

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

DATE: January 12, 2021
TIME: 4:30 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, 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.

Approval of Agenda

Mayor Cowan requested the agenda to be amended by adding item #8A, "Presentation by the TDA" and item #8B, "Request from Mike Hewett with the film industry." Commissioner Robbins requested to hold a closed session during the meeting to discuss property acquisition. Commissioner George made a motion to approve the agenda as amended. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Approval of Consent Agenda

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

- A. Ordinance 2021-01 Amending the FY 20-21 Schedule of Fees to reflect changes to the Burgaw Community House security deposit fee
- B. Approval of Town Manager Contract

**ORDINANCE 2021-01
AMENDING FISCAL YEAR 2020-2021 ANNUAL BUDGET
Change to Schedule of Fees**

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 request to amend the Schedule of Fees is to increase the security deposit to be paid when renting the Community House; and

WHEREAS, the Schedule of Fees in the budget ordinance will need to be amended to reflect these changes in the Community House Rental section.

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

The FY 2020-2021 Schedule of Fees be altered to reflect the following changes as attached.

Adopted this the 12th day of January 2021.

SPECIAL PRESENTATIONS/REQUESTS

Recognition of service and upcoming retirement for employee Roland Corbett

Mayor Cowan and the Board of Commissioners presented a plaque to Roland Corbett for 23 years of service and his upcoming retirement. Mayor Cowan thanked Mr. Corbett for his dedication and service to the town.

FY 2019-2020 Audit Presentation – Lee Grissom, S. Preston Douglas & Associates

Lee Grissom, S. Preston Douglas & Associates, presented the town's audit findings for fiscal year 2019-2020. Mr. Grissom presented information via phone during the meeting and Ms. Pope gave handouts provided by Mr. Grissom to the board members. *See audit report and handouts located in the Town Clerk's office.*

Sewer I&I Study Update – Tony Boahn, McKim & Creed

Tony Boahn, McKim & Creed, gave an update on the recent sewer I&I study. He presented a power point (attached) the findings from the study. Mr. Boahn briefly explained the town's sewer system process. He said due to the findings of the study, the next step recommended would be smoke testing of all four (4) basins in town. Mr. Boahn said, based on the results from smoke testing the entire system, dye testing would be the third step. There was some discussion and questions by the board of the process of the study. Commissioner Robbins asked how long the smoke testing would take. Mr. Boahn said it would take about a month since there is prep work to be done with notifying the public of the testing, etc.

Presentation by the Tourism Development Authority

Jennifer Hansen, Chairperson for the TDA, and members Myra McDuffie and Mukesh Shah, were present and gave an update on the recent happenings with the Burgaw TDA. Ms. McDuffie shared information from the Holiday Market held in December at the Depot. Ms. Hansen shared information from the Elf on the Shelf Scavenger Hunt. The members also said they gave out bags and stickers that said "Visit Burgaw." The Board of Commissioners thanked the committee for their hard work.

Attorney Rivenbark gave an update on the previous discussions regarding increasing the number of members on the TDA. He said he previously spoke with Representative Carson Smith in early 2020, but due to the pandemic, sessions were pushed back. Representative Smith said he would try to get this request through the session this year. Attorney Rivenbark stated he would bring back more information as he receives it.

Request by Mike Hewett with the film industry

Mike Hewett said there has been six (6) episodes of the current filming project completed with eight (8) more to go. He said there is a publicity shoot they need to do to start advertising for the show and help with promotion. Since they are currently permitted to film Monday through Saturday, his film crew wishes to request a one-day filming of the publicity shoot on Sunday, January 17, 2020. He reminded the board the town's filming policy only allows filming on Sundays by board approval. Mr. Hewett said this is a completely separate entity from the current crews filming the show and said they would pay separate filming fees. Commissioner Robbins asked where the filming would occur on Sunday. Mr. Hewett said it would primarily be held on Courthouse Avenue, with rehearsal practice on Saturday and the actual filming on Sunday. He said the filming would be done during the day, between sunrise and sunset and there would not be any businesses that need to be closed down. He said they may visit a park for brief filming, as well as the New Savannah Road area. There would be about 40-50 people for the special filming. Mr. Gantt advised he and Chief Hock have been in conversation with Mr. Hewett about this request. Mr. Gantt said there would be police officers on site during the filming hours. Mr. Hewett said since the filming will primarily be taking place on Courthouse Avenue, he requests this street to be closed for the day. Commissioner Harrell requested the time frame for filming at the park take place outside of church hours. Mr. Hewett said that would be arranged. After brief comments, Mr. Hewett said there would not be any sound, only photography.

Commissioner Robbins made a motion to approve Mr. Hewett's request as described above. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

DEPARTMENTAL ITEMS

Police Department – Jim Hock, Police Chief

Ordinance 2021-02 Approving the amendment to the Town of Burgaw Code of Ordinances to reflect the creation of a Police Advisory Board

Chief Hock said he originally brought this item to the board in October 2020 and at that time the board agreed to proceed with the amendments requested in the policy of the Police Advisory Board and bring back for consideration. Attorney Rivenbark commented on the amendments requested by a commissioner that were sent to the Town Clerk prior to this meeting. *Each board member had a copy of the requested changes.* Attorney Rivenbark advised the board to further discuss this item in closed session. Commissioner Robbins made a motion to discuss this item in closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Resolution 2021-01 Authorizing disposal of two patrol vehicles as surplus property

Chief Hock explained the request as described in the resolution below. There being no comments by the board, Commissioner George made a motion to approve Resolution 2021-01 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2020-01 AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of one (1) 2011 Dodge Charger with VIN# 2B3CL1CToBH609864 and one (1) 2013 Dodge Charger with VIN# 2C3CDXAT0DH721704; and

WHEREAS, said equipment has been in service as law enforcement patrol vehicles since new, and due to high mileage and high maintenance and repair costs, it has been deemed inefficient to retain possession; and

WHEREAS, North Carolina General Statutes 160A-268 allows municipalities to surplus and dispose of property by adopting a resolution authorizing the sale; and

WHEREAS, it has been determined that each of these vehicles retain value; and

WHEREAS, the following regulations are designed to secure for the Town of Burgaw the fair market value for the property and to accomplish the disposal efficiently and economically; and

WHEREAS, pursuant to Article V Section 231 of the Town of Burgaw Code of Ordinances, the Town Manager may dispose of personal property when the item(s) has a value of less than \$5,000, is no longer required for the conducting of public business, and the interest of the Town is best served by the proposed disposal;

NOW, THEREFORE, BE IT RESOLVED by the Town of Burgaw Board of Commissioners that:

- 1. The Board of Commissioners does hereby decommission one (1) 2011 Dodge Charger with VIN# 2B3CL1CToBH609864 and one (1) 2013 Dodge Charger with VIN# 2C3CDXAT0DH721704 and does hereby declare this equipment to be surplus property;*
- 2. The Town of Burgaw will dispose of the personal property, valued less than \$30,000.00, by use of private negotiations and sale, as authorized under North Carolina General Statute 160A-266,-267.*

ADOPTED this 12th day of January, 2021.

BREAK 5:33 PM – 5:44 PM

PUBLIC FORUM

David Kornely, 109 South Wright Street, delivered positive comments about the Courthouse Avenue project. He said he recently purchased the property at 109 South Wright Street and told the board he is willing to work with the town on the project and do what he can to improve the looks of his building, etc. He said the one thing that concerns him are the utilities. He requested the board to really think about the utilities in the future. Mr. Kornely said he is replacing windows in his building and is currently along with the power company regarding a low hanging utility line. Commissioner Harrell asked Mr. Kornely what he thought about underground utilities. Mr. Kornely said he would love it, but understands the cost in doing so.

Karen Harding, 318 South Walker Street, spoke on behalf of 109 South Wright Street in regards to the filming occurring in town that is impacting her business. She said closing Courthouse Avenue impacts her business, especially on Saturdays, since they are her best days for business and furniture comes in and out of the building on Courthouse Avenue. Ms. Harding said the downtown filming process that occurred last month should never happen again. She stated the filming crews are very intrusive, takes up parking places, etc. and severely impacts downtown. Mayor Cowan asked Mr. Gantt if he met with the downtown merchants due to complaints from the previous month. Mr. Gantt said he did and has also met with the producers and expressed the concerns. He said they have addressed the issues and changed their filming process to make sure the problems don't reoccur. Ms. Harding made further comments on the negative impact towards her business and the downtown area. She stated the town is allowing people that have money to come in and take advantage of small businesses. She said the town needs to have guidelines and the businesses need to be compensated.

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

Attorney Rivenbark gave an update on the easements in the area of Whrens Street. He said they are out and he does not foresee any issues, as previously thought, with one of the property owners.

Attorney Rivenbark commented on the quasi-judicial public hearings that will occur at this meeting. After receiving information from the School of Government, Attorney Rivenbark said remote testimony is allowed and it is in his opinion that the board should allow remote testimony during quasi-judicial hearings. He said those giving testimony can be affirmed on the phone. Attorney Rivenbark also said the judicial court system has been conducting remote hearings since the pandemic began and thinks the town should allow the same. He asked the board to consider making a motion in perpetuity, unless the board chose to change it, to allow remote testimony in quasi-judicial hearings due to the COVID-19 pandemic. Commissioner Harrell made a motion to allow remote testimony as described by Attorney Rivenbark above. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

PUBLIC HEARINGS

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

Consideration of a Major Subdivision Preliminary Plat Application for Section 1 of Stapleton Place Subdivision, a 15.02-acre tract containing twenty-six lots, located across the street from Linda Lane, off NC Hwy 117, zoned R7 –CZ1 and further identified as part of parcel identification number 3239-01-1907-0000. The 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.

Project documents, included below referenced exhibits, submitted by the Planning Director to the Board of Commissioners for consideration of project approval can be found on file in the Clerk's office.

Attorney Rivenbark administered the oath to the following persons who would submit testimony to the Board of Commissioners during the hearing:

- Luke Menius, Stroud Engineering, 102-D Cinema Drive, Wilmington NC
- Dean Hardison, Hardison Builders, 102 Stokely Road, Wilmington NC
- Andrea Correll, Planning Director, Town of Burgaw

Mayor declared the public hearing open at 6:02 PM. Attorney Rivenbark stated he will ask if there is any additional testimony for Public Hearing #2, but Mr. Menius, Mr. Hardison, and Ms. Correll will remain under oath for Public Hearing #2.

Ms. Correll stated she had a clean up item for this public hearing and gave a handout labeled “Exhibit 9” to show the amendments to the hearing documents. She said Tony Boahn has reviewed the documents. Ms. Correll stated the Town of Burgaw Board of Commissioners has to render a quasi-judicial decision whether to approve the preliminary plat. She said it’s based on the requirements of the development ordinance and evidence presented at the hearing. She briefly explained the law regarding quasi-judicial hearings. She said the evidence is what should render the decision, not opinion from neighbors, etc.

Ms. Correll reviewed the project information, documents, and exhibits. She stated conditional zoning appeared to have been approved in 2015 and said the project was previously approved in 2017 by the board for Stapleton Place, sections 1 and 2.

Attorney Rivenbark asked if the town has sewer capacity for phase 1 of the project. Ms. Correll said it was her understanding there is sewer designated for the 26 lots approved in 2017. Ms. Correll said the second phase sewer would be dependent upon the new sewer project, which would be discussed in Public Hearing #2.

Mr. Menius spoke as the author of the plan for Stapleton Place. He said the board approved the project in 2017 but they didn’t act on it within two years so it expired. Commissioner Dawson asked if the permits obtained in 2017 are still valid. Mr. Menius said the permits that were obtained for phase 1 do not expire, such as the sewer permitted gravity system remains valid, water distribution system was permitted but has to be kept up to date every two years and that has been done, state stormwater permit remains valid and the state erosion control permit is valid. He said the permit that is outstanding for this phase is the NCDOT driveway permit. This permit is only valid for one year, so they have the file started but the permit was never issued. Commissioner Harrell asked if the plan was the same that was approved from 2017. Mr. Menius said the project presented at this meeting is basically the same as the one presented in 2017, with minor changes. Commissioner Robbins asked if a turn lane was discussed in 2017. Mr. Menius said the first phase would not trigger a need for a turn lane, but would need to be brought up during the second phase of the project. Ms. Correll said the traffic generated by the 26 lots does not warrant the need for a turn lane; she said the requirement for a turn lane does not come about until 102 lots. Commissioner Dawson asked if all of the street names were approved. Mr. Hardison advised yes. She also asked Mr. Hardison if he would consider changing the name of the main street going into the subdivision after the subdivision. Mr. Hardison said he has no issue with this at all and could certainly do this.

Mayor Cowan declared the public hearing closed at 6:18 PM, but there were additional questions by the board.

Commissioner George asked about a low density storm water rain event. Mr. Menius said the low density requirement is based on the amount of pavement and roof tops. He said the threshold amount for this location is 25% impervious surface. He said, by staying below this threshold, we need to meet the water quality goals of the state. Mr. Menius briefly explained the requirements and instances of rain events.

Commissioner Harrell asked about the turn around areas for fire engines. He said he noticed it said “temporary” on the plans. Ms. Correll said the properties north of the subdivision are developable and they have worked with the Fire Chief on the payment widths, etc. She said the Fire Chief has been on the review teams of the plan and is fine with the width of the roads. Ms. Correll said the entrance road is much wider than it was when it was presented originally. The entrance road has enough room for a fire engine to turn around and for a second fire engine to come into the subdivision. She said there are “no parking signs” slated for the whole development. Ms. Correll said areas of sidewalk and bus pick-up areas were also very well thought out during the planning of the project.

Ms. Correll made further comments on the project and said there are conditions about the development’s gathering areas in the first phase. She said Mr. Hardison agreed to abide by the commissions.

Mayor Cowan declared the public hearing closed for the second time. Attorney Rivenbark asked the board to make a motion to close the public hearing. The motion was made by Commissioner Dawson, seconded by Commissioner Robbins and carried by unanimous vote.

Ms. Correll asked the board for their consideration of project approval with the conditions explained in exhibit 10. She said street name changes, street lights, acceptance of public right of ways, streets, etc. will come back to the board at a later date. Ms. Correll said the developer would provide gathering space, fencing, play structures, etc. prior to the final plat approval of section 1 of Stapleton Place. The sidewalk, from the intersection of Grace Drive and Diggs Drive, to the mail kiosk, would be constructed after the first home in section 1 receives a certificate of occupancy, and the gathering space provided prior to final plat as necessary.

Ms. Correll handed a copy of the prepared findings of facts and conclusions of law to the board members (see below).

Commissioner Robbins made a motion to approve the preliminary plat of phase 1 of Stapleton Place, including the recommended conditions based on the findings of fact and conclusions of law. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Findings of Fact

In General

The applicant is requesting approval of the submitted preliminary plat for Stapleton Place Section 1, with the recommended conditions of the Planning Board and staff below, with one change:

- The developer shall hire a third party engineer/soil technician, approved by the Public Works Director, to perform special inspections to ensure road subsoil capacities and to certify asphalt mix, curb and gutter concrete strength and that roads are constructed to specification.
- Street lights shall be required in accordance with the Town of Burgaw's street light ordinance and shall be LED or meet other technical requirements adopted by the Town at the time of installation.
- Acceptance of the public rights-of-way, streets, sanitary sewer, storm sewer, and water lines must be approved by the Board of Commissioners through resolution and upon the completion of a designated phase. All streets shall be built according to NCDOT specifications. No streets shall be accepted by the Town that are being used for construction traffic. No conveyance of storm sewer system will be accepted by the Town which exists outside of paved road surface.
- Provide gathering space, one including the fencing, play structure, swings, spinners, benches and picnic table prior to final plat approval for Section 1 of Stapleton Place. The sidewalk from intersection of Grice Drive and Diggs Drive to the Mail Kiosk will be provided by the developer after the first home in Section 1 receives a Certificate of Occupancy. **The gathering space may be bonded prior to final plat if necessary.(staff addition)**

The Stapleton Place preliminary plat for Section 1 meets all standards and requirements:

- The property is zoned R7-CZ1 and was approved for an additional zoning in 2015 for development of this subdivision.
- In order for a preliminary plat for a major subdivision to be approved, the Unified Development Ordinance requires that
 - The preliminary plat meets all the requirements of the Section 3-16 of the Unified Development Ordinance and the Town Code of Ordinances.
 - The preliminary plat meets all the specifications of the other approving agencies as outlined in the Engineer's Sealed Exhibit;
 - The location and character of the use, if developed according to the preliminary plat as submitted and approved including the conditions, will be in harmony with the area in which it is to be located and in general conformity with the Town of Burgaw Unified Development Ordinance, Burgaw 2030 Comprehensive Land Use Plan.

Conclusions of Law

Based on the above Findings of Fact, The Town of Burgaw Board of Commissioners makes the following Conclusions of Law and Decision:

Based on the attached exhibits and the testimony at the public hearing held on January 12, 2021 the request to approve the preliminary plat request for Stapleton Place Section 1 is approved with the following conditions:

- The developer shall hire a third party engineer/soil technician, approved by the Public Works Director, to perform special inspections to ensure road subsoil capacities and to certify asphalt mix, curb and gutter concrete strength and that roads are constructed to specification.
- Street lights shall be required in accordance with the Town of Burgaw's street light ordinance and shall be LED or meet other technical requirements adopted by the Town at the time of installation.
- Acceptance of the public rights-of-way, streets, sanitary sewer, storm sewer, and water lines must be approved by the Board of Commissioners through resolution and upon the completion of a designated phase. All streets shall be built according to NCDOT specifications. No streets shall be accepted by the Town that are being used for construction traffic. No conveyance of storm sewer system will be accepted by the Town which exists outside of paved road surface.
- Provide gathering space, one including the fencing, play structure, swings, spinners, benches and picnic table prior to final plat approval for Section 1 of Stapleton Place. The sidewalk from intersection of Grice Drive and Diggs Drive to the Mail Kiosk will be provided by the developer after the first home in Section 1 receives a Certificate of Occupancy. The gathering space may be bonded prior to final plat if necessary.

Adopted this 12th day of January 2021.

Public Hearing #2 – Andrea Correll, Planning Director

Consideration of a Major Subdivision Preliminary Plat Application for Section 2 of Stapleton Place Subdivision, a 34.61-acre tract containing one hundred and two lots, located across the street from Linda Lane, off NC Hwy 117, zoned R7 –CZ1 and further identified as part of parcel identification number 3239-01-1907-0000. The 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.

Project documents, included below referenced exhibits, submitted by the Planning Director to the Board of Commissioners for consideration of project approval can be found on file in the Clerk's office.

Attorney Rivenbark asked if there were any additional persons attending needed to present testimony during the second public hearing concerning Stapleton Place. There being no one else needing to be sworn in, Attorney Rivenbark stated the same three individuals that were sworn in at the beginning of Public Hearing #1 are still under oath and can testify during Public Hearing #2.

Mayor Cowan declared the public hearing open at 6:30 PM.

Ms. Correll reviewed the project information, documents, and exhibits for the second phase of Stapleton Place.

Mr. Menius stated this is the same plan presented in 2017, with minor changes. He said the water system permit remains valid and the stormwater permit for high density remains valid. The only thing that is not permitted yet is the sewer system. Mr. Menius said he understands that McKim & Creed are currently working on the sewer project and are closer to having sewer capacity for phase 2 than they were in 2017. He said this project will have a lift station in the rear of the development. Mr. Menius said they will obtain a single driveway permit with a condition they put in a turn lane. Commissioner Dawson asked about the location of the lift station. Mr. Menius showed the board the location on the plan. Commissioner Harrell asked about the timeline of the project, and also stated it would be dependent on the town's progress with the sewer installation. Mr. Hardison said the 26 lots in the first phase would take about six months to bring the project online. It would take an additional four months to build the houses, and the full build out of the 26 lots could be between 6-18 months, roughly two years. Mr. Menius stated there would be separate systems between the two sections.

Commissioner Dawson asked Mr. Hardison to consider changing the name of the main street into the subdivision as mentioned during Public Hearing #1. Mr. Hardison said yes.

Attorney Rivenbark said by the board allowing phase 2 without current sewer capacity would be setting a dangerous precedent. We would be granting the applicant, Mr. Hardison, vested rights in whatever infrastructure he will be putting in for phase 2 with the hope that the town has sewer capacity in two years. Attorney Rivenbark said if the

board approves section 2 of Stapleton Place, it is his advice to the board, that they guarantee Mr. Hardison will have sewer capacity for every one of the lots by January 12, 2023, or the town could be subject to litigation. Mayor Cowan stated he didn't think the board could guarantee this. Mr. Menius reminded the town that this section was already approved in 2017, so if this matter is setting a precedent, that has already been done. Attorney Rivenbark said fortunately, or unfortunately, depending on how you look at it, our time has lapsed and they had to come back to request the approval again and will be granted for a period of two years. He said the town is subject to litigation if the town does not have sewer capacity in two years. Commissioner Dawson asked if the board can place an extended time frame on the sewer capacity. Attorney Rivenbark said that time frame is set by statute. There was brief discussion regarding this issue. Mr. Hardison stated he is not going to spend millions of dollars until there is sewer. Mr. Hardison stated for the record, "until there is sewer capacity, actual sewer, I am not going to start putting infrastructure in the ground, until I can get sewer." Attorney Rivenbark advised the board this statement by Mr. Hardison would certainly be helpful in the future if any litigation were to occur.

There being no further questions from the board, Mayor Cowan declared the public hearing closed at 6:45 PM. Commissioner Robbins made a motion to close the public hearing. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Ms. Correll handed a copy of the prepared findings of facts and conclusions of law to the board members (see below). Attorney Rivenbark requested to include the testimony provided by all parties involved.

Commissioner Harrell made a motion to approve the preliminary plat of phase 2 of Stapleton Place, including the recommended conditions based on the findings of fact and conclusions of law, and evidentiary testimony presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Findings of Fact

In General

The applicant is requesting approval of the submitted preliminary plat for Stapleton Place Section 2, with the recommended conditions of the Planning Board and staff below:

- No approval will be issued by staff until all agency sign off(s) and approval by the Town Review Engineer.
- The developer shall hire a third party engineer/soil technician, approved by the Public Works Director, to perform special inspections to ensure road subsoil capacities and to certify asphalt mix, curb and gutter concrete strength and that roads are constructed to specification.
- Streetlights shall be required in accordance with the Town of Burgaw's street light ordinance and shall be LED or meet other technical requirements adopted by the Town at the time of installation.
- Acceptance of the public rights-of-way, streets, sanitary sewer, storm sewer, and water lines must be approved by the Board of Commissioners through resolution and upon the completion of a designated phase. All streets shall be built according to NCDOT specifications. No streets shall be accepted by the Town that are being used for construction traffic. No conveyance of storm sewer system will be accepted by the Town that exists outside of paved road surface.
- Drainage swales shall be included in HOA common areas.
- Sewer is not available for Section 2 until after the 117 Outfall line is approved and in place.
- Acceptance of the public rights of way, streets, sanitary sewer, storm sewer, and water lines must be approved by the Board of Commissioners through resolution and upon the completion of a designated phase. All streets shall be built according to NCDOT specifications.
- No conveyance of storm sewer system will be accepted by the Town, which exists outside of paved road surface.

The Stapleton Place preliminary plat for Section 2 meets all standards and requirements:

- The property is zoned R7-CZ1 and was approved for an additional zoning in 2015 for development of this subdivision.
- In order for a preliminary plat for a major subdivision to be approved, the Unified Development Ordinance requires that
 - The preliminary plat meets all the requirements of the Section 3-16 of the Unified Development Ordinance and the Town Code of Ordinances.
 - The preliminary plat meets all the specifications of the other approving agencies as outlined in the Engineer's Sealed Exhibit;
 - The location and character of the use, if developed according to the preliminary plat as submitted and approved, including the conditions, will be in harmony with the area in

which it is to be located and in general conformity with the Town of Burgaw Unified Development Ordinance, Burgaw 2030 Comprehensive Land Use Plan.

Conclusions of Law

Based on the above Findings of Fact, the Town of Burgaw Board of Commissioners makes the following Conclusions of Law and Decision:

Based on the attached exhibits and the testimony at the public hearing held on December 8, 2020 the request to approve the preliminary plat request for Stapleton Place Section 2 is approved with the following conditions:

- No approval will be issued by staff until all agency sign off(s) and approval by the Town Review Engineer.
- The developer shall hire a third party engineer/soil technician, approved by the Public Works Director, to perform special inspections to ensure road subsoil capacities and to certify asphalt mix, curb and gutter concrete strength and that roads are constructed to specification.
- Streetlights shall be required in accordance with the Town of Burgaw's street light ordinance and shall be LED or meet other technical requirements adopted by the Town at the time of installation.
- Acceptance of the public rights-of-way, streets, sanitary sewer, storm sewer, and water lines must be approved by the Board of Commissioners through resolution and upon the completion of a designated phase. All streets shall be built according to NCDOT specifications. No streets shall be accepted by the Town that are being used for construction traffic. No conveyance of storm sewer system will be accepted by the Town that exists outside of paved road surface.
- Drainage swales shall be included in HOA common areas.
- Sewer is not available for Section 2 until after the 117 Outfall line is approved and in place.
- Acceptance of the public rights of way, streets, sanitary sewer, storm sewer, and water lines must be approved by the Board of Commissioners through resolution and upon the completion of a designated phase. All streets shall be built according to NCDOT specifications.
- No conveyance of storm sewer system will be accepted by the Town, which exists outside of paved road surface.

Adopted this 12th day of January 2021.

Public Hearing #3 – Andrea Correll, Planning Director

Consideration of a Major Subdivision Preliminary Plat Application for Linda Lane Land Division, a 3.57-acre tract containing eight lots, having new streets off of Whrens Street and Linda Lane and further identified as parcel identification numbers 3229-61-8269-0000 & 3229-61-7439-0000. The 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.

Attorney Rivenbark administered the oath to the following persons who would submit testimony to the Board of Commissioners during the hearing:

- Jimmy Fentress, Stroud Engineering, 102-D Cinema Drive, Wilmington
- Brian Geer, 711 Whrens Street, Burgaw
- Mikey Easterling, 600 S. Bickett Street, Burgaw
- Farris Leonard, 507 S. Bickett Street, Burgaw
- Ed Feltman, 808 Whrens Street, Burgaw
- Amy Penley, 903 Linda Lane, Burgaw
- Alicia Taylor, 712 Whrens Street, Burgaw (attending remotely by phone)
- Andrea Correll, Planning Director, Town of Burgaw

Attorney Rivenbark advised the board that during a quasi-judicial hearing, they are only allowed to consider expert testimony. He said the word "expert" is at each of the board member's discretion. Attorney Rivenbark said there are a number of people signed up to speak, and advised the board they may or may not be experts, but that was for the board members to decide. He told the board they have the ability to table the hearing at any time if they chose to do so, to give people the opportunity to hire experts and/or lawyers. He also advised the board they could consider the speakers as experts, but it was their discretion.

Mayor Cowan declared the public hearing open at 6:50 PM.

Ms. Correll reviewed the project information, documents, and exhibits. She stated the third public hearing is consideration of a major subdivision preliminary plat for Linda Lane Land Division, which is an eight (8) lot, single family subdivision, located between Linda Lane and Whrens Street on two (2) parcels of land containing 3.57 acres. She said the proposed subdivision would be located off of Linda Lane and Whrens Street and the property is zoned R-12, and further identified as parcel numbers 3229-61-8269-0000 and 3229-61-7439-0000. Ms. Correll stated the Planning Board recommended approval of the request on December 16, 2021, and that the Board of Commissioners will render a quasi-judicial decision whether to approve or deny the preliminary plat based on the requirements of the Town's Unified Development Ordinance and evidence presented at the hearing.

Ms. Correll gave further explanation of the project. She said the following information is all based on state statute. While referencing the map included in the packet sent to the board prior to the meeting, she noted the following points: there are accesses to the subdivision from Linda Lane and Whrens Street, it is an eight (8) lot subdivision, there is common/open space, sidewalks on both sides of the street, open ditches for storm water that is consistent with Linda Lane and Whrens Street, and there is access to a fire hydrant on Whrens Street. Ms. Correll advised the Fire Chief has worked diligently on reviewing this project and there are hydrants accessible from the property. She said there will be a need for additional lines coming from Lee Drive. She said there is a six (6) inch line on Lee Drive, but only a two (2) inch line on Linda Lane. A six (6) inch line will be required to be run down Linda Lane to the property site from the fire hydrant to meet the standard requirements. Ms. Correll said there would be system improvements with water and sewer, but this would be for Mr. Owens' team to address. She also stated there were no abuttal requirements because the abutting properties are all the same zoning (pointed out on the map).

Jimmy Fentress, Stroud Engineering, 102-D Cinema Drive, Wilmington, spoke as the engineer for the request and stated this is an infill project, containing eight (8) lots in 3.57 acres, consistent with the zoning that's in place. He said this area is considered a 'use by right' subdivision and have not solicited permits for the infrastructure aspects of the development. Mr. Fentress stated they would solicit permits when they get approval from the council. He said he would like to address any questions the board may have, as well as have the ability to speak to some of the concerns that may come about from other speakers. Attorney Rivenbark reminded the board it was their discretion. The board expressed consent in allowing Mr. Fentress to answer any questions that may be directed towards him.

Commissioner Harrell commented he understood there were issues concerning drainage and asked how the drainage issues have been addressed. Mr. Fentress replied by saying there will be open ditches on each side of the road that will drain to both Linda Lane and Whrens Street. He also said they would need to obtain a storm water permit from the state that will address the design with an inch and a half run-off.

Commissioner Harrell also asked about the sewer capacity. Ms. Correll stated there is sewer currently available; sewer and water adjacent to the property is sufficient to handle the sewer usage.

Commissioner George stated he still has a problem with the storm water and commented there are currently problems on US Highway 117 and wanted to know where the water was going to go. Mr. Fentress stated the water would run off the property in the same patterns as it does now, but would be permitted and provide some detention to address the state's concerns. He said the common area and right-of-way to absorb that as well. He said there is right-of-way that only has lots on one side of the street, so they have twice the ability to simulate the storm water within the right-of-way that is typical. Commissioner George asked if there is any area within the subdivision as retention. Mr. Fentress said yes, the common area beside lot #3 and the strip of common area along side of the right-of-way across the road from lots #1-3. Commissioner George asked if the whole subdivision would be cleared of trees. Mr. Fentress replied that he does not know, certainly the right-of-way would be, but that would be at the discretion of the builder. He said he cannot guarantee if it would be cleared or not, but would stay within the confines of the town's ordinance. Commissioner George said if you're being houses, most of the trees will have to come down. Mr. Fentress said, in the building area, sure. Commissioner George commented trees soak up water, but in this case, from what he has been told, we have had flooding in the project area during recent rain events. Mr. Fentress said it is not in the public [comment inaudible], so that is the extent he knows about it. Commissioner George said, with the land being cleared and with the soaking rains recently, we will have more flooding. His concern is how the extra water is going to get across US Highway 117 into little Burgaw Creek because it won't be

getting soaked up by trees any more. Mr. Fentress said there would be landscaping and sod associated with the houses, so there will still be vegetative uptake. He said [inaudible comment] would plant their own trees and do so in a way that best benefits their own residence.

Commissioner Dawson said she noticed in the site description, there is only three (3) feet elevation difference. She asked Mr. Fentress where the three (3) foot fall is. Mr. Fentress said, on sheet #3, there is a profile of the road, and basically the grade on the property goes up to where the hard bend in the road is, at lot #3 and #4, then falls back towards Whrens Street from there. He said this is the proposed grading pattern; everything from the common area and lot #3 will drain towards Linda Lane and everything from lot #4-8 will drain towards Whrens Street. Mr. Fentress said the existing ditch that takes the water down to the fifty (50) foot stretch that they are proposing a connection to Whrens Street. Mr. Fentress said the highest point on the property is the common area/near the curve in the middle of the subdivision. One side would drain out the existing ally towards Whrens Street and the other side of the point would drain towards Linda Lane. Commissioner Dawson said there are already concerns with drainage on Whrens Street so that is why she wanted to know how the storm water would drain. Commissioner George said this is his concern as well. Commissioner Dawson asked Mr. Fentress if the drainage going towards Linda Lane would go down Linda Lane and towards US Highway 117. Mr. Fentress said that is correct and this is the way it is currently draining.

Mr. Fentress said the road would be built to town standards for future dedication. He said they have complied with all of the ordinance requirements to do what they want to do with their submission and design. Mr. Fentress also said they would need to get additional permits for stormwater, sewer, and water, as well as a permit for grading, soil erosion and sedimentation control.

Attorney Rivenbark reminded the board this is a quasi-judicial hearing and the board cannot consider anything they have heard or been told outside of this hearing. He said the board should only consider the evidence and testimony presented, in their own discretion when making a decision.

Brian Geer, 711 Whrens Street, said he and his family moved to the area in 2019. Mr. Geer voiced his concern with the drainage on Whrens Street and the impact the subdivision would have on the drainage issues. He also noted there are hawks flying over the neighborhood frequently and wonders if there is a nest in the wooded area. Mr. Geer said this is a concern with disturbing the bird habitats and may violate federal law. He continued his comments by saying he is opposed to the development, and has a concern with the proposed road being close to his property and poses a safety concern for the neighborhood and his children. He said he is concerned with the traffic cut through and speeders. Attorney Rivenbark asked Mr. Geer what is his line of work. Mr. Geer said he works for the hospital. Attorney Rivenbark asked if Mr. Geer is planning to be an expert on anything mentioned. Mr. Geer said no, he is not an expert. Commissioner Harrell asked Mr. Geer if he knew which way the water drains. Mr. Geer said the water could be standing for days, and does not know which it drains, but ends up in his yard.

Mikey Easterling, 600 S. Bickett Street, said he has lived at the corner of Whrens Street and Bickett Street for about 12 years. He said at the moment, water is standing in the ditches around his house. He shared a recent incident regarding backing out of his driveway and having to use four-wheel drive on his truck. Mr. Easterling said this developer is proposing eight (8) houses on 3.5 acres of land. He said of that land, he is proposing to build a street. Mr. Easterling asked how much of the land is going to be taken up by the street. He said eight (8) lots are being proposed to be built. He said these houses are going to create much more drainage issues than there already is. Mr. Easterling commented Burgaw is a wet town and if we cut the trees down, as Commissioner George mentioned, that is going to greatly increase the amount of drainage that is going to be pushed out and around the proposed development. He said he is directly effected by having water in his yard and his ditches. Mr. Easterling said unfortunately, the Town of Burgaw has not adequately maintained their ditches that are around his house. He said he called the town a few years ago saying his ditches are falling in and they need help. He said he was told they would have new ditches and they would be cleaned out within a month or so. He said six (6) months later, nothing had been done, so his son volunteered to dig their ditches out. Mr. Easterling said he called the town again a few months ago and was told by the Public Works Manager there was nothing wrong with the ditches as they were, other than some of the pitch was wrong. Mr. Easterling commented if the board allowed the eight (8) lots to be developed, it is going to create more drainage problems for our neighborhood. He said the smallest lot is .4 acres and if they put eight (8) lots on just over 3 acres, that is going to be a great deal of difference in the infrastructure, the demographics, and the traffic pattern will increase. He said if the board allows the street to be installed to connect

from Linda Lane to Whrens Street, that will put a street behind his house and at that point, he will have a street on three (3) sides of his property. He said he didn't know of anyone in the room that would be interested in entertaining the idea of having a street on three sides of their property. Mr. Easterling said this is his personal opinion and the developer may have roots in the community, and have family in the community, but he cares little to nothing about our community and what this development will do to traffic, drainage and the devaluing of property. He said this will be a mistake if the board allows the development to go through. Attorney Rivenbark asked Mr. Easterling if he is testifying as personal opinion or as an expert. Mr. Easterling said he is an expert for 600 South Bickett Street.

Farris Leonard, 507 S. Bickett Street, said he is here to address his personal concern and said Mr. Easterling addressed the same concern he has on drainage. Mr. Leonard stated he understands compliance and regulations and things have to meet the minimum, but sometimes the minimum is not enough because it doesn't address the current environment. He said the current environment around Whrens Street and Bickett Street is not enough drainage. He said his property absorbs like a sponge, as it should, but the sponge is full and it can't take anymore. Mr. Leonard said it was addressed that part of the plan of the drainage is to take it to Whrens Street. He said the first speaker explained the drainage on Whrens Street and the water has no where to go. He said he knows we live in a wet spot, but it continues and affects established homes. Mr. Leonard said he had these same issues when the apartments behind him on Walker Street were built years ago. Drainage became an issue on Kristi Circle after the apartments were built. Mr. Leonard said he does have a concern with traffic and safety because there would not be a good view coming out of the proposed street turning onto Whrens Street when trying to look left, due to the established driveway and parking at the Easterling's residence. Attorney Rivenbark asked Mr. Leonard if he is testifying as personal opinion or as an expert. Mr. Leonard said he is an expert for 507 South Bickett Street.

Ed Feltman, 808 Whrens Street, advised he lives closer to the Highway 117 side on Whrens Street and he said the only way the water gets out is by going down the ditch in front of his residence on the north side of Whrens Street. He said from past experience during hard rains, the water backs up down Whrens Street and towards South Bickett Street. Mr. Feltman said he did not know how there could be more water put on Whrens Street because the grade is not there to get the water out. Attorney Rivenbark asked Mr. Feltman if he is testifying as personal opinion or as an expert. Mr. Feltman said he is testifying based on personal knowledge and observation since he has cleaned out the ditch as the water came up.

Amy Penley, 903 Linda Lane, said her concern is drainage. She advised she is not an engineer. She said she lives on Linda Lane and Little Burgaw Creek runs directly behind her house. Ms. Penley advised her house is about 125-150 feet from the creek and the water rose up to her house during Hurricane Florence. She said Whrens Street is flooded during heavy rain events and the end of Linda Lane is always muddy behind the County buildings. She said once the trees are cut down for the project, that will only add more water. Ms. Penley said the ditches on Linda Lane don't go all the way out to Highway 117, so that is also an issue. She said she does not feel like the storm drainage is being addressed completely like it should. Attorney Rivenbark asked Ms. Penley if she is testifying as personal opinion or as an expert. Ms. Penley said she is testifying as an expert on what she has seen and where she lives.

Alicia Taylor, 712 Whrens Street, (attending by phone) said she wanted to affirm everything that her neighbors have said about drainage. She said water stands everywhere and it does not run. Ms. Taylor said she wants to address the subdivision road that is being proposed on the west side of 711 Whrens Street, which is right across the street from her. Ms. Taylor stated she is an expert at living at 712 Whrens Street and have been there 33 years. She said she is concerned with the increase in traffic that will be the result of the new Linda Land Division. Ms. Taylor said, since she has been teleworking from home, she has become more aware of the traffic patterns on Whrens Street. She said it is a cut through thoroughfare for the public to get from Highway 117 to Highway 117 Bypass as quickly as possible, avoiding the corner of Walker Street and Highway 117. She said traffic is often backed up there in the afternoon because there is no stoplight. Ms. Taylor also said there is traffic that comes down Whrens Street from the Highway 117 Bypass and turns to go directly into the Pender County Government Complex, or onto Walker Street to continue towards downtown, or turn onto Progress Drive. She said there seems to be no concern from the cars and trucks that this is a residential neighborhood and street, rather than a business street. She said she has not taken a count of cars, but from her observation on work days, there are many cars that come through, not because they live in the neighborhood, but probably to avoid the intersection of Walker Street and Highway 117. Ms. Taylor said due to this, she asks the town to put a traffic counter on Whrens Street so we can document the traffic. She also said she has no evidence of the speed cars travel, so she asks the town to gather this information by placing a speed counter on the street. She said she has informally shared her concern with the Police Department, when she

requested the 'slow down in our town' signs. Ms. Taylor said there are many children under the age of 10 living and playing in the yards along Whrens Street. In addition, she stated she has a real concern with cars driving with considerable speed, since cars turn onto Whrens Street from Bickett Street. She said it would be very difficult for cars leaving the Linda Lane Division's road to get onto Whrens Street safely, rather it is left or right. She said this intersection would be about 200 feet from the intersection of Bickett Street and Whrens Street. She said anyone traveling from Bickett Street to Whrens Street, would be surprised that they are coming onto Whrens Street that close to the established intersection. Ms. Taylor said there are five (5) driveways within 180 feet from the proposed road connecting to Whrens Street. She said, at the very least, a speed bump and/or stop sign on Whrens Street, would have to be added to slow traffic down, and make them aware there may be traffic coming onto Whrens Street from the new road. She also suggested 25 mph speed limit be posted and enforced. Having heard public hearings #1 and #2, Ms. Taylor stated she has now realized the traffic from across Highway 117 will have the potential to fly onto Linda Lane and come through the subdivision road. Ms. Taylor stated, for all these reasons and what her neighbors have explained, she asks the town to deny the request. She thanked the board for their time and concern for the safety and protection of the Whrens Street neighborhood. Attorney Rivenbark asked Ms. Taylor if she is testifying as personal opinion or as an expert. Ms. Taylor said she is testifying as an expert on 712 Whrens Street.

There being no further speakers, Ms. Correll said the issues with water and traffic need to be addressed by the engineer.

Mr. Fentress said he has heard and has taken to heart the drainage concerns of the adjoining property owners. He said there is no way to intend [inaudible comment]. He stated, as he proceeds through the design process, he would certainly factor that in, in attempts of going beyond the minimums that are established in his required permitting. He said he is present on behalf of the land owner, that has the right to exist and develop his property in accordance to the ordinance. Mr. Fentress said he presented a plan to the board that meets the ordinance and the intentions will be to pull the permits and construct the plan in accordance with the town's ordinance. He said he and the developer would like for the board to consider the plan on that measure. Mr. Fentress said he is eager to address any questions the board may have.

Commissioner Dawson said she doesn't know how everyone else feels, but she doesn't think at this point, the engineer has adequately addressed all of the drainage issues that she has. She said at this point, she thinks the board should table the request until such time the engineer can address the drainage issues that have been mentioned. Commissioner Dawson made this a motion, leaving the public hearing open for additional testimony or evidence. Commissioner Harrell requested the traffic and safety concerns be addressed as well. The motion was seconded by Commissioner George, and stated he is not against good housing in Burgaw, but at this time, he does not want any additional burdens put on anybody with high water, traffic or safety. The motion was carried by unanimous vote.

Public Hearing #4 – Andrea Correll, Planning Director

Consideration of a new Unified Development Ordinance mandated by the new North Carolina General Statute 160D. This legislation has changed Planning and Development law in North Carolina and mandated that local governments comply. The new Unified Development Ordinance will be introduced to the Burgaw Board of Commissioners. Discussion with the Board of Commissioners is expected along with addressing questions from the public at the public hearing.

Mayor Cowan declared the public hearing open at 7:39 PM.

Ms. Correll reviewed the request and stated in late June, she took a class on 160D and began rewriting the town's Unified Development Ordinance. *The board members received the draft ordinance prior to the meeting.* Ms. Correll said there are a lot of italicized words throughout the ordinance and this represents verbatim state law. She said she did not change anything about the property rights, such as setbacks. Ms. Correll continued to review the key sections that were amended. Commissioner Dawson asked if the Planning Board has reviewed every single change in the permitted uses regarding Special Use Permits. Ms. Correll stated the Planning Board has reviewed every one of them. She also said that Mr. Gantt, Attorney Rivenbark and herself met the last Monday of every month starting in July through December to review the changes. Commissioner Dawson asked if the board should hold a workshop to review everything together. Ms. Correll said she would be glad to do that if that is what the board desires.

Mayor Cowan declared the public hearing closed at 7:56 PM. The motion was made by Commissioner Robbins to close the public hearing. The motion was seconded by Commissioner George and carried by unanimous vote.

No motions were made on Resolution 2021-03 and Ordinance 2021-03. These items will be considered at the February 9, 2021 meeting.

ITEMS FROM THE MANAGER – James Gantt, Town Manager

Resolution 2021-02 Approval of the COVID Relief Personnel Policy Addendum

Mr. Gantt explained that on December 20, 2020, Congress passed the latest COVID Relief Bill in a total of 5,593 pages. One item that appears to be left out of the package, is the extension of the Emergency Paid Sick Leave (EPSL) and Emergency FMLA Leave (EFMLA). These programs are set to expire on December 31, 2020 and give employees the ability to take paid time off for COVID related sickness. Since these programs were not extended, the Town has the ability to offer them at a local level. It is Mr. Gantt's recommendation that the town continue them, as it allows for employees to stay out of work if experiencing COVID symptoms or if they test positive for COVID, without the fear of not getting a paycheck. Commissioner Harrell said he did not see symptoms listed in the addendum and asked if the employees have been made aware of the symptoms. Mr. Gantt said Ms. Rivenbark has sent numerous notices to all employees as the CDC updates the list of symptoms.

Commissioner Robbins made a motion to approve Resolution 2021-02 as presented. The motion was seconded by Commissioner George and carried by unanimous vote. *Personnel Policy Addendum on file in the Clerk's office.*

RESOLUTION 2021-02 AMENDING THE CURRENT PERSONNEL POLICY TO INCLUDE THE TOWN OF BURGAW FAMILIES FIRST CORONAVIRUS RESPONSE ACT

WHEREAS, the Town of Burgaw Board of Commissioners approved the use of the Personnel Policy on September 11, 2012; and

WHEREAS, the Town Manager recommends the addition of the Town of Burgaw Families First Coronavirus Response Act to the Personnel Policy.

WHEREAS, this policy will remain in effect until repealed by the Town of Burgaw Board of Commissioners or become null and void should Congress extend or adopt an Emergency Paid Sick Leave Act prior to this policy being repealed.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby amends the Personnel Policy to reflect the changes attached.

Adopted this 12th day of January 2021.

Document referenced as attached is on file in the Clerk's office.

Budget items that were not funded in the FY 2020-2021 Annual Budget – Discussion

During the budget process for the current Fiscal Year, a number of items were not funded, some by staff and others by the Board, due to the uncertainty of revenues during the COVID-19 Pandemic. The Board requested to take a look at the revenues mid-year to see how things were progressing. A list was given to the board prior to the meeting of items that were requested in the budget and were removed in order to have a balanced budget.

Commissioner Dawson said she thinks we can address the items in the upcoming budget year. Mr. Gantt said if there is anything urgent a department may need in the meantime, he can request a budget amendment from the board at that time. Mr. Gantt requested the merit pool now be available for use. He said at the time the budget was adopted, the board froze those funds until they could look at the budget mid-year. Commissioner Harrell requested we go ahead and approve the other portion of the COLA that was removed. He said the budget at this point is relatively secure and our employees are our biggest asset. Mr. Gantt said a 2% COLA was in the budget originally, but the board reduced this to 1% due to the uncertainty of the budget. Mr. Gantt said it is \$16,000 if the board agrees to pay

the employees the difference, retroactive back to July 1, 2020. Commissioner Harrell said he thinks we should make it retroactive. Commissioner Dawson made a motion to give the 1% COLA retroactive to July 1, 2020, as well as release of the merit pool. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Harrell said there have been comments by the Planning Board that their pay has not been adjusted. Commissioner Dawson said she is not in favor with increasing the Planning Board's pay. Commissioner Robbins agreed with Commissioner Dawson. Mr. Gantt said most Planning Boards around the state are volunteer and do not receive compensation. No further discussion.

FY 2021-2022 Annual Budget Calendar – Discussion

Mr. Gantt said budget preparations are under way and he suggests the board hold a budget retreat. It was decided to hold the "Strategic Thinking Retreat" on February 16, 2021 from 9:00 AM to 12:00 PM and February 17, 2021 from 2:00 PM to 5:00 PM. The budget work session was scheduled for April 27, 2021 from 3:00 PM to 5:00 PM. Commissioner Dawson made a motion to adopt the "FY 2021-2022 Annual Budget Calendar" as presented, including the above dates for board sessions. The motion was seconded by Commissioner Harrell and carried by unanimous vote. *Budget calendar on file in the Clerk's office.*

Update on current town projects

Old EMS Building Renovation: Mr. Gantt advised the bid package has been posted with it closing on February 19, 2021. He said after the bid opening on February 22, 2021, he would bring back the lowest qualified bidder to the board for consideration.

US Highway 117 Sewer Project: Mr. Gantt said the design work is about 60% complete and the easements are supposed to be finished by the end of the month.

I&I Study: Mr. Gantt said McKim & Creed has given an estimate of \$53k, so the town would be required to do a RFQ and go through the formal bid process. Mayor Cowan said this project needs to be addressed.

Other comments

Mayor Cowan asked the status on the signs he requested for the downtown area displaying Covid-19 information, etc. Mr. Gantt said they have recently come in and now staff needs to get a poster printed to go into the sign holders. They will be placed around downtown.

Commissioner Harrell commented he is still interested to find out more information on leasing electric vehicles as town vehicles. Mr. Gantt advised he has reached out to Enterprise and they have provided basic information and said very few communities are using electric vehicles right now. Mr. Gantt advised the price of the electric vehicle is about \$20-30k more than what we are currently paying, but is still waiting on more detailed information from Enterprise.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Appointment of one (1) member to the Parks & Recreation Advisory Committee

Commissioner Dawson nominated Patrick Rivenbark to fill the vacancy. Mayor Cowan asked why Commissioner Dawson chose Mr. Rivenbark. Commissioner Dawson said she knows him, has small children, and shows interest in being on the Parks & Recreation Advisory Committee. Mayor Cowan said Deborah Pope also fits into the same category. Commissioner Harrell said he likes Nicki Richmond-Groce because she also has small children, is a teacher, and has previously volunteered for community organizations. Mr. Suggs said he contacted all of the previous applicants and they expressed interest.

Commissioner Dawson made a motion to nominate Patrick Rivenbark to fill the vacancy on the Parks & Recreation Advisory Committee. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Commissioner Harrell requested Mr. Suggs to follow-up with all of the applicants and thank them for their interest.

Other items from Mayor & Board of Commissioners

Commissioner Dawson asked Mr. Moore about the status of the gravel area at the hospital on Bennett Street. He said it would be paved once we have warmer weather.

Mayor Cowan asked the status of the Bickett Street easements. Attorney Rivenbark said they are finished and waiting for a response from property owners.

Attorney Rivenbark asked Mr. Moore if the damaged fence, that a vehicle drove through, at First National Bank is owned by the town. Mr. Moore advised it is not the town's fence.

Commissioner Dawson commented the park on South Wright Street is looking nice.

Commissioner Murphy asked about the Carolina Fish Fry restaurant and the status with their name change. Mr. Gantt advised it is now "Burgaw Fish Fry" and Ms. Pope advised a new owner came in to transfer utility service.

Mayor Cowan asked for an update on Cardinal Foods. Mr. Gantt said he spoke with the President, Corey Barnhill, and he said application was submitted for the pretreatment permit.

Mayor Cowan advised he has been contacted by Smithfield Foods and they want to come here to work with the hospital on hosting a major feed for healthcare workers, first responders, etc. Mayor Cowan said he has spoken with Ruth Glaser at Pender Memorial Hospital and they are to have a conference call about the event. Mayor Cowan said Smithfield Foods would bring a cooking apparatus to set up in the hospital parking lot and will feed up to 600 people. Mayor Cowan said the meat would be a one-pound pork chop and they would pre-package the food. He said all those who serve the community are welcome to get a plate.

CLOSED SESSION – 8:31 PM

Commissioner Robbins made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) Attorney/Client Privilege. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION – 9:07 PM

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

Upon reconvening in open session, the board revisited "Ordinance 2021-02 Approving the amendment to the Town of Burgaw Code of Ordinances to reflect the creation of a Police Advisory Board," which was mentioned earlier in the meeting. Commissioner Robbins made a motion to approve Ordinance 2021-02 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2021-02 APPROVING THE AMENDMENT TO THE TOWN OF BURGAW CODE OF ORDINANCES TO REFLECT THE CREATION OF A POLICE ADVISORY BOARD

WHEREAS, the Town wishes to create a Police Advisory Board; and

WHEREAS, this committee shall consist of seven (7) citizen members who shall appoint a chairman, vice-chairman, and secretary consisting of their respective membership; and

WHEREAS, the Police Chief, or his/her designee, shall serve as a non-voting ex-officio member; and

WHEREAS, the Police Advisory Board shall have the primary responsibility of providing an organized forum for two-way communications between the police department and the community; and

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

SECTION 1: The Town of Burgaw Code of Ordinances shall be amended to reflect the creation of the Police Advisory Board as described in the document attached.

SECTION 2: This amendment becomes effective immediately upon adoption on this, the 12th day of January 2021.

Document referenced as attached is on file in the Clerk's office.

ADJOURNMENT

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

The meeting was adjourned at 9:08 PM.

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk