

**TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING**

DATE: August 11, 2020
TIME: 4:00 PM
PLACE: Historic Train Depot, 115 S. Dickerson Street
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
Wendy Pope, Finance Officer
Andrea Correll, Planning Director
Cody Suggs, Parks & Recreation Director
Kimberly Rivenbark, Deputy Town Clerk
Jim Hock, Police Chief
STAFF PRESENT REMOTELY: Alan Moore, Public Works Director
Louis Hesse, Building Code Administrator
Clay Jasper, Deputy Fire Chief
Tiffany Byrd, Deputy Finance Officer
MEDIA PRESENT: Unknown
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 Nick Smith.

Approval of Agenda

Mayor Cowan requested amending the agenda by adding item #8A, under Finance Department, amending the Town of Burgaw Personnel Policy. Commissioner Harrell made a motion to approve the agenda as amended. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

Approval of Consent Agenda

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

- A. Approval of the June 9, 2020 Regular Meeting Minutes
- B. Approval of the June 9, 2020 Closed Session Minutes
- C. Ordinance 2020-16 Amending the FY 20-21 budget to provide funding for the design of a new wastewater pump station

**ORDINANCE 2020-16
AMENDING FISCAL YEAR 2020-2021 ANNUAL BUDGET
Increasing Revenues and Expenditures**

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2020-2021 on June 9, 2020; and

WHEREAS, the Town of Burgaw would like to provide wastewater services to an area currently un-sewered as well as provide a lift station large enough to relieve capacity from auxiliary lines; and

WHEREAS, the Town of Burgaw has decided to contract with McKim & Creed in the amount of \$186,500 for the design of a new 450 gpm wastewater pump station; and

WHEREAS, a transfer is needed from the System Development reserve fund to the Water & Sewer fund to cover this expense.

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

Section 1: The FY 2020-2021 budget be altered to reflect the following changes:

TRANSFER BETWEEN FUNDS

<u>FROM</u>	<u>TO</u>	<u>Amount</u>
71-2330- System Development Fund	30-1390- Enterprise Fund	\$186,500

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
30-3700-91-800	Misc Enterprise Revenue	\$186,500

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
30-8200-91-458	Professional Services-Engineering	\$186,500

Adopted this the 11th day of August 2020.

SPECIAL REQUESTS/PRESENTATIONS

Courthouse Avenue Project Update – Gary Warner, WithersRavenel

Gary Warner, WithersRavenel, was present to give an update on the Courthouse Avenue project. He said there has been a delay due to COVID-19 and hopes to start moving forward with the project soon. Mr. Warner made a presentation to show the progress of the project. He commented the next step would be to hold community meetings for business owners and citizens, interviews with the board and town staff, etc. for all to express their ideas and give input on the project. Mr. Warner stated the parking analysis has been put on hold since the downtown area hasn't been completely open during this time due to COVID-19. He stated they hope to conduct this as soon as things get back to a new normal.

Commissioner Harrell asked about the parking analysis and was curious why there was only one side of Fremont Street being studied when the other streets nearby are for both sides. Mr. Warner stated this was the direction they were given, but if it needs to be incorporated, that can be done. Commissioner Harrell commented he believes both sides of Fremont Street need to be looked at. Mr. Warner stated they would include that in the analysis.

Commissioner Robbins asked Mr. Warner when he anticipates the next steps. Mr. Warner stated he could probably start interviews with the board, staff and business owners within the next couple of weeks. Mr. Warner commented the community workshop would be held three to four weeks out so there would be time for advertising. There was discussion regarding the parking analysis and when the court system may be back open to normal.

DEPARTMENTAL ITEMS

Parks & Recreation Department – Cody Suggs, Director

Adopt-A-Park Program – Discussion

Per the direction of the board from the July 14, 2020 board meeting, Mr. Suggs advised he included a proposed Adopt-A-Park Program and application in the agenda packet for the board's review. Mr. Suggs explained the program. Commissioner Robbins asked about signage; Mr. Suggs advised the town would provide a sign for the organizations that adopt a park. Commissioner Harrell asked about organizations staying committed. Mr. Suggs

advised he would keep in contact with the organizations and the idea would be to have a project to complete about each quarter.

Commissioner Harrell made a motion to approve the Adopt-A-Park program as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Ordinance 2020-17 Amending the Town of Burgaw Code of Ordinances, Article IV, Division 2, Section 2-213, Parks & Recreation Advisory Board

Mr. Suggs requested the board to consider amending the Parks & Recreation Advisory Board ordinance as described in the ordinance below. Mr. Suggs advised the advisory board is in agreement with the proposed changes. Commissioner Harrell asked who came up with the changes. Mr. Suggs advised he and the chairperson discussed the changes and brought them to the committee. There was brief discussion on attendance by the advisory board members.

Commissioner Dawson made a motion to approve Ordinance 2020-17 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**ORDINANCE 2020-17
AMENDING THE TOWN OF BURGAW CODE OF ORDINANCES, ARTICLE
IV, DIVISION 2, SECTION 2-213, PARKS AND RECREATION ADVISORY
BOARD**

WHEREAS, on April 10, 2018, the Town of Burgaw Board of Commissioners adopted Ordinance 2018-04, creating a Parks and Recreation Advisory Board; and

WHEREAS, the Town of Burgaw Parks & Recreation Director is requesting the Board of Commissioners to amend Article IV, Division 2, Section 2-213 of the Code of Ordinances as set forth below.

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

SECTION 1. The Town of Burgaw Code of Ordinances is amended as follows:

Sec. 2-213. - Appointment of officers and meetings.

The parks and recreation advisory board shall appoint from its membership a chairman, vice chairman, and secretary. The secretary shall serve as clerk to the board and shall be responsible for taking accurate minutes in regard to meetings of the parks and recreation advisory board. Committee members will hold appointed positions for one calendar year. At the completion of the calendar year, a re-vote will be administered for the positions listed above.

The parks and recreation advisory board shall set a regular schedule for meetings and the chairman may call a special meeting upon request of a majority of members of the board. The parks and recreation advisory board shall meet at least once every four-calendar month period. Board members should attend all meetings as frequently as possible. Should members need to be absent from a meeting, said member should contact the Parks & Recreation Director in a timely manner. Three (3) unexcused absences in a fiscal year will result in termination from the Parks & Recreation Advisory Board, unless the absence is related to unforeseen circumstances. Two weeks prior to the meeting the secretary shall provide the parks and recreation director and the town clerk with the following information pursuant the open meetings law.

1. An agenda for the upcoming meeting.
2. Time and location of the scheduled meeting.
3. Within two weeks of the parks and recreation advisory board meeting, the committee shall present to the parks and recreation director a full and complete draft of the minutes of the meeting to be presented to the town clerk to be disseminated to the board of commissioners for review in the weekly update.

SECTION 2. This amendment becomes effective immediately upon adoption of this ordinance on this, the 11th day of August 2020.

Finance Department – Wendy Pope, Finance Officer

This item was added to the agenda at the beginning of the meeting.

Request to amend the Town of Burgaw Personnel Policy regarding pay during a State of Emergency

Ms. Pope explained the reason for the amendment is to satisfy the requirement for reimbursement from FEMA regarding employee pay during a disaster. Below were the proposed changes to the Personnel Policy:

Section 16 Pay under a State of Emergency

Whenever the Town of Burgaw is under a State of Emergency declared by the Mayor of the Town of Burgaw, the Town Manager or Department Head shall determine which employees are essential and required to work during emergency situations. Essential non-exempt and exempt employees shall receive compensation of 1.5 times their regular pay rate **for the exact time spent on the incident.** ~~after reaching their standard workweek hours, in accordance with Article V, Section 11 for FLSA non-exempt and exempt employees.~~ Subject hours will be fully documented and certified by the Department Head and approved by the Town Manager.

After some brief discussion, Commissioner Robbins made a motion to approve the requested amendment. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ITEMS FROM THE ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he and surveyor Horace Thompson continue to work on the easements for the drainage issues. He also stated Mr. Thompson is also working on the easement behind the Raynor's house on Pullen Street.

Attorney Rivenbark commented he, Ms. Correll and Mr. Gantt have met to discuss the food truck issue and advised they are not ready to make a recommendation at this meeting, but hopes to at the September meeting.

ITEMS FROM THE MANAGER – James Gantt, Town Manager

Food Trucks – Update

Mr. Gantt commented Attorney Rivenbark gave the update at this point and asked for any additional questions.

EMS Building Renovations – Update

Mr. Gantt advised Mr. Hesse has received the final draft plans for the building and he is currently reviewing them. He should have it done within the next couple of weeks to have ready to send out for bids.

Water line extension for WLS Properties – Discussion

Mr. Gantt advised this matter is in regards to the newly annexed area on US Highway 117 North across from Ed Cowan Road. He advised the water for this property is provided by the county since they have a waterline running through the area. Mr. Gantt advised Mayor Cowan inquired about the town possibly extending town water to this location. Mr. Gantt advised he has spoken with the engineers that handles the majority of the town's water and sewer work and received rough estimates, which were around \$150k-\$200k to run the line to the property. There was also discussion about looping the line around, down Ed Cowan Road, towards Lewis Sausage at the end of North Wright Street. Mr. Gantt advised this would be expensive and at this point, there is no known development interest within the looping area. Mr. Gantt advised staff and the engineers are researching the extension of the water line further.

There was brief discussion regarding the location of the water line in regards to the county's water line, and the location of the sewer line. Commissioner Dawson asked why the developer cannot hook up to the county's water line. Mr. Gantt advised they can, and it has been discussed the town could do a master meter with the county and the town buy the water from the county and bill the customers. He advised the issues are with sewer; you have to have a meter reading for sewer and the reading will have to come from the county, then we will bill the customer. Mr. Gantt advised if the customer does not pay for the sewer portion of the bill, the town has no legal authorization to cut service off. By having a master meter and buying the water from the county, we would sell the water to the customers, and that would be the town's process of service in this development. There was discussions and concerns regarding buying water from the county and not having any control over the county's water system when it goes down, etc. Attorney Rivenbark spoke and advised if we were to do this, an agreement would need to be written to include all details so it covers the town. Commissioner Harrell commented he is not comfortable with the town being the "middle man" with providing water.

After discussion, it was decided Attorney Rivenbark and Mr. Gantt research this matter further and meet with the county.

Other items from the Manager

Mr. Gantt commented Ms. Correll has requested he advise the board that the Planning & Zoning Board would like to hold a joint meeting in the near future. Ms. Correll advised the Chairperson requested this meeting since laws are changing and for the two boards to discuss current projects. Commissioner Harrell and Robbins stated that would be a good idea. Mr. Gantt and Ms. Correll will work on getting this scheduled.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins expressed his appreciation to the staff during Hurricane Isaias.

Commissioner Murphy commented Jimmy Basden wanted to know if there were any plans for cleaning out ditches near the Basden Road area due to flooding issues. Mr. Gantt advised staff has been looking in the area and researching what easements the town has for the properties involved. There was some discussion on new residences coming to Cypress Street in the same area. Commissioner Harrell commented on the issue brought up in the past about replacing the pipe under Penderlea Highway. Mr. Gantt advised that is a state road and state pipe.

Town Clerk Kristin Wells stepped out of the meeting and Deputy Clerk Kimberly Rivenbark continued minutes.

Commissioner Dawson asked if the street sweeper has the capability of picking of the pine cones, etc. on the edge of the streets so it can help with drainage issues. Mr. Gantt will speak to Public Works about this request.

Commissioner Dawson commented about the settlement under the pipe near the blueberry statue. Mr. Gantt advised the Emergency Watershed Protection Program includes this area in question. He advised this project is moving forward, but is currently on hold with the county for the county attorney to review the agreement.

Commissioner George expressed his thanks to the staff during Hurricane Isaias.

Commissioner Harrell expressed his thanks to the Public Works Department for the cleanup during and after the hurricane.

Commissioner Harrell commented he was approached by a lady with concerns of the drainage near West Satchwell Street. He said Mr. Moore has already been made aware of the concern and expects the lady to speak during this meeting's Public Forum.

Mayor Cowan commented on the new pizza place, Fat Daddy's Pizza.

Commissioner Robbins commended Ms. Rivenbark on the historical articles in the newsletter.

Commissioner Harrell asked about the polling place since the new construction in the Fire Department. Mr. Gantt advised Ms. Wells has been in contact with the Board of Elections.

BREAK 4:55 PM-5:31 PM

PUBLIC FORUM

Kelly Longley, Carolina Sisters, 115 South Wright Street, made positive comments on food trucks. She believes food trucks bring business to downtown Burgaw and requested the board to take this into consideration.

Suzette Dudley, 509 West Satchwell Street, expressed her concerns with the lack of drainage in her community. She commented on an incident from a recent rain event and the difficulty she had trying to get home. Ms. Dudley also commented on the statue on Courthouse Square and she does not believe we need to be supporting traitors. She also asked to have other things done on her side of town, such as sidewalks and cleaning out of ditches. Ms. Dudley stated that her side of town needed representation or a reduced tax rate.

Daniel Williams, 403 West Wilmington Street, of Danny's Auto Shop, advised he is looking at purchasing 404 West Wilmington Street, but commented he understood there was a road front zoning issue. Attorney Rivenbark spoke up and advised the board not to comment on this issue because there is an active application and potential appeal before the Planning Director, which could potentially go to the Board of Adjustment. Commissioner Robbins stated he was not aware of this and received a call from Mr. Williams stating he received a letter. Ms. Correll made comments regarding the ordinance regulations and commented that B-2 business district must have 100 feet of road frontage; she said there is nothing in the ordinance enabling the town to subdivide property that does not meet the ordinance.

Jimmy Basden, 1197 Penderlea Highway, spoke in regards to drainage issues in the area of his residence and trailer parks that he owns. He commented he and his son have cleaned out ditches in the area in the past but does not feel like they should have to do this. Mr. Basden requested the town for assistance in cleaning out the ditches to help the water move. Commissioner Harrell asked if the ditch behind Mr. Basden's property also drains Cypress Street. Mr. Basden advised it does, including the area of Cypress Street, Pine Street, etc. all drains towards his property. He commented he believes some of the water could be diverted down Henry Brown Road. Commissioner Harrell asked if this issue is related to the pipe under Penderlea Highway that has been spoken of in the past. There were further comments about drainage from Mr. Basden.

PUBLIC HEARINGS

NOTE: Due to the numerous and lengthy resolutions and ordinances related to the public hearings below, they can be found in the Clerk's office.

Public Hearing #1 – Andrea Correll, Planning Director

Consideration of Unified Development Ordinance Text Amendments recommended by the Planning Board on February 25, 2020 related to changes to the NC General Statutes amended in 2019:

- **Section 1-2: Authority (c),**
- **Section 1-8: Fees,**
- **Section 3-5: Amendments to the Unified Development Ordinance Official Zoning Map, C, H - K,**
- **Section 3-12: Appeals A-C, O-X,**
- **Section 3-19: Improvement Guarantees,**
- **Section 3-24: Permit Choice,**
- **Section 6-1: Definitions,**
- **Section 9-4: Driveways,**
- **Section 15-1: General,**
- **Section 15-10: Other Requirements**

Mayor Cowan opened the public hearing at 5:50 PM.

Ms. Correll reviewed the requested amendments and stated these changes are required by mandate. There were no questions or comments by the board.

Mayor Cowan closed the public hearing at 5:55 PM.

Resolution 2020-09 Adopting a statement of consistency regarding a requested text change amendment of the Town of Burgaw Unified Development Ordinance required by 2019 legislation to the NC general statutes, including sections to be renumbered or re-lettered to enable those required changes in our regulations.

Commissioner Harrell made a motion to approve Resolution 2020-09 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Ordinance 2020-18 Approving a text change amendment of the Town of Burgaw Unified Development Ordinance required by 2019 legislation to the NC general statutes, including sections to be renumbered or re-lettered to enable those required changes in our regulations.

Commissioner Dawson made a motion to approve Ordinance 2020-18 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Town Clerk Kristin Wells returned to the meeting and resumed minutes.

Public Hearing #2

Consideration of Unified Development Ordinance Text Amendments recommended by the Planning Board on June 18, 2020 related to items, including renumbering and re-lettering sections, to complete mandated changes by the NC General Statutes amended in 2019, address temporary signage changes mandated by Supreme Court case Reed vs. Town of Gilbert Arizona, as well as amendments enabling disaster preparedness planning and disaster response:

- **Section 6-2: add definitions for disaster volunteer housing, emergency disaster housing, temporary housing unit and amend temporary structure**
- **Section 8-2: amend Table of Permitted Uses to include “D” temporary uses which are permitted in declared disaster.**
- **Section 8-4: add use standards for disaster volunteer housing, and emergency/disaster relief housing**
- **Section 10-2: B. add m. fence wrap display signage**
- **Section 10-4: amend temporary sign standards to be content neutral**

Mayor Cowan opened the public hearing at 5:56 PM.

Ms. Correll reviewed the requested amendments and advised part of these requests are also mandated, plus other staff recommended changes. There were no questions or comments by the board.

Mayor Cowan closed the public hearing at 6:00 PM.

Resolution 2020-10 Adopting a statement of consistence regarding a requested text change amendment of the Town of Burgaw Unified Development Ordinance to add definitions and related text for disaster volunteer housing, emergency disaster housing, fence wrap display signage and on premise temporary sign standards.

Commissioner Harrell made a motion to approve Resolution 2020-10 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Ordinance 2020-19 Approving a text change amendment of the Town of Burgaw Unified Development Ordinance to add definitions and related text for disaster volunteer housing, emergency disaster housing, fence wrap display signage and on premise temporary sign standards.

Commissioner Robbins made a motion to approve Ordinance 2020-19 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Public Hearing #3

Consideration of Unified Development Ordinance Text Amendments recommended by the Planning Board on July 16, 2020 related to utilities:

- **Section 6-2: adding a definition for utilities, deleting the current definition for solar farm and adding a new definition**
- **Section 8-2: Table of Permitted Uses deleting the word “public” in front of Electrical Utility Station or substation as well as utility works, shops or storage yards. Add electric power transmission and distribution only to the use table.**

Mayor Cowan opened the public hearing at 6:01 PM.

Ms. Correll reviewed the requested amendments and advised these are related to the recent solar farm discussions by the board. Commissioner Harrell asked if these are the changes the board previously discussed in order to facilitate only the use of the transmission lines across the property. Ms. Correll confirmed these are the exact changes the board has previously discussed. There were brief comments regarding solar panels on a house versus solar panels in a field.

Mayor Cowan closed the public hearing at 6:06 PM.

Resolution 2020-11 Adopting a statement of consistence regarding a requested text change amendment of the Town of Burgaw of Burgaw Unified Development Ordinance to add definitions for utilities, deleting the current for solar farm and adding a new definition and amending the Table of Permitted Uses; deleting “public” in front of “Electrical utility station or substation and utility works, shops or storage yards,” as well as adding “electric power transmission and distribution” to the use table.

Commissioner Harrell made a motion to approve Resolution 2020-11 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Ordinance 2020-20 Approving a text change amendment of the Town of Burgaw of Burgaw Unified Development Ordinance to add definitions for utilities, deleting the current for solar farm and adding a new definition and amending the Table of Permitted Uses; deleting “public” in front of “Electrical utility station or substation and utility works, shops or storage yards,” as well as adding “electric power transmission and distribution” to the use table.

Commissioner Robbins made a motion to approve Ordinance 2020-20 as presented. 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 Harrell and carried by unanimous vote.

The meeting was adjourned at 6:07 PM.

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk