

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

DATE: September 14, 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, Vernon Harrell, and James Murphy
STAFF PRESENT: James Gantt, Town Manager
Kimberly Rivenbark, Deputy Town Clerk
Zachary Rivenbark, Town Attorney
Wendy Pope, Finance Officer
Andrea Correll, Planning Director
Jessica Gray, Permitting Technician
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Jim Taylor, Fire Chief
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Jayna Donaldson, Recreation Coordinator
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 the Agenda

Mayor Cowan requested to remove Item 7, NC Blueberry Festival, from the agenda and stated that the event the Blueberry Festival had planned for October 16, 2021 had been canceled. Commissioner Robbins made a motion to approve the agenda with the removal of Item 7. 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 Harrell and carried by unanimous vote.

- A. Approval of the August, 10 2021 Regular Meeting Minutes
- B. Approval of the August 10, 2021 Closed Session Minutes
- C. Ordinance 2021-23 Amending the FY 2021-2022 budget for the purchase of t-shirts for all members of the Burgaw Fire Department

ORDINANCE 2021-23
***AMENDING FISCAL YEAR 2021-2022 ANNUAL BUDGET
Increasing Revenues and Expenditures***

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2021-2022 on June 8, 2021; and

WHEREAS, the Town of Burgaw Board of Commissioners committed fund balance for the purpose of funding Fire Department expenses in June 2012; and

WHEREAS, the purchase of Tshirts for all members has been requested by the Fire Department; and

WHEREAS, a general fund fund balance appropriation is needed to authorize these Fire Department expenses in FY 21-22.

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

The FY 2021-2022 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-3900-00-900	Fund Balance Appropriation	\$ 1,000

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-5300-10-340	Firemen's Expense	\$ 1,000

Adopted this the 14th day of September 2021.

SPECIAL PRESENTATIONS/REQUESTS

Pender High School

Caroline Godwin, Principal of Pender High School, informed the board that Pender High School is currently conducting Homecoming activities this week and requested road closures for the annual Homecoming parade that will be held on Friday at 4:30pm. The parade will line up around 4:15pm and leave the back entrance of Burgaw Middle School and proceed north on Wright Street, turn left on Fremont Street, and turn left on S. Dickerson Street, and end back at the Middle School.

Commissioner Robbins made a motion to approve the road closures for the parade as requested. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mr. Gantt informed the board that NCDOT plans to close Smith Street to cut down a large tree at the intersection of Smith Street and Hayes Street and believed that the road should reopen prior to the parade and did not anticipate any issues.

ITEMS FROM THE ATTORNEY

Attorney Rivenbark informed the board that the easements for the sewer project have been mailed out. He had a couple requests for visuals, and he will send those out soon. Attorney Rivenbark stated that he believed eight easement requests had been mailed out in total.

ITEMS FROM THE MANAGER

Resolution 2021-17, Intent to request state grant assistance from the Drinking Water State Revolving Fund for the Town's Water Distribution System Rehabilitation Project

Commissioner Harrell inquired if the Town has a map of the pipes to be replaced in Town and to have a copy of the map sent to him. After a brief discussion regarding the pipes needing replacement, Commissioner Harrell made a motion to approve Resolution 2021-17. The motion was seconded by Commissioner Robbins and carried by unanimous vote. *Due to length, Resolution 2021-17 is on file in the Clerk's office.*

Resolution 2021-18, Intent to request state grant assistance from the Clean Water State Revolving Fund for the Town's Wastewater Infrastructure Rehabilitation & Improvements Project.

Commissioner Harrell made a motion to approve Resolution 2021-18. The motion was seconded by Commissioner Robbins and carried by unanimous vote. *Due to length, Resolution 2021-18 is on file in the Clerk's office.*

Update on Town Projects

ARP Funding: Mr. Gantt informed the board that staff is still working to develop a budget for the ARP Funds. Staff is waiting on a few outstanding cost proposals for sewer projects.

Courthouse Avenue: Mr. Gantt stated WithersRavenel is scheduled to start the parking study on September 21, 2021 and on October 2, 2021, review parking and traffic counts and study the Courthouse Avenue area along with Fremont Street, Wilmington Street, and Wright Street.

ADA Transition Plan: Mr. Gantt stated that he and Ms. Rivenbark met with the consultants and reported that with over 7.5 miles of sidewalks in Burgaw, the consultants identified 1,300 areas of non-compliance. The consultant also reviewed all Town facilities and parks. The plan should be completed around the beginning of October. The plan will be used to correct issues and bring Town owned property up to ADA compliance.

Rapid Flashing Beacon: Mr. Gantt informed the board that Terry Spell Mechanical is in town today pouring the pillars for the poles to sit on and will be back next week to install the beacons. This is a NCDOT funded project. The beacons will be placed near Johnson Park and the other at Progress Drive along Walker Street.

US Hwy 117 Sewer Project: Mr. Gantt stated that the documents for the project have been submitted to the state for permitting and NCDOT encroachment.

EMS Building: Mr. Gantt informed the board that the contractor and architect are working on the final details of the construction. Wendy is currently researching financing details. Commissioner Dawson inquired about the timeline. Mr. Gantt stated that he and Mr. Hesse met with the contractor and architect together to discuss some changes and the architect is currently working on letters regarding the changes. Mr. Gantt and Mr. Hesse will contact the architect for an update.

Tree on Smith Street: Mr. Gantt informed the board about a large tree on Smith Street at Hayes Street that is in the NCDOT Right-of-way. Part of this tree fell during a storm and hit a car and house. NCDOT assessed the tree and decided the tree needed to be removed. The contractor will remove this tree on Friday, September 17, 2021 and will close the street during this time.

Depot: Mr. Gantt stated that a contractor has been working on some repairs and general maintenance to the Depot. The contractor will also work on the windows for the Community House.

ITEMS FROM THE MAYOR AND BOARD OF COMMISSIONERS

Resolution 2021-19 Encouraging Town of Burgaw and Pender County citizens to become vaccinated in efforts to minimize the spread of the COVID-19 Disease

Commissioner Harrell made a motion to approve Resolution 2021-19. The motion was seconded by Commissioner Robbins and the motion carried by unanimous vote.

RESOLUTION 2021-19 RESOLUTION ENCOURAGING TOWN OF BURGAW AND PENDER COUNTY CITIZENS TO BECOME VACCINATED IN EFFORTS TO MINIMIZE THE SPREAD OF THE COVID-19 DISEASE

WHEREAS, in March 2020, the World Health Organization declared Coronavirus Disease 2019 ("COVID-19") a global pandemic, and the President of the United States issued an emergency declaration for all states and declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 10, 2020, Governor Roy Cooper declared a State of Emergency in North Carolina to coordinate the state's response and protective actions to address the COVID-19 public health emergency; and

WHEREAS, on December 11, 2020, the first COVID-19 vaccine, Pfizer-BioNTech, became available to all individuals ages 16 and older, and the authorization was expanded to include those 12 through 15 years of age on May 10, 2021; and

WHEREAS, the United States Food and Drug Administration has granted emergency use authorization to three (3) COVID-19 vaccines since the pandemic began; and

WHEREAS, on August 23, 2021, the United States Food and Drug Administration approved the Pfizer-BioNTech COVID-19 Vaccine for the prevention of the COVID-19 disease; and

WHEREAS, COVID-19 continues to infect thousands of people every day, and unvaccinated people pose a risk not only to themselves, but to people who are immunocompromised and to children who are too young to be vaccinated; and

WHEREAS, it remains critical that people exercise personal responsibility to protect themselves and others from the spread of COVID-19 by receiving the vaccine, which is available at no cost to all eligible individuals who wish to receive one.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Burgaw Board of Commissioners hereby encourages all Town of Burgaw and Pender County citizens to get vaccinated in efforts to minimize the spread of the Coronavirus Disease 2019.

ADOPTED this 14th day of September, 2021.

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

Commissioner Harrell made a motion to nominate Eden Mills to the TDA. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

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

Discussion regarding benches around town.

Mr. Suggs presented to the board other town bench programs. After some discussion regarding bench design and cost, Mr. Suggs will bring back samples of benches to the next board meeting for the board to review. Mr. Suggs also discussed the possibility of an adopt-a-tree program and will bring back further information regarding this to the next board meeting.

Mayor Cowan requested Mr. Suggs send a thank you letter to all those who submitted applications for the TDA.

Other Items from the Mayor and Board of Commissioners

Commissioner Robbins requested that Mr. Moore speak with the Public Works employees and ask them to be more cautious when mowing around head and foot stones.

Mayor Cowan requested Mr. Gantt bring the cemetery ordinance back to the board in regards to the backfilling of graves.

Commissioner Dawson inquired about pressure washing the sidewalks on Fremont Street and Wright Street. Mr. Gantt stated he will research if there is funding available for continuing the sidewalk pressure washing.

Commissioner Dawson inquired about the bathroom remodel at Hankins Park. Mr. Gantt stated that Town staff have received quotes for the bathrooms, and he is working through this process. Mr. Gantt also stated that he is waiting for the final results from the ADA Transition Plan to make sure that the remodel will be in compliance. Commissioner Dawson inquired about the timeline. Mr. Gantt stated that general repairs can be preformed quickly but for full remodel, the cost will be approximately \$15,000 to \$20,000 which was not in the budget. Mr. Gantt will review the possibility of paying for the project with ARP Funds.

Commissioner Dawson inquired about the ARP funds and if they could be used for the Courthouse Avenue Project as well as the Westside Trails and Parks Plan. Mr. Gantt stated he believed the funds could be used for water and sewer projects on Courthouse Avenue but would have to do more research regarding use the funds for parks. Street scape projects are not available for funding. Mr. Gantt explained that not only does the Town have to follow Federal guidelines for the ARP funds, but also State statute and he has been using documents published by the UNC School of Government as a guide.

Mayor Cowan asked Ms. Correll to pass out a map of the draft West Side Trails and Parks Plan (*on file in the Clerk's office*). Ms. Correll stated that the plan still needs to be finalized and have public input.

Commissioner Harrell requested that the vaccine resolution be published in the weekly newsletter as well as the Town's website. He also requested the same of encouraging citizens to vote in the upcoming municipal election.

Commissioner Harrell inquired about a cemetery board. Attorney Rivenbark stated that the board could vote to restart a cemetery board and guidelines for the cemetery board could be brought back to the board to review. The board would be advisory in nature. Commissioner Robbins stated he remembered having a cemetery committee that was comprised of two commissioners appointed by the mayor. Mayor Cowan asked Mr. Gantt to bring more information back to the next meeting.

Mayor Cowan stated he received an email from Kevin Kozak regarding an update of the brewery. The Special Use Permit has been recorded and he expects to choose a General Contractor next week. Brewing equipment is expected to be delivered in early December.

Mr. Hesse introduced Jessica Gray to the board. She is the new Permitting Technician for the Town.

BREAK 5:21 PM – 5:32 PM

PUBLIC FORUM

Norwood Blanchard, owner of the Westside Apartments, said he provides affordable housing and has some tenants that pay only \$50.00 per month in rent. He pays the same tax rate that homeowners pay and does not get a tax benefit like Ashley Ridge and Cooper's Point. Mr. Blanchard explained that his tenants, for the most part, stay in his apartment until their passing and when that occurs, family will get rid of the mattress and sofa, and the town charges \$75.00 to pick it up. Mr. Blanchard asked the board to review the town's debris policy.

Charles Rooks, owner of Rooks Farm Service, stated that he met with the Town Manager and Mayor regarding the stormwater fees. He has concerns about how the money collected will be spent. His business is being charged \$1,400 per year and he believes that fee is excessive. Mr. Gantt explained the stormwater fee and how the money will be spent and that it is expected to bring in \$150,000 to \$200,000 per year. Mr. Rooks requested the board review the stormwater fee.

Charles White, owner of White Tractor, stated that he was not excited about the new stormwater fee and will be charged \$1,300 per year. Mr. White inquired if the town will be hiring contractors to do the work or if the town would handle the work themselves. Mr. Gantt explained that it depended on the nature of the job. Mr. White requested the board review the stormwater fee.

PUBLIC HEARINGS

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

Consideration of a text amendment of the Town of Burgaw Unified Development Ordinance requested by staff to enable a manufacturing complex by amending Section 8.14: Table of Permitted Uses, Special Uses and Special requirements, Section 8.15: Use Standards, Section 8.16: Regulations for Special Uses, Section 17.2: Definitions, and to allow the use of internal LED and LCD lights for signs by amending Section 9.26.6 Sign Standards (B) Illumination (3). Clean up items to revise any cross references referring to Conditional Use to Special Use, amending all Bufferyards references from roman numerals to alphabetical references and Section

8.16: Regulations for Special Uses, Dwelling, Multi-Family deleting the cross reference to Article 16, Chapter V.

Mayor Cowan declared the Public Hearing open at 5:41 PM

Ms. Correll stated that she had several text amendments. The first text amendment is to add a manufacturing complex to the Table of Permitted Uses, Special Uses and Special requirements as well as Standards and Definitions. The purpose of this amendment is to allow manufacturing activities including the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The manufacturing of petroleum and coal products, chemical manufacturing, synthetic rubber, and artificial fibers and filament manufacturing is excluded. Ms. Correll stated that Mr. Bill Bass has signed up to speak.

Mr. Bass stated that he owns Bass Electronics based in Louisiana and is looking to move to North Carolina. He is interested in purchasing the Williams Lumber building. His company manufactures industrial television cameras.

Ms. Correll stated that she is requesting the addition of Manufacturing Complex to the Table of Permitted Use as a "Use by Right" with standards in the I-1 and I-2 zoning districts and as a Special Use in the B-2 zoning district.

Ms. Correll presented the remaining portion of the text amendment requesting the addition of LED lighting to signage, changing "Conditional Use" to "Special Use", correcting references, and removing "Article 16, Chapter V" from Section 8.16.

Mayor Cowan declared the Public Hearing closed at 5:55 PM.

Resolution 2021-20 Adopting a statement of consistency regarding the above reference text change amendments

Commissioner Harrell made a motion to adopt Resolution 2021-20. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2021-20

ADOPTING A STATEMENT OF CONSISTENCY REGARDING TEXT AMENDMENTS OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE REQUESTED BY STAFF TO ENABLE A MANUFACTURING COMPLEX BY AMENDING SECTION 8.14: TABLE OF PERMITTED USES, SPECIAL USES AND SPECIAL REQUIREMENTS, SECTION 8.15: USE STANDARDS, SECTION 8.16: REGULATIONS FOR SPECIAL USES, SECTION 17.2: DEFINITIONS, AND AMEND SECTION 9.26.6 SIGN STANDARDS (B) ILLUMINATION (3) TO ALLOW THE USE OF INTERNAL LED AND LCD LIGHTS FOR SIGNS. CLEAN UP ITEMS TO REVISE ANY CROSS REFERENCES REFERRING TO CONDITIONAL USE TO SPECIAL USE, AMENDING ALL BUFFERYARD REFERENCES FROM ROMAN NUMERALS TO ALPHABETICAL REFERENCES, AND SECTION 8.16: REGULATIONS FOR SPECIAL USES, DWELLING, MULTI-FAMILY DELETING THE CROSS REFERENCE TO ARTICLE 16, CHAPTER V.

WHEREAS, the Applicant, Town of Burgaw Staff, has requested the Town amend the Town of Burgaw Unified Development Ordinance enable a manufacturing complex by amending Section 8.14: Table of Permitted Uses, Special Uses and Special requirements, Section 8.15: Use Standards, Section 8.16: Regulations for Special Uses, Section 17.2: Definitions, and to allow the use of internal LED and LCD lights for signs by amending Section 9.26.6 Sign Standards(B) Illumination (3). Clean up items to revise any cross references referring to Conditional Use to Special Use, amending all Bufferyard references from roman numerals to alphabetical references, and Section 8.16: Regulations for Special Uses, Dwelling, Multi-Family deleting the cross reference to Article 16, Chapter V; and **WHEREAS**, Planning staff has reviewed the proposed text change amendments 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 Board, at their August 26, 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 September 14, 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 14th day of September 2021.

Ordinance 2021-24 Approval of the above reference text change amendments

Commissioner Harrell made a motion to adopt Ordinance 2021-24. The motion was seconded by Commissioner Dawson and carried by unanimous vote. *Due to length, Ordinance 2021-24 is on file in the Clerk's office.*

Other comment

Mayor Cowan thanked Mr. Malloy for being part of the group that organized the 911 service on Saturday. Mr. Malloy commented that he was asked to be a part of the ceremony, but it was organized by Olivia Dawson.

CLOSED SESSION – 6:07 PM

Commissioner Harrell made a motion at 6:07 PM to go into closed session pursuant to NCGS 143-318.11 paragraph (a) item (6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION – 6:31 PM

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

ADJOURNMENT

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

The meeting adjourned at 6:32 PM.

Kenneth T. Cowan, Mayor

Attest: _____
Kimberly Rivenbark, Deputy Town Clerk