

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

DATE: November 9, 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, Bill George, and James Murphy
STAFF PRESENT: James Gantt, Town Manager
Kristin Wells, Town Clerk
Kimberly Rivenbark, Deputy Town Clerk
Zachary Rivenbark, Town Attorney
Wendy Pope, Finance Officer
Tiffany Byrd, Deputy Finance Officer
Andrea Correll, Planning Director
Jessica Gray, Permitting Technician
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Jim Taylor, Fire Chief
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 an amendment to the agenda to allow for the introductions of the Town's newest Patrol Officers when they became available. Commissioner Dawson made a motion to approve the agenda with the requested amendment. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Approval of Consent Agenda

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

- A. Approval of the October 12, 2021 Regular Meeting Minutes
- B. Approval of the 2021-2022 Tree Program Annual Work Plan

DEPARTMENTAL ITEM

Parks, Recreation & Tourism Department

Mr. Suggs requested the Board to allow for the advertisement for vacancies on the Parks & Recreation Board as well as the Planning and Police Advisory Board. The Board was in agreement.

Update on Christmas events and street closure requests

Mr. Suggs requested the closure of Wright Street between Courthouse Avenue and Fremont Street between 5:00 PM and 9:00 PM for the Tree Lighting. Mr. Suggs will notify the affected businesses. Commissioner Robbins made a motion to approve the street closures as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Mr. Suggs also requested the closure of Wright Street between Courthouse Avenue and Fremont Street on December 31, 2021 from 4:00 PM and 9:00 PM as well as the closure of Fremont Street between Wright Street and Walker Street from 12:00 PM to 9:00 PM. On behalf of the Chamber of Commerce, Mr. Suggs also requested street closures for the Burgaw Christmas Parade with the closure of the intersection at Industrial and Dickerson at 4:30 PM to allow for line up. Also, full closure at 5:00 PM of Dickerson to Fremont to Wright to Wilmington to Walker to Fremont and down Satchwell back towards the County Complex. Commissioner Robbins made a motion to approve all requested street closures. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Adopt-a-Tree Program

Mr. Suggs requested that 10 of the trees purchased in this year's budget be given to area residents. Following a brief discussion, the board agreed. Mr. Suggs presented the Adopt-a-Tree Program. Commissioner Robbins requested the addition of "honoring" a person as well as a one-time replacement of a plaque. Commissioner Harrell made a motion to approve the Adopt-a-Tree Program with the changes recommended by Commissioner Robbins. The motion was seconded by Commissioner George and carried by unanimous vote.

Feast Down East Contract Renewal

Mr. Suggs presented the renewal contract for Feast Down East and requested the extension of the contract from 2 years to 5 years. A requested change by the Town's attorney is item 13 indicating that the tenant shall not be entitled to a refund on the cancellation or modification. Mr. Rivenbark clarified that this was added due to the fact that this contract is a yearly contract, and the Town would not have to reimburse for a full year. Following a brief discussion, Commissioner Harrell made a motion to approve the contract as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Discussion regarding the collection of fees for town events at the Burgaw Community House

Mr. Suggs commented that the current Community House Policy indicates that there are no events allowed to occur in the building in which money is donated or collected. He further explained that due to the growth of the Parks and Recreation department, the need for the Community House is increasing. Mr. Suggs would like to be allowed to host events for the Town at the Community House where he could charge fees for certain classes that his department offers. Following a brief discussion by the board, it was agreed that Mr. Suggs would bring requested revisions of the usage policy back to the next board meeting for board review. The board also requested that there be no charge for events currently booked at the Community House.

ITEMS FROM THE ATTORNEY

Attorney Rivenbark informed the board that he has a few items for closed session.

ITEMS FROM THE MANAGER

American Rescue Plan Act

Mr. Gantt presented the proposed budget for the funds received from the American Rescue Plan Act. The proposed allocation for FY 2021-22 is \$661,138.00. Mr. Gantt discussed with the Board various repairs to the water/sewer system, parks/trails/park bathroom improvements, drainage projects, and employee ARPA premium pay plan. Following discussion by the Board, Commissioner Harrell made a motion to approve the proposed budget. The motion was seconded by Commissioner Murphy. Commissioners Dawson and George voted Aye and Commissioner Robbins opposed.

Update on Town Projects

Rapid Flashing Beacons: Mr. Gantt informed the board that the beacons have been installed on Walker Street at Progress Drive and at Johnson Park. The beacons were not shipped with the panels that operates those beacons. They have arrived and should be installed soon.

Community House: Mr. Gantt stated the repairs are still ongoing and should be wrapping up soon. Mr. Gantt explained that the minor repairs to the building had been planned and budgeted, for but once other issues were discovered, those issues had to be addressed.

Courthouse Avenue: Mr. Gantt stated the lot has been excavated and topsoil has been brought in and will be seeded soon.

BREAK 5:22 PM – 5:33 PM

PUBLIC FORUM

Johnnie Westbrook – Congratulated the recently elected Mayor and Town Commissioner and thanked Mayor Cowan for all he has done for the Town. Mr. Westbrook also thanked the Town as well as the Planning Director for the Façade Grant. He further requested that the Town move forward with the Courthouse Avenue work.

Karen Harding – Ms. Harding stated that she had the façade at 100 Fremont Street painted. She made the application for the façade grant in October and started the work on the building. She then received an email from the Planning Director that she was no longer eligible for the grant since the work was started prior to meeting the Planning Board. Ms. Harding was upset that she was not eligible for the grant for completing the work prior to being approved by the Planning Board.

PUBLIC HEARINGS

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

Continuation from October 12, 2021

Consideration of a Major Special Use Permit for a Bed and Breakfast Inn and an Event Venue with Outdoor Use in the B-1 (Central Business District) to be located in the former Black’s Hotel on a 0.25 acre tract at 214 S. Dickerson Street. The property is further identified as tax reference number 3229-32-1278-0000.

(Individuals sworn in: Andrea Correll, John Westbrook, Mike Taylor, Daniel Thompson, Larry Owens, and Beth Owens)

Attorney Rivenbark – if you will all affirm since we do not have the Bible present, if you will just all raise your right hands and “I, state your name, swear that the testimony that you give today will be the truth, the whole truth, and nothing but the truth so help you God, or affirm.

Ms. Owens – We are before you tonight requesting approval for our application for Special Use Permit to property located at 214 South Dickerson Street. The proposed project is named the Pender House and the requested use is for Bed and Breakfast in combination with Party Venue for up to 100 people. The structure was originally constructed around 1896 as the original hotel in Burgaw named the Black Hotel. Mike Taylor will speak on our behalf tonight as far as the historical aspects of the property. In short, we are requesting the Pender House be granted approval for four guest rooms and one rental suite along with a wedding event venue as part of the requested Special Use Permit. As required with the Special Use Permit, Mr. Horace Thompson has surveyed the property and is present to answer any questions as to the as built survey and the proposed use survey. We are proposing in addition to the structure, an attached pavilion as allowed per the Town of Burgaw.

Mr. Thompson – I did a survey on this project. Of the existing structure and the surrounding area of the property. I have a copy, you may have a copy, so if you have any questions, I may know the answer, I may not.

Attorney Rivenbark – Mr. Mayor, Mr. Thompson, I’m going to ask you a couple of questions. They are easy ones though. How long have you been a registered land surveyor? Roughly?

Mr. Thompson – Fifty years.

Attorney Rivenbark – Ok, and you work predominantly in Southeastern North Carolina during that time?

Mr. Thompson – In Pender County, yes.

Attorney Rivenbark – Board I would submit to you that, and I am sure this goes without saying, that Mr. Thompson is an expert in the field of Land Survey. So he would be allowed to testify and anything he said would be considered expert testimony.

Mayor Cowan – I would certainly consider him an expert.

Attorney Rivenbark – I do too.

Mr. Thompson – Any questions? I also have a copy of the proposed addition (inaudible). On this particular one it shows something like a gazebo and then an open air pavilion at the very back of the property so that's the only two things, well there's also a porch addition, the only three things that are being proposed in addition to what is there today.

Commissioner Dawson – I have a question, Mr. Thompson. The setbacks from that proposed air pavilion, the side and the rear to the alley. It appears there is some, can you tell me how far it is from the alley?

Mr. Thompson – From the alley, I am showing five feet.

Commissioner Dawson – Five feet. And the sides also?

Mr. Thompson – The sideline adjoin

Unknown Speaker – It is zero lot line. But it is setback about five feet.

Commissioner Dawson – I can see that, that is why I wanted to know. The other thing is, is this completely open? That open air pavilion, open on all four sides.

Mr. Thompson – I can't answer that. I'll let the owners address that.

Ms. Owens – And we plan to fence in the back yard.

Commissioner Dawson – Okay, it says the open air, so Andrea can...

Ms. Owens – More like a roof structure with columns around to be open.

Commissioner Dawson – Okay.

Ms. Correll – Some people call them pergola.

Commissioner Dawson – Okay, thank you.

Commissioner George – There will be a fence between two properties, right?

Ms. Owens – Yes

Commissioner George – How big? Five foot?

Mr. Owens – The funeral home is on the lot line so we will start at the back part of the funeral home and go to the back of the property.

Commissioner George – How tall is it?

Mr. Owens – Six feet is what we propose.

Commissioner George – Six feet?

Ms. Correll – You know we also talked about gates because of the fire purposes.

