

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

DATE: November 10, 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, James Murphy
BOARD MEMBER ABSENT: Commissioner Vernon Harrell
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Zachary Rivenbark, Town Attorney
Wendy Pope, Finance Officer
Tiffany Byrd, Deputy Finance Officer
Andrea Correll, Planning Director
Kimberly Rivenbark, Deputy Town Clerk
Daniel Fuller, Assistant Police Chief
Alan Moore, Public Works Director
Jim Taylor, Fire Chief
Cody Suggs, Parks & Recreation Director
MEDIA PRESENT: Unknown
INVOCATION: Bryant Crosson
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Cowan asked to amend the agenda by adding item #17A, *Approval of special minutes for Public Hearing #1 per grant requirements*. Commissioner George 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. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

- A. Approval of the October 13, 2020 Regular Meeting Minutes
- B. Approval of the October 13, 2020 Closed Session Minutes
- C. Approval of the 2020-2021 Tree Program Annual Work Plan (*on file in the Clerk's office*)

SPECIAL REQUESTS/PRESENTATIONS

Burgaw Christmas Parade Street Closure Request – Arwyn Smith, Chamber of Commerce

Arwyn Smith, Chamber of Commerce Director, gave a handout to each board member showing the new plan for this year's Christmas Parade, due to the pandemic. She said instead of a traditional parade, we will be having a stationary parade, which will be held on December 12, 2020 at 3:30 PM. Decorated floats would be stationary on the side of Dickerson Street while the spectators drive by. Ms. Smith requested the board to approve the closure of Industrial Drive from Progress Drive to Dickerson Street and Dickerson Street from Industrial Drive to Fremont Street. Street closures would begin at 2:30 PM. She said the spectators will start lining up on Industrial Drive to drive onto Dickerson Street to view the floats.

Commissioner Robbins asked Ms. Smith what the Chamber board's reasoning was to change it from a traditional parade. Ms. Smith said the health department did not think a traditional parade was a safe idea. Commissioner

Robbins also asked why the parade was moved to middle of the day. Ms. Smith said the Chamber board discussed this and decided it would be safer since there will be stop and go traffic. Commissioner Robbins voiced his disappointment in the change of the parade for this year and said the lighted parade is something special for our town. There were comments made about consideration of at least moving the parade closer to dark. Assistant Chief Fuller and Mr. Gantt commented the change in the parade poses more safety concerns. There were also comments about pedestrian traffic and wearing of masks.

Commissioner Murphy made a motion to approve the closure of the streets requested at 2:30 PM on December 12, 2020. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Commissioner Robbins said he reluctantly voted “aye” and does not understand why Burgaw cannot have a normal parade.

DEPARTMENTAL ITEMS

Parks & Recreation Department – *Cody Suggs, Director*

Wilmington Railroad Museum Boxcar – Discussion

Mr. Suggs said he received a phone call from the Wilmington Railroad Museum asking the town if we wanted a boxcar that is at the museum. They are currently having parking issues and will need to have the boxcar moved. The boxcar would be free to the town, but the town would need to cover the expenses of having it moved. Mr. Suggs showed pictures of the boxcar and said he is waiting on a quote for moving it, if the board chose to do so. After some comments, the board had no interest in getting the boxcar.

Update on Holiday Events and request of street closure

Mr. Suggs advised the board the annual Christmas tree lighting will be held on November 27, 2020 at 6:00 PM. He said the event would be drive-in only and there would be FM transmitters for audio. Mr. Suggs said he has reached out to several churches and groups for singing, but due to the current pandemic situations, many have declined participation. Two groups will be singing, the lighting of the tree will be done, and Santa will be walking around waving to the children. Mr. Suggs requested the board to approve the closure of Wright Street between Fremont Street and Courthouse Avenue beginning at 5:00 PM on November 27, 2020. There were comments about keeping people in their vehicles and pedestrian traffic on the sidewalks. Attorney Rivenbark said we can ask people not to walk around but we cannot enforce it. Commissioner Robbins made a motion to approve the street closure request. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Mr. Suggs also requested the closure of Dickerson Street between Wilmington Street and Fremont Street on November 21, 2020 from 5:15 PM to 8:00 PM for the filming of the Blueberry Drop, which will be completely virtual this year. Mr. Suggs said the band and the dropping of the blueberry would be filmed at the Depot. There may also be a need for intermittent street closures to interview merchants in the downtown area. Everything would be compiled into a video for sharing on New Year’s Eve via the town’s website and social media page. Commissioner Dawson made a motion to approve the street closure request. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Finance Department – *Wendy Pope, Finance Officer*

Ms. Pope requested an amendment to the water and sewer fund CIP so that it better reflects the town’s commitment to addressing I&I issues throughout the town’s sewer lines. She said the change is to increase the scope of capital funding for the anticipated projects for the next ten years as opposed to 5 years. Ms. Pope also said since the board has expressed interest in the past to consider the sewer manhole rehabilitation as a priority, we have increased the annual budget commitment from \$10k to \$100k. She said the amounts were changed so the town can be more competitive for grant funding. Ms. Pope advised the general fund and other possible projects will be addressed during the budget process for the upcoming budget year. Commissioner George made a motion to approve Resolution 2020-19 as presented. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

RESOLUTION 2020-19 ADOPTING TEN YEAR 2021-2030 CAPITAL IMPROVEMENTS PLAN

WHEREAS, capital improvements planning is a comprehensive approach to improving social and physical conditions in a governmental jurisdiction by evaluation of growth and development trends;

WHEREAS, capital improvements planning serves as a basic framework for scheduling public improvements and requires the assistance of government officials and agencies, as well as community residents;

WHEREAS, the Town of Burgaw currently adopts a 5-year Capital Improvement Plan;

WHEREAS, competitiveness of grant funding requires a 10-year Capital Improvement Plan;

WHEREAS, a report entitled FY 2021-2030 Capital Improvements Plan for the Enterprise Fund has been prepared;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS that the Board of Commissioners of the Town of Burgaw does hereby adopt the report entitled FY 2021-2030 Capital Improvements Program for the Enterprise Fund.

Adopted this 10th day of November 2020.

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

Attorney Rivenbark stated he had nothing to report.

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

Update on Current Town Projects

Courthouse Avenue Improvements Project: Mr. Gantt said the consultants are still gathering information from the online surveys. He said a tentative internal review of the project with staff will be in December, with in-depth conversations with the board in January. Ms. Correll said the consultants are looking at having more of a drop-in event for more one on one discussions.

Old EMS Building Renovations: Mr. Gantt said staff has received the final plans and have reviewed them. There was a request to add more windows in the front of the building, so the plans were sent back to Mr. Guidry and hopes to have them ready for bid the following week. Commissioner Robbins asked if it was possible to finance the total amount of the renovations. Mr. Gantt confirmed this is a possibility and it had been spoken of by the board in the past.

Highway 117 Sewer Improvements: Mr. Gantt advised staff recently had a meeting with Jess Powell with McKim & Creed and there was an issue with the location of the gas line that runs along the power lines. The gas line runs on the east side of the power line then crosses over to the west side. Mr. Gantt said this poses a problem with where the force main would go. Because of this issue, the project requires additional surveying and an increase in the amount of the plan. Mr. Gantt said this increase would be covered under the contingency funds that were already allocated.

Sewer I&I Study near the WWTP Site: Mr. Gantt commented there have been a couple of grades that were significant. Staff plans to monitor the area during the upcoming rain event projected for our area. Mr. Gantt said there needs to be significant amounts of rain to see where the inflow is coming from. There were brief comments made about smoke testing being the next step.

Other comments

Mayor Cowan asked the status on the light poles to be installed near Walmart. Mr. Gantt said they are still scheduled to be placed next week.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Discussion on the 2021 Annual Pender County Municipal Association Business Meeting & Dinner to be hosted by the Town of Burgaw

Mayor Cowan said that it seems to be the consensus by the municipalities that we hold off on the Annual Pender County Municipal Association business meeting and dinner due to the pandemic. The board members were in agreement to wait and possibly hold the event hopefully in the spring of 2021.

Other items from Mayor and Board of Commissioners

Commissioner Robbins commented on the Christmas decorations around town and thanked Public Works. He asked Mr. Moore if the tree behind the blueberry statue would be lit again this year. Mr. Moore said his crews plan to do it soon.

Commissioner Robbins also said the recent paving of Bridgers Street looks good.

Commissioner Dawson said the Christmas decorations look great, but some of the lights in the holly trees around town are not working, particularly on Fremont Street and North Walker Street. Mr. Moore said his crews will be going around to check all the lights soon. Mr. Gantt said Security Plus has been working on a few of the connections.

Commissioner Dawson asked Mr. Moore to let her know when the fence will be going up around the Christmas tree on the Courthouse Square. Mr. Moore said it will be going up next week.

Mayor Cowan asked Mr. Gantt if some of the Christmas decorations were being removed for the filming that is currently occurring in town. Mr. Gantt said they have requested some of the wreaths come down temporarily. He said there will be a fee associated with the invoice to the filming crews for our Public Works Department to remove and reinstall the decorations. There were comments about the length of filming in town and the economic impact.

Mayor Cowan commented on the timing of the public forum and public hearings at the board meetings. He said several municipalities have public comments at the beginning of the meetings. He asked the board for their thoughts about this. Commissioner Robbins said the public forum and public hearings were changed years ago to allow the working people time to attend the meeting. Commissioner Robbins said the meetings are more streamlined and shorter than they used to be in the past. There was discussion about receiving the agenda packets earlier than before and there is time for the board members to review the information and ask questions before the meeting.

BREAK 4:50 PM-5:28 PM

PUBLIC FORUM

There were no speakers during Public Forum.

PUBLIC HEARINGS

Public Hearing #1 – James Gantt, Town Manager

Consideration of the Town applying for FY2020 CDBG funding for the replacement of aging sewer lines

Mayor Cowan declared the public hearing open at 5:29 PM.

Mr. Gantt explained this grant application would be for the replacement of aging sewer lines in the area of Penderlea Highway, West Bridgers Street, Cypress Street, Pine Street, Basden Road and North Smith Street.

Mayor Cowan closed the public hearing at 5:30 PM.

Resolution 2020-16 Approving the request of grant assistance for the replacement of aging sewer lines

Commissioner George made a motion to approve Resolution 2020-16 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2020-16
RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Burgaw has need for and intends to replace aging sewer lines in the areas of West Bridgers Street/Penderlea Highway, Cypress Street, Pine Street, Basden Road, and North Smith Street, and

WHEREAS, The Town of Burgaw intends to request state grant assistance for the project.

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

That Town of Burgaw, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That James Gantt, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 10th day of November, 2020 at Burgaw, North Carolina.

Approval of special minutes for Public Hearing #1 per grant requirements

Due to requirements and timing of the grant application, special minutes for Public Hearing #1 needed to be approved at this meeting. Commissioner Dawson made a motion to approve the special minutes (attached) for Public Hearing #1. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Public Hearing #2 – James Gantt, Town Manager

Consideration of a Local Matching Incentive for Project Bird in the amount of \$33,750 which will be paid on a reimbursement basis over a five-year period

Mayor Cowan declared the public hearing open at 5:30 PM.

Mr. Gantt explained the incentive request for Project Bird in the amount of \$33,750 to be paid as a reimbursement basis over a five-year period. He said the match is required by the grant organizations, one being a \$50k, dollar for dollar, state grant and a \$350k building reuse grant, which would be a 5% match. Mr. Gantt advised Pender County has already approved to fund half of the total match required, which would be \$33,750, over a three-year period. Burgaw would pay the other half in the amount of \$33,750, which would be reimbursed over a five-year period. Mr. Gantt advised the terms of the contract would be determined at a later date.

Mayor Cowan closed the public hearing at 5:31 PM.

Commissioner Dawson made a motion to approve the incentive request as described above. The motion was seconded by Commissioner George and carried by unanimous vote.

Public Hearing #3 – *Andrea Correll, Planning Director*

Consideration of Unified Development Ordinance Text Amendment recommended by the Planning Board on October 15, 2020 requested by the Burtons to enable the keeping of horses in the R-20 Zoning District on tracts of land five acres or larger. The request would amend sections 6-2 Definitions, 8-2 Table of Permitted Uses and 8-4 Use Standards.

Mayor Cowan declared the public hearing open at 5:34 PM.

Ms. Correll explained the request as described in the ordinance below. Karen Burton, 936 US Highway 117 South, spoke in regards to the request.

Mayor Cowan closed the public hearing at 5:36 PM.

Resolution 2020-17 Adopting a statement of consistency regarding a requested text amendment of the Town of Burgaw Unified Development Ordinance to enable the keeping of horses in the R-20 and RA zoning districts.

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

RESOLUTION 2020-17

ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT AMENDMENT OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE TO ENABLE THE KEEPING OF HORSES IN THE R-20 AND RA ZONING DISTRICTS

WHEREAS, the applicant, Davis and Karen Burton, have requested the Town amend the Town of Burgaw Unified Development Ordinance to enable the keeping of horses on tracts of land five acres or larger in the R-20 and RA Zoning Districts with standards that all barns and paddocks shall be located no closer than 100 feet from any property line; and

WHEREAS, Planning staff has reviewed the proposed text change amendment for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their October 15th, 2020 meeting, recommended the adoption of proposed amendments to the Unified Development Ordinance and the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and Draft Comprehensive Plan Consistency Statement at their November 10th, 2020 meeting and found the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed Unified Development Ordinance text amendment is consistent with the Town of Burgaw 2030 Comprehensive Plan by specifically preserving and enhancing the livability of the Town, while keeping standards encouraging quality and controlled growth that enhances and maintains the community's character.

Adopted this 10th day of November 2020.

Ordinance 2020-25 Approving a requested text change amendment of the Town of Burgaw Unified Development Ordinance to enable the keeping of horses in the R-20 and RA zoning districts.

Commissioner Robbins made a motion to approve Ordinance 2020-25 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

**ORDINANCE 2020-25
APPROVING A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF
BURGAW UNIFIED DEVELOPMENT ORDINANCE TO ENABLE THE KEEPING OF
HORSES IN THE R-20 AND RA ZONING DISTRICTS**

WHEREAS, the applicants, Davis and Karen Burton, have requested the Town amend the Town of Burgaw Unified Development Ordinance to enable the keeping of horses on tracts of land five acres or larger in the R-20 and RA Zoning Districts with standards that all barns and paddocks shall be located no closer than 100 feet from any property line; and

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their October 15th, 2020 meeting, recommended the adoption to the proposed text amendments to the Board of Commissioners of the Town of Burgaw amending the Unified Development Ordinance to add ; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report, the proposed text amendments and the Draft Comprehensive Plan Consistency Statement at their November 10, 2020 meeting and found the proposed text change amendments to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest; and

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

SECTION 1. The Town of Burgaw Unified Development Ordinance is amended as follows:

Section 6-2: Definitions of Basic Terms

(Add) **Horses for Personal Enjoyment:** the keeping of horses for personal use in the RA (Residential Agricultural) District and the R-20 (Single Family District) on tracts of land which are five acres or larger.

(Amend) **Section 8-2: Table of Permitted Uses**, to included horses for personal enjoyment in RA and R-20 highlighted in yellow. Please see below:

Uses ⁹	NAICS ¹	RA	R-20	R-12	R-7	R-7MH	PUD ²	O&I	B-1	B-2	I-1	I-2	C/P
HORSES FOR PERSONAL ENJOYMENT		X	X										
HORSES, BOARDING AND TRAINING	115210	X											

(Amend) **Section 8-4: Use Standards**, to include the keeping of horses for personal enjoyment (RA, R-20) to require zoning permit from the Planning Department. All barns and paddocks on tracts of land of five acres or larger are required to be set back (100) one- hundred feet from any property line. Barns are only allowed in the rear yard behind the house.

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 10th day of November 2020.

Public Hearing #4 – Andrea Correll, Planning Director

Consideration of Unified Development Ordinance Text Amendment recommended by the Planning Board on October 15, 2020 requested by Robert Kenan, Attorney at Law on behalf of the Pender County ABC Board to enable a warehouse along with retail and office space at the new ABC site in Burgaw. The request would amend section 8-2 Table of Permitted Uses.

Mayor Cowan declared the public hearing open at 5:37 PM.

Ms. Correll explained the request as described in the ordinance below. Robert Kenan, Attorney at Law on behalf of the Pender County ABC Board, spoke in regards to the request. He advised the ABC Store is planning to move locations and build a combination building which would contain retail, administrative and warehouse facilities. Commissioner Dawson asked about the size of the warehouse. Attorney Kenan said the facility would be approximately 14,000 square feet, with approximately 8,000 of that would be a warehouse. The remaining space would serve as retail and administrative offices.

Mayor Cowan closed the public hearing at 5:40 PM.

Resolution 2020-18 Adopting a statement of consistency regarding a requested text amendment of the Town of Burgaw Unified Development Ordinance to enable the addition of an “Alcoholic Beverage Control Warehousing” as a permitted use in B-2.

Commissioner George made a motion to approve Resolution 2020-18 as presented. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**RESOLUTION 2020-18
ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT
AMENDMENT OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE
TO ENABLE THE ADDITION OF AN “ALCOHOLIC BEVERAGE CONTROL
WAREHOUSING” AS A PERMITTED USE IN B-2**

WHEREAS, the applicant, Robert Kenan, on behalf of the Pender County ABC Board, has requested the Town amend the Town of Burgaw Unified Development Ordinance to enable Alcoholic Beverage Control Warehousing as a permitted use in the B-2 Zoning District; and

WHEREAS, Planning staff has reviewed the proposed text change amendment for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their October 15th, 2020 meeting, recommended the adoption of proposed amendment with a majority vote to the Unified Development Ordinance and the Draft Comprehensive Plan Consistency Statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and Draft Comprehensive Plan Consistency Statement at their November 10th, 2020 meeting and found the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed Unified Development Ordinance text amendment is consistent with the Town of Burgaw 2030 Comprehensive Plan by specifically preserving and enhancing the livability of the Town, while keeping standards encouraging quality and controlled growth that enhances and maintains the community’s character.

Adopted this 10th day of November 2020.

Ordinance 2020-26 Approving a requested text amendment of the Town of Burgaw Unified Development Ordinance to enable the addition of an “Alcoholic Beverage Control Warehousing” as a permitted use in B-2.

Commissioner George made a motion to approve Ordinance 2020-26 as presented. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**ORDINANCE 2020-26
APPROVING A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF
BURGAW UNIFIED DEVELOPMENT ORDINANCE TO ENABLE THE ADDITION OF
AN “ALCOHOLIC BEVERAGE CONTROL WAREHOUSING” AS A PERMITTED USE
IN B-2**

WHEREAS, the applicant, Robert Kenan, on behalf of the Pender County ABC Board, has requested the Town amend the Town of Burgaw Unified Development Ordinance to enable alcoholic beverage control warehousing as a permitted use in the B-2 Zoning District; and

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their October 15th, 2020 meeting, recommended the adoption to the proposed text amendments with a Majority vote to the Board of Commissioners of the Town of Burgaw amending the Unified Development Ordinance to add an alcoholic beverage control warehousing as a permitted use in the B-2 Zoning District; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report, the proposed text amendments and the Draft Comprehensive Plan Consistency Statement at their November 10, 2020 meeting and found the proposed text change amendments to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest; and

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

(Amend) **Section 8-2: Table of Permitted Uses**, to add an alcoholic beverage control warehousing as a permitted use in the B-2 Zoning District. Please see below:

TABLE OF PERMITTED USES													
Uses ⁹	NAICS ¹	RA	R-20	R-12	R-7	R-7MH	PUD ²	O&I	B-1	B-2	I-1	I-2	C/P
ALCOHOLIC BEVERAGE CONTROL BOARD OFFICE	926150							X	X	X			
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL									X	X			
ALCOHOLIC BEVERAGE CONTROL WAREHOUSING										X			

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 10th day of November 2020.

ADJOURNMENT

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

The meeting was adjourned at 5:42 PM.

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk

**TOWN OF BURGAW BOARD OF COMMISSIONERS
PUBLIC HEARING MINUTES**

Consideration of the Town applying for FY2020 CDBG funding for the replacement of aging sewer lines

DATE: November 10, 2020
TIME: 5:30 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

Public Hearing #1 – Consideration of the Town applying for FY2020 CDBG funding for the replacement of aging sewer lines

The Board of Commissioners for the Town of Burgaw held a public hearing on November 10, 2020, for providing explanation and description of the FY2020 North Carolina Department of Environmental Quality (DEQ) Community Development Block – Infrastructure Grant (CDBG-I).

James Gantt, Burgaw Town Manager, introduced the purpose of the public hearing for the Town of Burgaw's CDBG-I funding application. Mr. Gantt stated that the purpose of the public hearing was to obtain citizen's views and to respond to funding proposals and answer any questions posed by citizens. He also stated that the public hearing must cover Burgaw's community development needs, development of the proposed activities, and a review of program compliance before the submission of Burgaw's CDBG-I funding application to the state of the North Carolina.

The Town of Burgaw proposes requesting funding from NCDEQ'S CDBG-I program for Burgaw CDBG-I Sewer Rehabilitation/Replacement Project. The proposed project will meet the following community and housing needs of Burgaw by rehabilitating or replacing approximately 12,829 linear feet of sewer collection lines located on West Bridgers St./Penderlea Hwy, Cypress St., Pine St., Basden Rd, and N. Smith Street.

The purpose of the CDBG-I grant program is to improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.

- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.
- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of 2020 the CDBG-I funding available is expected to be \$25 million, and each the maximum available grant \$2.0 million over a 3-year period. Applications for funding are received November 23, 2020.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund several activities: water and sewer infrastructure, neighborhood revitalization, COVID-19 related projects, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to the, following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.

- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extent public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town of Burgaw is seeking an amount in CDBG-I funds not to exceed \$2 million for Burgaw CDBG-I Sewer Rehabilitation/Replacement Project. The purpose of Burgaw's request is to rehabilitate or replace approximately 12,829 linear feet of sewer collection lines located on West Bridgers St./Penderlea Hwy, Cypress St., Pine St., Basden Rd, and N. Smith Street.

The project proposed by the Burgaw was identified in the 2020 Capital Improvement Plan. Informal community meetings were held in the project area to inform citizens of the potential project, and get feedback from the residents.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in Burgaw has been determined to have a town-wide 72.98% LMI households. The project area includes West Bridgers St./Penderlea Hwy, Cypress St., Pine St., Basden Rd, and N. Smith Street.

The range of activities covered by the CDBG-I funds for the Burgaw CDBG-I Sewer Rehabilitation/Replacement Project includes:

- Construction.
- Environmental Review
- Engineering Design
- Construction Administration and observation.
- Legal activities.
- Surveying.
- Grant Administration.

If Burgaw is awarded a CDBG-I grant, the town is required to adhere to federal procurement requirements and other federal regulations which include:

- American with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that if the Town of Burgaw receives CDBG grant funding, the town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement,

should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. If no displacement and relocation will occur as a result of the proposed CDBG grant activity, then the Town of Burgaw confirms that during this public hearing.

The Town of Burgaw will submit its CDBG-I application for the Burgaw CDBG-I Sewer Rehabilitation/Replacement Project on November 23, 2020. The CDBG-I application will be available for review during normal business hours at Town Hall, 109 N. Walker Street. Additional information is available from the Town Manager's office. Should you have any complaints or grievances regarding the subject public hearing, they should be addressed to the addressee mentioned above within 10 business days or by November 24, 2020, and a written response to the written complaints and/or grievances will be sent by Burgaw within 10 business days, where practicable.

Commissioner Dawson made a motion to approve the above minutes for Public Hearing "*Consideration of the Town applying for FY2020 CDBG funding for the replacement of aging sewer lines.*" The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk