

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

DATE: December 8, 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, 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
Jim Hock, Police Chief
Alan Moore, Public Works Director
Jim Taylor, Fire Chief
Cody Suggs, Parks & Recreation Director
MEDIA PRESENT: Unknown
INVOCATION: 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. Commissioner Robbins recognized Ralph Gardner for the generosity of providing the board members with candy during the meeting.

Approval of Agenda

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

Approval of Consent Agenda

Commissioner Robbins asked Ms. Pope if we are certain we will receive the reimbursement for the disaster recovery expenses explained in the ordinance below. Ms. Pope said she was sure we would receive it, but waiting for final approval. Commissioner Robbins asked if the board passes the ordinance, would it have any influence on whether the town receives the funds. Ms. Pope advised it would not affect the reimbursement. There was brief discussion on how the process works with the reimbursement and how it affects the town finances by having the ordinance approved. There were further comments on the town's debris contract for disasters.

Commissioner Dawson 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 15, 2020 Special Meeting Minutes
- B. Approval of the October 28, 2020 Special Meeting Minutes
- C. Approval of the November 10, 2020 Regular Meeting Minutes
- D. Ordinance 2020-27 Amending the FY 20-21 budget to increase revenues and expenditures related to Disaster Recovery expenses

ORDINANCE 2020-27
*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, Hurricane Florence (2018) was responsible for damages to the Town that were reimbursable by FEMA; and

WHEREAS, the Town advanced all payments for services, equipment and materials for the disaster through a Fund created specifically for Disaster Recovery; and

WHEREAS, the Disaster Recovery Fund is separate from the General Fund and the Enterprise Fund, therefore separate budgeted revenues and expenditures are required; and

WHEREAS, the Town of Burgaw would like to recognize reimbursable funds due from FEMA and appropriate funds to cover expenditures related to debris pick up after Hurricane Florence into the FY 20-21 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 2020-2021 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
90-3760-00-200	FEMA reimbursement	\$106,258.58

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
90-4100-00-450	Contract Services State of Emergency	\$106,258.58

Adopted this the 8th day of December 2020.

DEPARTMENTAL ITEMS

Parks & Recreation Department – Cody Suggs, Director

Ordinance 2020-28 Amending the Town of Burgaw Code of Ordinances, Article IV, Division 2, Section 2-213, Parks & Recreation Advisory Board

Mr. Suggs advised the Parks & Recreation Department will be bringing on an intern to his department that will be performing an internship through UNCW. This person would be working 40 hours a week and no longer than a 12 week period. He said the intern would be compensated from funds in the part time Parks & Recreation budget due to the cancellation of exercise classes because of COVID-19. Mr. Suggs also advised he will be bringing on a part time employee by using funds from the same budget. Riley Jordan, currently a member of the Parks & Recreation Advisory Board, will be filling this part time position in the Parks & Recreation Department. Because Ms. Jordan will be a town employee, that will leave a vacancy on the advisory board. Mr. Suggs said because of this change in staff, he recommends the board to approve the following change in the Code of Ordinances to allow a Parks & Recreation employee to act as the clerk to the Parks & Recreation Advisory Board. Commissioner Harrell asked what the benefits were for having a staff member perform the clerk duties versus a member of the board. Mr. Suggs said the secretary currently on the advisory board is aware and agrees to the change. Mr. Suggs said by a staff member acting as clerk, the minutes, agendas, and various documents could be handled in a timely manner and housed at Town Hall.

Mayor Cowan asked if the part time position has already been approved by the board. Mr. Suggs reminded the board that the position of “Recreation Leader” and job description was previously approved by the board. The part time person would be hired as such and fall in the same category as the fitness instructors. Mayor Cowan also asked when the fitness classes planned to start back up. Mr. Suggs said as of right now, the plan is to resume classes in January, but will be dependent on the situations with COVID-19.

Commissioner Harrell asked about the pay and hours for the part time position. Mr. Suggs advised the pay is \$10 per hour, up to 14 hours per week. He also explained her job duties would include assistance with various activities in the Parks & Recreation Department, as well as assist the Tourism Development Authority.