Mr. Owens - Yes, and on this there are personnel gates six foot, um, 3 foot gates near the house and double gates near the back of the house if they need to be opened up for emergency vehicles. And you can actually pass all the way through to the nursing home, or through to the funeral home.

Mayor Cowan – Any other questions?

Commissioner George – I had one, one concern, um, you know the funeral home has, like, funerals.

Mr. Owens – Yes, sir.

Commissioner George – and, uh, they have them there and then visitations and I didn't know about the noise. Maybe you have a party going on, or an event going on.

Mr. Owens – Herb and I talked about it and we will work it out. We not have parking (inaudible). We talked about and Herb, he is here to speak for himself, but um, they are very much in favor of it.

Commissioner Harrell – You brought up parking, so what kind of arrangements have you made.

Mr. Owens – Well, we own the property on the opposite corner of Rainbow International at 302 S. Dickerson, so we would have parking on Satchwell, on the road on Satchwell, and on Dickerson and then we can have between 50 to 100 additional parking spots if necessary, um, at our warehouse.

Commissioner Dawson – Andrea, since Commissioner Harrell brought up the parking, where on the site plan is it going to, it's not on this one, where is it shown?

Ms. Correll – Because it's in the B-1 in the town, the on-street parking is not shown, but you are allowed to park on street in that area, um, the, normally you would do satellite parking agreements with people that are not sole owners. The issue I had was that with the Owens being part owners of Rainbow International, I didn't see the need for a parking agreement. If Zach Rivenbark disagrees, we'll be glad to enter into a parking agreement between the two businesses. But there is a phrase in the unified development ordinance about common ownership between properties. For example, the Burgaw Now owns the lot behind the barber shop and the brewery and there that little (inaudible) on the barbershop property so I don't see the difference between the parking on Rainbow and using the street of the Black's Hotel site for the rest of it. If you all disagree or Zach wants to direct you...

Attorney Rivenbark – I don't disagree that in your example I would just, for clarity sake say that Burgaw Now purchased the barbershop so your example is that it is a common owner situation there as well.

Ms. Correll – Right. Okay?

Commissioner Dawson – And in the event of a wedding, as long as it is understood or put in the actual findings that that area will be used for parking.

Attorney Rivenbark – Their adjacent property commonly owned.

(Inaudible talking)

Mayor Cowan – I'm sure you can address that Mr. Attorney.

Attorney Rivenbark – Yeah, I think that as long as the applicants, as long as Mr. and Mrs. Owens, are you in agreeance, and you are under oath, you are being recorded, do you agree, uh, with the, what I believe would be the board's position, uh, that parking be allowed on your adjoining property commonly known as Rainbow International in the event of a wedding?

Mr. Owens – Yes sir.

Ms. Owens – So here our Exhibit 6, will be two sketches showing the first and the second floors of the house. The current house as we believe is the original configuration of the house with a covered back porch closed in with two bathrooms and kitchen. The proposed rear addition shown is currently being finalized with the assistance of _____ Engineering and the Town of Burgaw. So I would like now to introduce Mr. Mike Taylor, retired Librarian for Pender County and the unofficial historian of Pender County.

Mr. Taylor – Thank you Beth. I don't really know that I have that title but I am a Librarian by trade and a historian and I am trained in research and, um, my whole career here has been in historical resources for the library system and museum and Town, so I am trained in historical research. But the researching the history of the building at 214 S. Dickerson Street, the historic Black Hotel has been an interesting project, um, by what support of reviving this historic property with an interesting past within this Town. And I can promise that on history alone that I understand that my purpose here is to build a case that the building was indeed, that provided lodging to visitors to Burgaw as a lodge, hotel and not just a brief time but for many decades. And by these slides, we will give you a glimpse of the prominence it played in the life of our Town. My researched is based on newspaper articles, property records, wills, and other public records that I found. If you ask anyone around Burgaw today if there is a Walmart in Town, you would be very surprised if you found anyone who did not know that. Well, the same thing could be said about the Black Hotel in the first half of the twentieth century. In particular anyone on the street would know that the Black Hotel was there and it was such a prominent place in town that it was that well known. And the memory of it lived on afterwards in generations of people who passed away, knowledge of it still persists amongst the people today. Um, the building was constructed with only bedrooms. There was no kitchen apparently or dining room in the original design because it was a hotel. The building was one of two buildings of the hotel. The other building, and I will get more in a little bit about that in the last slide, in the photograph, but there was another building just north of it where Harrell's Funeral Home stands and that was the kitchen and the dining room and it had rooms upstairs as well. And we will see a photograph of that. But the inn was lastly, solely owned and operated by Effie Black Stokes. She was born in 1869 to Reverend (inaudible) Lee Black and wife Melissa. She married James Gray Stokes of Duplin County in August of 1893. They had one child, Gray Stokes. Unfortunately, Mr. Stokes died within two years of their marriage. She was only 21 years old when she married. They had one child, Gray Stokes. Ms. Stokes had to support herself and her son and so with the help of her older sister Mary S. Black, known as Molly, they opened the Black Hotel which was named for the name they were born into. It was their father. Molly Black never married and her will written in 1921 and probated in 1927 at age 64 left her entire part of the business and estate to her sister, Effie and business partner. The hotel is named for the surname of their birth, Black, and their father's great role as a minister who served churches in this region for over fifty years. A large, beautiful tablet, marble tablet is in vestibule at Burgaw Presbyterian Church that has been hanging there since 1893 when he died. This slide is significant because it was published, this article was published in 1905 and it is the oldest article that I could find in the newspapers referring to the hotel and business there at the site. And it was a wedding. Just interestingly enough, the couple that were denied a marriage license in Wilmington, I think they were underage, and they said that they were going to ride to South Carolina but they came to Burgaw and they had to go to the Courthouse and the article says that with pleadings over the wire, I assume that is telegraph, I am not sure, they finally got permission and they were married at the Black Hotel in 1905. Now this slide has two articles and I want to direct your attention to the bottom slide. That is the latest date article that I could find referring to the hotel in 1938 and it's only significant because of that, so basically between 1905 and 1938 we have some evidence here that the hotel was in operation for at least 33 years and probably more. Due to the age of the building and some other points I will share with you. By the way, the tower, the water tower was being built and the contractor fell off and was hurt even before this article at the top was dated 1920. Before that I have an article referring to the funding of the Black Hotel, I'm thinking bathrooms and bathtubs and so forth so they had all the modern conveniences people would want, very desirable in a hotel. But here is an improvement and they had their own water tower. And I couldn't miss, I'm sorry, I know this is a hearing, but this is just for a little fun. It is just so fascinating. This article was first in the New York Tribune about the Black Hotel Dining Room and what wonderful food he found there. The article goes over the dishes that were served and why he was there and this article was

picked up by the wire service, the Associated Press, and was carried across the country and was in a number of big city newspapers across the country. And it is just one of those articles that wasn't really news but was a human-interest story that we see today in newspapers that people enjoy reading. Advertising could never buy that kind of publicity today that Burgaw and the hotel got back in that day. And this article here, you may have a copy of it in your packet, but this is an article from 1929, I believe it was 1920-something and I included this because I saw a number of other articles about the important role of civic life in the town – weddings, receptions, (inaudible). This was the Wilmington Rotary Club. The Wilmington Rotary Club came to Burgaw and because the article lists the names of some 56 people who came up and who they invited including the newspapers from surrounding counties and mayors from surrounding towns and they had a luncheon in the dining room of the Black Hotel so it is quite interesting and demonstrates the size of the dining room really, in the building that burned. And I found many other events including the Wilmington Masons coming up and a lot of weddings were held there. And finally, here is a picture. In the foreground, is the building that we are talking about, of course you will recognize that and in the background you will see a building that was the dining room and the kitchen downstairs and upstairs was the residence of the owners and also probably some rooms as well. I haven't found the specific date when the kitchen dining burned but I did find yesterday the deed when Ms. Effie Black Stokes sold the property to William Ross Harrell who, of course, bought the property and built a funeral home which was in the later part of the twentieth century. Was it the 80's or the 90's?

Commissioner Harrell – It was the 80's.

Mr. Taylor – The 80's. Of course, he was the grandfather of Councilman, Mr. Vernon Harrell. And I will say that the room numbers remain above the doors of the house in question here, 314. The room numbers remain above the doors through the various owners including, until the partial renovation of under the owner previous to the Owens and apparently, they were removed at that time. Cause I did know that the rooms numbers were there when Johnnie Westbrook's son lived there. And so, so anyway. So, um, in conclusion, I will just add that Ms. Effie Black Stokes died in 1955 just short of her 86th birthday. She was 73 years of age when she sold the lot to Mr. Harrell in 1942. With her advanced age, this period certainly signaled a slow down regarding the dining room, if not the building as a hotel. She may have simply rented rooms in the remaining building of course after the fire in dining, when the building burned. In conclusion, the Black Hotel was a viable and popular lodging and dining establishment for definitely at least 33 years and likely more. I think I have demonstrated the historical use of the property with the original uses it was constructed for was lodging and hopefully to your satisfaction that it qualifies for a Special Use Permit under the (inaudible) use. Thank you for your attention.

Commissioner Harrell – Thank you.

Attorney Rivenbark – Just a couple of questions Mr. Taylor. And I think these questions go without saying but since it is, we are under oath here, how long were you the Pender County Librarian?

Mr. Taylor – 35 years.

Attorney Rivenbark – And throughout that time was a substantial or significant part of your job historical in nature or research in nature?

Mr. Taylor – It did become that. I greatly expanded the historical resources and collections that grew from just a couple file cabinets, um, there is certainly a good book collection there, but it greatly expanded in 2014 across the street in the Library Annex. And I suppose I would love to have done that full time. I would probably have spent more time than I needed to. I still am dabbling.

Attorney Rivenbark – I will submit to the board that I think, and I think we all know it, that Mr. Taylor is an expert on Pender County history and his comments should be taken so.

Mr. Taylor – Thank you.

Attorney Rivenbark – Thank you.

Mayor Cowan – Mr. Westbrook is signed up to speak too now. I don't know if I can attest to Mr. Westbrook's (inaudible).

Mr. Westbrook – Say what?

Attorney Rivenbark – He is an expert architect.

Mr. Westbrook – I am still registered. 78 in December, it's hard to believe. I am here today enthusiastically supporting this project, the bed and breakfast. I was born next door, believe it or not in 1943 and grew up around this building. It was vacant for a while but at the same time it was a beautiful house and added to the neighborhood greatly and as a child a lot of fun stories that we don't have time. But also speaking more to today, things are happening in Burgaw with the brewery and construction. I am a strong believer that I believe people are going to start coming this way rather than us going that way. (inaudible) rather than stay and go downtown Burgaw, I mean downtown Wilmington with all the traffic, people are going to come up here and stay and hop on 421 and on up to Live Oak Pavilion. I think this may be another good place for a (inaudible) that you were talking about Vernon. I get asked a lot of times, where is there a nice place to stay and I have to say the only one we have is the Burgaw Hilton, I call it that, out there by Food Lion. But as we grow, people are going to want to come to Burgaw and we are a small town, a lovely town, they will want to have a place to stay, and this would be a wonderful place to stay. I have a little bit of personal knowledge. My son owned this house for a number of years, and we had Thanksgiving luncheons here and enjoyed it. I had thought he had left the numbers on the doors.

Mr. Taylor – he did.

Mr. Westbrook – He did? He did do a little remodeling. One of the fireplace mantels is in the top of my stairs at Burgaw Antique Place and you can't have it back. It's there. Um, excuse my enthusiasm, but I really strongly believe this would add to the vitality of our town and be an asset and something that we would be very very proud of. So, I strongly recommend that you approve this. And I think it would be a wonderful addition to Burgaw. Thank you very much.

Mayor Cowan – Thank you. Madam Planner, that is everybody unless.

Ms. Correll – Ms. Owens is going to continue.

Unknown speaker – if you think it is necessary.

Ms. Correll – yes, it is.

Ms. Owens – So there are four statements for Section 4.7.1 Special Use Permit that I will address individually. Statement number 1, or A – the location and character of the Special Use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located. The Special Use shall demonstrate conformance with the Land Use Plan or other plan in effect at the time and address impacts of the project. And this is that Future Land Use Map. And as you can see from this map the Land Use Plan, this area is labeled as Mixed-Use Transition. The definition of Mixed-Use Transition is as follows: Mixed Use Transition areas are designated for land uses that (inaudible) residential areas from commercial, industrial, and institutional areas. This land use classification allows for variety of smaller scale land uses. In general, these areas are located between major commercial corridors and residential areas and include areas with existing office and institutional uses. (Inaudible) land uses include offices and large-scale multi-family residential, small-scale mixed-use developments, adaptive use of historic structures, educational, neighborhood scale, commercial, non-neighborhood residential. The developing guidelines are as follows: Serves as transition to residential areas, moderate front setbacks, and appropriate landscaping, façade manipulation and windows to break up large facades, mitigation of visual of environmental impacts on residential areas, connections to multi-use pathways between uses, monument ground signs. Statement E – The use is allowed pursuant to this ordinance and meets all required conditions and specifications including without limitation thus set out in this ordinance. Bed and Breakfast and Outdoor Event Venues are allowed as a Major Special Use Permit. Receptions, private parties, or similar activities are requested as part of this Major Special Use Permit as required in Section 8.16 Regulations to Special Uses. The proposed use will meet all the standards and requirements of the

Burgaw Unified Development Ordinance reference per Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements as seen on the screen. And so, this definition for the first slide of a Bed and Breakfast, a house or portion thereof with short-term lodging or rooms and meals are provided including boarding homes and tourist homes, the operator of the inn shall live on the premises or adjacent premises. And the other one was Event Venue. A facility for meetings and gatherings such as reunions, conventions, private parties, or other similar ceremonies. And then, Statement C, the use of the property as proposed will not affect other adjoining or abutting property values. The structure has been in place since the early 1900's, is currently in decline, and the use provides restoration and preservation in a historic location. And lastly, Statement D, the use will not materially endanger the public health or safety if located where proposed and developed according to the plan and submitted and approved. The use has existed in this location since the early 1900's and the only structural change will be the outdoor venue. We have worked within the standards of the Downtown Fire District and will continue to work on standards and guidance to ensure the safety of our customers.

Ms. Correll – Okay, so the applicant came and submitted the four questions required for a Special Use Permit but there are a couple other things that we need to discuss. Okay, so the outdoor venue, I don't think y'all have any trouble with the wedding arch and 100 wedding guest in the backyard, but if there are concerts or other things that the other ones need to clarify, um, I think that we are close to neighbors on the back and sides, and we need to look at if we are going to enable concerts in the pergola and what time or how we feel about that, so, I am bringing up some points that were made earlier that we need to discuss and the owners might need to answer the questions, okay. Yes sir.

Commissioner Harrell – Are you planning any late-night outdoor events?

Ms. Owens – I don't believe so.

Commissioner Harrell – And if these events do come up, do you have any restrictions on the amount of noise that you'll make, you might refer to music as noise, and how late they will go?

Mr. Owens – 11PM is the latest.

Ms. Owens – And I am not envisioning this venue as a venue that folks would use for a rock concert or anything along those lines at all. I am thinking low key...

Mr. Owens – Wedding uses

Ms. Owens – yes

Commissioner Harrell – I think actually our noise permits, I mean our noise restrictions allow until 10PM.

Ms. Owens – That would be fine.

Mr. Owens – And we would be in bed by then, so.

Commissioner Robbins – Have the neighbors down in that area and across the railroad track, cause there are people living right across the way too, have they all been notified of the Outdoor Venue?

Ms. Correll – I put letters together for the abutting property owners which touch the property, not across the street. I have posted the property for two months. So there has been calls from people driving by asking about the posting but I can't tell you where they live.

Mr. Owens – We have not had any questions, any negative comments.

Commissioner Robbins – But they know it is a Bed and Breakfast being proposed, but they don't know it is an outside venue.

Mr. Owens – It is on the sign.

Ms. Correll – it is on the sign and the documentation because it is also required as a Special Use Permit. So in the stuff that the Clerk in the newsletter and put in the papers, it addresses both Special Use requirements.

Unknown Speaker – Do you want to hear from one of the neighbors?

Commissioner Robbins – I'll hear from anybody. I just asked a question.

Mayor Cowan – How many folks did you notify? How many did you send letters to?

Ms. Correll – Not many. Two or three. That is all that is required of this property. But it was in the newsletter and the advertisement and posting for two months, because they were tabled.

Mr. Owens – And the only true abutting property other than the alleyway is the funeral home.

Mayor Cowan – And Larry, you have heard us discuss the funeral situation?

Mr. Owens – Would you like to hear from Herb?

Mr. Harrell – I apologize for (inaudible)

Attorney Rivenbark – Mr. Harrell, if you would, I, state your name, do you swear the testimony you give today will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. Harrell – I do. Now I am hearing tonight for the first time, um, about the outdoor music venue. I haven't heard about that yet so that does give me a little concern and I wonder if the neighbors across the street know anything about the outdoor venue. Larry told me about the porch he wanted to add on, and I don't have any difficulty with that. The only thing I can say is I am very very pleased of the improvements that they have made to the house. I am very pleased with that. I am pleased and can't wait to see some paint go on the place. I am almost ecstatic over what he has done. Recently cut the grass and cut the bushes and stuff out front so I am very happy about that. As far as the bed and breakfast goes, I don't think there will be any difficulties with that. He and I talked about parking today. I can see where parking could become an issue, but I think with parking next door out at Rainbow and parking across the street, I don't see it being a big issue. Noise could be an issue if we have two events coming on at the same time. Noise could be an issue so that is a concern. I do believe that Larry and I will be good neighbors and we can work through the issues that we have but noise could be an issue for me and the surrounding neighbors.

Mr. Owens – Can I just clarify one thing? We don't plan on this being a concert venue, a music venue. The only music we see is associated with like a, you know if someone has a party, like a jazz band in association with a party or associated with a wedding. It would not be a rock concert, standalone concert, nothing like that. There is no room for that and that is not our plan at all.

Attorney Rivenbark – I prefer to ask a question that might aid in some of that discuss. Mr. Owens would you agree, and remember everyone is under oath here, that if you have an event on the same day that there was a funeral or visitation or event at the funeral home, would you agree that you would speak with Mr. Harrell about that in advance and that any music would not be above what I would incorrectly describe as normal speaking levels.

Mr. Owens – Yes, and it could be indoors as well as outdoors. I mean if there is a band, I say band like, it might be inside as well so the chance of it being outside is 50/50. And I don't know that we will ever have any music. That is not the plan have a, you know. Just... I understand what the concerns are, um. If we need to clarify it further, we can.

