

**TOWN OF CALABASH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
July 14, 2009**

**MINUTES**

The Calabash Board of Commissioners held a Regular Monthly Meeting on Tuesday, July 14, 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, and Commissioner Bill Dixon; all members were present.

**STAFF PRESENT:** Jeremy Cribb, Town Administrator; Kelley Southward, Town Clerk; and Mark Lewis, Town Attorney.

**GUESTS PRESENT:** There were approximately 10 guests in attendance.

**CALL TO ORDER/PLEDGE TO FLAG:** Mayor Clemmons called the Meeting to order at 6:00 pm and everyone participated in the Pledge of Allegiance to the Flag.

**ROLL CALL:** roll call was taken; attendance is reflected above.

**APPROVAL/ADJUSTMENT OF AGENDA:** *As requested by staff, Commissioner Melahn motioned to amend the agenda to add to New Business #8-Discussion/Action to consider stormwater project of piping the ditch along the new Town property at the corner of Persimmon Road and Traders Lane (Tax ID# 241PA011) and #9-Discussion/Action to consider directing the Town Administrator to have certain pine trees and stumps/debris removed from the Town's new property at the corner of Persimmon Road and Traders Lane (Tax ID 241PA011); and to approve the agenda, as amended. Commissioner Herman seconded the motion and the motion carried by way unanimous vote.*

**PUBLIC HEARING:** Text amendment to Section 153.054 (C)-Operational Procedures of the Planning & Zoning Board-of the Calabash Code of Ordinances.

*Commissioner King motioned to open the Public Hearing for the proposed amendment to 153.054, seconded by Commissioner Herman and carried unanimously.*

Commissioner Melahn explained that this was simply a "housekeeping" amendment; previously (currently) the Planning & Zoning Board is to follow Robert's Rules of Procedure. The Board of Commissioners recently approved a Rules of Procedure for Town Boards, which is included in Chapter 30 of the Code of Ordinances and they would like to change the text so that the P/Z Board follows Chapter 30. There were no speakers forthcoming for this matter.

*Commissioner King motioned to close the Public Hearing, seconded by Commissioner Herman and carried unanimously.*

**MAYOR'S COMMENTS:** Mayor Clemmons thanked the Merchant's Association for the wonderful Independence Day Celebration on July 3<sup>rd</sup>. Mayor Clemmons also thanked the Brunswick Beacon for a good job on recent articles including a piece on the Beautiful Yard Contest, the 100<sup>th</sup> Birthday of a Calabash native, and the Editorial on the July 3<sup>rd</sup> Celebration.

**PUBLIC COMMENTS:** Ms. Pam Graber of 8969 Bay Point Ct addressed the Board about the deterioration of her neighborhood. She said that in the last six months the neighborhood has gone down hill—dogs and kids runs loose, people have open fires in their front yards, basketball in the streets, people selling food from what they cook in front yards, too many tenants in some houses, dogs use her yard for bathroom, and a rooster running loose. Furthermore, there is suspected gang activity and Ms. Graber does not feel safe. Mayor Clemmons promised the Town would look into the matter and address the issues.

**CONSENT AGENDA:**

1. April 14, 2009; Regular Meeting
2. April 15, 2009; Recessed Meeting
3. April 20, 2009; Special Meeting
4. April 27, 2009; Special Meeting
5. May 5, 2009; Agenda Workshop
6. May 15, 2009; Special Meeting
7. June 2, 2009; Agenda Workshop
8. June 9, 2009; Regular Meeting
9. June 15, 2009; Special Meeting
10. June 22, 2009; Special Meeting
11. June 25, 2009; Special Meeting
12. July 7, 2009; Agenda Workshop

*Commissioner Herman motioned to approve the Consent Agenda, seconded by Commissioner DiStasio and carried by a unanimous vote.*

**TOWN ADMINISTRATOR'S REPORT:** The TA written report is attached hereto and made a part of these minutes. Mr. Cribb thanked the Merchant Association for the July 3<sup>rd</sup> Celebration and noted that approximately 10,000 people attended the event. He also informed the Board that the inmates are in town this week painting the exterior of Town Hall; there was some discussion of the chosen color—white.

