

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

**DATE:** June 7, 2022  
**TIME:** 4:30 PM  
**PLACE:** Historic Train Depot, 115 S. Dickerson Street  
**BOARD MEMBERS PRESENT:** Mayor Olivia Dawson  
Mayor Pro-tem Wilfred Robbins (*present via phone, did not speak*)  
Bill George, James Malloy, Vernon Harrell, Jan Dawson  
**STAFF PRESENT:** James Gantt, Town Manager  
Kristin J. Wells, Town Clerk  
Zachary Rivenbark, Town Attorney  
Wendy Pope, Finance Officer  
Kimberly Rivenbark, Deputy Town Clerk  
Jim Hock, Police Chief  
Jim Taylor, Fire Chief  
Louis Hesse, Building Code Administrator  
Alan Moore, Public Works Director  
Cody Suggs, Parks & Recreation Director  
Andrea Correll, Planning Director  
Jessica Gray, Permitting Technician  
**MEDIA PRESENT:** None  
**INVOCATION:** Reverend Nick Smith  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

Commissioner Harrell made a motion to approve the agenda as presented. The motion was seconded by Commissioner Malloy 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. *Ordinance is on file in the Clerk's office.*

- A. Approval of the March 8, 2022 Regular Meeting Minutes
- B. Approval of the May 10, 2022 Regular Meeting Minutes
- C. Ordinance 2022-16 Amending the FY 2021-2022 budget to reflect year-end received revenues and expenditures

**SPECIAL PRESENTATIONS/REQUESTS**

**Blueberry Week Proclamation – Mayor Dawson**

Mayor Dawson read aloud the Blueberry Week Proclamation 2022.

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

Attorney Rivenbark updated the board regarding the lease for the basketball court and volleyball court. He said the lease is currently being reviewed by Cape Fear Community College and waiting approval.

Attorney Rivenbark said he has contacted the facilities and maintenance division for Walmart to come look at the dead tree on their property, as mentioned during the last board meeting.

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

## **Update on current town projects**

### **Strategic Economic Development Plan**

Mr. Gantt advised the group met today regarding the Strategic Economic Development Plan and Amy Suggs with the Department of Commerce will be developing a community survey. The next meeting is scheduled for August 9, 2022.

### **Emergency Watershed Protection Program Project**

Mr. Gantt said he has been in communication with the consultants this week and is working on getting a timeline for the project. He said the plans with new materials has not be completed yet, but once staff receives those, they will be sent out to the board for review. Mr. Gantt advised construction should be starting early fall.

### **Former EMS Building Renovation Project**

Mr. Gantt advised he has received the final cost estimate for the project and it is looking like it will be about a \$30-40k increase from the original cost estimate. Commissioner Malloy asked how quickly the work will start. Mr. Gantt said the contractor is looking at starting work within thirty days.

### **Junk Motor Vehicles**

Mr. Gantt advised Chief Hock had his police officers scope out the town regarding junk vehicles. Lists are being prepared and violations will be forwarded to the Planning Department. Commissioner Malloy asked if there was a way to attack the situation by a health standpoint. Mr. Gantt said it depends on the circumstances. He said one of the vehicles is being propped up from a tire being removed; this incident would be a safety issue. Each case would have to be looked at individually to see if it is a safety issue.

## **ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS**

### **Overgrown areas at Pender Memorial Park – *Mayor Dawson***

Mayor Dawson asked for an update regarding the overgrown areas at Pender Memorial Park. Ms. Gray advised letters have been sent and the property owner has until June 30, 2022 to either take care of the grass or remove the structures on the property. There was brief conversation regarding code enforcement.

### **Other items**

Mayor Dawson commented on the leaning fence behind the fire department next to the house that is currently for sale. After some brief comments, Mr. Gantt advised the town can stabilize the fence.

Commissioner George said something needs to be done at the intersection of Highway 117 and Wilmington Street; it is a hazardous area. Mr. Gantt said those roads are owned by NC DOT and would be their decision to do anything for improvements. Commissioner Dawson said a traffic light has been discussed in the past at this intersection, as well as the intersection of Highway 117 and Fremont Street. Mr. Gantt advised he and Chief Hock will be meeting with the regional NC DOT representatives soon and will bring these issues to their attention. Ms. Correll advised a traffic impact analysis will need to be done for projects interested in the area. There was also discussion regarding the installation of a traffic light at Wright Street and Wilmington Street. Mr. Gantt advised this is in the improvement plan with NC DOT that is set as a project date in year 2025.

Commissioner Harrell asked if there is any kind of special rate in place for an in-town brick and mortar restaurant food truck permit. Mr. Suggs said there is not a special rate for these type of food trucks. Commissioner Harrell requested Mr. Suggs look into providing a special permit rate for the restaurants in town that also want to operate their food truck in town.

Commissioner Dawson said there was prior discussion regarding a cart to use downtown when picking up trash from the trash cans. Mr. Moore advised a cart has been purchased.

Commissioner Dawson asked for an update regarding the town welcome sign going on the forestry property on Highway 53 that was previously discussed. Mr. Gantt said the request has been made to a local representative with the forestry and we are currently waiting to hear back from the state in regards to placing a welcome sign on their property.

Commissioner Dawson asked for an update on the Clark Street sidewalk. Mr. Gantt said he recently had a conference call with the engineers that are doing the proposals for the plan, which is required by NC DOT to obtain the encroachment agreement. Mr. Gantt said he hopes to have the plans next week and then move forward with the project. Commissioner Dawson asked if we ever received a price on the sidewalk. Mr. Moore said it is \$5,100 for Dudley Street to Dickerson Street, \$5,600 for Highsmith Road to the park, and from where the sidewalk stops to Dudley Street is \$6k. Mr. Gantt said this project has been budgeted. Commissioner Dawson would like for the sidewalk to be completed before the next school year starts. Mr. Moore said he does not see an issue with this. There was discussion regarding the NC DOT crosswalks on Highsmith Road at the park.

Commissioner Malloy asked about the improvements to the Public Works Department facilities. Mr. Gantt said staff has a sketch of a new plan for improvements at the Public Works facility. He said the sketch includes adding a training room, lockers and two new bathrooms, and would be added to the back of the building. Attorney Rivenbark stated he and Chief Hock are working to get the older vehicles removed in the previous impound area behind the Public Works building. Commissioner Malloy wants to see this project move along quicker. Mr. Gantt showed the board a preliminary sketch. After discussion, it was the consensus of the board to let staff look at the options and see if there was any possible way to make improvements within the existing structure.

#### **BREAK 5:18 PM-5:34 PM**

#### **PUBLIC FORUM**

**David Ramsey**, 114 North Cowan Street, requested the board to consider placing pedestrian warning signs or flashing signs for crossing NC Highway 53 at Cowan Street. He said he has almost been hit by a car three times. He also said Cowan Street is used a cut through street and suggested speed bumps in the area for vehicles speeding. There being no comments from the board, Mayor Dawson said staff will evaluate the situation further.

**Michael Pearsall**, 213 S. Bodenheimer Street, presented a Power Point slideshow (attached) and said drivers have recently been driving through the stop sign near his residence, as well as speeding. As Mr. Pearsall was presenting, he mentioned he has noticed police presence in the area lately. He said there are also daycares in the area and kids are dropped off. He is concerned that kids may get hit by drivers speeding through the neighborhood. Mr. Pearsall explained the differences between speed humps, speed bumps and speed tables. He said he would like the town to look at installing three (3) speed humps around \$1k each that he found online. Commissioner Dawson asked the life expectancy of the speed humps. Mr. Pearsall said it is made from recycled material and it would depend on how much traffic would go across them. Mr. Moore said an asphalt speed hump is about \$3,500 each.

**Barbara Eakins**, 700 W. Satchwell Street, spoke in agreement with Mr. Pearsall. She said she owns a daycare on Satchwell Street and cars are racing on the road coming from Durham Village passing her house. She said she has called the Sheriff's office in the past and will keep doing it. She also added it is dangerous and a child might get hit by a car. Ms. Eakins agrees with Mr. Pearsall that a speed hump needs to be added. Mayor Dawson advised staff will look at the issue.

#### **PUBLIC HEARINGS**

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

**Consideration of a conditional zoning amendment to the Official Town of Burgaw Zoning Map for a ±16.84-acre tract of land from B-2 and O&I to a conditional (CZ) O&I District located at 416 US Hwy 117 Bypass South. The property is further identified as tax reference number 3229-82-8455-0000. The applicant**

**Hawthorne Residential Acquisition, LLC is requesting the change to the Official Zoning Map of the Town of Burgaw.**

*Referenced attachments are on file in the Clerk's office.*

Mayor Dawson declared the public hearing open at 5:51 PM.

Andrea Correll: Good evening. I'm Andrea Correll. I'm blessed to be the Planning Director for Burgaw and I'm here tonight with two public hearings. The first one is on the Hawthorne Residential Acquisition, LLC, has requested a rezoning of 16.84-acre tract of land from B-2 and O&I to Office & Institutional Conditional Rezoning. The address is 416 US Highway 117 Bypass South. The purpose of the rezoning request is to develop a multi-family community on the property further identified as tax reference number 3229-82-8455-0000. I thought you would notice in your packet, I just wanted to bring to your attention, that the case to the north was done in 2019 for the townhomes is in your packet because that is the legal precedence...that's the property to the north; it was rezoned from O&I to O&I B-2, office institutional conditional, for 100 townhomes. Right now they are proposing 88. Next slide, please. The site is outlined here. Fairway Ford is to the south and White Tractor, so you all will know where that is. Next slide, please. In October 2019, the Board of Commissioners approved the conditional rezoning to the north for Crossroads Development. It was a 16.06-acre tract from B-2 O&I to O&I CZ 1. Does anybody have any questions? I shall open the public hearing and step back for the professionals here tonight to present to you.

Maggie Bennington: I am here on behalf of the applicant, Hawthorne Residential Acquisition team. Thank you so much, Andrea, for all of your help in getting prepared for tonight. If you will go to the next slide, please. So the first thing we did in conjunction with the conditional rezoning is we held a community meeting. Letters were mailed on March 1<sup>st</sup> of this year to the adjacent property owners. We did hold two community meetings, as required by the ordinance; one in the afternoon at 2 o'clock on March 16<sup>th</sup> and the other one at 6:30. They were held by Zoom and we had one couple attend. I think maybe they were just curious about the project and the specifics. They own an auto repair shop in the area and they seemed to be excited about the project after we talked to them about bringing more residents to Burgaw, or customers, or restaurants, those types of things. So, if you will go to the next slide, please. As Andrea said, it is currently zoned B-2 and Office & Institutional and we are requesting an Office & Institutional Conditional district for the entire property. If you will go to the next slide, please. This is the future land use map for the town of Burgaw and in conjunction with this, it shows the area as slated for commercial growth, mixed use, and traditional neighborhood. The development guidelines for all three of these areas call for transition to residential, medium density residential, increase buffers and landscape for the transitions, and interconnectivity for the pedestrian and bicycle paths. While the town of Burgaw has historically been single-family detached homes, the comprehensive plan does indicate that it would like to provide a variety of housing to support a wide spectrum of incomes. So, if you could go to the next slide, please. So this is an aerial where it is kind of hard to see...the subject property is down in the right hand corner of the screen. This is really to just demonstrate that it is close to Highway 117 with access to multiple goods and services. There is a Walmart at the top of the screen, multiple restaurants, gas stations, and healthcare. There is a family practice, there's an imaging center, so...easy to get to several of these business services from the Highway 117 corridor. Next slide. This is just the immediate surrounding uses. You'll see there's also a bank, as Andrea mentioned, there is Fairway Ford, a car dealership, there are several daycares, an animal hospital, and again, the automotive repair and auto parts store. Next slide, please. So this is the project. It is 16.84 acres. We are proposing 192 units, which is within the allowable [inaudible comment] planned building residential group. There are, as, Ms. Correll said, to the north, it was approved for 100 town houses and to the south there is a single-family neighborhood. As you can see at the bottom of the slide, there is a connection to the neighborhood that is adjacent on the south. And then, if you'll show the next slide, it's just an aerial of the project in conjunction with the surrounding uses. And then, if you'll go to the next slide, this will show what it will look like. Again, it is a 192 multi-family residential units with amenities. The building is proposed at approximately three (3) stories with eight (8) units per story, and will have one, two and three bedroom apartments. Next slide, please. This is another view of what it will look like. Next slide. This will show the landscape buffer between our subject property on the left and the adjacent property to the south. Shows the setback and then the, again, proposed buffering for the single-family residences to the south. So, next slide, please. So, [inaudible comment] conditional rezoning, it is consistent with the 2030 comprehensive land use plan, and the county policies for growth and development. The higher density residential is suitable in this area, because it is, again, close to the Highway 117 corridor. There is existing infrastructure, at least planned infrastructure there, for the development, and will call for additional housing types. This [inaudible comment] will also serve the public interest to allow for different housing types in an area that is very close to goods and services. I think the last slide just finishes up the comprehensive land use plan. Any questions? I do have our development team here this evening for the conditional rezoning portion.

