

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

DATE: August 10, 2021
TIME: 4:30 PM
PLACE: Historic Train Depot, 115 S. Dickerson Street
BOARD MEMBERS PRESENT: Mayor Kenneth Cowan
Mayor Pro-tem Wilfred Robbins
Bill George, James Murphy, Vernon Harrell
BOARD MEMBERS ABSENT: Commissioner Jan Dawson
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
Jayna Donaldson, Recreation Coordinator
Stephanie Moore, Permitting Technician
MEDIA PRESENT: None
INVOCATION: Nick Smith
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Cowan at 4:30 PM and the invocation was led by Reverend Smith.

Approval of Agenda

Mayor Cowan asked the board for approval of the agenda. Commissioner George made a motion to approve the agenda as presented. The motion was seconded by Commissioner Harrell 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 Harrell and carried by unanimous vote.

- A. Approval of the June 8, 2021 Regular Meeting Minutes
- B. Approval of the June 8, 2021 Closed Session Minutes
- C. Approval of the July 13, 2021 Regular Meeting Minutes
- D. Approval of the July 13, 2021 Closed Session Minutes
- E. Resolution 2021-13 Amending the Town of Burgaw Tourism Development Authority Membership
- F. Resolution 2021-14 Approving use of the Burgaw Cemetery outside of normal operating hours for the annual Ghost Walk event by Pender County Tourism
- G. Ordinance 2021-15 Amending the FY 2021-2022 budget for the purchase of TDA "Welcome" banners, hardware and the rental of the lift for installation of banners
- H. Ordinance 2021-16 Amending the FY 2021-2022 budget to recognize insurance proceeds from lightning damage to pump station #2 HVAC system
- I. Ordinance 2021-17 Amending the FY 2021-2022 budget for the payment of easement rights
- J. Ordinance 2021-18 Amending the FY 2021-2022 budget to increase Police Department Salaries
- K. Ordinance 2021-19 Amending the FY 2021-2022 Pay Classification Plan

**Due to the length of the consent agenda, above referenced resolutions and ordinances are on file in the Clerk's office.*

SPECIAL PRESENTATIONS/REQUESTS

Recognition of resigning Planning Board member William Smith

Mayor Cowan recognized resigning Planning Board member William Smith by presenting him a plaque on behalf of the board. Mr. Smith thanked the town for allowing him to serve on the Planning Board.

Proclamation honoring the Burgaw Majors All-Star Team

Mayor Cowan recognized the Burgaw Majors All-Star Team for their recent accomplishment in going to the World Series in Laurel, Mississippi. The coach and several team members were present to accept the proclamation read by Mayor Cowan.

Proclamation declaring September 18, 2021 as Cape Fear Community College Day

Mayor Cowan recognized Tammie Parris, Director of Pender County Economic and Workforce Development, and read a proclamation declaring September 18, 2021 as Cape Fear Community College Day. Ms. Parris advised the Burgaw CFCC campus expansion occurred about a year and a half ago and has allowed them to expand their services, including licensure trainings and certifications, such as HVAC, nurse aid, etc. She invited the public to a special event on September 18, 2021 featuring The Embers, food, kids activities, and tours of the facilities.

2021 Ghost Walk request – Stephanie Key, Pender County Tourism

Stephanie Key, Pender County Tourism Assistant, requested street closures and the waiving of the park rental fee for the upcoming annual Ghost Walk event to be held in October. She requested waiver of the park rental fee at Hankins Park Pavilion for October 22 and 23 between the hours of 4:00 PM and 11:00 PM. She said she does not think they will need to use the picnic shelter for the entire time, but wanted to allow enough time in case it was needed. She said as of right now, it looks like the event will be over by 10:30 PM. Ms. Key also said she has been working with Police Chief Hock regarding street closures and requested the following: closure of Walker Street from Ashe Street to Wallace Street, as well as closure of Wallace Street from Wright Street to Cowan Street. She said Cowan Street would remain open to traffic.

Commissioner Harrell asked Ms. Key if she was able to secure the backing of the Veterans' families and churches in the area. Ms. Key said she has not yet, but will be doing so soon. Commissioner Harrell requested Ms. Key to keep him updated on this communication.

Commissioner Robbins made a motion to approve the above request by Ms. Key. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

DEPARTMENTAL ITEM – Parks, Recreation & Tourism Department – Cody Suggs, Director

Christmas on the Square event - Update

Mr. Suggs advised he has been working along with Bob Townsend for the upcoming Christmas on the Square event in December. He said Mr. Townsend approached him for assistance from the town this year and has requested the funds received from the event go to the town. Mr. Townsend expressed his appreciation to the town board and said this is an event supported by the town, Pender County and the Pender Post & Voice. Mr. Townsend said there are currently about 35 vendors committed to attend the event; he said only homemade items are allowed.

Mayor Cowan asked Mr. Suggs to share information on the upcoming Murder Mystery Dinner. Mr. Suggs said the town has partnered with the NC Blueberry Festival to allow the serving of alcohol. The event is scheduled for September 25, 2021, lasting about two hours with dinner and a show. To date, about 20 tickets have been sold.

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

Attorney Rivenbark gave an update on the easements for the US Highway 117 sewer project. He said he finally received the survey descriptions and is working on the easements going out to the property owners in the next couple of weeks.

Attorney Rivenbark commented on a recent issue dealing with chickens in town. He advised the applicant's appeal time has ended for the Board of Adjustment's decision on the Planning Director's interpretation of the ordinance regarding chickens. Attorney Rivenbark said an appeal was not filed so there is no threat of court action.

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

Update on current town projects

Blueberry Festival Office: Mr. Gantt advised the Blueberry Festival office is now fully operational in the Old Jail with Pender County Tourism. He said everything has been moved out of the former office that was located in the Public Works office.

Grant Opportunities: Mr. Gantt said he met with Mr. Moore, Mayor Cowan and Tony Boahn regarding grant opportunities for the town. He said they are looking at the Division of Water Infrastructure and the grant application deadline is September 30th. Mr. Gantt said staff will be gathering a list of projects that can be submitted for this grant.

American Rescue Plan (ARP) Funding: Mr. Gantt said the town did receive the first payment of the ARP funding in the amount of \$661,138. He said this money will be moved to a capital fund, but the board will need to make a priority list on projects for this money to go towards. After some discussion, it was the consensus of the board to discuss this item at the next regular board meeting.

Emergency Watershed Protection Program: Mr. Gantt advised this project is moving along smoothly. Staff met with the Army Corp of Engineers, looked at the site, the project, etc. Mr. Gantt said Army Corp did not express any major concerns with issuing permits for the project. He reminded the board this project consists of the canal areas between the blueberry statue and US Highway 117.

NCDOT Rapid Flashing Beacons (RFB) Projects: Mr. Gantt said this project has been ongoing for several years, and recently reached out to NCDOT to find out a status on the installation of the RFBs at the walking trail crosswalk on South Walker Street. The town funded the RFBs that are currently on Timberly/NC Highway 53 and Wilmington Street, but NCDOT is supposed to be funding the RFBs for the crosswalk on South Walker Street near Johnson Park. Mr. Gantt said NCDOT advised they expect to have the project installed by the end of September.

ADA Transition Plan: Mr. Gantt said crews will be in town over the next few weeks looking at the ADA accessibility on the streets, sidewalks, town facilities, etc.

Standards Details with McKim & Creed: Mr. Gantt advised town staff is currently working along with McKim & Creed on the town's standard detail so that when a developer inquires on a project, there is an updated document the developer can go by in regards to what the town requires, such as size of water lines, fire hydrant needs, etc.

Capital Improvement Plan (CIP) Development: Mr. Gantt said town staff will start meeting regularly and working on developing a full CIP with details for the upcoming years of town projects, etc.

EMS Building: Mr. Gantt said he is still working with the contractor and is almost complete with the final proposal. Once this is finished, it will be brought back to the board with options of funding sources.

Comment by Mayor Cowan

Mayor Cowan advised he and Mr. Gantt will be meeting with Golden Leaf soon regarding grant opportunities.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Consideration of appointing two (2) members to the Tourism Development Authority

Mayor Cowan called upon Mr. Suggs to speak on the applicants for consideration. Mr. Suggs advised the only applicant he has had a working relationship with, is Cathy Guidry. He said he has worked with her through the Rotary Club for various projects and would recommend Ms. Guidry to the Tourism Development Authority. There were comments on Ms. Roney not living in the town limits. Attorney Rivenbark said the board can choose to limit it to town residents so long as everyone is somewhat engaged in tourism and the promotion of the Town of Burgaw. He said statutorily, the applicants do not have to be town or ETJ residents, as long as the applicant is actively engaged in the tourism for the town. Commissioner Harrell nominated Emmaline Kozak to fill one of the vacancies. He said he believes her business will be a major draw to tourists in the area and would be a good addition to the board. There was no second or comments in regards to the nomination of appointing Ms. Kozak. Commissioner Robbins made a motion to table the consideration of appointments until the next board meeting. Commissioner Harrell asked why this item should be tabled; he said he would like to move forward with Ms. Kozak. Commissioner Robbins said there was no second for Ms. Kozak. The motion by Commissioner Robbins was seconded by Commissioner George. Commissioner Robbins, George and Murphy voted “aye” and Commissioner Harrell voted “nay.” Motion carried. Advertisement for seeking applicants will be continued by Ms. Wells.

Discussion regarding benches around town

Mayor Cowan commented on the bench that was recently moved in front of the daycare. He said he has spoken with town staff and no one said they moved it. Mayor Cowan said he does not know what happened to the bench, but would like to see one put back. Mr. Suggs asked the board if the town needs to continue maintaining the benches in front of businesses, or are they considered the responsibility of the business owner. Mayor Cowan suggested Mr. Suggs look into an “Adopt-A-Bench” program. Mr. Suggs commented on the issues with wood benches vs. metal. Carpenter bees, vandalism, etc. occur more frequently with the wooden benches. After some discussion, Mayor Cowan requested Mr. Suggs to bring back information at the next board meeting in regards to costs of wooden versus metal. Commissioner Robbins said he would like to see a uniform color around town.

Other comment

Commissioner George said King Solomon Lodge wants to put a King Solomon Lodge sign next to the “Welcome to Burgaw” signs at the city limits, where the Lions Club signs are located. Commissioner Robbins made a motion to approve the installation of the signs so long as they are the same general size and type. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Discussion regarding the 2021 Pender County Municipal Association Meeting & Dinner

Mayor Cowan commented the Pender County Municipal Association Meeting and Dinner is to be hosted by the town this year but was postponed due to Covid. After some comments, it was the consensus of the board for the town to host the next meeting and dinner when it is safe to do so. Commissioner Robbins recommended the board revisit this discussion in November to see if it will be possible to hold the event in January 2022.

Other items from the Mayor and Board of Commissioners

Commissioner Harrell and Commissioner Robbins thanked Ms. Pope for the updated monthly financial dashboard.

Commissioner Harrell asked who maintains the grapevines at Johnson Park. Mr. Gantt said there are two grapevines at that location, with the town maintaining one of them and the other one being maintained by the county extension office. Mr. Gantt said he found this out over the past year when the town was looking at pruning them, but the timing of the year was not suitable to do so. Mr. Gantt said the vines will be pruned during the winter months.

Commissioner Harrell said the parks are looking really great and congratulated Mr. Moore on the cemetery being kept up nicely. He also said someone approached him and said they were impressed with the landscaping at Hankins Park.

Commissioner Robbins commented on the Crepe Myrtle at the Veterans Monument and said someone got carried away with roundup and that's why the plant is damaged. He advised Mr. Moore it will need a lot of attention during the winter months.

