



Workshop Meeting of the Town of Carolina Shores
Board of Commissioners
April 6, 2015 10:00am

Call to Order

- I. Administrative Reports
 1. Announced Delegation: Brunswick County Commissioner Randy Thompson
 2. Administrative Reports
 3. Committee Reports
- II. New Business
 4. Recap of Budget Retreat held on March 13, 2015
 5. Regular Meeting, April 9, 2015 Agenda Items:
 - a. Cancellation of Ditch Maintenance Agreement – Village at Calabash
 - b. Annual Review of the development agreement for The Farm at Brunswick
- III. Public Comment
- IV. Mayor and Board of Commissioner Comments
- V. Closed Session: Closed Session pursuant to GS 143-318.11 (a) (3) legal
- VI. Adjournment

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Agenda Adjustments
Contact: Mr. Walter B. Goodenough, Mayor
Location: Agenda Adjustments
"Adjustments to the agenda and approval thereof"
Follow-up: None
Requested Action: Board Action: Approve/Disapprove
Budgetary Impact: None

Narrative:

This item presents for the Board's consideration adjustments to the agenda from the time the time the agenda was created to allow for flexibility in deliberations of the Board.

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Public Comment

Contact: Mr. Walter B. Goodenough, Mayor

Location: Public Comment
“Public Comment”

Follow-up: None

Requested Action: Allow time for public comment.

Budgetary Impact: None

Narrative:

This item presents for the Board’s consideration those citizens that have comments pursuant to GS 160-81.1.

§ 160A-81.1. Public comment period during regular meetings.

The council shall provide at least one period for public comment per month at a regular meeting of the council. The council may adopt reasonable rules governing the conduct of the public comment period, including, but not limited to, rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing. The council is not required to provide a public comment period under this section if no regular meeting is held during the month. (2005-170, s. 3.)

Time Limit: 5 minutes

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Consent Agenda

Contact: Mr. Walter B. Goodenough, Mayor

Location: Consent Agenda
"Consent Agenda"

Follow-up: None

Requested Action: Pass all items with one motion, second, vote.

Budgetary Impact: Possible subject to items.

Narrative:

This item presents for the Board's consideration an expedited, omnibus action item for non-controversial, pro-forma, and routine items.

**Town of Carolina Shores
Board of Commissioners
Pre-Agenda Meeting Minutes
March 2, 2015
10:00 a.m.**

DRAFT

Members Present: Mayor Walter B. Goodenough and Commissioners: Joseph Przywara, Greg Davis, Bill Brennan, John Russo and John E. Manning. Also Present: Jon Mendenhall, Town Administrator and Nicole Marks, Town Clerk.

Members Absent: None

Others Absent: None

Call to Order:

At 10:05 a.m. Mayor Walter B. Goodenough called to order the Board of Commissioners Workshop Meeting.

Administrative Reports:

Town Administrator Report/Jon Mendenhall – On file at Town Hall:

This report serves as the report of administrative activities undertaken by the Town in the month of February and summarizes administrative, operational, and project updates for the reporting period. This report also summarizes and provides a brief narrative on items of business to be considered at the Regular Meeting of the Board.

Administrative

February has been exceptionally busy as the re-organization of the Maintenance Division has gone into full swing. The Town's garage has been completely re-organized and equipment evaluated. The hiring process continues for a Building Inspector while full-time Maintenance Workers have been hired. There is an active commercial development project on Calabash Road along with the project at Persimmon and US 17; the Calabash Road project requires a public hearing and has discussed annexation with the Planning Board.

Operational

Finance

Finance is preparing for the budget retreat and is closely monitoring legislative changes that may impact next year's budget.

Public Works

Maintenance

The Town Garage has been re-organized to allow for better efficiency and utilization of storage space. Emergency exits are being improved, long-term storage of items is being accomplished through a warehouse shelf system and equipment is being evaluated for its usefulness. A

schedule is being developed for March to allow for the long awaited attention to be devoted to drainage maintenance.

Inspections

Inspections is continuing to work on on-going inspections and to decrease re-inspections through re-inspection fee charges. The fast track program is ready to be initiated; however, there is a staffing shortage that is still being worked through. The finalization of permit form changes is yet to occur, but it is anticipated that revised forms would help speed the permitting process and would also create an environment of fewer permit related errors which creates a vicious error-correction style.

Public Safety

Code Compliance is working on an educational campaign on Town Codes. The code compliance process is being strengthened with the addition of tools to allow for warnings and citations to occur, a very productive meeting with the Town Attorney occurred on February 17, 2015 reviewing the process for citations. Code Compliance is working to build relationships with first responder personnel: Fire, EMS, law enforcement. A very detailed Emergency Operations Plan has been developed that Code Compliance as well as the other departments/divisions would use in conjunction with first responders and Brunswick County in order to increase the Town's level of emergency preparedness.

Project

Code

The Code project is substantially complete, final comment has gone back to American Legal Publishing.

Resurfacing

Clubview Reconstruction – project is substantially complete, paving occurred the week of January 19, 2015; a few close-out items remain.

Drainage

Roadside Drainage Maintenance

1. Roadside Drainage – roadside drainage ditch is being brought back online and it is anticipated that a schedule will be developed devoting a large part of March to the roadside drainage maintenance project.

Property Acquisition

Property Acquisition letters were sent to the owners of parcels behind Town Hall, one property owner is willing to contemplate an easement or long-term lease while the other is not interested at the present time. The Town Attorney has provided an estimate of \$2,000.00 to complete the legal, survey (metes and bound as well as plat map), recordation costs of an acquisition process. These items were not budgeted and would probably be better suited for FY-16.

Incorporations via Reference

Inspections – please refer to the Inspections Report as provided

Public Safety – please refer to the Calabash VFD and Calabash Rescue Squad Reports as provided.

Committee Reports:

Keep Brunswick County Beautiful – Mr. Gere Dale gave the KBCB report. Mr. Dale said as he mentioned to you in February, at their January meeting the long time chairman resigned and they elected the only non-present member of the committee as chairman. Mr. Dale said that chairman resigned just before the February meeting. Mr. Dale said he suggested that they have a chairperson of the month and that suggestion was adopted. Mr. Dale said the organization has been recognized by the National Chapter of the accomplishments in 2014. Mr. Dale said in the last month they have received notification of a \$2,500.00 grant award from the State for cigarette litter prevention. Mr. Dale said the grant will be used for stand alone portable ashtrays. Mr. Dale said a reminder that on Saturday, April 18, 2015 is the Annual Hazardous Waste Collection at Shallotte Middle School that's proceeded that week by open dumping at the County Landfill. Mr. Dale said he mentioned last year; that rather than having people driving over there, that the Town collect the material and take it up there on Saturday and that didn't happen, so he will ask again that the Town consider it. Mr. Dale said some of the things that will be accepted on that Saturday are: paints, stains, insecticides, herbicides, household cleaners, pool cleaners, aerosol cans and clothing for the Salvation Army. Mr. Dale said he would appreciate if the Board would let him know on Thursday whether the Town intends to offer a collection of opportunity for the residents as it would save the residents a trip up. Mr. Dale said he wanted to commend the Town, he saw a maintenance worker out on Country Club on Friday with a large sac collecting debris along Country Club and he thinks that's a first good step. Thank you.

New Business:

Regular Meeting, March 5, 2015 Agenda Items:

First Reading and introduction of an ordinance to amend the zoning map for property located at Calabash Rd., Parcel #2400000401 and 2400000402; Public Hearing to occur on March 5, 2015:

There was discussion on this item. Commissioner Brennan asked the applicant, Mr. Sutton if they have seen our Unified Development Ordinance and what it entails. Mr. Sutton said yes and they met with Mr. Mendenhall. Commissioner Manning asked the applicant about the entrance to the property and if it was going to be off the main road and if they had applied to the State. Mr. Sutton replied yes it is off the main road and they do not have to have a turning lane. Commissioner Przywara said he attended the Planning Board meeting where the applicant gave a brief explanation and asked the applicant if they would like to expand on what they plan to do. Mr. Sutton said they have been in business since 2010 and are currently located on Koolabrew, they rent a building and they are running out of space. Mr. Sutton said they would like to purchase their own property and own their own building and want too stay in the area because the location they are in is the best to serve their customers in Brunswick, Horry, Columbus and Bladen Counties. Mr. Sutton said they want to clear the front portion of the property and there is a house on there now in need of repair and they are going to tear that down and build their building back there so they can have more room. Mr. Sutton said they need room for expansion. Mr. Sutton said they sell windows and doors and mill related products. Mr. Sutton said the building will be approximately 15,000 square feet. Mr. Sutton said they only have about 6,000 square feet now plus another section that is around 2,500 square feet. Mr. Mendenhall read the following Ordinance:

ORDINANCE

AN ORDINANCE OF THE TOWN OF CAROLINA SHORES,
PROVIDING THAT ITS CODE OF ORDINANCES BE
AMENDED BY CHANGING AND ALTERING THE
BOUNDARIES OF A CERTAIN ZONING DISTRICT
ESTABLISHED UNDER THE ZONING ORDINANCE OF THE
TOWN OF CAROLINA SHORES, NORTH CAROLINA, SO AS
TO AMEND THE ZONING MAP THEREOF

A TECHNICAL ORDINANCE AS DEFINED IN GS 160A-77

Be it ordained by the Board of Commissioners of the Town of Carolina Shores as follows:

Section 1: Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.09 that the official zoning may shall be amended as follows:

That portion of the real property southwest of SR 1300 known as Calabash Road located on Calabash Rd, Calabash, North Carolina, 28467, Brunswick County Tax Record Number 2400000401 and 2400000402, are hereby reclassified Industrial (ID) from Neighborhood Business (NB).

Section 2: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: This ordinance shall be effective as of the date of the date of final adoption.

In the COUNTY OF BRUNSWICK

COMMISSIONER MANNING MADE A MOTION TO APPROVE THE FIRST READING AND INTRODUCTION OF AN ORDINANCE TO AMEND THE ZONING MAP FOR PROPERTY LOCATED ON CALABASH ROAD, PARCEL # 2400000401 AND 2400000402. COMMISSIONER PRZYWARA SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

First Reading and introduction of an ordinance to amend the subdivision process to allow for more Board of Commissioners input; Public Hearing to occur March 5, 2015:

Mr. Mendenhall explained the following ordinance:

ORDINANCE

AN ORDINANCE OF THE TOWN OF CAROLINA SHORES,
PROVIDING THAT ITS CODE OF ORDINANCES BE
AMENDED BY CHANGING AND ALTERING THE TEXT OF
THE UNIFIED DEVELOPMENT ORDINANCE AS IT
PERTAINS TO SUBDIVISION REGULATION

A TECHNICAL ORDINANCE AS DEFINED IN GS 160A-77

Be it ordained by the Board of Commissioners of the Town of Carolina Shores as follows:

Section 1: Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.42, Subsection C, Paragraph 4, Item g, that the text be amended to read as follows:

To recommend to the Board of Commissioners the approval or disapproval of major site plans and major subdivisions in accordance with Section 91.63.

Section 2: Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.63 that the text be amended to read as follows:

Planning Board Review and Approval Flowchart – removed

Subsection E Review Process

- (1) Following a complete technical review, the UDO Administrator shall schedule the application for review by the Planning Board.
- (2) The Planning Board shall have up to 30 days from the date of referral by the UDO Administrator to recommend approval, recommend approval with conditions or recommend denial of the request to the Board of Commissioners.
- (3) The Planning Board, via the UDO Administrator, shall forward their recommended action to the Board of Commissioners for review and action as appropriate by the Board of Commissioners.

Subsection F Approval Process

- (1) All required local, state and/or federal permits must be obtained prior to authorization to construct, but shall not be required to obtain plan approval pursuant to this section.

Subsection E Reapplication

- (1) Following denial by the Board of Commissioners, the applicant may file a new application and associated fee after waiting one year from the date of denial. Such application shall be considered to be filed de novo by the Planning Board and Board of Commissioners.

Section 3: Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.66 that the text be amended to read as follows:

Subsection D Review procedure for major subdivisions

(1) Preliminary Plat

- (a) Following a complete technical review and the payment of requisite fees as established by the Board of Commissioners, the UDO Administrator shall schedule the preliminary plat for review by the Planning Board.

- (b) The Planning Board shall have up to 30 days from the date of referral by the UDO Administrator to recommend approval, recommend approval with conditions or recommend denial of the request to the Board of Commissioners.
- (c) The Planning Board, via the UDO Administrator, shall forward their recommended action to the Board of Commissioners for review and action as appropriate by the Board of Commissioners.
- (d) All required local, state and/or federal permits must be obtained prior to authorization to construct, but shall not be required to obtain preliminary plat approval pursuant to this section.

(2) Final Plat

(a) Within 24 months after approval of the preliminary, the subdivider shall submit a final plat showing that the subdivision has been complete in conformity to the approved preliminary plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plat, provided that all required improvements have been installed as called for in the approved preliminary plat or a surety bond or similar financial instrument has been approved the Board of Commissioners, in accordance with this chapter.

(b) Final Plat process

- i. Following a complete technical review and the payment of requisite fees as established by the Board of Commissioners, the UDO Administrator shall schedule the final plat for review by the Planning Board.
- ii. The Planning Board shall have up to 30 days from the date of referral by the UDO Administrator to recommend approval, recommend approval with modifications or recommend denial of the request to the Board of Commissioners. If the final plat substantially conforms to the approved preliminary plat, the plat should be approved.
- iii. The Planning Board, via the UDO Administrator, shall forward their recommended action to the Board of Commissioners for review and action as appropriate by the Board of Commissioners.
- iv. The Board of Commissioners shall review the final plat and if it substantially conforms to the preliminary plat shall approve the final plat. The Board of Commissioners shall also, as part of the final plat approval process accept any public improvements or sureties thereof as outlined in this chapter.
- v. Only after the final plat has been approved and recorded in the Brunswick County Register of Deeds office shall any lots be transferred or conveyed.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall be effective as of the date of the date of final adoption.

In the COUNTY OF BRUNSWICK

There was discussion on amending the process.

COMMISSIONER PRZYWARA MADE A MOTION TO APPROVE THE FIRST READING AND INTRODUCTION OF AN ORDINANCE TO AMEND THE SUBDIVISION PROCESS TO ALLOW FOR MORE BOARD OF COMMISSIONERS INPUT. COMMISSIONER BRENNAN SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Various Appointments: Board of Commissioners liaisons, Planning Board:

COMMISSIONER PRZYWARA MADE A MOTION TO RE-APPOINT KATHRYN POWELL AND DANIEL O'REILLY TO THE PLANNING BOARD. COMMISSIONER MANNING SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Oath of Office: Mayor Goodenough swore in Kathryn Powell

Oath of Office: Mayor Goodenough swore in Daniel O'Reilly

COMMISSIONER MANNING MADE A MOTION TO APPROVE THE BOARD OF COMMISSIONERS LIAISONS AS FOLLOWS: MAYOR WALTER B. GOODENOUGH HUMAN RESOURCES COMMITTEE AND CALABASH VOLUNTEER FIRE DEPARTMENT LIAISON, COMMISSIONER JOSEPH PRZYWARA DEVELOPMENT LIAISON AND PLANNING BOARD LIAISON, COMMISSIONER JOHN E. MANNING INTER-GOVERNMENTAL LIAISON, CFCOG REPRESENTATIVE, CHAMBER OF COMMERCE AND CALABASH EMS, COMMISSIONER JOHN RUSSO ENVIRONMENT LIAISON, TREE VOLUNTEER AND ENVIRONMENTAL MANAGEMENT GROUP COMMISSIONER BILL BRENNAN HUMAN RESOURCES COMMITTEE AND COMMISSIONER GREG DAVIS HUMAN RESOURCES COMMITTEE. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. Commissioner Russo asked to have his appointments read again. Mayor Goodenough re-read Commissioner Russo's appointments. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of an Emergency Operations Plan for the Town:

Mr. Mendenhall reviewed the revised and proposed Emergency Operations Plan for the Town. There was discussion on this item. Mr. Mendenhall said under Section 4 there is a color code issue under Terrorism which he believes needs to be revised and Commissioner Brennan brought it to his attention. There was discussion on this item.

COMMISSIONER MANNING MADE A MOTION TO APPROVE THE CONSIDERATION OF AN EMERGENCY OPERATIONS PLAN FOR THE TOWN. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of a Request to Surplus Property: maintenance equipment:

Mr. Mendenhall said there are two items in front of the Board and would like to discuss a third item for surplus. Mr. Mendenhall said Maintenance staff and himself are recommending the first two items be declared as surplus and not needed for operation which are the Flail boom-arm mower and the Sweepster rotary mechanical sweeper. Mr. Mendenhall said the third item is the 1996 Ford Ranger and there was \$5,000.00 spent on the engine and he's not sure how expensive the water pump will be. There was discussion on these three items.

COMMISSIONER DAVIS MADE A MOTION TO AUTHORIZE THE TOWN ADMINISTRATOR TO GET RID OF THE REQUESTED SURPLUS PROPERTY IN THE BEST SITUATION FOR THE TOWN. THE THREE ITEMS BEING THE SWEEPER, FLAIL BOOM AND THE 1996 FORD RANGER TRUCK. COMMISSIONER MANNING SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Public Comment:

John Bennett, 23 Bayberry Circle – Mr. Bennett said about the terrorist thing, that is a good idea doing the things you are talking about because the next war is going to be a war of all hell. Mr. Bennett said he was wondering why he was dismissed from working here. Mr. Bennett said according to Jon Mendenhall, it was according to the Commissioners that he was let go. Mr. Bennett said and I will ask why was I let go and asked the Board if they had any comment on that. (Commissioner Brennan said it's an administrative decision and Mr. Mendenhall can answer that better than anybody else. Commissioner Davis said it's a personnel issue.) Mr. Bennett said it's a personnel issue. Mr. Bennett said but why was I let go? Two full-time? (Mr. Mendenhall responded and said it's a personnel matter, meaning that they are not allowed to talk about your matters in a public setting for the benefit of you and for the Board that we're not able to talk about it in a public type forum. Mr. Mendenhall said if you have specific concerns, I would encourage you to refer back to the letter that was given.) Mr. Bennett said the letter you gave me doesn't say anything. Mr. Bennett said I did a great job and wants to know why he didn't get it. Mr. Bennett said he doesn't have any pension, he lost his insurance, his wife has cancer and he's \$80,000.00 in debt. Mr. Bennett said you hired people over there that got pensions, one guy has four pensions coming in, the other guy has a pension, the other guy has a pension and I get let go. Mr. Bennett said for 10 ½ years I've worked here, I know everything and I've torn apart every one of those machines apart and put them back together, that's all I have to say.

Gere Dale, 46 Calabash Dr. – Mr. Dale said he knows what he has to say can't be said in five minutes so I'll use five minutes today and five minutes Thursday. Mr. Dale said it has to do with transparency and forthrightness in government. Mr. Dale said he thought he'd seen about as much as he can handle with our Federal government situation but what's happened in this town, particularly in the last two months is just so mind boggling that is defies description. Mr. Dale said he's been involved with this town since September of 1998 when the town was formed, either directly or indirectly. Mr. Dale said he cannot recall and he's gone through his records and cannot find any instance where the Town Board has gone into as he calls it secret session, I guess you call it Executive Session or Closed Session for four consecutive meetings as you have done, twice in January, twice in February and apparently are going to do again today, if I read the agenda correctly. Mr. Dale said he thinks in reading the statute on Closed Sessions, which

says general personnel policy issues may not be considered in a Closed Session, final action making an appointment or discharge or removal by a public body shall be taken in an open meeting and I go back and look at the motions that have been made when you come out of Closed Session or secret session as he calls it, some of those motions clearly should have been discussed in public session. Mr. Dale said he is making a formal and public complaint about the fact that the Board has gone four consecutive meetings and discussed things that the town taxpayers should be aware of, you've fired the entire maintenance force, you have not told us why you've done this, you've hired additional people or tried to hire additional people on a full time basis. Mr. Dale said you have not told us the taxpayers why you've done this, you've not told us what the cost implications are going to be in re-organizing. Mr. Dale said he thinks it's a sad situation in this town and he won't even talk about the back room meetings. Mr. Dale said one of the Commissioners last month said that he keeps getting a little frazzled when he hears that the Board doesn't tell the public anything, we share a lot of information here. Mr. Dale said another Commissioner went along with that comment. Mr. Dale said I don't know what you think you're sharing with the public. Mr. Dale said he has asked that the town bulletin be put out at the Recycle Center for the people who don't have computer capability. Mr. Dale said he changes that recommendation because this is a piece of garbage. Mr. Dale said what you have in here is self serving, it doesn't provide your taxpayers with any information unless you think that you're doing them a service showing them how to maintain a lawnmower or how to decorate their home, which is the entire last page of this. Mr. Dale said he has a lot more he wants to say but he'll hold it until Thursday. Thank you.

Mayor and Commissioner Comments:

Commissioner Brennan – Commissioner Brennan said he has a comment or observation. Commissioner Brennan said its been suggested that people come to a central point to have their hazardous waste driven up to Bolivia to save them the trouble, aggravation and expense of driving up to Bolivia and he thinks that's a wonderful, wonderful idea but the problem with that is, we can do this with all the material that's waste and recyclable and we could do that with a lot less time, effort and money by having a garbage collection and recycling pick up, the same way that some 110,000 other people in the County have it done as opposed to people driving. Commissioner Brennan said granted, it's not driving up to Bolivia but none the less it is 3,4, or 5 mile round trip from their home to the Recycle Center and some people do it many times a week and we could save a lot of carbon that way. Commissioner Brennan said he just thinks it's funny that in one case it seems to be a good idea and the other case it seems to be a bad idea. Commissioner Brennan said he just doesn't know, he thought he would throw that out.

Commissioner Russo – Commissioner Russo said he and the Chairperson of the Tree Advisory Committee had gone to a seminar on Friday. Commissioner Russo said when he got there; he found that it was basically for Planners. Commissioner Russo said it was run by the Wildlife Natural Resource Center Commission. Commissioner Russo said if Joe thinks it's a good idea, then he would like those people to come down and give us a seminar on planting and wildlife conservation and so forth. Commissioner Russo said he wanted to ask the Board if it's a good idea for them to come and talk to the Board. Commissioner Russo said if we do go through leasing the property, these are the pictures (showed pictures) showing what we are looking to do. Commissioner Russo said the pictures are from up in Bolivia and they call it a garden and that's what he is trying to do with that piece of property to bring the towns people together. Commissioner Russo said that is what we are really looking for. Commissioner Russo said this is not a park, it's to have certain types of trees so when the tree volunteers go out to inspect trees and let the residents know that they have to replace a tree, they have something to look at. Commissioner Russo said 40 Year Plan, remember that. Commissioner Russo said his thought is

to get all the garden clubs to volunteer and get the town together and anything that can do that, that's what he is trying to do. Thank you.

Commissioner Manning – Commissioner Manning wanted to discuss what Mr. Dale brought up about the hazardous material. Commissioner Manning said he thought this was brought to the former Board also at one time, which he wasn't on. Commissioner Manning said he thought the former Board rejected the whole idea, maybe he's wrong, and maybe somebody can enlighten him. Commissioner Manning said the Board questioned the liability of it.

There was discussion on the topic of the town hauling hazardous material to Bolivia. It was the consensus of the Board that hauling hazardous material to Bolivia is a liability issue.

Commissioner Manning said the reason he brought it up was because he felt Mr. Dale needed an explanation as to why the Board would not consider it again.

Commissioner Davis – None

Commissioner Przywara – Commissioner Przywara said as a side note, did any of you read the Southern City Magazine. Commissioner Przywara said there was something interesting in the magazine; there is a warning from the School of Government. Commissioner Przywara said if you have a concert and you play music that is licensed by people, they can come after you and collect fees up to \$30,000.00 for penalties for playing their music without getting a license to play their music and it says if you're going to do that, go to your attorney first before you do anything. Commissioner Przywara asked Mr. Mendenhall if he could update the Board in regards to the work done on Saturday regarding the renewal of Recycle Center stickers.

Mayor Goodenough – Mayor Goodenough said in regards to Mr. Dale complaining or mentioning about the Board going into so many Closed Sessions, the Building Inspector is retiring and the Board is looking to hire a new Building Inspector which requires the Board to go into Closed Session to talk to people and find out what their jobs were and personnel issues. Mayor Goodenough said we also had to do it for a lawyer, who decided not to be the town's lawyer anymore which was at least two or three Closed Session meetings. Mayor Goodenough said we are now going to go in it again for a Town Engineer, which decided to move to Denver. Mayor Goodenough said we also did it for a Code Compliance Officer. Mayor Goodenough said everything they are going into Closed Session for is perfectly legal and is about personnel issues and hiring people, looking at backgrounds and characters of people before the Board hires them. Mayor Goodenough said maintenance workers are not discussed in open session.

Closed Session:

COMMISSIONER MANNING MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO N.C.G.S. 143-318.11 (a)(6) PERSONNEL. COMMISSIONER BRENNAN SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

COMMISSIONER BRENNAN MADE A MOTION TO COME OUT OF CLOSED SESSION AND GO BACK INTO REGULAR SESSION. COMMISSIONER MANNING SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Goodenough said during Closed Session there were no votes taken.

COMMISSIONER PRZYWARA MADE A MOTION TO AUTHORIZE THE TOWN ADMINISTRATOR TO OFFER EMPLOYMENT TO AN INDIVIDUAL FOR THE POSITION OF BUILDING INSPECTOR AND FULL TIME MAINTENANCE WORKER. COMMISSIONER BRENNAN SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Commissioner Manning said he had one item to bring up. Commissioner Manning discussed Sunshine Week and said that since Arbor Day is that Friday of Sunshine Week, maybe we could combine the two. There was discussion on this item and it was the consensus of the Board to have the two events separate.

Adjourn:

COMMISSIONER BRENNAN MADE A MOTION TO ADJOURN THE MARCH 2, 2015 BOARD OF COMMISSIONERS WORKSHOP MEETING. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Walter B. Goodenough, Mayor

Submitted by:
Nicole Marks
Town Clerk

**TOWN OF CAROLINA SHORES
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES**

March 5, 2015

2:00 p.m.

DRAFT

Mayor Walter B. Goodenough called the March 5, 2015 meeting to order at 2:00 p.m. The Pledge of Allegiance was recited and there was a moment of silence. Commissioners Present: Joseph Przywara, John E. Manning, Greg Davis, Bill Brennan and John Russo. Also Present: Jon Mendenhall, Town Administrator and Nicole Marks, Town Clerk.

Absent: None

Agenda Adjustments:

COMMISSIONER DAVIS MADE A MOTION TO AMEND THE AGENDA BY CHANGING ITEM NUMBER X. ON THE AGENDA TO ADJOURNMENT. COMMISSIONER BRENNAN SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments:

Gere Dale, 46 Calabash Drive – Mr. Dale said he is continuing his remarks from last Monday on transparency and forthrightness in our town government. Mr. Dale said he talked to quite a number of people in our community and they also talked to him about our town government. Mr. Dale said he boiled down their four complaints in these four categories: 1. the need for an honest and forthright government, 2. fiscal responsibility, 3. a user friendly Recycle Center and 4. effective monitoring of the storm water management system. Mr. Dale said under honest and forthright government, he doesn't understand why you folks can't tell we taxpayers about the need and scope of the reorganization of the Maintenance Department. Mr. Dale said our residents interact with the Maintenance Department a lot more than they interact with you, they recognize our maintenance Department; Tom, Sal, Bill and John have served this town longer I believe than any of you who are up there on the dais. Mr. Dale said he wondered if they were offered full time positions and he doesn't expect any answers because obviously there have not been given any answers up to this point. Mr. Dale said he is wondering why you haven't introduced the new Maintenance Supervisor as you did with the Code Compliance Officer, what's his name, what's his work hours, what's his salary. Mr. Dale said he thinks the taxpayers are deserving of knowing that information. Mr. Dale said how many full time maintenance men did you hire, I think the taxpayer money deserves an answer on that. Mr. Dale said what are the financial implications to the town if their hired with benefit packages; he thinks the taxpayers deserve the courtesy of that information. Mr. Dale said in regards to fiscal responsibility, he's not sure why the town spent \$30,000.00 on vehicles at the end of last year. Mr. Dale said he's not sure of what the cost of the desktop computers that you have and how that benefits the residents, taxpayers who paid for those desktop computers. Mr. Dale said I don't know why you can't tell the residents how much the resurfacing of Clubview cost, he thinks that is very important (At this point, Mayor Goodenough said that Mr. Dale could still have his time but on that subject, everybody is aware what that cost, it was publicized, it was \$500,000.00 and

something sir.) Mr. Dale said I am unaware of that and you tell me where that's been publicized because you published a newsletter in February, you said that that road had been resurfaced and the comment that was added to that, "please drive safely along this road." Mr. Dale said there wasn't anything in there about what the cost was, I beg your pardon. Mr. Dale said lastly in this category, why haven't we been told as taxpayers about the very serious accident that occurred over in the Recycle Center, a little over a month ago. Mr. Dale said it involves a town piece of equipment and it involves one of your constituents, his car was totaled over there and he hasn't seen anything in which you've had the forthrightness to tell your taxpayers about what happened. Mr. Dale said with regard to the Recycle Center, he submitted a recommended traffic pattern, complete with a recommendation to put painted white lines three months ago, including making the left side of the compactor available for the residents and he doesn't see anything that has happened with that, that was three months ago that he presented that. Mr. Dale said your sticker limit of two limits per household, changing a practice that's existed for sixteen years, where households were permitted to have a sticker for each one of their vehicles and you are permitting a second one, as long as they pay ten dollars for it. Mr. Dale said finally, I've not noted any progress on improving the swale handling of stormwater or an effective working on golf course ditches to eliminate stoppage points and eliminate long and standing water. Mr. Dale said he's heard all kinds of positudes about you're going to do that but he hasn't seen any evidence. Thank you.

Consent Agenda:

COMMISSIONER DAVIS MADE A MOTION TO APPROVE THE FOLLOWING CONSENT AGENDA ITEMS.

- Approval of Minutes: February 2, 2015; February 5, 2015

COMMISSIONER PRZYWARA SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Administrative Reports:

Request – Mr. Mendenhall said he has a request that came in today for a request of funding for \$8,000.00 to fund the Calabash firework's display on July 4, 2015 for the Board's consideration. There was discussion on this item. It was the consensus of the Board to discuss this item at the Board Retreat.

Re-Inspection Process – Mr. Mendenhall said that we are working on some re-inspection programs and it's no secret that we have been inundated for some time on requests for inspection. Mr. Mendenhall said we have a lot of good positive activity in our communities particularly in The Farm at Brunswick, Calabash Lakes and Lighthouse Cove and we are seeing a lot of activity. Mr. Mendenhall said we billed out about \$1,100.00 in re-inspection fees to try to get that under control.

Maintenance Activities – Mr. Mendenhall said today we finished drainage activity at Cleek Court, replaced the pipe and re-graded and fixed the bottom of the catch basin which needs additional attention. Mr. Mendenhall said we don't quite have all the tools we need to do some of these things and had to rent a concrete saw to cut through the headwall. Mr. Mendenhall said we have scheduled for the month of March to go through and do some drainage work, pull some

roadside ditches and de-sill them. Mr. Mendenhall said weather is a factor; if it's too wet we won't be able to get the backhoe out on the shoulders to do anything.

Calendar Activities - Mr. Mendenhall reviewed the upcoming events.

Public Hearings:

Public Hearing on an ordinance to amend the zoning map for Parcels #2400000401 and 2400000402 on Calabash Road:

COMMISSIONER BRENNAN MADE A MOTION TO OPEN THE PUBLIC HEARING ON AN ORDINANCE TO AMEND THE ZONING MAP FOR PARCELS #2400000401 AND 2400000402 ON CALABASH ROAD. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Public Comment on Public Hearing:

Kevin McGrath, 130 Calabash Road, NW – Mr. McGrath asked where is it exactly.

(Mr. David McPherson responded to Mr. McGrath's question)

David McPherson – Mr. McPherson said it's approximately 5/10 of a mile on Calabash Road off Highway 17, on the left just before Koolabrew. Mr. McPherson said there is one piece of property in between Koolabrew and them.

Beverly Moran, 191 Calabash Road – Ms. Moran said she is speaking on behalf of herself and her brother who owns property that's in the middle of this property. Ms. Moran said she was told that they would not be using the easement to the property that goes all the way to Carolina Shores North because she spent \$1,500.00 on that dirt drive and Mr. McPherson said no, they would not use that. Ms. Moran said her next concern is will she sit on the front porch and look at a warehouse. Mr. McPherson said they are going to do the front of the building where it looks nice like a cottage style appearance to give it a residential look. Mr. McPherson said they are going to plant some type of buffer which will give it some type of cushion between. Ms. Moran said the house that sits amidst that property was her moms and she is deceased and it is now her brothers and she asked Mr. McPherson if they were going to do the same thing around that and Mr. McPherson said they will have a buffer around that too. Ms. Moran said when her grandmother gave her this land, she gave her a fifteen foot easement to her property and all the way back to Carolina Shores North where her brother also owns two acres, now once you get past hers, that is her moms it's only a fifteen foot easement, so you will not be using that road at all. Mr. McPherson said no. Ms. Moran said that was her concern because she maintains the road. Mr. McPherson said they are going to put their own drive in, actually kind of start from that road and Ms. Moran said that doesn't bother her. Ms. Moran said to Jon Mendenhall, you had asked me about annexation and she has talked to probably about fifty people and that's a no go. Ms. Moran said she doesn't know anything about a petition but she doesn't have a problem doing that. Mr. Mendenhall said it's just a routine question they ask everyone. Ms. Moran said that Jon Mendenhall asked her about annexation and she just wanted to give him an answer and he is a very nice gentleman and she appreciates his services and concerns, thank you.

Mayor Goodenough said annexation is not enforceable; it's just a question we ask if someone's interested and would not be pursued in any other way. Mayor Goodenough asked if this was going to be a manufacturing facility and Mr. McPherson said no it's only going to be a warehouse facility. Mr. McPherson said at some point he may change it to manufacturing but at this point, no.

COMMISSIONER DAVIS MADE A MOTION TO CLOSE THE PUBLIC HEARING ON AN ORDINANCE TO AMEND THE ZONING MAP FOR PARCELS # 2400000401 AND 2400000402 ON CALABASH ROAD AND GO BACK INTO REGULAR SESSION. COMMISSIONER PRZYWARA SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Public Hearing on an ordinance to amend the subdivision process to allow for more Board of Commissioners input:

COMMISSIONER RUSSO MADE A MOTION TO OPEN THE PUBLIC HEARING ON AN ORDINANCE TO AMEND THE SUBDIVISION PROCESS TO ALLOW FOR MORE BOARD OF COMMISSIONERS INPUT. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Public Comment on Public Hearing:

None

COMMISSIONER RUSSO MADE A MOTION TO CLOSE THE PUBLIC HEARING ON AN ORDINANCE TO AMEND THE SUBDIVISION PROCESS TO ALLOW FOR MORE BOARD OF COMMISSIONERS INPUT AND GO BACK INTO REGULAR SESSION. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Old Business:

None

New Business:

Second reading and adoption of an ordinance to amend the zoning map for property located on Calabash Road, parcel # 2400000401 and 2400000402

Mr. Mendenhall said for the benefit of the Board and the public, this is an Ordinance of the Town of Carolina Shores, providing that its Code of Ordinances be amended by changing and altering the boundaries of a certain zoning district established under the Zoning Ordinance of the Town of Carolina Shores, North Carolina, so as to amend the Zoning Map thereof. Mr. Mendenhall said it's a technical Ordinance as defined in N.C.G.S. 160A-77. Mr. Mendenhall said what this does is amend Title IX: Planning and Regulation of Development, Chapter 91 Unified Development, Section 91.09 that the official Zoning Map shall be amended as follows: That portion of the real property southwest of SR 1300 known as Calabash Road located on

Calabash Road, Calabash, North Carolina, 28467, Brunswick County Tax Record Number 2400000401 and 2400000402, are hereby reclassified Industrial (ID) from Neighborhood Business (NB). Mr. Mendenhall said there is a Consistency Statement required by State Statute and the Consistency Statement reads as follows: "Consistency Statement: Section 1 is found to be consistent with the plan of land use and zoning for the Town of Carolina Shores. Section 1 is found to be both reasonable and in the public's interest as it continues with the land development patterns in the vicinity of the area in a westerly and northerly direction. A portion of the intended use of the property is currently permitted by right in the NB district (retail), the addition of wholesale/warehousing necessitates an ID (industrial) classification change, but does not change the overall use or development pattern of the area. The relationship of this use to the uses already found in the NB district is found to create no greater a burden on the public's health, safety, and welfare and further advances the general welfare through the productive use of the parcels mentioned in Section 1 for the purposes of development to a higher and more productive use than the residential non-conforming use currently established on the property. Mr. Mendenhall said all ordinances and parts of ordinances in conflict with is ordinance are hereby repealed and this ordinance shall be effective as of the date of the date of final adoption, which will be today if the Board so chooses.

COMMISSIONER BRENNAN MADE A MOTION TO APPROVE THE SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE ZONING MAP FOR PROPERTY LOCATED ON CALABASH ROAD, PARCEL # 2400000401 AND 2400000402. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. Commissioner Russo asked if this answered Ms. Moran's question. Commissioner Przywara asked Ms. Moran to repeat her question. Ms. Moran asked if she was still going to be zoned as Neighborhood Business on her property and the Board responded yes, her property is not changing whatsoever. Commissioner Przywara said the rezoning is specifically for the two parcels mentioned. Ms. Moran asked is that not spot zoning? I mean I don't know it's just a question. Commissioner Davis said yes it is and he's never heard that term before. Mr. Mendenhall said the Consistency Statement has found that it's consistent with the pattern of development in that area, meaning it's commercial, its uses are similar to the uses found in Neighborhood Business and it's with the pattern of development along that portion of Calabash Road, from the corner all the way up to Koolabrew, so based on the legal description it is not spot zoning. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Second reading and adoption of an ordinance to amend the subdivision process to allow for more Board of Commissioners input

COMMISSIONER BRENNAN MADE A MOTION TO APPROVE THE SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE SUBDIVISION PROCESS TO ALLOW FOR MORE BOARD OF COMMISSIONERS INPUT. COMMISSIONER PRZWARA SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. Mayor Goodenough said it keeps the Board of Commissioners in the loop as far as Planning goes and the Planning Board would bring an item to the Board of Commissioners. Mayor Goodenough said as it stands right now, the Board is not really in that process. Commissioner Brennan said it's a text issue. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Mayor and Commissioner Comments:

Commissioner Brennan – Commissioner Brennan said he certainly feels rather bad when the integrity of this Board is impugned and the only thing he wants to say about that is everybody has a right to their opinion but I don't believe everybody has a right to their own set of facts, that's all.

Commissioner Russo – Commissioner Russo said he wanted to talk about Arbor Day and the letter from Jessie Mae. Commissioner Russo said they wanted to Arbor Day at their school and he felt it's a town procedure something we do here at the Town. Commissioner Russo said he has already made arrangements with somebody to donate a tree to the school himself. Commissioner Russo said to him, it's a continuation of Arbor Day. Commissioner Russo said otherwise, things are going to be the same since 2009.

Commissioner Przywara – None

Commissioner Davis – None

Commissioner Manning – None

Mayor Goodenough - None

Closed Session:

None

Adjourn:

COMMISSIONER BRENNAN MADE A MOTION TO ADJOURN THE MARCH 5, 2015 BOARD OF COMMISSIONERS MEETING. COMMISSIONER RUSSO SECONDED THE MOTION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Walter B. Goodenough, Mayor

Submitted by:
Nicole Marks
Town Clerk

**TOWN OF CAROLINA SHORES
BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING MINUTES OF THE BUDGET RETREAT
March 13, 2015
9:00 a.m.**

DRAFT

Mayor Walter B. Goodenough called the March 13, 2015 Special Called Meeting of the Budget Retreat to order at 9:00 a.m. Commissioners Present: John Russo, Bill Brennan, Joseph Przywara, John E. Manning and Greg Davis. Also Present: Jon Mendenhall, Town Administrator; Julie Munday, Finance Director and Nicole Marks, Town Clerk.

Absent: None

Welcome and Opening Remarks:

Mayor Goodenough welcomed everyone to the FY 2015-16 Board of Commissioners Budget Retreat. Mr. Mendenhall reviewed the agenda below:

- 9:00 Welcome and Opening Remarks
- 9:15 Updates on Progress from FY 14-15 – What was accomplished in current fiscal year, etc.
- 9:30 Review of the Budget Process – The anticipated timeline for budget ordinance adoption, conditions facing other localities, revenue discussion, etc.
- 9:45 Break
- 10:00 Goal Setting – Board to set goals for the Town for the year
- 10:30 Economic Development – discussion on economic development
- 11:00 Project Delivery Changes – discussion on project delivery changes related to scheduling
- 11:30 Internship Program – discussion of a new internship program
- 12:00 Lunch
- 1:00 Capital Projects – program of capital projects to be delivered (discussion of road resurfacing, road needs, and new information related to roadways for review)
- 2:00 Budget Instructions and Direction – Board to instruct staff to prepare a budget, guidance on tax rate, etc.
- 2:30 Wrap-up
- 3:00 Adjourn

Mayor Goodenough reviewed the Commissioner's Bucket List from 2014-15 and there was discussion on these items:

1. Build community of one spirit
2. Embrace greater recycling
3. Educating on recycling to enhance participation and understanding of practical solutions
4. Continued harmony of board to ensure effective government

5. Adhere to scheduled street and stormwater improvement
6. Recruit medical facilities closer to Carolina Shores
7. Define citizen communication process that ensures greater distribution throughout the town
8. Intersection of Clubview/Nautical resolve drainage issue
9. Monitor effectiveness of Recycle and Waste Center
10. Implement Code Enforcement Officer on part-time basis
11. Continue with Tree Management Initiative Plan

Mayor Goodenough said the Board accomplished a lot and that 10 out of 11 were accomplished.

Mr. Mendenhall discussed the updates on progress from FY 14-15 – what was accomplished in current fiscal year, etc. below:

The current fiscal year saw the following accomplishments:

1. Completed the major capital project of Clubview Ln reconstruction
2. Re-organized the Department of Public Works
3. Completed the Town Code including the unified development ordinance
4. Instituted a paperless agenda system for the Board of Commissioners
5. Implemented a code compliance program
6. Renewed and re-invested time, strategic planning, and organization into Emergency Management
7. Expanded communications with residents to include: OurTown and monthly bulletin
8. Addressed uniform delivery of services, particularly regarding landscape/right-of-way maintenance
9. Made operational improvements to the solid waste convenience site including expanding hours of operation, improving traffic flow, and monitoring usage by permitted residents only
10. Undertook training for the Planning Board on statutory and code changes
11. Undertook maintenance activities eliminating overhanging limbs in problem areas
12. Completed aesthetic improvements to Town Complex: landscaping, painting, and ease of use

Mr. Mendenhall discussed the review of the budget process – The anticipated timeline for budget ordinance adoption, conditions facing other localities, revenue discussion, etc. below:

Review of the budget process includes: budget adoption schedule, conditions facing localities, discussion on revaluation and potential revenue changes

Budget Adoption Schedule

Monday May 4, 2015	Workshop – Budget Presented – Budget Message
Thursday May 7, 2015	Public Hearing and First Reading of the Budget Ordinance
Monday June 1, 2015	Workshop – Modifications (if needed)
Thursday June 4, 2015	Second Reading and Adoption of the Budget Ordinance

Conditions Facing Localities

- This is a revaluation year, most localities in Brunswick County have witnessed a drop in their assessed values. Brunswick County conducts revaluations on a 4yr cycle.
- The Town of Carolina Shores is expecting a drop in assessed values.
- Business privilege license tax will be eliminated starting July 1, 2015 – this will reduce Town revenue.
- Powell Bill – the Town is expecting a decline in Powell Bill revenue as the fuel tax system changes
- Health Insurance – with the Affordable Care Act continuing to be implemented, insurance rates are rising across the country, the Town is not immune to this increase

Revaluation Discussion

- Taxes are shaped by in two ways: 1) Values – the actual value of a property and 2) Rates – the tax rate applied to the property.
 - If values decline and rates remain unchanged total revenue declines...this is a tax decrease
 - If values decline and a locality needs the same revenue, the rate is increased...this is revenue neutral
 - If values increase and rates remain unchanged total revenue increases...this is a tax increase
 - If values increase and a locality needs the same revenue, the rate is decreased...this is also revenue neutral
- As a matter of practice, the Board will be asked for a general direction and instruction to the Town Administrator and Finance Director on preparing the budget and establishing a tax rate so that revenues can be estimated and budgeted, this will occur later in the day today.

It was the consensus of the Board to take a ten minute break.

Mr. Mendenhall discussed the below goal setting list – Board to set goals for the Town for the year:

Annually, the Board is asked to set goals for the Town for the new year.

Staff suggests the following for consideration:

- Sustainable street maintenance, reconstruction, and paving: plan to deal with more roads and fewer revenue dollars
- Proactive maintenance using in house forces: using Town forces to proactively maintain infrastructure, goal to reduce Service Request volume 10% through proactive maintenance rather than reactive response
- Aesthetic improvements: gateways/landscaping, increasing number of Christmas lights – It

was the consensus of the Board to get the speed limit lowered on Thomasboro to 45 mph and ask NCDOT to maintain Thomasboro better. It was the consensus of the Board to investigate the cost of the Christmas lights for the entrances to each community that currently do not have them and on 17.

- Efficiency and Environment: converting thoroughfares to LED street lights (Country Club, Persimmon, Thomasboro), spot improvements to street lights as needed (funds set aside to address complaint/problem areas with a) new lights, b) longer arms), digitizing and streamlining files and filing process. It was the consensus of the Board to not change too LED if there is no benefit and to have Mr. Mendenhall check on that with BEMC. metered fixtures around Town Hall first to see if there are any problems.
- Economic development: study areas that could see increased development activity and Town's role in development. It was the consensus of the Board to bring this item up next year when the plans come out from the County in the spring. Would like the Town to send a letter to the property manager of the Food Lion property and have them ask their tenants to use Carolina Shores as their location.
- Asset Improvement: mini-excavator (ditching bucket, rotary head brush cutter, and jack hammer attachments), bucket truck, asphalt roller, asphalt saw, ditch master automatic ditcher, Public Works ease of operation improvements (fencing, stock pile, debris handling, etc). There was discussion on getting parts for the boom and looking into equipment rental to see what would be best suited for the town. There was discussion on getting a water buffalo to suck the water out of the ditches and reuse the water for watering of trees and Mr. Mendenhall said there are several on Federal surplus which would be approximately \$ 700.00. At this time, Mr. Mendenhall asked the Board for their goals or changing/deletion of the goals discussed above. The following goals were mentioned:

Commissioner Brennan – Purchasing a drone for surveying and assessing areas that are hit with disasters. Commissioner Brennan said we need to keep looking at the ways to minimize the confusing traffic road at the Recycle Center and make it more efficient and cost effective.

Commissioner Russo – Purchasing Emergency Management equipment radio systems or viper system. Recycle Center – move the fence forward and have much more room to use there. The arboretum will have to wait until we change our 40 Year Plan. There are trees that need to come down here at Town Hall. Disaster Preparedness – check all the equipment and have at least one dry run to make sure everything is ready. Ditch cleaning- already talked about. Commitment that the Town has about going green and recycling. Rule – one rule for the whole Town. In regards to Emergency Management – with new plan he has to step down as Director but there is a position for Deputy Assistant and he would be willing to do that. Gail Treglia, Code Enforcement Officer and Commissioner Russo go to each POA for presentation on Emergency Management. Need to check on agreement for mutual aid with Calabash, dry run and boiler plate.

Commissioner Przywara – None

Commissioner Davis – None

Commissioner Manning – None

Mayor Goodenough – None

COMMISSIONER BRENNAN MADE A MOTION TO RECESS UNTIL 1:00 PM FOR LUNCH. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

COMMISSIONER RUSSO MADE A MOTION TO COME BACK FROM RECESS AND GO BACK INTO REGULAR SESSION. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

This item was discussed earlier in the meeting. Economic Development

Study areas that could see increased development activity and Town's role in development:

- US 17 from state-line to Hickman Rd
- Calabash Rd from state-line to Hickam Rd
- Thomasboro Rd from town limits to US 17

Mr. Mendenhall discussed Project Delivery Changes – discussion on project delivery changes related to scheduling

This item is meant to discuss the need to front load projects so that the construction year occurs after design, meaning that design expenditures come prior to the year of bidding and construction. There was discussion on the delivery of the bid process and to start the process earlier. There was discussion on communication with residents and to have more public involvement when it comes to projects in their community. It was also the consensus of the Board that having a ribbon cutting ceremony is not necessary each time we do road improvements.

Mr. Mendenhall discussed Internship Program – discussion of a new internship program

Discussion of an internship program:

Creation of an internship program for college age students to interact, learn, and job shadow

town employees in the service areas of:

1. Planning and physical development
2. Conservation and environmental management
3. Finance and financial accounting
4. Public safety and community oriented code compliance/public safety/emergency management

There was discussion on the liability expense of having an internship program. Some college's are not requiring intern program anymore but rather more contact hours. It was the consensus of the Board that the Town is looking for good relationships but for contact hours only and to let the colleges know that the Town is available for contact hours.

Mr. Mendenhall discussed Capital Projects – program of capital projects to be delivered (discussion of road resurfacing, road needs, and new information related to roadways for review)

In order to meet the need of capital projects and to begin to focus on sustainable road maintenance, the following capital project trajectory is offered:

Three Year Revolving Plan

A three year cycle is proposed to allow for one major reconstruction, resurfacing, and proactive preservation to occur 3 times per decade with the goal of each street in the Town receiving some type of treatment/work within the next 10yrs.

- Plan Year 1: Major Reconstruction (Powell Bill x 4)
 - Received Powell Bill x 4, for FY 15 = \$100,000 x 4 = \$400,000
 - Plan/Design Year 3
- Plan Year 2: Resurfacing and Minor Repair/Spot Patch (Powell Bill x 2)
 - Received Powell Bill x 2, for FY 15 = \$100,000 x 2 = \$200,000
 - Plan/Design Year 1
- Plan Year 3: Roadway Preservation – seal, surface treatment (Powell Bill only)
 - Received Powell Bill, for FY 15 = \$100,000
 - Plan/Design Year 2
- FY 16 Stabilization: Operate as if in Year 2/3, resurface ½ of Pinewood from Myrtlewood to Sunfield, stabilize streets in The Farm at Brunswick as part of a development agreement with DR Horton (goal = 50%/50% split), start design work on Nautical reconstruction and Sunfield overlay
- FY 17 Major Reconstruction – reconstruct Nautical, start design on roadway preservation (whatever could not be completed in FY 17)
- FY 18 Resurfacing – resurface Sunfield, if possible surface any trafficked street not already surfaced with asphalt, start design work on Waterview (full length, broken into phase 1 and phase 2 using Clubview Ln South as break point)
- FY 19 Roadway Preservation – preserve as much as permitted by Powell Bill

estimated revenue: Swamp Fox, Calabash Drive, Northwest Drive; cul-de-sacs thereto and cul-de-sacs off Carolina Shores Drive and Carolina Shores Parkway, start design on resurfacing (Flag, Sandy, Birdie, Wedge, Myrtlewood, Gumwood, Deer Run)

- FY 20 Major Reconstruction – reconstruct Phase 1 of Waterview, start design on roadway preservation on roads previously reconstructed prior to FY 16
- FY 21 Resurfacing – resurface Flag, Sandy, Birdie, Wedge, Myrtlewood, Gumwood, Deer Run, start design work on Gates
- FY 22 Roadway Preservation – preserve any new roads dedicated to the Town from FY 16 to FY 22, start design work on multi-modal path running down Country Club connecting to Shingletree Canal running to Persimmon and ultimately to The Farm at Brunswick
- FY 23 – Major Reconstruction – Waterview Phase 2, start design work on _____
- FY 24 – Resurfacing – Gates/Multi-modal path Country Club, Shingletree Canal to Farm at Brunswick, start design work on _____
- FY 25 – Preservation – preserve any remaining roads unable to be completed in FY 22, start design work on _____

There was lengthy discussion on Capital Improvements and the issues of the roads at The Farm at Brunswick and how to integrate future roads of the Town. Commissioner Davis said in regards to the CIP, he doesn't want to make promises to residents that can't be kept and the CIP should only go a few years out. There was further discussion about bonds and the developer at The Farm. There was discussion on the fact that we now have full time maintenance workers, some road repairs can be done in house. It was the consensus of the Board to look into leasing equipment so the maintenance workers can get started. It was the consensus of the Board to do half of Pinewood to include the headwalls and culverts and to do Nautical including the drainage and headwalls in the FY15-16 budget.

Budget Instructions and Direction – Board to instruct staff to prepare a budget, guidance on tax rate, etc.

This item allows time for the Board to instruct staff to prepare a budget, guidance on tax rates, etc.

Re-evaluation – Mayor Goodenough brought up the item of evaluation. There was lengthy discussion on this item. There would be about a \$20,000.00 loss in tax money. It was the consensus of the Board to not have a tax rate increase and instructed staff to prepare the budget accordingly.

Salaries in the Budget – Commissioner Przywara made a recommendation too not go over 4% for salary increases. It was the consensus of the Board to have a range of 0% - 4% for salary increases. Commissioner Davis said the Board needs the employee evaluations so they have something too base it on. Commissioner Davis said to build 0%-4% for all employees into the budget but doesn't mean they get it or when they get it.

Fireworks – The Town of Carolina Shores has been asked for an \$8,000.00 donation. There was lengthy discussion on the fireworks.

COMMISSIONER BRENNAN MADE A MOTION TO APPROVE UP TO \$5,000.00 IN THE CURRENT YEAR BUDGET TO BE DONATED TO THE CALABASH FIRE DEPARTMENT FIREWORKS FUND ON THE CONDITIONS THAT THERE IS SOME MORE RECOGNITION OF THE TOWN OF CAROLINA SHORES AT THE EVENT, FOR ALL MEDIA COVERAGE AND FOR BEING A MAJOR CONTRIBUTOR TO THE FIRE DEPARTMENT IN GENERAL AND A LETTER PREPARED BY MR. MENDENHALL ASKING FOR THE CONDITIONS STATED ABOVE FOR ALL THE BOARD MEMBERS TO SIGN. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Commissioner Davis asked staff to put a line item on the upcoming budget for fireworks up to \$5,000.00.

Signs – The Board discussed the signs that Mr. Mendenhall presented for replacement out front of Town Hall and the Recycle Center that were aged and in some cases broken. The Board approved of the signs.

Employee Hours – It was the consensus of the Board that they are happy with staff staying at a 35 hour work week for the upcoming fiscal year.

Resignation – Any official resignation must be done in writing.

Town Engineer – RFQ's to be sent out.

Adjourn:

COMMISSIONER BRENNAN MADE A MOTION TO ADJOURN THE MARCH 13, 2015 BOARD OF COMMISSIONERS SPECIAL CALLED MEETING FOR THE BUDGET RETREAT. COMMISSIONER RUSSO SECONDED THE MOTION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Walter B. Goodenough, Mayor

Submitted by:
Nicole Marks
Town Clerk

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Administrative Report

Contact: Mr. Jon Mendenhall, Town Administrator

Location: Administrative Reports
“Administrative Reports”

Follow-up: None

Requested Action: Receive reports on the administration of the Town

Budgetary Impact: None

Narrative:

This item presents for the Board’s information various reports on the administration of the Town.

TOWN OF CAROLINA SHORES NORTH CAROLINA

200 Persimmon Road
Carolina Shores, NC 28467



Phone 910-575-4877
Fax 910-575-4812

MEMORANDUM

TO: Mayor and Board of Commissioners
FROM: Jon M. Mendenhall, Town Administrator
SUBJECT: March Administrative Report
DATE: 3/23/15
ENCL: None
CC: File

This report serves as the report of administrative activities undertaken by the Town in the month of February and summarizes administrative, operational, and project updates for the reporting period. This report also summarizes and provides a brief narrative on items of business to be considered at the Regular Meeting of the Board.

Administrative

The re-organization of the Department of Public Works is complete. There are two active commercial development projects: Calabash Rd and Persimmon/US 17; both of which have discussed annexation. Legislative developments are still occurring and are being closely monitored, the primary areas of estimated impact are: development regulation, and taxes.

Operational

Finance

Finance is preparing a draft budget in accordance with instructions and guidance received at the budget retreat pursuant to the budget preparation schedule.

Public Works

Maintenance

The March schedule has experienced delay due to weather; however, rescheduling into April and balancing right-of-way mowing is being planned.

Inspections

Inspections is continuing to work on on-going inspections and to decrease re-inspections through re-inspection fee charges. The fast track program has been initiated with the on-boarding of a fast track inspector. The finalization of permit form changes remains in process.

Public Safety

Code Compliance is working on enforcement of the Code of Ordinances (signs primarily) and scheduling emergency management training for staff and preparing educational materials for the public. Town employees will undergo a preliminary emergency management briefing on March 27, 2015 in order to begin preparation for a table-top exercise to occur in April (which in turn prepares for the County-wide table top exercise in May-June).

Project

Code

Complete

Resurfacing

Complete

Drainage

Roadside Drainage Maintenance

1. Roadside Drainage – roadside drainage ditch maintenance is being brought back on-line the anticipated schedule for March experienced significant weather delay and the April schedule is being adjusted in order to absorb the delay (while balancing right-of-way mowing).

Incorporations via Reference

Inspections – please refer to the Inspections Report as provided

Public Safety – please refer to the Calabash VFD and Calabash Rescue Squad Reports as provided

ACTIVITY REPORT – BUILDING PERMITS
TOWN OF CAROLINA SHORES
MARCH 1-30, 2015

Single Family Residence	12
Total Cost of Construction (Stick built – SF	\$2,297,758
Multi- Unit Housing	0
Total Cost of Construction (Multi Unit Housing)	\$0
Modular Home Permits	0
Total Cost of Construction – Modular	\$0
Manufactured Home Permits	0
Total Cost of Construction – Manufactured Homes	\$0
Commercial/Industrial Building Permits	0
Total Cost of Construction Commercial/Industrial Building	0
TOTAL BUILDING PERMIT CONSTRUCTION VALUATION	\$2,297,758
Other Building Permits (i.e. Addition, fence, deck, garage, shed, sunroom, mail station, concrete/asphalt paving, roof over deck, windows) construction valuation	\$58,732 (20)
Building Permits	32
Demolition	0
Electrical Permits	1
Mechanical Permits/Gas Permits	10 10/0
Plumbing Permits	3
Sign Commercial	0
Inspections Completed	214
Certificate of Occupancy Certificates	8
TOTAL CERTIFICATE OF OCCUPANCY (CONSTRUCTION VALUATION)	\$1,312,937
PERMIT FEE REVENUE	\$34,599
YEAR TO DATE PERMIT REVENUE	\$187,870

Cc: Town Administrator – PRELIMINARY REPORT – MARCH 2015
Judy – Brunswick Co. Inspection Dept. 253-2024

CALABASH FIRE DEPARTMENT

ALARM REPORT

FEBRUARY 2015

	BUILDINGS FIRES	FALSE ALARMS	WOODS BRUSH	MVA NO INJ	MVA INJ/EXT	VEHICLE FIRE	RESCUE	OTHER*	EMS	TOTAL
NUMBERS OF RESPONSES	5	4	0	0	2	1	0	17	85	114
FIREFIGHTERS RESPONDING	55	31	0	0	17	10	0	113	394	620

APPARATUS RESPONSE

LADDER 1260	12
TANKER 1265	0
ENGINE 1270	1
ENGINE 1271	1
RESCUE ENGINE 1272	24
CHIEF'S VEHICLE 1280	9
ASSISTANT CHIEF'S VEHICLE 1281	6
UTILITY 1282	0
FIRST RESPONDER 1284	89
BRUSH 1285	5
RESCUE 1295	2
BOAT	0
STATION	95
POV	2

MUTUAL AID

GIVEN	3
RECEIVED	2

EMERGENCY CALLS

	FIRE	MISC	EMS	TOTAL
TOWN OF CALABASH	0	9	28	37
TOWN OF CAROLINA SHORES	1	5	24	30
BRUNSWICK COUNTY (CFD DIST)	1	8	32	41
BRUNSWICK COUNTY MUTUAL AID	2	1	0	3
HORRY COUNTY MUTUAL AID	1	1	1	3
TOTAL	5	24	85	114

OTHER CALLS*

6-SMOKE DETECTOR BATTRIES CNG.
3-LOCK OUT CARS
2-WATER SHUT OFF
1-WELFARE CHECK
1-FIRE INVESTIGATION
1-DOWN POWER LINE
1-FALL
1-GAS LEAK
1-FILL IN HORRY CTY. ST 2

YTD

CALLS -

261

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Public Hearings

Contact: Mr. Walter B. Goodenough, Mayor

Location: Public Hearings
"Public Hearings"

Follow-up: None

Requested Action: Conduct Public Hearing(s) as scheduled

Budgetary Impact: None

Narrative:

This item presents for the Board's action various public hearings as scheduled by the Board subject to the rules of procedure duly adopted by the Board of Commissioners and further subject to the requirements of the North Carolina General Statutes.

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Cancellation of Ditch Maintenance Agreement – Village at Calabash

Contact: Mr. Walter B. Goodenough, Mayor

Location: New Business

Follow-up: Correspondence if cancelled

Requested Action: Action (motion, second, vote)

Budgetary Impact: Reduction in contract cost (\$5,000 in FY 15)

Narrative:

This item seeks the Board’s consideration of a request to cancel the ditch maintenance agreement for the Village at Calabash. In the future, should this agreement be cancelled, the ditch maintenance would be undertaken by the Maintenance Division using in-house forces.



COPY

RESOLUTION

Approving Drainage Maintenance Agreement with Village at Calabash POA

WHEREAS, the Town of Carolina Shores wishes to participate in the maintenance of the major ditches within the Village of Calabash neighborhood, and

WHEREAS, the Board of Commissioners appointed a committee of Town representatives comprised of Commissioner Russo, Commissioner Davis and the Town Administrator to work with the Village at Calabash Association Board to reach a mutually agreeable approach to maintaining said ditches,

WHEREAS, the joint efforts of the committee of Town representatives and the Association Board resulted in preparation of a proposed agreement between the Town and the Village at Calabash POA pertaining to the maintenance of the major ditches, said agreement attached hereto and incorporated herein by reference,

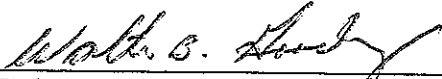
WHEREAS, the committee of Town representatives recommends that the Board of Commissioners approve said agreement.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Carolina Shores that:

1. The above referenced agreement between the Town of Carolina Shores and the Village at Calabash POA pertaining to the maintenance of ditches is hereby approved.
2. The Town Administrator and the Town Attorney are hereby authorized to do all things necessary to finalize the document in accordance with the terms and conditions outlined in the attached agreement.
3. The Mayor is hereby authorized to execute the final agreement document.

This the 7th day of June, 2012.




Walter B. Goodenough, Mayor


Nicole Marks, Town Clerk

COPY

*DUPLICATE ORIGINAL
1 OF 2*

STATE OF NORTH CAROLINA)	AGREEMENT BETWEEN
)	TOWN OF CAROLINA SHORES
COUNTY OF BRUNSWICK)	AND THE VILLAGE AT
)	CALABASH PROPERTY
)	OWNERS ASSOCIATION, INC.

This Agreement Regarding the Maintenance of the Ditches located within The Village at Calabash Property Owners Association, Inc. by the Town of Carolina Shores ("Agreement") is entered into and effective this 12 day of ~~April~~^{June}, 2012, by and between the following parties to this Agreement: **THE VILLAGE AT CALABASH PROPERTY OWNERS ASSOCIATION, INC.**, a non-profit corporation organized and existing under the laws of the State of North Carolina, with its principal place of business located in the Town of Carolina Shores, Brunswick County, North Carolina, party of the First part (hereinafter referred to as "VACPOA") with a mailing address of 1099 North Clubview Lane, Calabash, North Carolina 28467, and **TOWN OF CAROLINA SHORES**, a municipality organized and existing under the laws of the State of North Carolina, with its office and principal place of business in Brunswick County, North Carolina, party of the second part (hereinafter referred to as "TOCS"), with a mailing address of 200 Persimmon Road, Carolina Shores, North Carolina 28467, all of whom are sometimes individually or collectively referred to as the "party" or "parties."

WITNESSETH

WHEREAS, VACPOA and TOCS desire to enter into an agreement regarding the property more particularly described as the Palmer/Waterview ditch, which runs along the east side of The Village at Calabash, and all ditches located within the Village at

Agreement between TOCS and VACPOA regarding Ditches

Calabash subdivision which are all a part of the Storm Water Management System in the Town of Carolina Shores (hereinafter referred to as "ditches");

WHEREAS, VACPOA has easement rights for maintenance of the ditches as is shown by the deeds of record and other recorded documents in the Brunswick County, North Carolina registry;

WHEREAS, TOCS has adopted a Storm Water Management System for all properties located within the Town of Carolina Shores, North Carolina;

WHEREAS TOCS has agreed to allow VACPOA to select a contractor to clean the ditches within the Village at Calabash and to provide for the costs of the same as described herein;

WHEREAS TOCS and VACPOA desire to reach an agreement regarding the responsibility of the maintenance and cleaning of the ditches located and owned by VACPOA that are a part of the overall Storm Water Management System;

NOW, THEREFORE, in consideration of the premises and mutual covenants of the parties herein contained, it is agreed and understood as follows:

1. The parties acknowledge, understand and mutually agree to the following:
 - a. The VACPOA shall retain all of its current interest and rights in the Easement(s) and real property associated with the above-referenced ditches and all ditches located within the Village at Calabash subdivision.
 - b. The TOCS and VACPOA will conduct an annual inspection of the ditches by December 31st of each year to determine if the ditches need to be cleaned. The TOCS is granted a license to access and enter the subject area ditches as necessary to conduct the inspection. The TOCS shall notify the VACPOA in writing within thirty (30) days of the results of TOCS's inspection.
 - c. The VACPOA will be responsible for selecting a contractor and negotiating the costs associated with the cleaning of the ditches.

Agreement between TOCS and VACPOA regarding Ditches

- d. The TOCS shall have a continuous right to inspect the work of the contractor to ensure that the ditches are being cleaned to the TOCS's satisfaction and in accordance with the Storm Water Management System.
 - e. The VACPOA will submit the estimate for the maintenance and cleaning of the ditches to the TOCS by March 31st of each year for inclusion in the annual budget of TOCS.
 - f. When the annual budget has been approved by the TOCS, the TOCS shall notify the VACPOA within thirty (30) days of the annual budget approval date that the VACPOA may begin obtaining quotes from contractors for the maintenance and cleaning of the ditches.
 - g. The maintenance and cleaning of the ditches scheduled with the contractor will then be completed and paid for by the VACPOA. The bill will be forwarded to the TOCS for reimbursement to the VACPOA within fifteen (15) business days. If said bill is not paid within fifteen (15) business days within receipt, then interest shall accrue on the unpaid balance at the rate of one and one-half percent (1.5%) per month, or eighteen percent (18%) per annum, of the unpaid balance.
 - h. The TOCS and VACPOA each agree to name the other party as an additional insured on any work performed pertaining to the ditches located within the VACPOA.
 - i. Any and all legal fees incurred by the VACPOA pertaining to the drafting, review or approval of this agreement will be paid by the TOCS.
 - j. At no time does the VACPOA relinquish any of its legal rights regarding the ditches by signing this agreement.
2. This is a legally binding contract. This Agreement is a contract between the parties to this Agreement, and every word on every page of this Agreement is part of the terms of this contract. The parties are entering into this Agreement because they desire to be permanently bound to all of the terms in this Agreement.
3. Entire Agreement. This Agreement contains, merges, and integrates the entire agreement and understanding between the parties to this Agreement, and there are no oral or written agreements, promises, or understandings between the parties other than those expressly stated in this Agreement. Any and all prior contracts, negotiations, agreements, promises, statements, and understandings between the parties are considered superseded, withdrawn, and cancelled

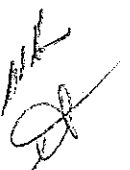
Agreement between TOCS and VACPOA regarding Ditches

unless expressly stated otherwise in this Agreement. It would be improper for a party or anyone else to ever attempt to claim that a party to this Agreement is required to do something that is not expressly stated in this Agreement.

4. Modification. This Agreement may not be modified, amended, superseded or cancelled orally or in any manner other than by written instrument signed by the parties to this Agreement, and any cancellation shall be provided in writing with a 45-day notice period to the other party, and shall not affect work currently in progress or which has already been approved through the process described herein.
5. Severability. If any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term hereof, such provisions will be fully severable, and this Agreement will be construed and enforced as if such illegal, invalid or unenforceable provision never comprised a part of the Agreement, and the remaining provisions will remain in full force and effect and will not be affected by the illegal, invalid or unenforceable provision or by its severance.
6. Execution of Documents. Each of the parties to this Agreement shall execute such further documents and writings that may be necessary to effectuate the terms and conditions of this Agreement.
7. Enforcement of this Agreement. In any future litigation instituted concerning the enforcement, interpretation or effect of this Agreement, including any action for breach, each prevailing party, whether it be plaintiff or defendant, will be entitled to recovery from each non-prevailing party of the reasonable attorneys' fees and costs incurred.
8. Multiple Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument, and any of the parties may execute this Agreement by signing any such counterpart.
9. Headings. Paragraph titles and headings contained herein are inserted for convenience only and shall not be deemed a part of the Agreement and in no way shall define, limit, extend or describe the scope or intent of any provision hereof.
10. Notices. Any notice or other communication required to be given hereunder shall be in writing and delivered personally or sent by United State Certified Mail, return receipt requested, or sent by Federal Express Delivery Service, addressed to the parties as set forth at the addresses stated herein, or such other address as either party may hereafter give the other.

Agreement between TOCS and VACPOA regarding Ditches

11. Representation. The parties agree that each has relied upon the advice of their respective legal counsel and that each party fully understands the terms of this Agreement. TOCS was represented by its attorney E. Holt Moore, III and VACPOA was represented by its attorney, S. Denise Watts of Cox & Watts PLLC.
12. Receipt of copy of the Agreement. The parties received a copy of this Agreement when they signed it.
13. Acknowledgment of Understanding. The parties hereby declare and represent in making this Agreement that the parties rely wholly upon their own judgment, belief, and knowledge of the nature, extent, and duration of said claims, and parties have not been influenced to any extent in making this Agreement by any representations or statements regarding said claims, or regarding any other matters. The parties further state that they have carefully read the foregoing Agreement and know contents thereof, and the parties sign of their own free act.
14. Agreement Not Assignable. No third party shall obtain any benefits or rights under this agreement nor shall the rights or duties be assigned by either party.
15. Effective Date of Agreement. The effective date of this Agreement shall be the date upon which the signatory last to execute the same shall have affixed his or her signature hereto.
16. Authority to Execute Agreement. The individual signatory or signatories executing this Agreement on behalf of VACPOA and TOCS each hereby warrants and represents that he or she is fully authorized and empowered by said Entity to execute this Agreement on its behalf.
17. Should it be determined that, because of the nature, scope or cost of the work in question at any certain time, or otherwise, the terms of this agreement as applied to said work would run afoul of local government purchasing or bid laws, or other applicable statutes or regulations, and the parties agree to defer to the NC School of Government on this issue, the parties further agree that upon such determination the agreement shall be immediately dissolved and, to the extent allowable by law, shall not affect work currently in progress or which has already been approved through the process described herein.



Agreement between TOCS and VACPOA regarding Ditches

WE, THE UNDERSIGNED PARTIES TO THIS AGREEMENT, DESIRE TO BE LEGALLY AND PERMANENTLY BOUND TO ALL OF THE TERMS OF THIS AGREEMENT.

WITNESS my hand and seal, this the 12 day of June, 2012.

Elizabeth Towell
THE VILLAGE AT CALABASH PROPERTY OWNERS ASSOCIATION, INC.
By: Elizabeth Towell, President

WITNESS my hand and seal, this the 12 day of JUNE, 2012.

Walter B. Goodenough
TOWN OF CAROLINA SHORES
By: Walter B. Goodenough, Mayor

ATTEST:

Nicere R. Marks
Town Clerk

APPROVED AS TO FORM:

E. Holt Moore, III
Town Attorney: E. Holt Moore, III



This instrument has been preaudited in the manner required by the Local Government and Fiscal Control Act

Julie Munday

[Handwritten initials]

Agreement between TOCS and VACPOA regarding Ditches

STATE OF North Carolina
COUNTY OF Brunswick

I, Melissa Stevens Byrd, a Notary Public of the County and State aforesaid, certify that **ELIZABETH TOWELL**, either being personally known to me or proven by satisfactory evidence (said evidence being NC drivers license) personally came before me this day and acknowledged that she is President of **The Village at Calabash Property Owners Association, Inc.**, a North Carolina corporation, and that she, as President, being authorized to do so, voluntarily executed the foregoing on behalf of said corporation for the purposes stated therein.

WITNESS my hand and official stamp or seal, this 2 day of June, 2012.

Melissa Stevens Byrd
Notary Public

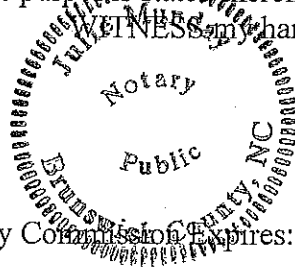
My Commission Expires: 11/15/16

Notarial Seal:

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, Julie Munday, a Notary Public of the County and State aforesaid, certify that **WALTER B. GOODENOUGH**, either being personally known to me or proven by satisfactory evidence (said evidence being _____), personally appeared before me this day and acknowledged that he is Mayor of **The Town of Carolina Shores**, a municipality, and that he, as Mayor, being authorized to do so, voluntarily executed the foregoing on behalf of the Town of Carolina Shores for the purposes stated therein.

WITNESS my hand and official stamp or seal, this 12 day of JUNE, 2012.



Julie Munday
Notary Public

My Commission Expires:

2-25-2016

Notarial Seal:

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Annual Review of the development agreement for The Farm at Brunswick

Contact: Mr. Jon Mendenhall, Town Administrator

Location: New Business

Follow-up: None

Requested Action: Action (motion, second, vote)

Budgetary Impact: None

Narrative:

This item seeks the Board's annual review of the development agreement for The Farm at Brunswick and to hear a presentation by the developer (DR Horton) on the status of the project and any outstanding items that are to be addressed.

ORDINANCE

AN ORDINANCE OF THE TOWN OF CAROLINA SHORES, PROVIDING FOR THE ADOPTION OF A TECHNICAL ORDINANCE – AMENDED & RESTATED DEVELOPMENT AGREEMENT FOR THE FARM AT BRUNSWICK

A TECHNICAL ORDINANCE AS DEFINED IN GS 160A-77

Be it ordained by the Board of Commissioners of the Town of Carolina Shores as follows:

Section 1: Adoption of Development Agreement

Pursuant to the North Carolina General Statutes, specifically GS 160A-400.22, the Board of Commissioners finds that

1. Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
2. Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
3. Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.
4. Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas.
6. To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.

The Farm at Brunswick having met the foregoing criteria and findings is, consistent with the public's purpose, the subject of phasing that requires flexibility as phases are brought online. The amended Planned Residential District for the Farm at Brunswick, having been duly consummated as a bona fide development agreement on March 2, 2004, is hereby amended through the incorporation of an altered, amended, and restated Phase 7 development plan dated July 16, 2014 and by reference hereby incorporated; that in broad summary

converts Phase 7 of the development from single-family attached to single-family detached thereby lowering the density of Phase 7.

Section 2: Consistent with the public's purpose, the Board of Commissioners for the Town of Carolina Shores finds, pursuant to GS 160A-400.25, that a performance standard is necessary for the completion of all pedestrian paths, walking trails, and appurtenances thereto and that such standard shall be uniformly applied throughout the development inclusive of Phase 7 such that the commencement of Phase 7 shall not begin prior to the completion of all improvements associated with this Section.

Section 3: Consistent with the public's purpose, the Board of Commissioners for the Town of Carolina Shores finds, pursuant to GS 160A-400.25, that a performance standard is necessary for the completion, dedication, sustainability funding, acceptance, and warranty repair work of all public and private streets, sidewalks, traffic signs & markings and appurtenances thereto and that such standard shall be uniformly applied throughout the development inclusive of Phase 7 such that the commencement of Phase 7 shall not begin prior to the completion of all work associated with this Section.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall be effective as of the date of the date of final adoption.

In the COUNTY OF BRUNSWICK

Adopted this 7th Day of August, 2014

TOWN OF CAROLINA SHORES BOARD OF COMMISSIONERS

By: Walter B. Goodenough
Walter B. Goodenough, Mayor

Nicole R. Marks
Nicole Marks, Clerk to the Board



Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Mayor and Board of Commissioners Comments

Contact: Mr. Walter B. Goodenough, Mayor

Location: Mayor and Board of Commissioners Comments
"Mayor and Board of Commissioners Comments"

Follow-up: None

Requested Action: Allow time for Mayor and Board comment.

Budgetary Impact: None

Narrative:
This item presents a time for Mayor and Board's discussion.

Town of Carolina Shores Board of Commissioners
Agenda Item Summarization & Narrative

Item: Closed Session

Contact: Mr. Walter B. Goodenough, Mayor

Location: Closed Session
[As specified on the closed session notice and agenda]

Follow-up: None

Requested Action: Enter into closed session pursuant to the notice and agenda

Budgetary Impact: None

Narrative:

Pursuant to GS 143-318.11 Closed Sessions

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the

public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2.)