

**TOWN OF CAROLINA SHORES
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
February 7, 2013
2:00 p.m.**

Mayor Walter B. Goodenough called the February 7, 2013 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 Russo, Bill Brennan, Joyce Dunn and Greg Davis. Also present: Mike Hargett, Town Administrator, Nicole Marks; Town Clerk, Julie Munday; Finance Director and Chuck Riggins; Building Inspector.

Absent: None

Approval of Agenda:

COMMISSIONER BRENNAN MADE A MOTION TO APPROVE THE FEBRUARY 7, 2013 MEETING AGENDA. COMMISSIONER RUSSO 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 Agenda Items:

Peter Gulliver, 13 Oakbark Ct. – Mr. Gulliver said in the following matter, he is speaking as a homeowner. Mr. Gulliver commented on the agenda item of “Section 155.42 Maintenance Responsibility for Drainage Facilities and Penalties for Failure to Maintain”. Mr. Gulliver said he hopes that there is a typographical error in section 155.42 because as it is written it seems to shift several thousands dollars of liability from the Town to each and every property owner in the communities of the Village at Calabash and Carolina Shores. Mr. Gulliver wanted to explain that in a Resolution adopted by the Town of Carolina Shores Board of Commissioners on April 7, 2010, the Town’s maintenance responsibility for roadside swales was established. In part the Resolution states: “If the solution involves removal/replacement of the culvert pipe under the driveway the Town will be responsible”. In the proposed Ordinance drafted by Town Attorney, Holt Moore on January 31, 2013, it states: “If the solution involves removal and/or replacement of the culvert pipe under or outside of the driveway the OWNER will be responsible for the cost of the pipe removal”. Mr. Gulliver said the change of one simple word, Town to Owner buried in the middle of a three page, single spaced Ordinance, what a difference that makes. Mr. Gulliver said if this is a typographical error; please correct it before passing it. Mr. Gulliver said if this is not a typographical error, then he urges the Town of Commissioners to reconsider their position before they place this financial burden on the backs of the property owners of the Village at Calabash and Carolina Shores. Mr. Gulliver thanked the Board of Commissioners for their consideration.

Public Hearing on the “Gates Roads” and “Entrance Medians”:

COMMISSIONER DUNN MADE A MOTION TO OPEN THE PUBLIC HEARING. COMMISSIONER DAVIS SECONDED THE MOTION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Mike Hargett, Town Administrator read the following overview below:

Town of Carolina Shores, NC

Gates/Medians Overview

February 7, 2013

1. This matter was initiated by the POA notifying the Town that they would no longer maintain the Gates access roads or the landscaped medians located within the Carolina Shores development.
2. It is generally agreed that the medians have been maintained by the POA since the origin of the project.
3. The maintenance of the access roads by the POA is believed to be the result of an informal arrangement between the Town and the POA.
4. According to individuals who were involved at the time, residents were not satisfied with the level of mowing on Country Club Road by NCDOT.
5. NCDOT would not permit the POA to maintain the right-of-way, so the Town obtained permission to mow the shoulders of the roadway.
6. In exchange, the POA maintained the landscaping in the Gates area owned by the Town.
7. The cost that the Town currently incurs to maintain Country Club Road is approximately the same as the cost of mowing the Gates areas.
8. The Board decided to seek input from residents as a part of deciding the matter of maintaining these Town-owned areas, which brings us to today’s public hearing.
9. I will be glad to try to answer any questions from the public of a technical or factual nature.
10. Policy issues will be addressed by the Board when they consider the matter at a later time after they receive comments today from the public.

Mayor Goodenough read two letters regarding the Public Hearing. The letters were from Hank Rutter, Gate 8 and Betty Kibblehouse, 34 Gate 7. A copy of the letters is on file with the Town Clerk.