BREAK 5:17 PM – 5:32 PM

PUBLIC FORUM

No one signed up to speak during the Public Forum.

PUBLIC HEARINGS

Public Hearing #1 – Andrea Correll, Planning Director

Consideration of a requested text amendment by Tulani Lyon to enable the keeping of Chickens including staff suggested changes to the Municipal Code Section 4-7 and UDO text amendments to Sections 8.14 Table of Permitted and Special Uses, 8.15 Use Standards and 17.2 Definitions.

Mayor Cowan declared the public hearing open at 5:32 PM.

Ms. Correll presented the text amendment request as described in the ordinance below.

Tulani Lyon, resident of 209 North McNeil Street, was present and spoke to the board in regards to her requested text change. She shared letters received from her neighbors in support of having chickens on her property. Ms. Lyon explained her reasoning behind requesting the allowing of chickens in the zoning area where her residence is located.

After brief comments from Ms. Lyon, Mayor Cowan asked her if she thought the presented changes recommended by staff are too restrictive for her situation. Ms. Lyon said she would rather have the text change passed than not at all, if this is the only option. She said if she was the one writing the change, she would not write it to be so restrictive. Ms. Lyon said the lot size should be considered.

Commissioner Robbins asked who would be counting the chickens. Ms. Correll said a zoning permit is required when someone wants to have chickens on their property. Commissioner Harrell asked Ms. Lyon if the limit of five (5) chickens works for her. She said it works better than no chickens.

Commissioner Robbins asked if the board approves this, and in the future it becomes out of hand, can the ordinance be undone. Ms. Correll advised the ordinance could be rescinded. She also added, because we are limiting it to five (5) chickens, there should not be any issues with excessive waste, etc., which otherwise could possibly be an issue with larger amounts of chickens. Ms. Correll said staff would not be going out around town looking for problems; issues are handled by complaints only. Attorney Rivenbark said rescinding an ordinance is easy, but the implications might be costly.

Mayor Cowan declared the public hearing closed at 5:54 PM.

Resolution 2021-15 Adopting a statement of consistency regarding a requested text change amendments of the Town of Burgaw Unified Development Ordinance to enable the keeping of five (5) hens in the R-20 and R-12 residential zoning districts for the non-commercial raising of chickens.

Commissioner Harrell made a motion to approve Resolution 2021-15 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

RESOLUTION 2021-15
ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT
AMENDMENTS OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE
TO ENABLE THE KEEPING OF FIVE (5) HENS IN THE R-20 AND R-12 RESIDENTIAL
ZONING DISTRICTS FOR THE NON-COMMERCIAL RAISING OF CHICKENS.

WHEREAS, the applicant, Town of Burgaw Staff, has requested the Town amend the Town of Burgaw Unified Development Ordinance to amend Sections 8.14, 8.15 and 17.2 Definition of Agricultural -Livestock in the Burgaw Unified Development Ordinance to enable the keeping of (5) Five Hens in the R-20 and R-12 Residential Zoning Districts; and

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

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their July 15 , 2021 meeting, recommended the adoption of 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 August 10, 2021, meeting and found the proposed text change amendments 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 amendments are consistent with the Town of Burgaw 2030 Comprehensive Plan by specifically preserving and enhancing the livability of the Town, while keeping standards encouraging quality and controlled growth that enhances and maintains the community's character.

Adopted this 10th day of August 2021.

Ordinance 2021-20 Approval of requested text change amendments of the Town of Burgaw Unified Development Ordinance to enable the keeping of five (5) hens in the R-20 and R-12 residential zoning districts for the non-commercial raising of chickens.

Commissioner Harrell made a motion to approve Ordinance 2021-20 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

ORDINANCE 2021-20
REQUESTED TEXT CHANGE AMENDMENTS OF THE TOWN OF BURGAW UNIFIED
DEVELOPMENT ORDINANCE TO ENABLE THE KEEPING OF FIVE (5) HENS IN THE
R-20 AND R-12 RESIDENTIAL ZONING DISTRICTS FOR THE NON-COMMERCIAL
RAISING OF CHICKENS.

WHEREAS, applicant, Town of Burgaw Staff, has requested the Town amend the Town of Burgaw Unified Development Ordinance to amend the following Sections; Section 8.14 The Table of Permitted Uses to add the Non-Commercial Raising of Chicken (limited to Five Hens) in the R-20 and R-12 Zoning Districts,, Section 8.15: Use Standards to include the Noncommercial Raising of Chickens (R-20 and R-12), Section 17.2 amending the definitions of Agricultural-Livestock and adding a definition of Non-Commercial Raising of Chickens, 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 July 15th, 2021, meeting, recommended the adoption of the proposed text amendments to the Board of Commissioners of the Town of Burgaw with a majority vote amending the Unified Development Ordinance,

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 August 10, 2021, meeting and found the proposed text change amendment 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:
the Town.

Section 8.14 The Table of Permitted and Special Uses

Uses	NAICS*	RA	R-20	R-12
NON-COMMERCIAL RAISING OF CHICKENS (LIMITED TO FIVE HENS)			X	X

Section 8.15: Use Standards

Noncommercial Raising of Chickens (R-20 and R-12) to include the keeping of five (5) hens for personal enjoyment to require a zoning permit from the Planning Department. No permit shall be issued to keep or maintain poultry in the city unless the poultry will be on a lot of land maintained as follows:

- The lot shall consist of at least twelve thousand (12,000) square feet under single ownership or control;
- Such poultry must be contained in a secure fenced enclosure at all times;
- The enclosure shall have a minimum of ten (10) square feet of area for each poultry;
- No enclosure shall be erected or maintained within the front or side yard. Structures must be in the rear yard and no closer than ten (10) feet to any property line or within twenty-five (25) feet of another residence;
- The enclosure shall be kept clean, sanitary, and free from accumulations of excrement and objectionable odor; and
- No more than five (5) female chickens shall be kept or maintained by a property owner. There will be no discounting for chicks.

Section 17.2 Definitions

Agricultural—Livestock: The use of land for dairying, pasturage, animal and poultry husbandry (with the exception of the keeping of up to five hens in the R-20 and R-12 Single Family Residential Zoning Districts in the corporate limits of Burgaw) and the necessary accessory uses. Intensive livestock operations as defined by this ordinance are excluded.

Noncommercial Raising of Chicken: Limited to the five hens in the R-20 and R-12 Zoning Districts meeting the requirement of the Code of Ordinances of the Town of Burgaw.

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 10th day of August 2021.

Ordinance 2021-21 Approval of requested amendment to the Town of Burgaw Code of Ordinances to add Section 4-7 to Chapter 4-Animals and Fowl.

Commissioner Harrell made a motion to approve Ordinance 2021-21 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

ORDINANCE 2021-21

A REQUESTED AMENDMENT TO THE TOWN OF BURGAW CODE OF ORDINANCES TO ADD SECTION 4-7 TO CHAPTER 4-ANIMALS AND FOWL.

WHEREAS, applicant, Town of Burgaw Staff, has requested the Town amend the Town of Burgaw Code of Ordinance to add 4-7 specific standards to Section 4 of the Burgaw Municipal Code for the non-commercial keeping of chickens for up to five hens.

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report, the proposed text amendment and found it 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 Code of Ordinances is amended to add Section 4-7 below:

Sec. 4-7 – Fowl- hens only no rooster(s) located in the rear yard in a permitted enclosure. An exception for the keeping of up to five hens in an enclosure with an approved zoning permit in the R-20 and R-12 Single Family Residential Zoning Districts. All animal waste will be disposed of weekly. Refer to Sections 8.14, 8.15 and 17.2 Definition of Agricultural -Livestock in the Burgaw Unified Development Ordinance for required standards.

SECTION 2. This amendment becomes effective immediately upon adoption of this ordinance on this, the 10th day of August 2021.

Public Hearing #2 – Andrea Correll, Planning Director

Consideration of a UDO text amendment Section 8.13 footnote 7 to resolve a conflict in the accessory structure location referenced in Section 8.15: Use Standards, Accessory Structure/Building. (RA, R-20, R-12, R-7, R-7MH, PUD, O&I, B-1, B-2, I-1, I-2)

Mayor Cowan declared the public hearing open at 5:56 PM.

Ms. Correll presented the text amendment request as described in the ordinance below.

Mayor Cowan declared the public hearing closed at 5:59 PM.

Resolution 2021-16 Adopting a statement of consistency regarding requested text change amendment of the Town of Burgaw Unified Development Ordinance to resolve a conflict in the accessory structure location carried over from the previous Unified Development Ordinance

Commissioner Harrell made a motion to approve Resolution 2021-16 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2021-16
ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT
AMENDMENT OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE
TO RESOLVE A CONFLICT IN THE ACCESSORY STRUCTURE LOCATION CARRIED
OVER FROM THE PREVIOUS UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the applicant, Town of Burgaw Staff, has requested the Town amend the Town of Burgaw Unified Development Ordinance to Section 8.13-Dimensional Requirement Table of Area, Yard, and Height Requirements ¹⁻¹⁶ for footnote ⁷Accessory Buildings; and

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

WHEREAS, the Town of Burgaw Planning and Zoning Board, at their July 15th , 2021 meeting, recommended the adoption of 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 August 10th , 2021 meeting and found the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, being reasonable, and in the public interest; and

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

Adopted this 10th day of August 2021.

Ordinance 2021-22 Approval of a requested text change amendment of the Town of Burgaw Unified Development Ordinance to resolve a conflict in the accessory structure location carried over from the previous Unified Development Ordinance

Commissioner Harrell made a motion to approve Ordinance 2021-22 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**ORDINANCE 2021-22
A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF BURGAW UNIFIED
DEVELOPMENT ORDINANCE TO RESOLVE A CONFLICT IN THE ACCESSORY
STRUCTURE LOCATION CARRIED OVER FROM THE PREVIOUS UNIFIED
DEVELOPMENT ORDINANCE**

WHEREAS, applicant, Town of Burgaw Staff, has requested the Town amend the Town of Burgaw Unified Development Ordinance to amend to Section 8.13-Dimensional Requirement Table of Area, Yard, and Height Requirements ¹⁻¹⁶ for footnote ⁷Accessory Buildings , 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 July 15th, 2021, meeting, recommended the adoption to the proposed text amendment to the Board of Commissioners of the Town of Burgaw amending the Unified Development Ordinance to

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report, the proposed text amendment and the Draft Comprehensive Plan Consistency Statement at their August 10, 2021, meeting and found the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest; and

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

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

Section 8.13-Dimensional Requirement

Table of Area, Yard, and Height Requirements ¹⁻¹⁶

⁷**Accessory Buildings.** Detached garages and accessory buildings no larger than five hundred (500) square feet in size may be constructed ~~in the rear yard~~ to the side or rear of the principal structure, provided that they are located no closer than five (5) feet to any adjoining lot line, except on the street side yard of a corner lot where the setbacks shall be one-half (1/2) of the distance of the required front yard setback up to a maximum of twenty (20) feet. Accessory structures that are larger than five hundred (500) square feet must meet applicable setbacks as stated in the Table of Area, Yard, and Height Requirements.

SECTION 2. These amendments become effective immediately upon adoption of this ordinance on this, the 10th day of August 2021.

CLOSED SESSION – 6:00 PM

Commissioner Robbins made a motion to go into closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

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

OPEN SESSION – 6:38 PM

ADJOURNMENT

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

The meeting was adjourned at 6:38 PM.

Attest: _____
Kristin J. Wells, Town Clerk

Kenneth T. Cowan, Mayor