Mayor Dawson: Do we have any questions?

Commissioner Harrell: By going through this rezoning, am I guaranteeing that there will be any particular time period for the delivery of our services that are not in [inaudible comment].

Maggie Bennington: No, sir. I had a discussion with Mr. Rivenbark at the last hearing about that exact thing. We are aware there is not an exact timeline.

Commissioner Dawson: So, we will not be legally bound since we have not completed that project?

Attorney Rivenbark: Right, I'm going to ask Ms. Bennington in Public Hearing #2 to accept and state on the record that they understand that there is no sewer capacity, and may never be...we may never have sewer capacity. We are not making any [inaudible comment]. So, if you pass the resolution and ordinance here, in the next public hearing, I will ask her to state, or agree to that, on behalf of the applicant.

Mayor Dawson: Any additional questions, or concerns?

There being no further comments, Mayor Dawson closed the public hearing at 6:04 PM.

**Resolution 2022-15 Adopting a statement regarding the consistency of the requested conditional zoning map amendment to the official Town of Burgaw zoning map to rezone +/-16.84 acres of land from B-2 (Highway Business and O&I (Office & Institutional) to CZ (Conditional District) O&I (Office & Institutional) is consistent with the Burgaw 2030 Comprehensive Land Use Plan.**

Commissioner Harrell made a motion to approve Resolution 2022-15 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

**Ordinance 2022-17 Approving an amendment to the Town of Burgaw zoning map to conditionally rezone +/-16.84 acres of land from B-2 (Highway Business and O&I (Office & Institutional) to CZ (Conditional District) O&I (Office & Institutional) further identified as tax reference number 3229-82-8455-0000.**

Commissioner Dawson made a motion to approve Ordinance 2022-17 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**Public Hearing #2 – Andrea Correll, Planning Director – Verbatim Minutes for Major Special Use Permit**

**Consideration of a Major Special Use Permit requested for multi-family use, a residential planned building group to locate 192 multi-family apartment units and a height increase to forty-eight feet on a ±16.84-acre tract of land located at 416 US Hwy 117 Bypass South. The property is further identified as tax reference number 3229-82-8455-0000.**

*Referenced attachments are on file in the Clerk's office.*

Mayor Dawson declared the public hearing open at 6:08 PM.

Andrea Correll: The second public hearing is consideration of a major special use permit, requested for multi-family use, a residential planned building group to locate 192 multi-family apartment units and a height increase to forty-eight feet on a 16.84-acre tract of land located at 416 US Highway 117 Bypass South. The applicant again is the Hawthorne Residential Acquisition. They are requesting a major special use to enable the location of 192 unit apartments. They're using all the standards of the ordinance to enable this, so they are asking for three things tonight: the multi-family, the planned building group, and the height increase. There is an exception in the dimensional requirement standards stating, "The regulations of other portions of this ordinance (including those for planned building groups and residential cluster developments) shall take precedence over area, yard, and height requirements as set forth in this section." So, that is how this is reached. Each of these apartments have nine (9) foot ceilings. There are three (3) floors and a roofline from the top of the roof to the ground is forty-eight (48) feet. Fire Chief Taylor is here tonight. He's been part of TRC reviewing the project and he does not have any problems with the fire access [inaudible comment] ...have a need, ask him, okay?

Attorney Rivenbark: All those wishing to testify for Public Hearing #2...would you read those names.

Mayor Dawson: I have Ms. Maggie Bennington, Allison Engebretson.

Attorney Rivenbark: If you will just stand and raise your right hand. Do you swear, or affirm, that the testimony you are giving today is the truth, the whole truth, and nothing but the truth, so help you God.

Maggie Bennington, Allison Engebretson, and Andrea Correll: I do.

Attorney Rivenbark: Thank you.

Commissioner Dawson: I do have a quick question for the Chief. The 100 foot ladder truck is very large. Is there plenty of radius to be able to maneuver everything?

Jim Taylor: According to the plans that we have looked at, signed off on, yes ma'am. We're good.

Commissioner Dawson: Okay. Thank you.

Attorney Rivenbark: Chief, are those the plans you reviewed in the technical review committee?

Jim Taylor: That is correct.

Attorney Rivenbark: Which, I believe the plan will include in the record.

Andrea Correll: I would like to enter the staff report and the powerpoint presentation, as well as the handout with the findings, into the record, please. This is an illustration of the location. You see Fairway Ford and White Tractor.

Stapleton Place is the subdivision that you all approved to the south. They were having some connectivity issues and then the two entrances [inaudible comment] which is also under the fire code. So there will be 26 feet wide at the area you see in red. So, basically, the only reason I wanted you to see this slide, is that planners call this a [inaudible comment], when they plan for something to be tucked back, you would go down the driveway from 117 and then you would have to turn right to be at the club house. You wouldn't see any of the development from the road. It's behind two rows of trees and [inaudible comment]...I'm just going to scroll down to that, so, they...you saw where earlier Maggie spoke about the 35-feet of height. This is a house in Stapleton Place that will be 35 feet and then you have the topography of the existing trees and some [inaudible comment] shrubbery showing here and then you have the three (3) story apartments that is 48-feet. This is another view of the [inaudible comment] so this is aerial photography. You see the [inaudible comment] there and you see there are two lines of trees, which are remaining, okay? Also, on this slide, that [inaudible comment] did. So what he did, is telling you, this is the height of the apartment on the ground, near Fairway Ford and there are two rows of trees, so you will not be able to see the roof ridge. Also, this is White Tractor and he also drew the same scenario for you to understand.

Commissioner George: So the trees are staying?

Andrea Correll: Yes, sir. They are part of the plan.

Commissioner George: As they are?

Andrea Correll: Yes, sir. If one got struck by lightning, that would be one thing, but otherwise, they are planning to stay. I'm going to hand over the podium to [inaudible comment] the Attorney, and I'm hoping to be as lucky as [inaudible comment] ...that is the aerials of the buildings that you all have.

Maggie Bennington: I just put them on the slides for your convenience, but they are also in the handouts, the required [inaudible comment] special use permit. Again, we are requesting the multi-family planned building group, and again, the height allowance of forty-eight (48) feet as conditions for our special use permit. So the first requirement, really was addressed during the conditional rezoning, and that's about location and character of the special use if developed according to the plan, will be in harmony with the area in which it is located. I think the prior approval of the B-2 and O&I property to the north is also shows it is in conformance with the area in which it is located. I think we have demonstrated the conformance of the land use plan and again, the multi-family planned building group, being adjacent to Highway 117 allows [inaudible comment] to leverage hopefully what will be current infrastructure, as we understand while providing the residents of Burgaw additional housing types across the spectrum of incomes. So, that, in conjunction with the 2019 approval, shows this will be harmonious with the adjacent development to the north, and again, to the south...the connectivity that we have with Stapleton Place, as well as the additional buffering and landscaping to fit in there. The second requirement is that the use is allowed pursuant to the ordinance and meets all of the required conditions and specifications. The proposed unit count increase is permitted under the planned building group section of the Town of Burgaw ordinance and it meets all standards and outlines in the ordinance, specifically sections 8.13, 8.14, and 8.15. The proposed use does comply with special use pre-requisites set forth in the ordinance, a site plan in conformance with requirements have been submitted, indicating all existing and proposed physical requirements, either listed in this division or otherwise required in the review and approval process. There has also been written preliminary approval by and public agency required, and then again, it has gone through the TRC process with the Town of Burgaw and [inaudible comment] assisted the applicant addressing all of the town's concerns with the connectivity, the width of the connectivity, and all those technical requirements. The third requirement is that the use of the property as proposed will not effect other adjoining or abutting property values. In your handout, we had Cal Morgan, who is a certified, general real estate appraiser, who did the appraisal of this property and it's impact on the adjacent properties. I believe you will see in his plan, only will it...not negatively impact the adjoining properties, but it could potentially increase the value of the adjoining properties. Again, since the property to the north has recently been rezoned, it is unlikely this development will have any negative impact at all on that property value. Mr. Morgan's report, again, is included in your handout. It's kind of hard to read on that slide. The fourth requirement is that 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. Again, the comprehensive plan does support this project by calling for provisions that promote higher density residential in portions of Burgaw that are suitable for more intense development. Again, close to Highway 117, providing easy transportation, to goods and services, and the planned water and sewer projects, again, will help meet the needs of the residents. Too, because we have gone through the technical review process, this is consist because it will give the town architectural articulation and control, which will help enhance the community character, here for the town. There is going to be, or there are proposed, open space in the development, with amenities, a park, trail, and sidewalks, again for public health and wellness. Lastly, this use will provide housing for a wide spectrum of different income levels. The last requirement, is that the increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety. The NC DOT report is also included in your handout packet where they have...[inaudible comment] did a TIA and submitted to NC DOT for approval. I think that all of my...I think the appraiser report and the traffic report were part of the staff report and slideshow, but if not, I need to get you those.

Mayor Dawson: Does anyone have any questions?

Commissioner Dawson: I just have one questions, and it might be because my map is so tiny I can't see it. The sidewalk area, is that proposed all the way to 117?

Maggie Bennington: No, it does not go all the way to 117.

Andrea Correll: It doesn't go down the driveway to 117. It is internal to the site. We're not requiring sidewalk on the frontage. There will be sidewalk in the neighborhood and there will be sidewalk in the apartments, but there will not be sidewalk on 117.

Commissioner Dawson: I meant to 117.

Maggie Bennington: No, it won't begin until the clubhouse, which is [inaudible comment].

Andrea Correll: So, what's happening is the driveway is just an asphalt entrance driveway. It is not a street, okay? It's just the bottleneck to 117, okay? The frontage all in here is not owned by this property owner, okay? So, I don't know if you would do better with the location map, seeing that (looking at the slides).

Commissioner George: Will there be any fencing?

Andrea Correll: No, sir.

Commissioner George: No fencing?

Andrea Correll: No.

Commissioner George: Okay.

Attorney Rivenbark: Only around the pool.

Andrea Correll: Yea, only around the pool and...

Commissioner Dawson: There's going to be an easement that somebody else's property, from this location to 117, is this an easement?

Andrea Correll: No, it's just a driveway.

James Gantt: It's their property.

Andrea Correll: It's their property.