Commissioner Dawson made a motion to approve Ordinance 2020-28 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mr. Suggs asked for a motion to direct the Town Clerk to advertise for the vacancy on the Parks & Recreation Advisory Board. Commissioner Robbins made a motion to direct the Town Clerk to advertise for the vacancy. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**ORDINANCE 2020-28
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 and a vice chairman. and secretary. The secretary **Parks & Recreation staff** 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 **Parks & Recreation Staff** 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 8th day of December 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*

Discussion regarding the security deposit amount for the Burgaw Community House

Mr. Gantt advised a lot of money has been spent over the past year with fixing the Community House. There has been new painting inside, but there have been a few issues with renters taping to the wall. Mr. Gantt advised the current security deposit is \$100, but would like to increase this amount to \$150. Mr. Gantt said it costs around \$100-\$120 for someone to come in and fix the damage. Commissioner Harrell asked if we have refunded the deposit when damages occur. Mr. Gantt advised the deposits have been kept by the town when damage occurs. Mayor Cowan asked if the same problems occur at the Depot. Mr. Gantt said not as much, but the deposit for the Depot is \$250.

Commissioner Harrell suggest staff offer an alternative adhesive, such as removable tape. Mr. Suggs reminded the board the policy states nothing is allowed to be stuck on the walls.

Commissioner Dawson made a motion to approve the increase of the security deposit as requested by Mr. Gantt. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Update on Current Town Projects

Mr. Gantt advised Pender County recently approved the contract for the Emergency Watershed Protection program, which means the town can move forward with the project. Mr. Gantt said he will be meeting with the consultant to finalize the town's side of the paperwork and get the project moving. He said this would include the area of Timberly Lane/old WWTP site from the blueberry statue to US Highway 117, as well as looking at adding a section to the project near Rotary Park on Dickerson Street. Mr. Gantt said he would get a timeline and bring back to the board.

Mayor Cowan asked the status of the previous discussion regarding the placement of a sidewalk from Advance Auto to the crosswalk at Timberly Lane/US Highway 53. Mr. Gantt said this project is still on the Capital Improvement Plan but is currently not budgeted.

US Highway 117 Sewer Project

Mr. Gantt advised the preliminary phase is almost complete, with various surveys being completed. He said they are working on verifying the locations of utilities, etc. Mayor Cowan asked if any of the property owners have been contacted of the project. Mr. Gantt advised only the original letter that was sent out regarding the surveys. Commissioner Harrell asked if there was any idea of a completion date. Mr. Gantt advised not yet, but can see about getting a timeline. Commissioner Harrell said his main concern is the Stapleton Subdivision and their project to be constructed near White Tractor Company on US Highway 117. Mr. Gantt advised the sewer situation has been previously advised to Dean Hardison, owner of the subdivision.

Sewer I&I Study

Mr. Gantt advised the preliminary report from the engineer showed high impacts throughout town during rain events. Once the report is completely finished, staff will meet with the engineer to review the next possible steps. Smoke testing or dye testing would be the next steps to pinpoint exact problem locations. Mayor Cowan asked Mr. Gantt to see if the engineer could present the findings to the board at the next meeting.

Former EMS Building Renovations

Mr. Gantt advised the plans have been received and approved. Documents are being prepared for the bid package by Sam Guidry.

Courthouse Avenue Improvement Project

Mr. Gantt said the designers have requested an open house for the public to drop-by and view the concepts in result of the previous survey and kick-off meeting. It was the consensus of the board to host the meeting on Thursday, January 7, 2021 beginning at 5:30 PM. There was brief discussion on having a food truck at the event as well.

Update on current revenues

Mr. Gantt advised at the beginning of the budget year, it was suggested by the board to review the revenues at the end of the year to see where the town stands in result of the pandemic. Mr. Gantt advised the sales tax revenue is up about 4% (approximately \$30k) more than what was collected in year 2019. Mr. Gantt said 1.8% increase was budgeted, so we are currently well above that at this point. He said if this trend continues, it will result in about \$22k more than what was budgeted for the year. Mr. Gantt advised the ABC distribution was budgeted for one dollar because of their prior letter sent to the municipalities within the county. Their letter had indicated funding would not be distributed due to the plans to relocate and build a bigger facility. At the time of this meeting, the town had

received around \$50k that was not expected. Commissioner Harrell asked about the COLA that was not given. Mr. Gantt reminded the board that a 2% COLA was budgeted, but they approved to give employees 1% in July 2020 and would look at the revenues at the end of the year. He also reminded the board the merit pool was approved in the budget but was not to be distributed until the board looked at the revenues and approved release of that money. Commissioner Robbins commented on the police car that was cut from the budget. Mr. Gantt said this was cut to balance the budget. Commissioner Robbins asked if there had been in discussion about purchasing that car. Mr. Gantt said there had not been any discussion and are still looking into revenues before looking at the details of funding items. Mr. Gantt also spoke on the unexpected revenue from the film industry with the filming of "This Country." Mayor Cowan asked Mr. Gantt to bring back a list of the items that were cut from the budget for the board to review. There were comments regarding sales tax.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Resolution 2020-20 Approval of the 2021 Board of Commissioners regular meeting schedule

Mayor Cowan's recommendation is to change the regular Board of Commissioners meetings to 9:00 AM and put the public forum and public hearing(s) first on the agenda. Commissioner Robbins commented, in recent years, there has been a lapse in time between the regular agenda discussions and public forum which is held at 5:30 PM. He suggested move the starting time of the meeting to 4:30 PM or 5:00 PM and keep the public forum at 5:30 PM; he is not in favor of 9:00 AM meetings. Commissioner Harrell agreed with Commissioner Robbins and said the 9:00 AM meetings would not encourage people to attend the meetings; working people would not be able to attend. Commissioner Harrell said he would like to see the starting time pushed back and keep the public forum at 5:30 PM. Mayor Cowan said he is also thinking about the town employees having to stay late. After some discussion, Commissioner Robbins and Harrell both agreed to start the meeting at 4:30 PM. Mayor Cowan and Commissioner George both agreed on 9:00 AM. Commissioner Murphy said 4:00 PM or 4:30 PM would work better for him. Commissioner Dawson advised she would come at any time and would be fine with keeping it the way it is, with the meeting starting at 4:00 PM. She said she agreed with the lapse in time until the public forum begins, so she is fine with 4:30 PM as well.

Commissioner Harrell made a motion to move the regular Board of Commissioners meetings for the calendar year 2021 to 4:30 PM and continue to hold the public forum and public hearings at 5:30 PM. The motion was seconded by Commissioner Robbins. Commissioners Harrell, Robbins, Dawson and Murphy voted "aye" and Commissioner George voted "nay."

RESOLUTION 2020-20 RESOLUTION TO ADOPT THE REGULAR MEETING SCHEDULE OF THE BURGAW TOWN BOARD OF COMMISSIONERS FOR 2021

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 2021 is hereby adopted by the Town of Burgaw Board of Commissioners:

Tuesday	January 12, 2021	4:30 PM
Tuesday	February 9, 2021	4:30 PM
Tuesday	March 9, 2021	4:30 PM
Tuesday	April 13, 2021	4:30 PM
Tuesday	May 11, 2021	4:30 PM
Tuesday	June 8, 2021	4:30 PM
Tuesday	July 13, 2021	4:30 PM
Tuesday	August 10, 2021	4:30 PM
Tuesday	September 14, 2021	4:30 PM
Tuesday	October 12, 2021	4:30 PM
Tuesday	November 9, 2021	4:30 PM

BE IT FURTHER RESOLVED THAT all meetings shall be held at the Historic Train Depot, located at 115 S. Dickerson Street, unless otherwise posted.

Adopted this the 8th day of December 2020.

Appointment of the Cape Fear Council of Governments member and alternate for year 2021

Commissioner Dawson currently serves as the Cape Fear Council of Governments member. Commissioner Robbins made a motion to nominate Commissioner Dawson to continue to serve as the member and nominated Commissioner George as the alternate. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Other items from Mayor and Board of Commissioners

Commissioner Harrell suggested the town move towards electric cars in the future as opposed to gas vehicles. He asked Mr. Gantt to look into this possibility.

Commissioner Dawson thanked Mr. Moore for the work on Highway 53 towards Walmart with the new lamp posts and Christmas wreaths. She said she has received a lot of compliments. There were brief comments on the couple of lamp posts that need more electrical work done, which is currently in process. Commissioner Dawson also thanked Public Works for getting the street signs cleaned.

Commissioner Robbins thanked Mr. Suggs and everyone involved for having a good Tree Lighting event.

Commissioner Robbins asked for an update on the dilapidated housing issue. Mr. Hesse advised there have been five houses that have been addressed. Three of them have been torn down and there are issues with heirs property for the other two. Mr. Hesse said he has been pleased with the progress so far and will continue with the issue in January.

Commissioner Robbins asked about the landscaping around town and if there was any money allotted to planting trees. He said the town is losing a lot of trees around town and we need to start planting some each year; he suggested to keep a few thousand dollars in the budget each year. Mr. Gantt said he didn't think there was a line item specifically for trees, but he feels certain there is money somewhere in the budget to start this project. Commissioner Robbins suggested to plant a variety of trees, about 15-20 trees, a year, ranging from 15-25 gallon containers that are about 8 to 10 feet tall. Mr. Gantt will look into this and bring back to the board.

Commissioner Robbins spoke about the town's debris policy and said there seems to be a discrepancy with picking up debris generated by contractors. Mr. Gantt said he received a complaint from a contractor about debris not being picked up. He said he looked at the current policy, as well as prior ones, and it says the town does pick up yard debris generated by contractors, but not land clearing debris. There was some discussion on this matter and suggestions made on defining "land clearing." Attorney Rivenbark reminded the board of the town's tree ordinance and said there are specifics in the ordinance on cutting trees and the need for a tree permit. Ms. Correll said she can't enforce it unless she has a complaint. Commissioner Robbins suggested we educate the citizens because some people may not even know it's against an ordinance in town. After some discussion, it was decided to leave the debris ordinance as is, and make sure staff is following it. If there are larger piles, these incidents should be taken to the Town Manager for discussion and decision on pick up. Ms. Correll said if anyone sees anything, take a picture and submit it to her for investigation. Commissioner Robbins said we need to stand behind Public Works with their decisions on pick up.

Mayor Cowan asked the board to reconsider the time change for the meetings as discussed earlier in the meeting. He said changing the time to 4:30 PM is not helping anybody.

Mayor Cowan said the Christmas decorating around town done every year has been great, but would like to see us change the theme a little bit. He suggested we receive input from the citizens by forming a committee to keep the town looking good all year long and not just at Christmas. Mayor Cowan suggested we decorate a living tree for Christmas. He also would like to see the town put a huge oak tree in the town's lot on Courthouse Avenue.

CLOSED SESSION – 5:07 PM

Commissioner Robbins made a motion to go into closed session pursuant to NC G.S. 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner Murphy and carried by unanimous vote. *Per the Mayor's request, Attorney Rivenbark took minutes during the first closed session.*

OPEN SESSION – 5:33 PM

The board returned to open session for public forum and public hearings. The closed session resumed at the end of the open meeting.

PUBLIC FORUM

There were no speakers during Public Forum.

PUBLIC HEARINGS

Public Hearing #1 – Andrea Correll, Planning Director

Consideration of a Unified Development Ordinance Text Amendment recommended by the Planning Board on November 19, 2020, requested by Little Town Learning Center owner Angela Beacham to amend Section 8-2: The Table of Permitted Uses to enable Daycare as a permitted use in the B-1 Zoning District.

Mayor Cowan opened the public hearing at 5:33 PM.

Ms. Correll explained the text amendment request received by Angela Beacham, owner of Little Town Learning Center. Ms. Beacham is in need of additional business space due to renovations at her current facility on South Wright Street. Ms. Correll said this amendment is a temporary use for a business in the downtown area and the current ordinance does not include this type of temporary use.

Angela Beacham, 319 East Bridgers Street, spoke in regards to her request. She stated, due to the age of her building and the water rising from Osgood Canal during disasters, her facility is in desperate need of repairs. She said her day care center would not be able to remain open during the renovations. Therefore, she is in need of additional space elsewhere.

Commissioner Dawson asked Ms. Beacham how long the renovations would take. Ms. Beacham said she does not know for certain, but anticipates it being a four to nine month project.

Commissioner Harrell asked Ms. Beacham if she has any idea of rentals. Ms. Beacham said the current school age children are being housed in the former Curves building. She said there are three additional buildings next to that location she is looking at for temporary usage for various age groups. Ms. Beacham said obtaining approval from the town is her first step in this process of moving. She said the next step is to get approval through her child care licensing consultant.

Commissioner George asked how many children will be in the buildings. Ms. Beacham said there would be about 85 individuals, children and adults, in the different buildings. Commissioner George also asked how much outdoor space is required per person. Ms. Beacham said this would depend on the requirements from DHHS and if they allow her business to fall under the emergency relocation clause. There was discussion regarding outdoor areas for play and fencing concerns due to the drainage ditch behind the buildings of interest.

Mayor Cowan closed the public hearing at 5:51 PM.

Resolution 2020-21 Adopting a statement of consistency regarding a requested text amendment of the Town of Burgaw Unified Development Ordinance to enable a day care center as a permitted use in the B-1 zoning district.

Commissioner Dawson made a motion to approve Resolution 2020-21 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2020-21
ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT
AMENDMENT OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE
TO ENABLE A DAY CARE CENTER AS A PERMITTED USE IN THE B-1 ZONING
DISTRICT**

WHEREAS, the applicant, Little Town Learning Center by Angela Beacham, has requested the Town amend the Town of Burgaw Unified Development Ordinance to enable Day Care Center in the B-1 Zoning District;

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 November 19th, 2020 meeting, recommended the adoption of proposed amendment 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 December 8th, 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 8th day of December 2020.

Ordinance 2020-29 A requested text change amendment of the Town of Burgaw Unified Development Ordinance to enable a day care center as a permitted use in the B-1 zoning district.

Commissioner Dawson made a motion to approve Ordinance 2020-29 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**ORDINANCE 2020-29
A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF BURGAW UNIFIED
DEVELOPMENT ORDINANCE TO ENABLE A DAY CARE CENTER AS A PERMITTED
USE IN THE B-1 ZONING DISTRICT**

WHEREAS, the applicant, Little Town Learning Center by Angela Beacham, has requested the Town amend the Town of Burgaw Unified Development Ordinance to enable Day Care Center in the B-1 Zoning District; and

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their November 19th, 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 a daycare as a permitted use in the B-1 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 December 8, 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:

(Amend) Section 8-2: The Table of Permitted Uses to add Day Care Center as a permitted use in the B-1 Zoning District. 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
DAY CARE CENTER	624410						X	X	X	X	X		

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 8th day of December 2020.

Commissioner George asked if the text change would ever incorporate having a fenced in area for a daycare in the B-1 district. Ms. Correll said she has never done that because the state regulatory board handles these matters under the state statutes for day cares. Commissioner George stated his concern is having fences in the downtown areas, especially for fire response. Ms. Correll and Mr. Gantt commented this text amendment request is only for temporary use.

Public Hearing #2 & #3 – Andrea Correll, Planning Director

Consideration of a major subdivision preliminary plat application for Section 1 of Stapleton Place Subdivision, a 15.2-acre tract containing twenty-six lots located across the street from Linda Lane, off of NC Hwy 117, zoned R-7 –CZ1 and further identified as part of parcel identification number 3239-01-1907-0000. The Planning Board recommended approval of the request on November 19, 2020. The request is to develop twenty-six single-family lots. The Burgaw Town Board of Commissioners will render a quasi-judicial decision whether to approve or deny the preliminary plat based on the requirements of the Town Unified Development Ordinance and evidence presented at the hearing.

Consideration of a preliminary plat for Section 2 of Stapleton Place Subdivision, a 49.63-acre tract containing one hundred and two lots located across the street from Linda Lane, off of NC Hwy 117, zoned R-7 –CZ1 and further identified as part of parcel identification number 3239-01-1907-0000. The Planning Board recommended approval of the request on November 19, 2020. The Burgaw Town Board of Commissioners will render a quasi-judicial decision whether to approve or deny the preliminary plat based on the requirements of the Town Unified Development Ordinance and evidence presented at the hearing.

Ms. Correll said Mr. Hardison requested the board to consider tabling Public Hearings #2 and #3 due to a medical emergency that prevented him to attend the meeting. Commissioner Robbins made a motion to table Public Hearings #2 and #3 until the January Board of Commissioners meeting. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Harrell asked Ms. Correll how long should it take for Phase 1 of Stapleton Place to be completed. He raised concerns in regards to the sewer capacity issue in the area. Ms. Correll advised sewer capacity was allotted in the board's approval when the project was originally presented in 2017.

Other items

Commissioner Robbins voiced concerns with the filming occurring in town. He asked if the filming crews are required by the town to alert residents the day before they will be filming in the area and when trucks will be on the streets. Mr. Gantt said they are to provide a sample letter to the town of what they pass out and they also go door-to-door and notify residents. Commissioner Robbins said they are not doing that as far as he knows. He said they were on Cowan Street, parked on both sides, at the end of his driveway blocking his mailbox. Commissioner Robbins said he wanted to inform staff they are not alerting residents. Mr. Gantt said he will address this issue with the filming crew.

CLOSED SESSION – 5:58 PM

Commissioner Dawson made a motion to resume closed session. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

OPEN SESSION – 7:02 PM

Commissioner Harrell made a motion to return to open session. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ADJOURNMENT

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

The meeting was adjourned at 7:02 PM.

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk