opposition to tabling the matter at this time. Then, Commissioner King made a motion to reinstate the contract with Brunswick County to perform Fire Inspections; Commissioner Dixon seconded motion. Commissioners King, Dixon and Melahn voted aye;*

- Commissioner DiStasio voted nay the motion to re-instate the contract with the County to perform fire inspections carried by a vote of three (3) to one (1).*
8. Action/Appoint Alternate Member to the Board of Adjustment; Mr. Wayne C. Lane: Mr. Lane addressed the BOC stating his desire to serve the community by volunteering as an alternate member of the Board of Adjustments. *Commissioner Melahn made a motion to approve Wayne C. Lane as an Alternate Member of the Board of Adjustment; the motion was seconded by Commissioner DiStasio and carried by way of unanimous vote.*
 9. Action/Proclamation – May 2008 Calabash Beautification Month: *Commissioner DiStasio made a motion to appoint May as Beautification Month; motion was seconded by Commissioner Melahn and carried by way of unanimous vote.*
 10. Action/Proclamation - Motorcycle Safety Awareness Month May 2008: *Commissioner King made a motion to appoint May as Motorcycle Safety Month; motion was seconded by Commissioner DiStasio and carried by way of unanimous vote.*
 11. Action/Proclamation – Youth Week, May 11th through May 17, 2008; Requested by Calabash Elks Lodge 2679: *Commissioner DiStasio made a motion to appoint May 11th through May 17, 2008 as Town of Calabash Youth Week; motion was seconded by Commissioner Melahn and carried by way of unanimous vote.*

PUBLIC COMMENTS: None forthcoming.

BOARD COMMENTS: None forthcoming.

CLOSED SESSION: *Motion to move to executive sessions as per 143-318.11 (a)(3) Legal Matters. Commissioner DiStasio made a motion to move to executive sessions; motion was seconded by Commissioner King and carried by way of unanimous vote.*

Upon returning to the Board Room, Commissioner DiStasio made a motion for the Board to enter regular session; Commissioner Dixon seconded the motion and the motion carried by way of a unanimous vote.

ACTION FROM CLOSED SESSION: *Commissioner DiStasio made a motion to direct the Zoning Administrator to write a letter to Kingfish Bay (Wakefield Development Co.) regarding improvement guarantee security bond, with the Mayor to review the letter before mailing certified. Commissioner King seconded the motion and the motion carried by way of a unanimous vote.*

ADJOURN: *Commissioner DiStasio submitted a motion to adjourn; the motion was seconded by Commissioner Melahn and carried with a unanimous vote at approximately 9:35 pm.*

(seal)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Interim Town Clerk