Mayor Goodenough opened the floor to public comments regarding the Public Hearing:

Kerry Jarrell, 9 Golf Crest Ct. - Mr. Jarrell said he comes before the Board as the Treasurer of the Carolina Shores POA. Mr. Jarrell said the CSPOA held their annual meeting last Saturday on February 2, 2013 and portion of that meeting was dedicated to discussing the maintenance of the “Gate” roads, the shoulder of those roads, medians on the Parkway, Sunfield and Pinewood all which are within the community of Carolina Shores. Mr. Jarrell said the purpose of that meeting was much the same as the Board’s Public Hearing today which was to obtain their members input on how they should going proceed forward. Mr. Jarrell said since determining the Town rather than the CSPOA owns those areas, there has been a great deal of discussion, confusion and accusations about the issue. In voicing their opinions, their members have been almost unanimous on two points. Mr. Jarrell said the two points are: They are not pleased with the CSPOA Board or past Boards that they have spent money of members dues for over a decade to pay for the maintenance of Town property and second, they are adamant that they want this practice to stop and feel they cannot spend member’s dues for the routine maintenance of the Town’s property. Mr. Jarrell said as the Board of Commissioners considers the final disposition of this matter; please remember that the CSPOA has covered a significant amount of the Town’s expenses for a number of years. At this point we are not asking for a refund but there is no question that the Town has benefited financially on the backs of the members of the CSPOA. Our residents have every right to expect the Town to honor its obligations by maintaining these properties going forward; after all they have already paid for it.

Phyllis Hartley, 15 Gate 6 - Ms. Hartley said she believes the residents of the entire community of Carolina Shores should feel concern for what happens to the property at the “Gates” because that area is the main thoroughfare into their community and they would like to have it look nice. Ms. Hartley said in reading through the various options that the Town has written up, it would seem to her to give consideration of the Town to convey ownership of this area to the CSPOA and therefore, it would belong to the POA and they could continue to maintain it in as nice a fashion as they have in the past and currently by Coffee Grounds. If the town were to maintain the areas, around the “Gates” they would do so by mowing every two weeks and therefore the grounds would not be taken care of in a proper fashion. Ms. Hartley said the people she has talked to would like to see the POA resume the excellent care they have done in the past.

Mike Riccitelli, 3 Pinewood Dr. – Mr. Riccitelli said he is speaking as a resident of Carolina Shores and it perplexes him why this public forum is happening. Mr. Riccitelli said in his opinion, it’s a little ridiculous for the Town to ask residents to pay to monitor and keep up Town roads when no other community is asked to do that. Mr. Riccitelli said his dues should not go toward that and it would be just as ridiculous if he came before the Board and asked the Board to pay to keep up with the CSPOA pool and the Board would never do that. Mr. Riccitelli said he agrees that they like the way the property is kept up as good as it looks but for years the POA has been paying the bill for the Town. Mr. Riccitelli said the Town mows the shoulders even though the State wouldn’t, so he has no idea what that has to do with the situation. Mr. Riccitelli said no matter what happens, he hopes the Town will continue to mow the shoulders. Mr. Riccitelli said

it's like if you don't play my game, I'll take my ball and go home, it seems that's what the Board is doing here. Mr. Riccitelli said lets resolve it one way or another.

Gere Dale, 46 Calabash Dr. - Mr. Dale said it's interesting that 2 out of the 3 predecessor speakers are both representatives of the CSPOA Board. Mr. Dale said they built their home in 1987 and bought their property in 1984 and therefore have been paying POA dues for a long time and have noticed throughout almost that 30 year period the POA has taken care of this property in question the entire time and it seems to him that if something isn't broke then why mess around with it. Mr. Dale said he doesn't know how much the POA is actually spending on this activity but he has two documents one is an excerpt from the POA bulletin in January of this year that reads:"Al Franklin has re-negotiated our landscape contract and by omitting the shoulder of the "Gate" roads and medians has saved us over \$10,000.00 per year. Mr. Dale said the second document that was passed out at the POA annual meeting on Saturday it says: "It costs the POA \$14,000.00 per year to maintain the shoulder of the "Gate" roads and the medians. Mr. Dale said he doesn't know whether the POA really knows how much they spend for that activity. Mr. Dale said when he was a dues paying member of the POA, he objected to a due structure that required people, all people in the POA regime to pay for a service that they were not themselves partaking of. This POA dues assessment represents a small portion of Carolina Shores, the people who live on the "Gates", he has many friends that live on the "gates" and he is just pointing out that if the POA wants to increase or keep their due structure to do this type of service that it is restricted to a number of people. Mr. Dale said why he mentioned that is because since 2009 the POA dues have gone up by 35% and he assumes this partially to absorb the cost of doing this maintenance work. Mr. Dale said the Town taxes are less than the POA dues and he gets a lot more for his Town taxes.

Joe Mantere, 23 Carolina Shores Dr. – Mr. Mantere said at the CSPOA meeting on February 2, 2013, Commissioner Dunn got up to speak and she seemed to put on the hat of Carolina Shores Commissioner, rather than a dues paying POA member. Mr. Mantere said that her comments seemed to portray the position of the Town and he thought only the Mayor could speak for the Town. Mr. Mantere said her comments were cruel and abusive toward the POA Board and especially to the President of the POA Board. Mr. Mantere felt that Commissioner Dunn was out of line and it was not the time, place or the proper venue for that. Mr. Mantere said other people spoke whether they agreed or disagreed with the "Gate" situation but it was done in the proper format and venue. Mr. Mantere called upon the Mayor to investigate this incident and if she has the authority to speak on behalf of the Town and if she was going to speak on behalf of the Town, she should have notified the Town that she was going to speak as a Commissioner and then the CSPOA Board could have put it on their agenda. Mr. Mantere said he congratulates and applauds anybody who serves in public service and thanked them for their service and time. Mr. Mantere said he held a high level of respect for Commissioner Dunn for the years that he has known her but that has diminished a lot since Saturday's meeting. Mr. Mantere said the other thing was that if Commissioner Dunn decides to run again, she has lost his vote.

Jim Kretzmer, 8 Gate 4 – Mr. Kretzmer said they are concerned what is going to happen to the property in front of them and so far it has been well maintained and they have no problem with that. Mr. Kretzmer wanted to remind the Board that the road in front of them has always been maintained by the owners, and they have been there since 1989. Mr. Kretzmer wanted the Board to know that there is a big hole in the road but the main reason they are here is to find out what is going to happen with the property in front of them because it has always been well maintained.

Mr. Kretzmer said they are afraid if they give it to someone else; it may turn into a lot of weeds and so forth and they are here for that information.

Dan Mann, 77 Persimmon Road - Mr. Mann said he wanted to bring up a phrase, a common practice. Mr. Mann said that back when the Town disassociated itself from Calabash and became the Town of Carolina Shores, the Town spent approximately \$19,000.00 on the sign, headwalls, lighting, landscaping, etc. on POA property. Mr. Mann said going further, the islands on the Parkway both at Country Club and Persimmon Road, the signs were maintained by the POA even though the islands were allegedly owned by the Town. Mr. Mann said by the way, the POA spent a great deal of money replacing the signs. Mr. Mann said that a lot was made of the issue of the State doing the lawns and the trimming on Country Club and Persimmon. Mr. Mann said when he came to office as Mayor of the Town; the Town was getting about 3 mowings on the edge of the roadways, so he petitioned through the council and petitioned the State to let the Town do it so we could do it to our standards. Mr. Mann said that John Russo was the President of the POA then and there was a mutual agreement, nothing in writing that the POA would continue to do the islands and the grass at the “Gates”. Mr. Mann said, in fact he feels like he has to defend himself a little bit because a lot of this is coming back on him. Mr. Mann said “we” did this; it’s what’s called common practice. Mr. Mann said at the time, it’s what the residents wanted but now things are a lot different.

John E. Manning, 55 Carolina Shores Dr. – Mr. Manning said we keep mentioning the islands between Country Club and Persimmon and the one after Persimmon going into Sunfied and wanted to know if the other island down by Thomasboro was included and no one has mentioned that. Mr. Manning said the roadway in front of the “Gates”, in front of the houses is that supposed to be maintained by the POA if the Town deeds the grass area over to the POA? Is the pavement area also included in the grass area? Back to the house? In other words, the POA would have to maintain that road?

COMMISSIONER BRENNAN MADE A MOTION TO CLOSE THE PUBLIC HEARING AND RETURN BACK INTO REGULAR SESSION. COMMISSIONER RUSSO SECONDED THE MOTION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Commissioner Dunn said the public should be aware of what the next step will be from the Board of Commissioners regarding the Public Hearing on the “Gates Roads” and “Entrance Medians”. Mayor Goodenough asked if the Board wanted to discuss their recommendations. Commissioner Brennan said in light of what has been heard, it should be discussed thoroughly at the next workshop. Commissioner Brennan said the Board should use the public comments to make the residents as happy as possible and to decide something today was premature. Commissioner Russo wanted to make a statement and said the Town never at any time denied owning the town road easements and that Board knew that the town owned these easements. Commissioner Russo said when this agreement was done, it was a gentlemen’s agreement based on what the residents wanted at that time but things have changed. Commissioner Dunn agreed with what the Board members have said so far and it’s an important issue and times have changed. Commissioner Dunn said there are many more communities in the town and how and what they can do for each community is very clear under the law but it is the Board’s desire to make sure they are in the best shape. Commissioner Dunn said further it has never been the Board’s desire to be in a controversial situation with the POA Board and it’s sad that were not

able to sit down and have this conversation a long time ago. Commissioner Dunn reassured the residents that as Commissioners they are going to take the time to deliberate this situation as it's important. Commissioner Dunn said she would like to see a decision made and things running smoothly before the growing season begins, hopefully in March. Commissioner Davis thanked the residents for coming out and it's important that the Board hear the different opinions of the citizens of Carolina Shores as it will help in their decision making. Commissioner Davis said he agrees with the other Board members, that they can't rush into it. Commissioner Davis said they take the residents opinions to heart and thanked them. Commissioner Przywara said that he agrees with the rest of the Board and it's good to see people come out. Commissioner Przywra said it's important and the Board needs to discuss it further and would like to wait until next month to discuss it further. Commissioner Russo wanted Mike Hargett, Town Administrator to check with the NCDOT regarding their responsibility in this matter.

Consent Agenda:

COMMISSIONER DUNN MADE A MOTION TO ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS:

- January 7, 2013, BOC Pre-Agenda Meeting Minutes
- January 10, 2013 BOC Regular Meeting Minutes
- Resolution Approving the Expenditures of \$2,000.00 in Town Hall Improvements Project Funds for Road and Parking Lot Repairs
- Resolution Approving 2013-14 Budget Calendar
- Resolution Approving a Public Hearing on March 7, 2013 for the Proposed Amendments of the UDO Text and Zoning Map
- Resolution Approving Roadway Enhancement Program

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.

Ordinance Adopting “Section 155.42 Maintenance Responsibility for Drainage Facilities and Penalties for Failure to Maintain” in the Town Code of Ordinances:

COMMISSIONER BRENNAN MADE A MOTION TO TABLE ITEM #8 UNTIL THE BOARD HAS AN OPPORTUNITY TO EXAMINE WHAT THE BOARD HEARD FROM RESIDENT GULLIVER CONCERNING THE DIFFERENCE BETWEEN THE TWO VERSIONS/STATEMENTS. COMMISSIONER DUNN SECONDED THE MOTION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Town Administrator Report:

- Mr. Hargett said he appreciates the Board's approval on the follow-up items from the workshop.
- County Utility Program – Commissioner Brennan and Mike Hargett, Town Administrator attended an update and it was informative.

- There is a flyer regarding a Transportation Update from NCDOT.

Communication and HOA Advisory Committee Joint Report:

Mr. Dave Pflaster gave the joint committee report. Mr. Pflaster said that the committees met jointly and discussed Neighbors Helping Neighbors. The committees are developing and discussing goals and what they would like to achieve in this process. Mr. Pflaster said they are going to put a packet together for residents in case of a catastrophic emergency. Mr. Pflaster said they discussed the newsletter and if anyone has any ideas to contribute to the newsletter let them know and he hopes the Mayor does a write-up.

Tree Advisory Committee Report:

Mr. George Mulcahy gave the January 2013 Tree Committee Report. Mr. Mulcahy said there were 17 permits, 63 trees, 70 approved, 2 replaced and 5 inspection days. Additional trees were removed because of disease.

Calabash EMS Liaison Report:

Mr. Riccitelli said the meeting is this coming Monday and he has nothing to report yet.

Commissioner Comments:

Commissioner Dunn – Commissioner Dunn thanked the residents that stayed for the remainder of the meeting.

Commissioner Davis – Commissioner Davis said he agreed with Commissioner Przywara and wished it didn't take a controversial issue to get people out. Commissioner Davis said he would like to see more people from each community come to the meetings.

Commissioner Przywara – Commissioner Przywara said it was good to see a crowd.

Commissioner Russo – Commissioner Russo said that Arbor Day is coming up and if anyone has any ideas or something different regarding the celebration, please let him know. There is also a 15 year Town anniversary and would the Town to do something and asked the public for ideas. Commissioner Russo said that he has been getting some complaints about the stumps at the golf course. Commissioner Russo said the Town will not go any further. Commissioner Russo said if they don't get a response or hear something from the golf course, then shut the process down completely and make them start over.

Commissioner Brennan – Commissioner Brennan was glad that so many residents came out for the meeting.

Mayor Goodenough – Mayor Goodenough said that he walked the "Gates" community over by the golf course and what you see from the main road is nothing compared to what the people have to see in their backyard and what the residents have to look at. Mayor Goodenough said he would like to see something done with the unsightly mess. Mayor Goodenough wanted to comment that he's sure it was never the Town's intent when they did the gentlemen's agreement

to make it seem that the Town was getting away something with using POA money. It's what the residents wanted at that time. Mayor Goodneough said the problem now, no matter what the agreement is, what the level of service will be.

Public Comment:

Bob Jones, Vice-President of the Carolina Shores POA – Mr. Jones said on a positive note he is here to change the tenor of the meeting. Mr. Jones said one of his responsibilities among others is the liaison between the Board and Architectural Control Committee and one issue they deal with is trees. Mr. Jones said that recently they called a meeting to meet with John Russo, George Mulcahy and Harry Keating to discuss some minor issues, how to move things along more smoothly and to meet some of the criteria that the Town has discussed in the past. Mr. Jones said it was a very positive, good and enjoyable meeting. Mr. Jones said as they may disagree on many, many issues but we also agree on other issues. Mr. Jones thanked the Tree Committee for meeting with them. Mr. Jones said they are also working on the size of trees.

Joe Mantere, 23 Carolina Shores Dr. – Mr. Mantere asked Commissioner Russo in reference of when Commissioner Russo was speaking of the stumps; does that include that pile of dead wood as you first turn onto Carolina Shores Drive? Mr. Mantere said he talked to Phil about that and Phil's comment was he has no control over that because he's not paying to have trees removed, he signed a lumbering contract and that is not included in the contract and there is a 3rd party that is involved that will cut the wood up. Mr. Mantere supports the Board's decision as far as getting it cleaned up.

Commissioner Dunn asked if the Board could request Staff to investigate what steps the Town could take to speed up the cleaning process at the golf course and discuss it at the next workshop.

Gere Dale, 46 Calabash Dr. – Mr. Dale said he's sorry that Bill Marsh left earlier because Bill told him last night that Philip Bureau from the golf course had made an announcement to the golfers that they would start stump grinding no earlier than next week and Mr. Dale is merely repeating what was said. Mr. Dale said an observation he had when he rides along the gates, he sees the trees neatly manicured with pine straw and leaves underneath them. Mr. Dale said he doesn't know how much Coffee Grounds spends doing that meticulous job but anybody who knows about tree health knows that is catatonically a wrong process and you don't do that. Mr. Dale said he doesn't know if the POA is in a position to point that out but the Tree Committee has pointed it out a number of times. Mr. Dale said at the retreat, the Board talked about beefing up the efforts on recycling and he applauds that. Mr. Dale said yesterday he talked to the Recycling Director of Brunswick County and asked her what the cost of house and kitchen waste is going into the landfill and she said \$56.00 a ton and is an important number to pass along to the residents. Mr. Dale said in terms of developing the budget for next year he would like to see some type of enhancement at the mud hole at the entrance of the recycle center a small recycling pump would help. Mr. Dale said the inside looks great, now finish it off outside.

Peter Gulliver, 3 Oakbark Ct. – Mr. Gulliver thanked Commissioner Brennan for tabling the issue on the Ordinance.

Mike Riccitelli, 3 Pinewood Dr. – Mr. Riccitelli wanted to correct a comment that Mr. Dale stated about the "Gates". Mr. Riccitelli said that Mr. Dale said that 2 out of the 3 first speakers

were members of the POA. Mr. Riccitelli said that he spoke as a resident not a POA member. Mr. Riccitelli said that he spoke to Mike Hargett, Town Administrator before the meeting regarding the Parking Violations; Enforcement and under 71.02 Compliance; Proof of Ownership there is an error where it says "proof of ownership of any *thousand* vehicle". Mr. Riccitelli suggested to Commissioner Russo for Arbor Day a tree could be planted in honor of someone.

COMMISSIONER BRENNAN MADE A MOTION TO ADJOURN THE FEBRUARY 7, 2013 BOARD OF COMMISSIONERS MEETING. COMMISSIONER DUNN SECONDED THE MOTION. MAYOR GOODENOUGH ASKED IF THERE WERE ANY FURTHER DISCUSSION. MAYOR GOODENOUGH CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Walter B. Goodenough, Mayor

Submitted by:
Nicole Marks
Town Clerk