Attorney Rivenbark – Mr. Harrell with Mr. Owens agreement there on having events at the same time as yours and the noise, does his statement alleviate some of your concerns?

Mr. Harrell – It does, it does, and like I said before, I believe he and I can work together successfully, but you know (inaudible)

Ms. Owens – I would like to add something to that too. I sort of see this as a type of location where it would be a smaller quiet event regardless, because... My daughter is hopefully getting married soon, she doesn't want to get married there, it's not the type of place that would be speaking of cool enough, whatever it may be. It's not going to be the type of place where there is going to be huge gathering and a lot there. It's just not happening in that facility. It would have to be outside. There's not really a place to dance so I just don't see that ever really being an issue. And plus being that it our place we have the right to decline if someone comes up and asks for what they want to do there and we say this probably just isn't the place for you.

Ms. Correll – And you all realize that they are going to be living in the facility.

Mr. Owens – We will coordinate with Herb. It will not be, you know, we are not going to, we will be good neighbors.

Ms. Correll – So, adaptive reuse is very important in the Land Use Plan. That is why we are hearing all the sworn testimony and all the details of the venue. Overall, it is zoned B-1. They are meeting the standards and requirements of the ordinance. You do have to, in the motion, if you accept their findings A, B, C, and D and that you would allow four guest rooms and one suite, okay, and that you understand that they could have up to 100 people in the venue for a wedding or a party. So, um, I think the addressing of the music under oath, that that is sufficient. You need to let us know if it's not. And we need to write in the conditions, Zachary and I will get that done. Okay? Does anybody on the board have any professional questions for me? I am backing up to question A, do you want to do the usual A, B, C, D?

Attorney Rivenbark – Mr. Mayor, we would vote on each condition by each individual Commissioner speaking allowed if they are in favor or against A, B, C, and D.

Mayor Cowan – Each individual Commissioner?

Attorney Rivenbark – Yes sir.

Commissioner Harrell – (inaudible)

Attorney Rivenbark – No the public hearing is closed, or it should be closed.

Mayor Cowan – Got to close the public hearing first.

Public Hearing closed at 6:36 PM.

Mayor Cowan – Alright, you will read through each one of them, Madam Planner?

Ms. Correll – Question A – the location and character of the Special Use if developed according to plan as submitted and approved will be in harmony with the area in which it is located. You have heard and received evidence to document that.

Commissioner George – Yes

Commissioner Harrell – Yes

Commissioner Dawson – Yes, and I am not sure at what location you need to make sure, to correct the time to the hours of (inaudible) hours of 10PM. So...

Attorney Rivenbark – you are voting with that condition, and they agree that it would be 10PM?

Mayor Cowan – Mr. Owens, you agreed with that?

Mr. Owens – That is right.

Mayor Cowan – With that condition your vote is yes.

Commissioner Robbins – Yes

Commissioner Murphy - Yes

Ms. Correll – The use is allowed pursuant this ordinance and meets all the required conditions and specifications including without locations so set out in this ordinance. In this ordinance it says, four unless you say otherwise on the rooms. In my opinion, you need to allow the four rooms and the suite, because in the ordinance it only allows four unless you say so at the Special Use.

Commissioner Robbins – I think we need to allow four rooms and a suite. That is what I do and I vote yes.

Commissioner Murphy – Yes

Commissioner Dawson – Yes

Commissioner George – Yes

Commissioner Harrell – Yes

Ms. Correll – The use of the property as proposed will not affect other adjoining or abutting property values. The applicant has submitted the structure has been in place since the early 1900's, is currently in decline, and the use provides restoration and preservation of a historic location. Will you consider question C please?

Mayor Cowan – Who would discuss that or refer that discussion in our presentation so...

Commissioner George – Yes

Commissioner Harrell – Yes

Commissioner Dawson – Yes

Commissioner Robbins – Yes

Commissioner Murphy – Yes

Ms. Correll – The last question is the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. The use has existed in this location since the early 1900's and the only structural changes will be the outdoor venue. We have worked within the standards of the downtown fire district and will continue the work under the standards and guidance is ensure the safety of our customers. That is the applicant's submittal.

Commissioner Murphy – Yes

Commissioner Robbins – Yes

Commissioner Dawson – Yes

Commissioner Harrell – Yes

Commissioner George – Yes

Ms. Correll – Alright so... You have adopted and passed a Special Use Permit. We will record it with the Register of Deeds with the conditions stated.

Mayor Cowan – Thank you.

Public Hearing #2 – Andrea Correll, Planning Director

Continuation from October 12, 2021

Consideration of an amendment to the official Town of Burgaw Zoning Map to rezone two tracts of land totaling +/- 16 acres located along Front Street on the west side of the street below Progress Drive Extension from RA (Residential Agricultural) to I-1(Light Industrial). The properties are further identified as tax reference numbers 3228-47-1434-0000 and a portion of 3228-37-0868-0000.

Attorney Rivenbark swore in Ms. Correll along with Rick Mayes and Mike Barnes. Mr. Mayes explained the rezoning request is for a cold warehouse storage company and how the project came to be located in Burgaw. He further stated that noise would be contained inside building with forklifts operating inside. Truck traffic is expected to be 50 to 60 trucks per day. Following further discussion by the board regarding truck traffic, the public hearing closed at 7:07PM.

Resolution 2021-22 Adopting a statement regarding the consistency of the Project Fresh that the requested map amendment to the official Town of Burgaw Zoning Map to rezone +/- 16 acres of land to I-1 (Light Industrial) is consistent with the Burgaw 2030 Comprehensive Land Use Plan.

Commissioner Dawson made a motion to approve Resolution 2021-22. The motion was seconded by Commissioner Harrell and passed by unanimous vote.

Ordinance 2021-27 Approving an amendment to the Town of Burgaw Zoning Map rezoning two tracts of land totaling +/- 16 acres located along Front Street on the west side of the street below Progress Drive Extension from RA (Residential Agricultural) to I-1 (Light Industrial). The properties are further identified as tax reference numbers 3228-47-1434-0000 and a portion of 3228-37-0868-0000.

Commissioner Dawson made a motion to approve Ordinance 2021-27. The motion was seconded by Commissioner Harrell and passed by unanimous vote.

Public Hearing #3 – Andrea Correll, Planning Director

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 8.14: Table of Permitted Uses, Special Uses and Special Requirements to allow the Sheriff's Department, County Offices and a Magistrate's Office in the RA Zoning District as well as amending Courts to be a standalone use in the B-1 Zoning District.

Public hearing was opened at 7:09PM.

Ms. Correll explained the requested changes to the Unified Development Ordinance. Following a brief discussion, the public hearing was closed at 7:12PM

Resolution 2021-24 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance to Section 8.14 requested by staff to allow the Sheriff's Department and County offices, as well as allowing Magistrate's offices in the RA zoning district as well as amending courts to be a standalone use in the B-1 district.

Commissioner George made a motion to approve Resolution 2021-24. The motion was seconded by Commissioner Harrell and passed by unanimous vote.

Ordinance 2021-29 Approving a requested text change amendment of the Town of Burgaw Unified Development Ordinance to Section 8.14 requested by staff to allow the Sheriff's Department and County offices, as well as allowing Magistrate's offices in the RA zoning district as well as amending courts to be a standalone use in the B-1 district.

Commissioner George made a motion to approve Ordinance 2021-29. The motion was seconded by Commissioner Harrell and passed by unanimous vote.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Pender County Municipal Association Business Meeting and Dinner Discussion

Commissioner Robbins would like to go ahead and plan for the dinner and meeting in January and cancel if needed, but also expressed his desire to have stations for food and allow for people to socialize instead of the normal sit-down banquet. He also would like to not have guest speaker but to allow five minutes to each town to talk about a subject of their choice. Commissioner Harrell requested contacting MeMa's in addition to staff's other recommendation of Middle of the Isle. Commissioner Robbins made a motion to have the dinner and meeting and get two quotes on the food. The motion was seconded by Commissioner Dawson and passed by unanimous vote.

Other Items from the Board of Commissioners

Commissioner Harrell requested Mr. Suggs regarding follow-up regarding the Daughters of the American Revolution. Mr. Suggs has talked with them and advised that the Town will donate the tree they were going to purchase through the canopy program. DAR will go ahead with the purchase of a plaque. Mr. Suggs advised that the tree is already in the ground at that location.

Commissioner Harrell inquired about drainage issues at the industrial park. Mr. Gantt will gather more information.

Commissioner Dawson inquired about the water fountains for dogs. Mr. Suggs stated that they had been ordered and expect to ship around December 2, 2021.

Commissioner Robbins requested the Town present Pender Early College with a plaque to congratulate them on their accomplishment of achieving the National Blue Ribbon School award. Commissioner Robbins also requested the purchase of five yard signs to place around town. Town staff will reach out to the school and invite them to the next board meeting for recognition.

Mayor Cowan reminded everyone of the Veteran's Day Ceremony. He also stated that he would like the Board to do something in the future for American Legion.

CLOSED SESSION – 7:28 PM

Commissioner Dawson made a motion at 7:28 PM to go into closed session pursuant to NCGS 143-318.11 paragraph (a) item (3) Attorney/Client Privilege. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

OPEN SESSION – 7:55 PM

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

ADJOURNMENT

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

The meeting adjourned at 7:55 PM.

Wilfred Robbins, Mayor Pro-Tem

Attest: _____
Kimberly Rivenbark, Deputy Town Clerk