James Gantt: When I talked with the group that is developing it, they said that they would extend the sidewalk all the way out in our discussions.

Commissioner Dawson: We required that of Stapleton Place; we required that they sidewalk to 117.

James Gantt: When there was question about it being right-of-way verses driveway, that question was posed and they said that was not a problem to do sidewalk all the way to 117.

Maggie Bennington: Okay, not a problem.

Commissioner Dawson: Okay, thank you. I just want that to be consistent with what we required...

Andrea Correll: Right, I thought you meant you wanted sidewalk down 117.

Commissioner Dawson: No.

James Gantt: That's a short section.

Attorney Rivenbark: Does the applicant understand, agree and accept the fact that the town does not have sewer capacity and may never have sewer capacity?

Maggie Bennington: Yes, I understand and agree to that.

Attorney Rivenbark: ...and the town does not [inaudible comment] right in regards to sewer capacity or any potential sewer capacity?

Maggie Bennington: Correct.

Attorney Rivenbark: Okay.

Commissioner Dawson: You mentioned different types of income. I'm assuming that you mean, because you have one-bedroom, two-bedroom, three-bedroom.

Maggie Bennington: Yes, ma'am.

Commissioner Dawson: ...and not anything else?

Maggie Bennington: Yes, ma'am.

Attorney Rivenbark: You can ask, but can not consider income levels or ability to pay...

Commissioner Dawson: I understand that, I'm just trying to understand. That answers my question.

Maggie Bennington: Okay.

Commissioner Harrell: My questions don't really concern whether this is going to pass or not, but just interested. Is this a single-phase, or do it all at one time.

Maggie Bennington: All at one time.

Commissioner Harrell: Once the utilities are available, what kind of...what length of time are you anticipating it to open?

Maggie Bennington: I think we will be ready to go when and if utilities become available. 12-18 months of completion.

Mayor Dawson: Any additional questions?

There being no further comments or questions, Mayor Dawson closed the public hearing at 6:24 PM.

Ms. Correll requested the board vote on each of the findings. Ms. Correll read aloud the following findings for the board members to vote on individually.

Before voting, Commissioner Dawson asked which finding do we need to put the condition of extending the sidewalks. Ms. Correll said it would need to be put at the infrastructure question. Mr. Gantt said it would be added under "B".

Item A - The location and character of the special use permit, if developed according to the plan as submitted and approved, be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address the impacts of the project.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Malloy: Yes.

Item B - The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this ordinance.

Commissioner Dawson requested the condition be added to extend the sidewalk to Highway 117 on one side of the driveway (not along 117).

Commissioner George: Yes, with the condition requested by Commissioner Dawson.

Commissioner Harrell: Yes, with the condition requested by Commissioner Dawson.

Commissioner Dawson: Yes, with the condition requested by Commissioner Dawson.

Commissioner Malloy: Yes, with the condition requested by Commissioner Dawson.

Item C – The use of the property as proposed will not affect other adjoining or abutting property values.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Malloy: Yes.

Item D – 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.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Malloy: Yes.

Item E – The increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety.

Ms. Correll said we will need to include the NC DOT approval memo with Item E.

Commissioner George: Yes, with amendment.

Commissioner Harrell: Yes, with amendment.

Commissioner Dawson: Yes, with amendment.

Commissioner Malloy: Yes, with amendment.

Final vote for approval of the major special use permit:

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Malloy: Yes.

None opposed. Motion carried.

### **BREAK 6:31 PM-6:35 PM**

### **Public Hearing #3 – James Gantt, Town Manager**

### **Consideration of Adoption of the FY 2022-2023 Budget for the Town of Burgaw**

Mayor Dawson declared the public hearing open at 6:35 PM.

Mr. Gantt gave an overview of the proposed FY 2022-2023 by Power Point (attached).

Commissioner Harrell asked if the majority of the debt service is paying for the pipeline. Mr. Gantt said there was relining done. Ms. Pope said the loan is about \$2 million, so it's nothing significant. Mr. Gantt said the pipeline is paid. Ms. Pope added the other larger dollar figure in the debt service line is the water meter AMI, but that was borrowed at zero percent interest.

Commissioner Harrell asked about the sewer rate for Wallace. Mr. Gantt said Wallace did not charge the town the correct rate for the past year due to billing issues. The town paid Wallace for the amount we should have been billed, but negotiated with them for the upcoming budget year and agreed to only increase by half a percent. This rate increase is reflected in the proposed budget.

There was brief conversation about the sewer easements for the sewer project along Highway 117 Bypass. Attorney Rivenbark said there should be additional information by the next board meeting to hold a closed session.

Commissioner George asked about project costs for the sewer project. Mr. Gantt said we are waiting until we get closer to construction time frame before determining a cost due to increase of materials lately. Mr. Gantt said the system development fees received from the developments that plan to come, will cover the cost of the project.

Mr. Gantt said there is a cost of living adjustment included in the budget for a 3.75% salary increase for all full time employees. In addition to that, a \$2k salary increase is proposed for all employees at a pay grade of 18 or lower. Commissioner Malloy asked about the pay grades 18 and below on the pay plan. Mr. Gantt said it is mostly public works employees and firefighters. Mr. Gantt also said there is an additional cost of living adjustment of 2% included in the budget that would be effective January 1, 2023, if the board decided to approve this in December 2022 as an additional cost of living adjustment. If the board chose not to approve the additional 2%, the money would go back into the fund balance or the board could use it for something else.

Commissioner Harrell said that he feels like we are trying to bring staff up to living wage and it's not just directed to public works because he thinks some of the lower paid employees are not at living wage.

Commissioner Dawson asked the purpose of extending the water lines. Mr. Moore said this is to create a loop system for better quality water and better pressure. Chief Taylor said this would also benefit fire services as well.

Mr. Gantt advised the town has submitted grant applications to the state for water and sewer improvements. He said we are waiting to hear back.

Commissioner Dawson asked about the rate for taxes. Ms. Pope said it depends, but they are what they were this past year.

Commissioner Harrell asked for clarification for the budget on capital projects. Mr. Gantt said the projects are covered by fund balance and ARP funds. The budget does not include any grant funding that we might receive from pending applications.

Mayor Dawson asked if the depot dock reservation is \$150 per hour. The fee schedule states “per hour” and it should be “per day”.

Commissioner Harrell commented on the Courthouse Avenue project being listed at 5 years on the capital improvement plan. He said he would like to see this project done sooner. He said a large amount of money was dropped on a single building, so he said this is a very important project. Mayor Dawson said we are currently seeking grant funding. Mr. Gantt said we can move the project up on the plan. He said we can also look at phasing if we need to break up the amount of the costs.

Commissioner Harrell said he would also like to see charging stations. Mr. Gantt said we can continue looking for grant funding.

Commissioner Malloy asked what could be done in the Courthouse Avenue park area. He said there are no bathrooms in the downtown area. He believes this is a good place to put a shelter with bathrooms. Commissioner Harrell said this is included in the plan for the Courthouse Avenue improvements, but Commissioner Malloy would like it to be done sooner. Commissioner Malloy and Harrell requested Mr. Gantt get pricing on constructing a shelter with restroom facilities and bring back to the board. All members were in favor of moving the Courthouse Avenue project to the “medium” timeline on the capital improvement plan.

Commissioner Harrell asked about the SCADA system. Mr. Gantt briefly explained how the SCADA system works.

Mayor Dawson declared the public hearing closed at 7:12 PM.

#### **Ordinance 2022-18 Adoption of the FY 2022-2023 Budget for the Town of Burgaw**

Commissioner Harrell made a motion to approve Ordinance 2022-18 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

#### **ADJOURNMENT**

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

The meeting was adjourned at 7:12 PM.

Attest: \_\_\_\_\_  
Kristin J. Wells, Town Clerk

\_\_\_\_\_  
G. Olivia Dawson, Mayor