TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	December 10, 2019
TIME:	4:00 PM
PLACE:	Burgaw Municipal Building
BOARD MEMBERS PRESENT:	Mayor Kenneth Cowan Mayor Pro-tem Wilfred Robbins Commissioners Jan Dawson, Bill George, Vernon Harrell, James Murphy
STAFF PRESENT:	James Gantt, Town Manager Kristin J. Wells, Town Clerk Zachary Rivenbark, Town Attorney Alan Moore, Public Works Director Louis Hesse, Building Code Administrator Jim Hock, Police Chief Wendy Pope, Finance Officer Tiffany Byrd, Deputy Finance Officer Cody Suggs, Parks & Recreation Director Andrea Correll, Planning Director
MEDIA PRESENT:	Andy Pettigrew, Pender Post & Voice
INVOCATION:	Reverend Nick Smith
PLEDGE OF ALLEGIANCE:	All

The meeting was called to order by Mayor Cowan at 4:00 PM and the invocation was led by Reverend Smith.

Approval of Agenda

Commissioner Dawson made a motion to approve the agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Approval of Consent Agenda

Commissioner Harrell made a motion to approve the consent agenda with amending the 2019-2020 Proposed Tree Program Work Plan by adding in a short course for the Public Works staff for tree trimming by the county arborist. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

A. Approval of the November 12, 2019 regular meeting minutes
B. Approval of Resolution 2019-23 Adopting the regular Board of Commissioners meeting schedule for year 2020 (below)
C. Approval of Resolution 2019-24 Requesting to amend map review officer list for the Town of Burgaw (below)
D. Approval of Ordinance 2019-25 Recognizing funds from the Walmart Community Grants Team into the FY 19-20 budget (below)
E. Consideration of the 2019-2020 Proposed Tree Program Work Plan (on file in Clerk's office)

RESOLUTION 2019-23
RESOLUTION TO ADOPT THE REGULAR MEETING SCHEDULE OF THE BURGAW TOWN BOARD OF COMMISSIONERS FOR 2020

WHEREAS, General Statute 160A-71 allows a board to fix a time and place for regular meetings; and

WHEREAS, General Statute 143-318.12 (a) requires the Board of Commissioners schedule of regular meetings to be kept on file with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED that the following meeting schedule for the calendar year of 2020 is hereby adopted by the Town of Burgaw Board of Commissioners:

Tuesday	January 14, 2020	4:00 PM
Tuesday	February 11, 2020	4:00 PM
Tuesday	March 10, 2020	4:00 PM
Tuesday	April 14, 2020	4:00 PM
Tuesday	May 12, 2020	4:00 PM
Tuesday	June 9, 2020	4:00 PM
Tuesday	July 14, 2020	4:00 PM
Tuesday	August 11, 2020	4:00 PM
Tuesday	September 8, 2020	4:00 PM
Tuesday	October 13, 2020	4:00 PM
Tuesday	November 10, 2020	4:00 PM
Tuesday	December 8, 2020	4:00 PM

BE IT FURTHER RESOLVED THAT all meetings shall be held in the meeting room of the Burgaw Municipal Building unless otherwise posted.

Adopted this the 10th day of December 2019.

RESOLUTION 2019-24
REQUEST TO AMEND MAP REVIEW OFFICER LIST FOR THE TOWN OF BURGAW

WHEREAS, the Town of Burgaw must review maps and subdivisions; and

WHEREAS, the Pender County Board of Commissioners must approve the appointment of the Town's Map Review Officer.

NOW THEREFORE BE IT RESOLVED that the Town of Burgaw Board of Commissioners is hereby requesting that the Pender County Board of Commissioners approve the appointment of Andrea Correll, Town of Burgaw Planning Director, as a map review officer for the Town of Burgaw in addition to Kimberly Rivenbark in accordance with NCGS 47-30.2. Effective upon approval by the Pender County Board of Commissioners, Andrea Correll and Kimberly Rivenbark shall serve as the two Map Review Officers for the Town of Burgaw.

Adopted this the 10th day of December, 2019.

ORDINANCE 2019-25
AMENDING FISCAL YEAR 2019-2020 ANNUAL BUDGET
Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2019-2020 on June 11, 2019; and

WHEREAS, the Police, Fire and Parks & Recreation Departments have applied for and have been awarded a Walmart Community Grant; and

WHEREAS, the Town has received the checks from the Walmart Community Grants Team in the amount of $ 3,500; and

WHEREAS, the Town of Burgaw would like to recognize $3,500 from the Walmart Community Grants Team into the FY 19-20 budget, therefore, additional revenue and expenditure must be recognized.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

Section 1: The FY 2019-2020 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3715-10-800	Cops for Kids Contributions	$1,500
10-3750-10-500	Contribution to B F D	$ 500
10-3745-00-800	P&R Sponsorships	$1,500

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5100-10-336	Cops for Kids Expense	$1,500
10-5300-10-160	Fire M&R Equipment	$ 500
10-6200-80-450	P&R Coordinator Programs	$1,500

Adopted this the 10th day of December 2019.

ORGANIZATIONAL MEETING

Ms. Wells administered the oath of office to newly re-elected Commissioners Bill George, Vernon Harrell, and Wilfred Robbins.

Election of Mayor Pro-tem – *Board of Commissioners*

Commissioner George made a motion to elect Commissioner Robbins to serve as the Mayor Pro-tem. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Ms. Wells administered the oath of office to newly re-appointed Mayor Pro-tem Robbins.

Appointment of Council of Governments (COG) Representative – *Mayor and Board of Commissioners*

Commissioner Robbins made a motion to nominate Commissioner Dawson to continue as the town's representative with the Cape Fear Council of Governments. The motion was seconded by Commissioner George and carried by unanimous vote.

SPECIAL REQUEST

Burgaw Area Garden Club requesting use of the Depot – *Janet Rivenbark*

On behalf of the Burgaw Area Garden Club, Janet Rivenbark requested the board to waive the fee for use of the depot for the club's annual luncheon fundraiser. She gave a handout of the club's expenses and donations to the board and advised the fees collected for the annual event are given back to the community. Commissioner Robbins made a motion to approve use of the depot for the annual event by waiving the fees. The motion was seconded by Commissioner George and carried by unanimous vote.

DEPARTMENTAL ITEMS

Parks & Recreation Department – *Cody Suggs, Director*

Sycamore Trees at Harrell Memorial Park

Mr. Suggs gave an update on the removal of the sycamore trees at Harrell Memorial Park due to safety concerns and the future placement of the new playground equipment. He advised the town's Public Works Department and an arborist has looked at the trees in the area of the park and recommended two dying Pine trees be removed, as well as the Sycamore trees. Mr. Suggs advised the Dogwood trees and Live Oaks will remain on site to provide shade. He advised the root system of the Sycamore trees are growing under the current play structure and the parking lot, posing a safety concern. Commissioner Robbins asked if another type of tree could be planted in the place of the ones that need to be removed. Mr. Suggs advised we can most certainly replant with a less aggressive type of tree, and can be part of the requirements of Tree City USA. He will see this gets done. Commissioner Harrell requested to replant with a native species.

Exercise Classes – Updates and recommended program revisions

Mr. Suggs advised we currently have three exercise classes and gave a brief update of the classes and recently hired part-time instructors as approved in the FY 19-20 budget. Mr. Suggs commented there has been much discussion in the past on whether or not the town should charge a fee for residents and/or non-residents to participate in the fitness classes. Mr. Suggs gave an overview of options, such as charging a minimal monthly or yearly membership fee. The new membership program would be maintained under the new CivicRec online system. After much discussion, Commissioner Harrell made a motion to continue the program the way it has been going and the program be free to all who want to come. The motion was seconded by Commissioner George. Commissioners Harrell, George, and Murphy voted “aye” and Commissioners Dawson and Robbins voted “nay.” Motion carried.

Mayor Cowan asked Mr. Suggs to bring back an update to the board on the program in about three months.

Planning Department – *Andrea Correll, Director*

Food Trucks – Discussion

As requested by Commissioner Harrell at prior board meetings, Ms. Correll gave an update on the town’s regulations regarding food trucks. *Detailed information is on file in the Clerk’s office.* Ms. Correll commented she does not believe there is an issue in town right now regarding food trucks. Commissioner Harrell commented he wants us to be prepared if there ever is a problem, but at the same time, wants to encourage food trucks during certain times of the week or year.

ITEMS FROM THE ATTORNEY – *Zachary Rivenbark, Town Attorney*

Attorney Rivenbark updated the board regarding the NC Highway 53 project. He advised he met with an NC DOT engineer regarding the road widening project through town would likely be delayed a year due to funding and budget issues related to Hurricane Florence. Attorney Rivenbark stated we are finishing up the last of the easements that we need for the project. He stated all of the private property easements have been acquired, and would contact the county to complete their easements.

ITEMS FROM THE MANAGER – *James Gantt, Town Manager*

US Highway 117 Sewer Improvement Study – Discussion

Per the request by the board at the November 2019 meeting, Mr. Gantt provided additional information regarding the study in the agenda packet and briefly reviewed same. *Detailed information is on file in the Clerk’s office.* Mr. Gantt advised the current capacity in the area of State Employees Credit Union would be around twenty homes with running it to Wilmington Street. There was much discussion regarding capacity available for the town home project and the Hardison subdivision near White Tractor Company. Commissioner Robbins commented about our current infrastructure needs. Mr. Gantt stated if we want to continue development, capacity has got to be increased in the area of US Highway 117. Mr. Gantt and Ms. Pope advised there are fees in the reserve fund to pay for the project in full; overtime, the fees collected from the construction of homes should replenish the fund.

After much discussion, Commissioner Dawson requested Mr. Gantt to meet with McKim & Creed to get a definitive answer on how much capacity we currently have so that information can be relayed to the town home developers. Commissioner Harrell stated he would like to review the study further in consideration of repairs and replacements that we need to do with our existing system and consider allocating the funds the best way we can with deciding on what our priorities are. Commissioner Robbins commented we need to look at our existing system before spending money to expand the system.

Commissioner Robbins made a motion to table this discussion to the January 2020 board meeting. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Commissioner Robbins requested to include the Public Works Director and Assistant Public Works Director in the meetings with engineers.

Renovations at the former EMS Building - Discussion

Mr. Gantt advised there has been some revisions to the draft plan, per the request of the board at the last meeting. He commented the new plan eliminated as much of hall space as possible, leaving storage and office space, along with restrooms and kitchen area. Commissioner Robbins asked to place a coat rack in the entrance area. Commissioner Harrell commented on the need for a roll up door for taking equipment in and out of the building. Mr. Gantt advised he and staff are looking at placing either a roll up door or two large doors on the wall next to the parking lot of the old jail. There was also some discussion regarding the interior doors between the foyer and main room and the capability of them being locked. This would be for the purpose of opening up the front area for use of public bathrooms for outdoor events. Mr. Gantt advised the exterior would be bricked to look similar to the buildings in the downtown area.

There being no further discussion, Commissioner Harrell made a motion to move forward with the project and have a designer do a plan. The motion was seconded by Commissioner George and carried by unanimous vote.

BREAK 5:18 PM – 5:30 PM

PUBLIC FORUM

Leo Andrades, 1793 Penderlea Highway, advised he is a real estate broker and asked some questions regarding the sewer improvement project on Highway 117.

Charles White, 601 Lee Drive, signed up to speak, but advised he had no comment at the time.

Paul Buckman, 114 Elisha Drive, Wilmington, advised he is a real estate broker and currently owns several homes around town that has been or is the process of being renovated. He asked the board what they plan to do with the dilapidated homes in town. He suggested to set up a committee to specifically look at homes that have been abandoned in the area. Mr. Gantt advised code enforcement is currently in the process and have held several hearings in the past couple of months. Mr. Hesse gave an update on the progress. Commissioner Robbins asked Mr. Buckman if he had any ideas he could bring back to the board regarding the process. There was discussion regarding eminent domain and condemnation. Commissioner Harrell commented we should consider incentives to facilitate a private individual contacting the owner and working out a deal so the problem house is removed and then there is the potential of placing a new structure on the property.

Mr. Andrades made additional comments regarding the incentive program.

PUBLIC HEARING

Public Hearing #1 – *Andrea Correll, Planning Director*

Consideration of text change amendments to the Burgaw Unified Development Ordinance to Article 6 – Definitions for subdivision and minor subdivision, Section 3-14 – Applicability of subdivision Regulations, Section 3-15 – Minor Subdivision, Chapter VII – Vested Rights, and Section 8-1(6)(A) – Fences.

Mayor Cowan opened the public hearing at 5:48 PM.

Ms. Correll gave an overview of the recommended changes presented in the agenda packet. *Detailed amendments are on file in the Clerk's office.*

Commissioner Harrell asked when do we invest a developer with vested rights. Ms. Correll advised it would be when you allow a permit to be issued. Ms. Correll and Attorney Rivenbark gave further explanation of the process and how the town should be more consistent with state law.

Mayor Cowan closed the public hearing at 6:09 PM.

Ordinance 2019-26 Approving text change amendments to the Burgaw Unified Development Ordinance to Article 6 – Definitions for subdivision and minor subdivision, Section 3-14 – Applicability of subdivision Regulations, Section 3-15 – Minor Subdivision, Chapter VII – Vested Rights, and Section 8-1(6)(A) – Fences.

Commissioner Harrell made a motion to approve Ordinance 2019-26 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Other items from the Manager

Mr. Gantt advised he received a call from NC DOT in regards to the update on the improvements to the flood areas near the interstate. He commented they are still in the process of studying the areas and asked the town to be on the lookout for early warning signs of flooding, etc. Mr. Gantt advised they plan to meet with him in regards to the improvements in the future, as well as working along with W.K. Dickson with reviewing the 2014-2015 stormwater master plan. Mr. Gantt advised there are hazard mitigation funds that are available through Golden Leaf for this type of project. He advised the town will be applying and working through the application process. Commissioner Harrell asked if they are looking at the down river situations. Mr. Gantt advised they are aware there is a much bigger issue than just the Burgaw area. They are looking at the Burgaw Creek area, as well as the N.E. Cape Fear River. Commissioner George asked about the state's program regarding beavers. Mr. Gantt advised this program has been done away with.

Mr. Gantt advised NC DOT funding has been delayed for the installation of the rapid flashing beacons that were to be installed by NC DOT on Walker Street. The beacons at Timberly Lane, NC Highway 53, and Wilmington Street are the 3 sets the town is paying for and Mr. Gantt has already told the contractor to start installing those.

Mr. Gantt stated the request for qualifications (RFQs) for the Courthouse Avenue project are due by December 20th to the Ms. Correll. Once these are reviewed by staff, they will be sent to the board for approval at the January 2020 board meeting.

Mr. Gantt updated the board Mr. Hesse has been in contact with Duke Energy regarding the burying or moving of power lines in the area of Courthouse Avenue. Mr. Gantt stated he hopes to receive cost estimates after the first of the year.

Mr. Gantt shared the new town website, burgawnc.gov, with the board and advised it will go live on December 23, 2019.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins commended Public Works and town staff on the Christmas decorations looking good around town.

Commissioner Robbins requested something be replanted in the triangle at Timberly Lane and NC Highway 53. He stated knock out roses may be good. Mr. Moore will look into taking care of this.

Commissioner Dawson commented on the possibility of placing art sculptures in green spaces at Pecan Park and the park across the street. She would like this to be considered so users of the trail can stop and look at the history of the town. Commissioner Harrell also suggested to contact the Pender Arts Council.

Commissioner Harrell commented on the donations received from Walmart to the Police, Fire and Parks & Recreation Departments. He would like a letter sent to the corporation for their donations.

Commissioner Harrell commented he liked the new Public Works report in the agenda packet. He also thanked Public Works and staff for keeping the tennis courts cleaned.

Commissioner Harrell advised there are lots of temporary signs around town, either nailed to poles or in the ground. He requested staff to take care of this matter.

Commissioner George commented on the good work from town employees.

CLOSED SESSION – 6:27 PM

Commissioner Harrell made a motion to go into closed session pursuant to GS 143-318.11 (a) (6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Robbins made a motion to go back into open session at 7:12 PM. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ADJOURNMENT

Commissioner Dawson made a motion to adjourn. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

The meeting was adjourned at 7:12 PM.

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Kenneth T. Cowan, Mayor

Attest:______________________________
Kristin J. Wells, Town Clerk