**BUILDING INSPECTOR'S REPORT:** The BI written report is attached hereto and made a part of these minutes.

**COMMITTEE REPORTS:**

1. Fire Department: Commissioner Herman's written report is attached hereto and made a part of these minutes
2. Planning & Zoning: written report attached
3. Finance: Commissioner King noted that the Tax Collector would be presenting her Tax Settlement during New Business.
4. Water/Wastewater: Mayor Clemmons reported that the Town has selected to move forward with Project A—the entire sewer extension project as originally engineered. The Calabash Board of Commissioners has requested a cap on the assessment amount; each

lot should not be assessed more than \$5,500. Mayor Clemmons said that unofficially, the assessments may be in the \$4,000 to \$5,000 range and this is without any grant or stimulus money. The Town will continue to reduce the assessments as much as possible.

5. Town & Merchant: Commissioner King complimented the Merchant's Association on an exceptional job done with the July 3<sup>rd</sup> Celebration. He said that everyday someone contacts him to express how wonderful the festivities were for the community. He asked Mr. Abushakra, President of the Merchant's Association to comment. Mr. Abushakra thanked the Board for the Town's support in the July 3<sup>rd</sup> Celebration. He noted that the Merchant's worked extremely hard to put the event together in just a few weeks. The Merchant's Association raised \$10,000 for the event in four weeks. At the event they were able to raise funds for another event; they are considering something for the fall- possibly a car show.
6. Stormwater: written report attached hereto and made a part of these minutes.  
**NOTE:** Commissioner King asked to be excused; *Commissioner Dixon motioned to excuse Commissioner King from the Meeting, seconded by Commissioner DiStasio and carried unanimously (6:35 pm).*
7. Long Range Planning: there was a discussion of the need for repairs to town streets; the LRP is reviewing the road condition survey conducted by WK Dickson.
8. Ordinance Review Committee: Mr. Cribb deferred the report to Mr. Abushakra, Vice Chairman of the ORC. Mr. Abushakra thanked the Board for the time to review the draft UDO. The ORC completed their review last Thursday; although they have scheduled one meeting for next week so that they can approve any unfinished minutes. The ORC's recommendations will be forwarded to the P/Z Board in August.
9. Emergency Management Committee: the EMC will hold a meeting on Wednesday, July 23, 2009 at 2:00 pm.

#### **OLD BUSINESS:**

1. Discussion/Action to rescind direction made by the Board of Commissioners on February 10, 2009, stipulating that the General Fund should be reimbursed through financing for the purchase of the property at the corner of Traders Lane and Persimmon Road. *Commissioner Melahn motioned to rescind the direction of the Board on February 10, 2009, directing the Town Administrator to reimburse the General Fund for the purchase of the property at the corner of Traders Lane and Persimmon Road, seconded by Commissioner Dixon and there was a discussion.* Commissioner Melahn explained that the Board had directed the general fund be reimbursed for the property purchase when it was made in February. On April 14<sup>th</sup>, the Town Clerk reported that the Board needed to move forward with the financing by approving a Resolution to do so or the Town would lose the opportunity to apply for financing as the process had to be started within 60 days of the purchase (April 17<sup>th</sup>). Commissioner King said that since the opportunity to reimburse the general fund is gone, the Board should rescind the direction made in February. Mayor Clemmons called for a vote: *Commissioners Dixon and Melahn voted "yeah" while Commissioners Herman and DiStasio voted "neigh"; Mayor Clemmons had to break the tie and he so did by voting the "yeah"; the motion to rescind the direction of the Town Administrator to reimburse the general fund for the purchase of the property (Tax ID# 241PA011) as made on February 10, 2009 carried by a vote of three (3) to two (2).*

2. Discussion/Action to vote on the revised Title III-Administration-Chapter 31-Town Officials. Commissioner Melahn began reviewing the revisions made to Chapter 31 after the recent Workshop held by the Board on the matter. There were several differences of opinions on what had been included in the revisions; discussion mainly focused on what had been included for Purchasing Officer and Finance Officer. After nearly twenty minutes of discussion, *Commissioner Melahn motioned to approve Chapter 31, as presented, seconded by Commissioner Dixon and there was further discussion. Commissioner DiStasio felt the matter should be tabled because the discrepancy over the Purchasing Officer and the Finance Officer is a major issue. Commissioner Dixon rescinded his second to approve; Commissioner Melahn rescinded his motion to approve. Commissioner Melahn motioned to table Chapter 31, seconded by Commissioner Dixon and carried unanimously.*
3. Discussion/Action to approve agreement by and between the Town of Calabash and the Calabash Fire Department for an exchange of property. *Commissioner Herman motioned to approve the Agreement for property exchange contingent upon the Calabash Fire Department receiving a grant to build a new fire station, seconded by Commissioner DiStasio and carried unanimously.*
4. Discussion/Action to make a recommendation to the Brunswick County Board of Commissioners that they select the per lot method of assessment for the Calabash Wastewater Extension Project. *Commissioner Dixon motioned to approve the Resolution requesting the Brunswick County Board of Commissioners approve the per lot assessment for the sewer extension project, seconded by Commissioner DiStasio and carried unanimously.*

Mayor Clemmons called for a short, five-minute recess.

#### **NEW BUSINESS:**

1. Discussion/Action to vote on a Budget Ordinance Amendment to transfer \$1,700 from the General Fund to Fund 65 (Sewer Fund) in order to have a balance of \$350,000 in Fund 65. *Commissioner Melahn motioned to approve the Budget Ordinance Amendment approving the transfer of \$1,700 (appropriated from the Fund Balance) to Fund 65 (Sewer Project). Commissioner DiStasio seconded the motion and the motion carried unanimously.*
2. Discussion/Action to approve the Tax Collector's Settlement Statement for the 2008-2009 Fiscal Year tax collections. Ms. Silvers presented her Settlement Statement to the Board. *Commissioner Herman motioned to accept the Tax Collector's Settlement Statement for the 2008-2009 Fiscal Year, seconded by Commissioner Dixon and unanimously carried.*
3. Action to charge the Tax Collector to collect 2009 taxes. The Town Clerk read the "Charge to Direct the Tax Collector to Collect taxes" into the record. *Commissioner Herman motioned to direct the Tax Collector to collect in accordance with the Charge read by the Clerk, seconded by Commissioner Melahn and carried unanimously.*
4. Discussion/Action to consider adding regulations for a Farmer's Market to Title XI, Business Regulations, of the Calabash Code of Ordinances-Chapter 117. After a brief discussion of the regulations recommended by the Planning & Zoning Board *Commissioner DiStasio motioned to approve the amendment to Title XI, Chapter 117*

*Farmer's Market, as recommended by the Planning & Zoning Board, seconded by Commissioner Dixon and carried unanimously.*

5. Discussion/Action to consider approving another Town Services Technician I position; a budget ordinance amendment will be necessary if the Board approves any new positions. There was a lengthy discussion of what exactly the Town Services (TS) department needs as far as new employees are concerned. Since the annexation took effect on July 1<sup>st</sup> the TS department needs more help with mowing. Discussion moved to current part time employee Courtney Marshall; there was a debate over his hours and the fact he will have 1000 hours in (the maximum for part time employees in a calendar year) by August. *Commissioner Herman motioned to approve Courtney Marshall as a full time employee, at 32 hours per week and eligible for all full time benefits, including holiday pay, seconded by Commissioner Dixon and carried by a unanimous vote. Then, Commissioner Herman motioned to approve a new Town Services Technician I position—for a 40-hour workweek (to be divided up however necessary—a full time position or two part time positions) seconded by Commissioner Melahn and carried unanimously. Commissioner Herman motioned to approve a Budget Amendment transferring \$30,000 from the fund balance to Town Services salaries; section two of the Budget Amendment should reflect the motion approving a 40-hour workweek. Commissioner DiStasio seconded the motion and the motion carried by a unanimous vote.*
6. Discussion/Action designate donation amounts to organizations. Mayor Clemmons said the Board should establish a policy for distributing donations. Some Board members felt that a policy was established at budget workshops—first come, first served everyone get \$100 until the \$1000 included in the budget is gone. Mayor Clemmons felt there should be an application and some screening criteria established. Mr. Lewis agreed Mayor Clemmons and stated that the Town has an obligation to report how public funds are being spent; even funds given as donations. Those receiving donations should be able to report to the Town how funds provided by the Town will benefit the Town. *Commissioner Herman motioned to table until a policy and procedure can be adopted for donations, seconded by Commissioner Melahn and carried by a unanimous vote.*
7. Discussion/Action of COLA salary increases for Town employees. Commissioner Herman noted that there has been no increase in the cost of living as reported in the consumer price index. *Commissioner Herman motioned to declare that there would not be any COLA increase to salaries this year, seconded by Commissioner DiStasio and carried by a vote of three (3) to one (1) with Commissioner Dixon voting in opposition.*
8. Discussion/Action to consider stormwater project of piping the ditch along the new Town property at the corner of Persimmon Road and Traders Lane (Tax ID#241PA011). *After discussing the matter, Commissioner Dixon motioned to table this matter seconded by Commissioner Herman and carried unanimously.*

**NOTE:** Commissioner King returned to the meeting and took his seat with the Board (8:20 pm).

9. Discussion/Action to consider directing the Town Administrator to have certain pine trees and stumps/debris removed from the Town's new property at the corner of Persimmon Road and Traders Lane (Tax ID# 241PA011). Mr. Cribb explained that it is necessary to remove a row of pine trees along Traders Lane so that the power lines can be buried. *Commissioner Herman motioned to approve the proposal for the removal of the trees as submitted by Chuck's Construction, seconded by Commissioner King and carried unanimously.*

**CLOSED SESSION:**

*Commissioner Herman motioned to enter Closed Session pursuant to G.S 143-318.11(a)(6)-Personnel Matters, seconded by Commissioner Dixon and carried unanimously at 8:27pm.*

*Upon returning to Sanborn Hall from Closed Session, Commissioner Herman motioned to enter Regular Session, seconded by Commissioner King and carried unanimously at approximately 10:05 pm.*

**ACTION AS A RESULT OF CLOSED SESSION DISCUSSIONS:**

1. *Commissioner DiStasio motioned to extend the probationary period of Town Administrator, Jeremy Cribb for another 90-days with no pay increase, seconded by Commissioner King and carried unanimously.*
2. *Commissioner DiStasio motioned to release to the public, information regarding the extension of the Town Administrator’s probation without a pay increase for an additional 90-days, his personnel file and reasons for this decision in compliance with G.S 160A-168(c)(7) in that the release of this information is essential to maintain public confidence in the administration of town services or to maintain the level and quality of town services; the motion was seconded by Commissioner King and carried by a unanimous vote.*

**PUBLIC COMMENTS:** none forthcoming.

**BOARD COMMENTS:** Commissioner Herman relayed that she has been doing a lot of research in efforts to secure grant/stimulus money for the sewer project. She has found that the Calabash River has been closed to shell fishing since 1968. In 1970, a study was done then the shellfish sanitary people pulled out all monitors in 2005. The River has basically been unattended for forty years. In addition to this information helping to obtain grants, hopefully a campaign can get started to revitalize the Calabash River.

**ADJOURN:** *Commissioner King motioned to adjourn at 10:15 pm, seconded by Commissioner Melahn and unanimously carried.*

(seal)

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Anthony Clemmons, Mayor

Attest:

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Kelley Southward, Town Clerk

