



**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
September 9, 2008-7:00pm**

AGENDA

CALL TO ORDER: Mayor Clemmons

PLEDGE TO FLAG: Mayor Clemmons

APPROVAL/ADJUSTMENT OF AGENDA:

PUBLIC COMMENTS:

CONSENT AGENDA:

1. Approve Minutes of June 5-9, 2008, Closed Session (TA Interviews)
2. Approve Minutes of June 6, 2008, Special Meeting
3. Approve Minutes of June 6, 2008, Closed Session
4. Approve Minutes of June 18, 2008, Special Meeting (TA Contract Terms)
5. Approve Minutes of June 18, 2008, Closed Session
6. Approve Minutes of June 24, 2008, Special Meeting-Budget Workshop
7. Approve Minutes of June 26, 2008, Special Meeting (adopted Budget)
8. Approve Minutes of June 26, 2008, Closed Session
9. Approve Minutes of July 17, 2008, Special Meeting-UDO Workshop
10. Approve Minutes of July 24, 2008, Special Meeting (Rural Center Grant)
11. Approve Minutes of August 7, 2008, Agenda Workshop
12. Approve Minutes of August 12, 2008, Regular Monthly Meeting
13. Approve Proclamation declaring September 17-23, 2008 as Constitution Week (requested by N.C Society Daughters of the American Revolution Brunswick Town Chapter).

APPROVAL OF MINUTES: If any Minutes included on the Consent Agenda need to be discussed, they should be removed from the Consent Agenda to here for discussion.

CORRESPONDENCE:

TOWN ADMINISTRATOR'S REPORT: Attached.

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. Website Update—Commissioner Melahn
6. Town & Merchant—Commissioner King
7. Stormwater—Jim McCartney
8. Long Range Planning—Commissioner King
9. Town Hall Improvements—Commissioner Melahn
10. Emergency Management—Mr. Long

OLD BUSINESS

1. **Action** to approve revised Town of Calabash Organizational Chart (tabled item)
2. **Discussion/Action** of a recommendation to the Brunswick County Board of Commissioners for:
 - a. Sewer Assessment Payback Plan—3-year, 6-year, or 10-year plan.
 - b. Method of assessment for sewer service.
3. **Action** to approve a Budget Ordinance Amendment of \$38,916 transfer from the Fund Balance to Building Inspections, Miscellaneous for the refund to WB Properties for paid building permit fees.
4. **Action** to approve a Budget Ordinance Amendment of \$19,900 transfer from the Fund Balance to Building Inspections, Capital Outlay/Equipment for the purchase of the Chevy Trail Blazer.

NEW BUSINESS:

1. **Action** approve letter of intent to Brunswick County for the Town of Calabash to remain a part of the Brunswick County Hazard Mitigation Plan—approximate cost to Town will be \$5,000.
2. **Action** to re-appoint Suzy King to the Calabash ABC Board for a 3-year term ending June 30, 2011.
3. **Discussion**—Police Department fund; appreciation to Calabash ABC Board for recent receipt of \$49,000.
4. **Action** to approve forwarding revisions made by the Board of Commissioners during 2008 Unified Development Ordinance (UDO) Workshops of Draft UDO that was recommended by the Planning & Zoning Board in October 2007 to Holland Consulting Planners Inc. (HCP) so that HCP may revise the Draft UDO and return to the Board of Commissioners for inspection before another Public Hearing for the UDO is scheduled.
5. **Appointment**—Mayor to appoint an Ad-Hoc Committee to review the Natural Resource Protection Ordinance (and other tree related articles) in the UDO.
6. **Action** to approve a subdivision request for Tax ID # 24000017; 11.57-acres on Persimmon Road into 7 parcels-Jenrette Subdivision (family land transfer).

CLOSES SESSION: Discussion of property acquisition pursuant to G.S 143-318.11 (a)(5).

ACTION FROM CLOSED SESSION:

PUBLIC COMMENTS:

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
BOARD OF COMMISSIONERS
REGULAR MEETING
September 9, 2008—7:00 pm**

MINUTES

The Calabash Board of Commissioners held a Regular Meeting on Tuesday, September 9, 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, and Commissioner John Melahn.

MEMBERS ABSENT: Commissioner William Dixon.

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

GUESTS PRESENT: There were approximately 10 guests in the audience.

CALL TO ORDER: Mayor Clemmons called the meeting to order at 7:00 pm and relayed that there was a special guest to lead the Pledge of Allegiance.

PLEDGE TO FLAG: Shawnessy Dixon, age 10 and a student at Jesse May Monroe Elementary School, led everyone in the Pledge of Allegiance to the Flag.

APPROVAL/ADJUSTMENT OF AGENDA:

1. Commissioner DiStasio requested to add an item to Closed Session regarding the outcome of an investigation that was discussed in the Closed Session of June 6, 2008, pursuant to G.S 143-318.11(a)(7).
2. Comments regarding the "Consent Agenda" were made; some Commissioners were opposed to using a Consent Agenda. No changes were made to the Consent Agenda.
3. Commissioner Herman asked to add New Business #7—Discussion & Action, appointment of vacancy to the Planning & Zoning Board.

Commissioner Melahn made a motion to approve the agenda, as amended. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.

PUBLIC COMMENTS: Charles Koop, owner of Bella's Pizza and Denise Fox, owner of Simply Unique Flowers & Gifts, both addressed the Board to request A-frame (temporary) signs be permitted to advertise for their businesses. Currently, the Town does not allow temporary, A-frame signs. The Board of Commissioners said they would ask the Calabash Planning & Zoning Board to review the current ordinance and make a recommendation on the matter.

CONSENT AGENDA:

14. Approve Minutes of June 5-9, 2008, Closed Session (TA Interviews)
15. Approve Minutes of June 6, 2008, Special Meeting
16. Approve Minutes of June 6, 2008, Closed Session
17. Approve Minutes of June 18, 2008, Special Meeting (TA Contract Terms)
18. Approve Minutes of June 18, 2008, Closed Session
19. Approve Minutes of June 24, 2008, Special Meeting-Budget Workshop
20. Approve Minutes of June 26, 2008, Special Meeting (adopted Budget)
21. Approve Minutes of June 26, 2008, Closed Session
22. Approve Minutes of July 17, 2008, Special Meeting-UDO Workshop
23. Approve Minutes of July 24, 2008, Special Meeting (Rural Center Grant)
24. Approve Minutes of August 7, 2008, Agenda Workshop
25. Approve Minutes of August 12, 2008, Regular Monthly Meeting
26. Approve Proclamation declaring September 17-23, 2008 as Constitution Week (requested by N.C Society Daughters of the American Revolution Brunswick Town Chapter).

Commissioner King made a motion to approve the Consent Agenda; Commissioner Melahn seconded the motion and discussion ensued. Commissioner DiStasio asked if everyone had initialed the Closed Session minutes included on the Consent Agenda. Mayor Clemmons explained for everyone's benefit that once a Board member reads the Closed Session minutes they are to initial them, indicating that they have read the minutes. He went onto say that all members had sufficient time to read the minutes but if some member had not read them and has a desire to do so or did read them and would like to discuss any revisions then those specific minutes should be removed from the Consent Agenda for further discussion; there was no objections or suggestions forthcoming. Mayor Clemmons called for a vote and the motion to approve the Consent Agenda carried with a unanimous vote of the Board.

CORRESPONDENCE: none.

TOWN ADMINISTRATOR'S REPORT: TA Report is attached hereto and made a part of these minutes. Mr. Long reported that the Town has yet to receive a response from Brunswick County regarding the agreement for the County to take over Fire Inspections for the Town; currently Town Fire Inspectors are about 75% caught up on inspections. There was discussion as to whether the vacant Town Services position is a full time or part time position. The Board instructed the TA to hire a full time Town Services Technician. Mr. Long said the organizational chart would have to be revised to specify that Mr. Danford is the Town Services Coordinator.

BUILDING INSPECTOR'S REPORT: BI Report is attached hereto and made a part of these minutes. Mr. Dills informed the Board that Devaun Park intend to begin its multifamily portion of the project in late October/November.

COMMITTEE REPORTS:

1. Fire Department-Commissioner Herman: At the last Fire Department Board meeting, there was discussion as to where the main Calabash Fire Station would be located in the future; the new [main] station may be built at the property near Brunswick Plantation. Plans to remodel the current Calabash Station move forward. CFD representatives have met with Randy Thompson of Brunswick County Emergency Services to further discuss the future of the department. The CFD will be purchasing a vehicle for Assistant Fire Chief Karl Bennett.
2. Planning & Zoning-Commissioner Melahn: No further action was taken on the Minimum Housing Code. The PZB recommended approval of a family member-land transfer subdivision for 11.57-acres along Persimmon Road into 7 parcels (Jenrette Subdivision). The PZB tabled making a recommendation on adopting the NC Fire Code Appendices; they requested Mr. Dills to find out if the County and other Towns in the area have adopted the Appendices. Commissioner Melahn relayed that he resigned from the PZB but agreed to stay on until a replacement was appointed.
3. Finance-Commissioner King: Tax bills have been sent out. Some of the Town's CDs have already come due; the Finance Officer is looking into extending the duration of the remaining CDs in order to generate more funds.
4. Water/Wastewater-Mayor Clemmons: Brunswick County, HDR Engineering and the Town were recognized for a successful Public Informational Meeting held on August 28th for the Sewer Extension Project. Nor the method of assessment or the assessment cost payback plan has yet been determined.
5. Website-Commissioner Melahn: The website has been reformatted and Commissioner Melahn will be managing the site that was designed by Network Solutions.
6. Town & Merchant-Commissioner King: At 6:30 pm on September 18, 2008, the first Calabash Merchants Association meeting will be held at Calabash Photography Studio; all Calabash Business owners are encouraged to attend.
7. Stormwater-Mr. McCartney: written report is attached hereto and made a part of these minutes. Town Services will be cleaning out storm drains and cofferdams from the debris left by Tropical Storm Hanna. ATMC has requested the Town look into the stormwater accumulation at the corner of Thomasboro Road and Carter Drive; DOT will be included in the investigation.
8. Long Range Planning-Commissioner King: This committee is working on getting signs directing travelers along HWY 179 to the riverfront as well as making the riverfront more accessible to patrons.
9. Town Hall Improvements: Mr. Long has met with Jerry Pierce of Brunswick County Public Utilities, who is agreeable to the encroachment towards the water tower near the parking lot but is not agreeable to the building encroaching towards the water tower.
10. Emergency Management-Mr. Long: The recent wind and rain event from Tropical Storm Hanna was good practice and a learning experience for the Town. Mayor Clemmons noted that more thought needs to be given to the accommodations the Town will provide for Emergency Management Team members who stay at Town Hall during events; there is no comfortable furniture to sit or lay at Town Hall. Commissioner DiStasio pointed out that the Board needs new Municipal Assessment Team cards as the previous cards expired in August.

OLD BUSINESS:

1. **Action to approve revised Town of Calabash Organizational Chart (tabled item).** Mayor Clemmons asked if the Board felt the Chart should be amended to denote different job classifications within the Town Services Department. *Commissioner DiStasio made a motion to approve the revised Town of Calabash Organizational Chart, as is and amend it later if necessary. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*
2. **Discussion/action of a recommendation to the Brunswick County Board of Commissioners for:**
 - a. **Sewer Assessment Payback Plan—3-year, 6-year, or 10-year plan.** *Commissioner Melahn made a motion that the Town of Calabash accept (and recommend to the Brunswick County Board of Commissioners) the 10-year payback plan at 2.28% . Commissioner King seconded the motion and the motion and discussion ensued. Commissioner DiStasio said she would like the payback time to extend longer than 10 years. It was clarified that the assessment amount (still unknown at this time) would be attached to property owner's tax bills. The Board agreed that it would be ideal to have the payback period extend beyond 10 years, if possible. Commissioner Melahn amended his motion to say: the Town of Calabash accepts (and recommends to the Brunswick County Board of Commissioners) a payback plan of no less than 10 years. Commissioner King seconded the amended motion and the motion carried with a unanimous vote.*
 - b. **Method of assessment for sewer service.** Mayor Clemmons said he would like the Sewer Committee to work directly with the County on this matter. *Commissioner Herman made a motion to table this matter. Commissioner Melahn seconded the motion to table and the motion carried by way of a unanimous vote. Commissioner Herman requested that a list of all committees and committee members be posted on the bulletin board outside of Town Hall.*
3. **Action to approve a Budget Ordinance Amendment of \$38,916 transfer from the Fund Balance to Building Inspections, Miscellaneous for the refund to WB Properties for paid building permit fees.** At last month's meeting, the Board voted to approve this refund. It now has been determined that WB Properties will be paid back in monthly installments of \$6,486 over the next six months (beginning around September 15, 2008 and ending February 15, 2009); in accordance with the letter of agreement dated August 19, 2008, by the Town of Calabash between Mr. Brian Smith of WB Properties. *Commissioner King made a motion to approve the Budget Ordinance Amendment transferring \$38, 916 from the Fund Balance to Building Inspections, Miscellaneous account so that the full refund to WB Properties can be made in accordance with the letter of agreement dated August 19, 2008. Commissioner Melahn seconded the motion and the vote was as follows: Commissioners Herman, King, and Melahn voted in the affirmative while Commissioner DiStasio voted in opposition; the motion to approve the budget ordinance amendment carried by a three (3) to one (1) vote.*
4. **Action to approve a Budget Ordinance Amendment of \$19,900 transfer from the Fund Balance to Building inspections, Capital Outlay/Equipment for the purchase of the Chevy Trail Blazer.** The new Town vehicle (Chevy Trailblazer) was approved to

purchase during the last fiscal budget year. Due to unforeseen strikes in the automotive industry, the vehicle was not built or delivered until August (new fiscal budget year). So, funds must be transferred to cover the cost of Trailblazer. *Commissioner King made a motion to approve the Budget Ordinance Amendment of \$19,900 from the Fund Balance to the Building Inspections, Capital Outlay/Equipment account. Commissioner Melahn seconded the motion and the motion carried by way of a unanimous vote.*

NEW BUSINESS:

- 1. Action to approve letter of intent to Brunswick County for the Town of Calabash to remain a part of the Brunswick County Hazard Mitigation Plan—approximate cost to the Town will be \$5,000.** *Commissioner DiStasio made a motion to approve the letter stating the Town's intent to remain a part of the Brunswick County Hazard Mitigation Plan. Commissioner Melahn seconded the motion and the motion carried with a unanimous vote.*
- 2. Action to re-appoint Suzy King to the Calabash ABC Board for a 3-year term ending June 30, 2011.** *Commissioner Herman made a motion to re-appoint Suzy King to the Calabash ABC Board for a three-year term. Commissioner DiStasio seconded the motion and the motion carried by way of a unanimous vote.*
- 3. Discussion of the Police Department Fund; appreciation to the Calabash ABC Board for recent receipt of \$49,000 by the Town.** Mayor Clemmons explained that the recent audit of the Calabash ABC Board awarded an overage of \$49,000 that was given to the Town (this amount will be credited to the 2007-2008 fiscal year budget). The \$49,000 will be placed in the Town's Police Department fund. It was also noted that the Calabash Fire Department and the Calabash EMS each received approximately \$10,000 from the ABC Board after the audit as well.
- 4. Action to approve forwarding revisions made by the Board of Commissioners during 2008 UDO Workshops of the Draft UDO that was recommended by the Planning & Zoning Board in October 2007 to Holland Consulting Planners Inc. (HCP) so that HCP may revise the Draft UDO and return to the Board of Commissioners for inspection before another Public Hearing for the UDO is scheduled.** *Commissioner DiStasio made a motion to forward UDO revisions made during 2008 Board of Commissioners' Workshops to HCP so that they may produce a final draft of the UDO. Commissioner Melahn seconded the motion and there was a discussion. Commissioner Herman noted that the next item on the agenda (Appoint an Ad-Hoc Committee to review the Natural Resource Protection and other related articles of UDO) could yield further changes to the UDO, which would be counter-active in forwarding the document to HCP at this time to complete a final draft. Mayor Clemmons said it is not his intension to hold up the UDO by reviewing the Natural Resource Protection Articles—he thought the Ad-Hoc Committee could be done with their review prior to Mr. Holland completing the Final Draft of UDO. Commissioner Herman said any revisions the Ad-Hoc Committee makes will have to come back before the Board for approval. Mayor Clemmons agreed that the fruition of the Final Draft of UDO does not need to be put off any longer. Mayor Clemmons called for a vote to the motion on the*

table to approve forwarding the UDO revisions and the vote was as follows: Commissioners DiStasio and Melahn voted “yeah” while Commissioners Herman and King voted “neigh”, a tied vote of two (2) to two (2); Mayor Clemmons broke the tie by voting “yeah”—the motion carried by a three (3) to two (2) vote.

5. **Appointment of Ad-Hoc Committee to review the Natural Resource Protection Ordinance (and other tree related articles) in the UDO.** Mayor Clemmons appointed himself, Mr. Clifton Riley (citizen), Commissioner King, and James McCartney (Town of Calabash staff) to the Ad-Hoc Committee for the purpose of reviewing the Natural Resource Protection Ordinance in the [draft] UDO. Mayor Clemmons stated that it is not his intension through the creation of the Ad-Hoc Committee to hold up the evolution of UDO. If need be, after the Committee’s review, amendments could be made to the Natural Resource Protection Articles of the UDO after the UDO is adopted by the Town; the Board was agreeable to this.
6. **Action to approve a subdivision request for Tax ID # 24000017; 11.57-acres on Persimmon Road into 7 parcels (Jenrette family land transfer subdivision).** Commissioner Melahn made a motion to accept the Planning & Zoning Board’s recommendation of approval of the Jenrette family land transfer subdivision of Tax ID# 24000017, 11.57-acres along Persimmon Road into 7 parcels. Commissioner DiStasio seconded the motion to approve and the motion carried with a unanimous vote.
7. **Planning & Zoning Board appoint of new member to fill vacant seat.** Commissioner Herman noted that on file, there are still three resumes/letters of interest from the P/Z vacancy that was filled last December. She would like the Board to fill the now vacant seat with one of these applicants. Mayor Clemmons said it is the norm to receive a recommendation from the P/Z Board, which has not been done. Furthermore, Mayor Clemmons said he and other members of the BOC have not reviewed these resumes/letters of interest. Discussion continued. Commissioner Herman made a motion to appoint Alinda Meares to the Planning & Zoning Board. Commissioner DiStasio seconded the motion to appoint Alinda Meares and there was further discussion. Both Commissioner King and Commissioner Melahn said they did not feel comfortable appointing someone at this time as (1) the Board of Commissioners has not received a recommendation from the P/Z Board and (2) they have not seen the resumes/letters of interest [again]—they could not recall anything about the three applicants from last December. Commissioner Herman withdrew her motion on the contingency that the appointment is not delayed beyond October—the Board of Commissioners must appoint someone at the Regular Monthly Meeting in October.

CLOSED SESSION:

1. Discussion of property acquisition pursuant to G.S 143-318.11 (a)(5)
2. Discussion of investigation pursuant to G.S 143-318.11(a)(7)

Commissioner Herman made a motion to enter Closed Session, seconded by Commissioner Melahn; motion carried by a unanimous vote.

After approximately 15 minutes, the Board returned from Closed Session where Commissioner DiStasio made a motion to enter Regular Session, seconded by Commissioner King; and carried by way of a unanimous vote.

ACTION FROM CLOSED SESSION: there was no action taken as a result of Closed Session.

PUBLIC 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 approximately 9:30 pm.

(seal)

Anthony Clemmons, Mayor

Attest:

Kelley Southward, Town Clerk