

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

DATE: July 12, 2022
TIME: 4:30 PM
PLACE: Historic Train Depot, 115 S. Dickerson Street
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem Wilfred Robbins
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
Tiffany Byrd, Deputy Finance Officer
Kimberly Rivenbark, Deputy Town Clerk
Daniel Fuller, Assistant Police Chief
Clay Jasper, Deputy Fire Chief
Louis Hesse, Building Code Administrator
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Andrea Correll, Planning Director
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

Mayor Dawson asked to amend the agenda by adding item #6A, an introduction of the Burgaw Methodist Church pastor, Matt Hayes, and a closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client privilege and NC GS 143-318.11(a)(6) Personnel. Commissioner Harrell made a motion to approve the agenda with the amendments requested. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Approval of Consent Agenda

Commissioner Dawson 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 April 12, 2022 Regular Meeting Minutes
- B. Approval of the April 12, 2022 Closed Session Minutes

SPECIAL PRESENTATIONS/REQUESTS

Parks & Recreation Month Proclamation – Mayor Dawson

Mayor Dawson read aloud the Parks & Recreation Month Proclamation 2022.

Matt Hayes, Pastor of Burgaw Methodist Church

Mr. Hayes introduced himself to the board as the new pastor for Burgaw Methodist Church.

Filming Request – Mike Hewitt

Mr. Hewitt advised “Welcome to Flatch” has been picked for a second season and will be filming in Burgaw again soon. He gave a handout to the board showing street closures and filming locations, and also showed the trailer for “Welcome to Flatch.”

Beautification Committee – Janet Rivenbark, Chairperson

Ms. Rivenbark spoke on the following topics for consideration and discussion by the town board. She also thanked the board for allocating funds for the purchase of new benches and trash cans in the downtown area.

- Request to look into fixing some of the sidewalk along Wright Street between Courthouse Avenue and Wilmington Street, particularly in front of the future brewery.
- Consider ways to keep the sidewalks clean in the downtown area; recommendation to purchase a pressure washer.
- Request to wait until after Halloween to put up Christmas decorations around town.
- Request the board consider fireworks at the New Year's Eve Blueberry Drop event.
- Consider removal of various trees around town that are a safety concern.

Commissioner Harrell said he has received several positive comments regarding the new benches and trash cans. He also said he would like to wait until after Halloween to put up Christmas decorations.

There was discussion about fireworks. Deputy Fire Chief Jasper said all fireworks must meet state regulations and must be approved by the county commissioners. Pender County Emergency Management Director, Tommy Batson, was present at the meeting and explained the size of shells and location requirements. Commissioner Robbins said he is willing to look at fireworks, but also suggested looking into a drone lightshow. After discussion, it was the consensus of the board to look into options for fireworks and the lightshow.

Commissioner Harrell asked if the town is replanting trees as they are removed. Mr. Suggs advised \$3,000 was allotted in the budget for the purchase and replanting of trees as older trees had to be removed.

There were comments regarding the purchase of a pressure washer verses contracting out the work for cleaning the sidewalks downtown. Mr. Suggs explained cost differences. Mr. Moore said there is a lot of maintenance to be done with a pressure washer system. He also got a quote for \$.17 per square foot to be cleaned by a contractor. Commissioner Malloy suggested to table this discussion and research more on hiring a contractor for this project. Commissioner Robbins asked this item to be placed on the next meeting agenda.

Commissioner Robbins said we need to go ahead and allot money towards the removal of trees. Mr. Gantt said there are two dead oak trees at the cemetery, a large Sycamore tree behind the Community House, two Sycamore trees on North Dickerson Street, a tree at the canal on Fremont Street near the tax office, and the large oak tree in front of Town Hall, all need to come down. Mr. Gantt said the tree in front of Town Hall is in NC DOT's right-of-way and he plans to speak to them about the removal. Commissioner Harrell said there is part of an old oak that is dead near the corner of North McRae Street and the vacant parking lot beside Family Dollar. Mr. Gantt will look at this tree to see if it is in the town right-of-way. Mr. Gantt advised the trees he just referred to were not included in the cost of the work currently being done at Rotary Park. Mr. Suggs reviewed the quotes from Precision Tree Service and Robbins Tree Works, which was the cheapest. After some discussion, Commissioner Robbins made a motion to get the tree removal work done and use funds from the reserve fund. He said he would like two trees planted back for every one tree that comes down. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Commissioner Malloy asked how this would affect the current budget. Ms. Pope advised the money would have to be a fund balance appropriation because there are no funds currently allocated for the work to be done. Mr. Gantt said once the lowest bid is determined, a budget amendment ordinance would be brought back to the board for approval.

Mayor Dawson commented on the sidewalk area in front of the future brewery. The owner of the brewery is having some of the sidewalk repaved in front of the business due to construction. Mr. Gantt said a portion of the sidewalk on both sides of the work needs to be redone as well. He said this would cost the town about \$800. Mr. Gantt said staff is working on a prioritization list for sidewalk repairs around town. After some comments, Mr. Moore will proceed with having the adjacent sidewalk repaved at the town's expense while the company is here to do the work for the brewery.

Commissioner George asked about the status of getting a stoplight at the intersection of Wright Street and Wilmington Street. Mr. Gantt gave a brief update from NC DOT and said this is part of the streetscape project on Highway 53 going through town, which is on NC DOT's schedule for year 2027. Mr. Gantt is working with NC DOT to see if this project can be pushed up, as well as other safety concerns around town on state roads.

Parks, Recreation & Tourism Department – Cody Suggs, Director

Resolution 2022-16 Consideration of amendments to the Community House Usage Policy

Mr. Suggs advised the changes presented are mostly clean-up items. Ms. Wells advised she had received comments for typos from Commissioner Dawson prior to the meeting and have made note of these. There being no concerns voiced by the board, Commissioner Harrell made a motion to approve Resolution 2022-16 as presented with the correction of the typos requested by Commissioner Dawson. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Consideration of amendments to the Historic Burgaw Train Depot Usage Policy and Decorating Guidelines

Mr. Suggs briefly explained the recommended revisions to the policy and decorating guidelines. He advised Commissioner Dawson also made note of some grammatical corrections in this policy as well. There being no concerns voiced by the board, Commissioner Harrell made a motion to approve the amendments with the corrections noted by Commissioner Dawson. The motion was seconded by Commissioner George and carried by unanimous vote.

Ordinance 2022-19 Amending the Town of Burgaw Code of Ordinances to create regulations for Outdoor Recreational Facilities

Mr. Suggs said the Parks, Recreation & Tourism Department has never had rules and regulations for outdoor recreational facilities in town. The ordinance proposed contains guidelines for the park areas around town and will be incorporated into the Town of Burgaw Code of Ordinances upon approval. Mr. Suggs said signs would be ordered to place in the park areas stating rules and regulations per town ordinance. Commissioner Harrell asked if the recent supreme court decision affected the section regarding to firearms. Attorney Rivenbark stated it did not. There being no further discussion, Commissioner Harrell made a motion to approve to approve Ordinance 2022-19 as presented with any grammatical changes that needed to be made. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ITEMS FROM THE ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he did not have anything for open session, but has one item in closed session.

BREAK 5:23 PM-5:38 PM

PUBLIC FORUM

There were no speakers for public forum.

PUBLIC HEARING

Public Hearing #1 – Andrea Correll, Planning Director – Verbatim Minutes for Major Special Use Permit

Consideration of a Major Special Use Permit requested by RMK Properties L.L.C., for a mixed-use development and a planned building group containing two 2-story, mixed-use buildings (residential & retail, 2,088 sq. ft. ea.), and two 1-story residential apartments (889 sq. ft. ea.) to be located on a +/- 0.5-acre tract of property zoned B-1(Central Business District) in the 200 block of S. Dudley St. and W. Satchwell Street. The property is further identified as tax reference number 3229-22-7158-0000.

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

Mayor Dawson declared the public hearing open at 5:40 PM.

Note the audio for this public hearing was unclear at times, which made it difficult to record verbatim minutes.

Andrea Correll: Good afternoon, Madam Mayor, members of the board. I'm Andrea Correll. I'm blessed to be your Planning Director. Tonight, we have a public hearing considering a major special use for RMK Properties, a mixed use development. We all think about [inaudible comment]...a mixed use can go side ways or up and down, so there is a proposal of two two-story buildings. One of them will have a barber shop/beauty shop on the bottom, with apartment above. You will have an office and apartment above. Then, the two small studio apartments behind. The [inaudible comment] to note is this is B-1, central business. The site is identified in the land use plan as a mixed-use transition. The regulations in mixed-use transition in the 2030 Burgaw Land Use Plan established [inaudible comment] as small scale mixed use development. That's what this is. The development standards and guidelines for the land use plan are being reviewed with the standards architecture review in the ordinance. What you are hearing tonight has pedestrian...they are calling it [inaudible comment]...it is a sidewalk access with [inaudible comment] never have ...the monument signs are identified on this [inaudible comment] and the demonstration of the architecture is addressed in the drawing and the [inaudible] you will be able to you. The land use map improvises as a mixed use transitional. You have, in your packet, Exhibit 1 – Narrative of Use & Major Special Use App, Exhibit 2 – Deed, Exhibit 3 – Site Location, Exhibit 4 – Statement of Anticipated Water Usage, Exhibit 5 – Site Plan, Exhibit 6 – Schematic Plans & Elevations, Exhibit 7 – Images of Schematic Model of Various Views Exhibit 8 – Technical Review Committee Comments and Applicant's Responses, Exhibit 9 – Response to the Five "Burdens of Proof"- 4.7.1, Special Use Check Sheet: Findings of Fact an Additional Conditions. The technical review committee comments are in your packets to...all of our comments are important, but in this case, Chief Taylor found that the turning radius for the fire engine wasn't wide enough in the parking lot, so the drawing is revised, so the turning radius of the fire truck and the [inaudible comment] we discussed at that time, are all updated. So, the drawing as presented to you tonight, has been [inaudible comment] to the standards of your...so, at this time, I would like to step back and allow the applicant to discuss the project. At any time you have any questions of me, I'm always [inaudible comment]. The findings are on the back with the check list. The other thing that is unusual about this case is that...traffic impact analysis. That documentation is in your packet with the checklist. At this time, I will turn it over to the owner.

Attorney Rivenbark: We need to swear you in, and Mr. Westbrook, as well, so if you will just stand where you are and raise your right hand and repeat after me. I, state your name, swear that the testimony you give today is the truth, the whole truth and nothing but the truth, so help you God. If you will say I will or I do...Thank you.

The following individuals were sworn in by Attorney Rivenbark:

Andrea Correll

John Westbrook

Michael Pearsall

John Coyle

Andrea Correll: I forgot one point. We want to enter the staff report and our presentation into the record. Thank you.

John Coyle: Good evening. My name is John Coyle. I'm assisting Michael in his [inaudible comment] construction. I've been in this type of industry for over 25 years and I provide design built consultation and administrative services between home owners and general contractors. Typically residential and commercial projects. I help navigate the ins and outs of construction processes and bringing in this opportunity. Before you there on the slide, you see the site plan I prepared. It contains the overall layout of what we have proposed, there. As you can see, our two buildings that face South Dudley Street, each one of those buildings is just over a thousand square feet. The bottom is retail space and the space above it, is a two-bedroom apartment. The buildings behind there, to the west, are one-story apartments. They are a little bit smaller. They are about 887 square feet. They are a smaller version of the same apartment, but only one bedroom. The living space is the same. The [inaudible comment] all the information to the site...contour, slope lines, parking, trees, as you can see to the street, along the southern side...locations of sewer, water...fire hydrant...across the street, on Dudley side. This is an actual floor plan of the two-story building. In this case, the barber shop [inaudible comment] already have this in the plans to...to what we have been specifically designing for here. So we have four chair barber stations and a single chair beauty station in the back with all the necessary accommodations, sinks and so forth, with breakroom and of course, ADA compliant bathroom. The entrance is on South Dudley. There is a secondary entrance there on South Satchwell, so each entry can be accessed from the parking lot. And then, the sidewalk. Upstairs, you can see the layout. It is a gracious plan. We have made it attractive and easy to navigate. Two bedroom, shared bathroom with a washer and dryer and kitchen and open space there. These two buildings feature a nice balcony so the frontage on South Dudley, you capture sliding glass doors and windows on that elevation. It really captures the [inaudible comment] that you cross

[inaudible comment]. Elevation wise, this is what it will look like from the exterior. We have taken a great [inaudible comment] to scale and size of the building, that we feel is appropriate, as a nice [inaudible comment] with the corner lot, there. As you come in here, [inaudible comment] Michael, and this is a beautiful presentation [inaudible comment] before they get to the AB Grill view with a beautiful opportunity to balance the home and then [inaudible comment] as a place, you were visiting Burgaw, and taking a walk... we believe this provides a very pleasing and welcoming aesthetic. On the front, as I mentioned, you see the sliding glass door above on the balcony. This provides a cover for the store downstairs, so this also benefits another UDO requirement and coverage in that respect. Then, a residence up above, we are orienting the entry doors to face the courtyard, face each other for privacy. There is a separation there if we [inaudible comment] residential and the public. This next slide, as you can tell, we took the same scale as those and just cut it down to the single story. See, that is a gracious size bedroom on suite there, but is basically the same as that. This is just an interior rendering. We can that on computers these days. I have the ability to illustrate this and kind of give everyone an idea of what it might look like and scale it to portion on the inside. This will be the one story unit and then this slide is an aerial photograph as if from a drone looking down on the corner. The large peach colored block to the right, that is just there to reference the scale and size of that...to recognize that orientation. That is the street on the left side as you are viewing there. Parking arrangements. Got to speak to the Fire Chief about the labeling and so forth, so we are happy to accommodate any adjustments that we need to there. So you pull in from South Dudley Street, pull through the parking lot onto South Satchwell Street, so this does two things. One is the most important thing, is that, access. It also gives a free flow between the residences and the retail space so they can be [inaudible comment]. So, you can come and go if you live there, separately from the other space. We feel it is a nice balance and brings life scale to proportion to the project. So, on this next slide, which is a blank slide. Mr. Gantt has a video that is really just an animation of the last slide. So, the rest of our application is, will be part of the discussion, this is the document where we responded to the TRC comments and took into an account for all the things we had to make for adjustments. The responses from us are in red and are represented by the drawings that you just saw. For instance, the part...recommendation at the end for the turning radius as Andrea mentioned...application for the asphalt. We went over, absolutely word for word, incorporated all of that stuff right into the plan, and so that [inaudible comment]. Is there is a, specific responses, to each of the UDO provisions and questions that we would ask, today. We believe we have come with all of those. The responses, the five burdens of proof, are listed here. The location and character of the special use, we believe, is very well suited, as we mentioned, and [inaudible comment] properties. Combination of residential apartments and public [inaudible comment] provide an efficient and attractive [inaudible comment] combination usage...corner property. We [inaudible comment] into the two-story buildings, specifically as we had to present the best possible presentation for that type of space, and specifically put one-story buildings behind them...the adjacent residential properties are also one-story [inaudible comment] so we kind of continued that form, but we make these buildings match, so the larger building, which is the [inaudible comment] building, transitions to the lower buildings. Next [inaudible comment] includes versatile elements that led a common regional components and I'm sure you guys have seen, sitting on buildings and houses here regionally, but we've added some modern flare...some canopies, some flat canopy roofs that acts as rain cover, to give it the modern feel and we've kept it proportion with [inaudible comment] sidings and portion to scale trim....kind of give it that upscale feel. The color is there. We're chosen to be mid-natural colors...sort of represent to kind of represent the way I like to describe it, I suppose, is, it's a double kind of thing. You look again, cause it's not [inaudible comment] red, or pink, or whatever, would be a cool [inaudible comment] color. This is more natural and stand the test of time, being there a long time to come, so we feel it's very pleasing, very welcoming, proportioned to scale, and [inaudible comment]. Again, it compliments the Pender House across the street, so we already...if you look at the buildings and go back to our application, the geometry of the buildings, I was very careful in articulating, to be with the particular overhang and roof pitches, and the brick and sidings, all make some of the best design principles available so this will stand the test of time. Interesting thing about the design, you can actually change the color of the building to be almost anything and will still look nice because of the proportions [inaudible comment], so you know, fifty years from now you know, [inaudible comment], so the building will look nice, regardless over time, so we are looking forward to having that there. The location, the character of the special use, will be in harmony with the area, which it is located. The special use shall demonstrate conformance of the Land Use Plan or other plan, so again, this is [inaudible comment] referencing the orientation of the two-story building, facing South Dudley, and [inaudible comment]. So, this was a straight up answer to the question that the land use is in conformance with the Land Use Plan, and that identifies as a mixed use. Here, we are emphasizing the addition of the small scale mixed use development, so that proportion [inaudible comment]. This is the table out of the ordinance. We are [inaudible comment] and that these four different sections are met as according to what you saw on the site. We know that the [inaudible comment] transition between residences and businesses and without [inaudible comment] without...to scale proportion to the houses. We

know that it will serve the adjacent area and town very well. Hopefully we get people to walk around and talk walks and use the parks. These are the supporting documents to the application.

Andrea Correll: So you have that because it is a certified appraiser telling you where there is no negative impact.

John Coyle: 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 proposed uses area currently, either by right or via a SUP, why were here tonight, to be within the B-1 district, and meeting all required building codes and regulations of the State of North Carolina and the town, therefore it is considered not to endanger public health or safety. We've got [inaudible comment] from the Fire Chief as to his access [inaudible comment]. The use will not materially endanger the public...construction documents and specifications...will be designed, certified and compliant with the North Carolina building codes, will be submitted for permitting to local building officials. Once required permits are secured, the construction will be completed by qualified contractors with current North Carolina General Contracting license. As the UDO allows for the individual uses proposed and the fact that permitting will require compliance with the state building codes, feel strongly that the proposed use will not endanger the public health or safety. These construction types are very straightforward. There's nothing in particular [inaudible comment]...they are wood framed, [inaudible comment] lawn, structural [inaudible comment], with shingle roofs. There's no special combination. The increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety, and we have a letter attached...the traffic waiver, and that, I believe, is the end of our slides.

Michael Pearsall: As you can see, John is very thorough. I'm pretty excited about the opportunity to work with a lot of the members here, working with Alan, [inaudible comment]. I do this [inaudible comment] plans about...the paperwork...so much better to fly through the building like HGTV, to see what the inside is looking like, to tie into Burgaw and not stick out, and be here. There is stainless steel kitchen, stove and stuff like that, so it's going to attract, hopefully, young professors, but also not...that side of town, if you will, but keep it clean and make Burgaw [inaudible comment]...we have a lot of nice older buildings that I see, there is a lot of reconstructions come alive, which is great. I went, as I stated before, to the other side and expand Burgaw and I think this will be a very, very good thing. I also, real quick here, as I said, between the barber shop and the retail area, I had asked John, let's put a little gathering area there so people can sit down and talk about whatever they need to, but on the backside, there's a fence, so the people upstairs have their own little area, like a barbeque area, get together, but there is that privacy fence. So, [inaudible comment] mix a...business industry and residential, I think we have captured that and you know, we want to make sure we stay within the [inaudible comment] expectations and the time you want to see.

Commissioner Dawson: I've got some questions. The site plan, I apologize, it is very small, and I still can't read the setbacks. What is setback between the back of the one-story building and the actual alleyway?

Andrea Correll: So, it will be zero setback.

Commissioner Dawson: I understand, but what is the actual setback there?

Multiple comments were made, but it was determined it appears there is five feet setback.

Andrea Correll: There are fences proposed, but there are not [inaudible comment]. We thought you might want...

Commissioner Dawson: I also have question for Mr. Pearsall. I know you have a six-foot fence proposed, but I would rather see an eight-foot fence along the back and next to AB Grill. I just think it would be better served to be a little higher than the six feet.

Michael Pearsall: We're going to look at that from [inaudible comment] and I like that idea, and right next to AB Grill, [inaudible comment] to the apartments, I think it might be eight to ten feet, then it can go up from six to eight feet, and where you are wanting to go is the best thing to do, but we are looking at just four-foot between AB Grill and private property...if you go to AB Grill, you can look right into RMK Properties, but from the front to back, you can't possibly [inaudible comment], because...

John Coyle: We could go to eight.

Multiple comments were made that were inaudible.

Commissioner Dawson: You are allowed to have eight, and across the back, because there is residential right behind you, and I think it would be better served if that back area had eight feet.

Michael Pearsall: I agree. I do. We can make that change.

Commissioner Dawson: And I do think we, Mr. Robbins can probably speak to this, but make some type of landscaping to soften the fence.

Commissioner Robbins: I can, but you only got five feet and there's not a lot you can do. Maybe some conifer to go straight up, but other than that...

Michael Pearsall: We were taking that into consideration on the side of Satchwell, but in the back, there's only five feet and for Ms. Dawson, here, you want eight feet to keep privacy, that would be good, because originally we were looking at putting some type of tree in back there, and when we had to move it back, so...

Commissioner Dawson: One more question. I'm assuming that the cars will come in, you're going to bring the pavement to meet Dudley so you can pull right straight in, into the parking spaces?

Michael Pearsall: Correct, correct, and on the back side, it's Satchwell, [inaudible comment] that's going to be private parking for the people that are going to be upstairs and the two apartments. You can look at Satchwell and go to the retail area, correct, but the eight parking spaces in the back will be reserved for the tenants.

Commissioner Dawson: I have one more question, I'm sorry, and Andrea might have to address this. Were discussing the actual drainage and which way the flow, there again on the map, I couldn't tell, can you tell me, behind the single apartments...which way will that flow.

John Coyle: I can probably show you...so everybody can see. Trying to get it all on one page. These lines right here...this is the original typography of the lot. The solid lines is where we propose to make small changes to those typography...this is the principle slope of this lot at Satchwell. It is engineered to accommodate most of...that's how it naturally flows already. There will be a small amount of [inaudible comment] appear along the alleyway. There will be a small amount, but this already leads to this swell here. That's a swell, that's a swell...so, if you look at it, there's a slope arrow, a slope arrow, so forth. These all indicate the principle direction to Satchwell, except for the amount that will come down around the back residences here. This slope will go to the alley and then thus from the alley to, again, to [inaudible comment].

Commissioner Dawson: Alan, do you see, with the water flowing back towards that alley, are we, is that being maintained?

Alan Moore: Not right now. It's just been uncovered, so we can work with him on that.

Commissioner Dawson: I just don't want to cause any issues to the neighbor adjacent, as far as water, so please be mindful of that.

Commissioner Harrell: I've got a couple of questions as well. In the rear of the parking lot, there is a little spur that goes off towards the property to the north and is that a dumpster in there, or...

John Coyle: Yes, sir. Trash service enclosed with a fence. Same fence that goes around everywhere else. We made an enclosure there.

Commissioner Harrell: My other question is, I'm not clear if there are sidewalks to be included at some point. Where do they run exactly?

John Coyle: That's a great question. Because of the paving already at AB Grill, something will have to be established there and we would follow that line. I know that, let me see, in terms of the turning radius, this right here is the remnant of the sidewalk, and I consider this as part of the plan. There is enough on the street yard side, depending on...I'd have to work it out with the town as to where, but there is enough room over there, should that come up in the future. As far as this getting worked out, we would have to work with the town along with the adjacent property. Ideal would probably be right here, which is, this line right here, is the property line. This line right here is the edge of the pavement. This is a public right-of-way, so we would probably have to work something out, and the drainage. There's already a catch basin right here and then there's one down here, so we would have to answer that case-by-case with the town.

Commissioner Harrell: And so, basically, as far as the Satchwell Street side...I see the plantings there that are well off the property, and then there's the town drainage ditch that is going to be piped.

John Coyle: [inaudible comment] yes, sir.

Commissioner Harrell: Right, so is that a potential sidewalk there?

John Coyle: It can be according to the UDO, as I read it, yes, sir. It will be encroaching more of the swell.

Commissioner Harrell: Right.

John Coyle: So that's certainly possible.

Andrea Correll: The issue I have with a sidewalk on Dudley Street side is the cars going into the parking spaces, they are literally driving across, so you got the, I don't remember, the PSI for the fire truck on the pavement is very stout, but the sidewalks normally are not driven across. They get crushed, so the trees proposed on Satchwell are a way of keeping the residential character. There's an oak called a Shumard Oak that's a very pretty red gold oak. A plant was also wanted called a Fringe tree; it's about the size of a Dogwood tree and it looks like little white blooms, that blooms every year and when you cut up it is soft. So, you know, on the site plan, it's hard to see all this. I'm more concerned, sidewalks a lovely, but I'm concerned about the drainage because this is the town's responsibility. This is half an acre in size, that goes to the state if it's an acre, so this is all on us to make sure it's done, so we're going to have to make sure it is done correctly, so we will have to make sure we have a way to find or meander through trees. You know, trees get bigger, but if you meander the sidewalk through the trees, it is more viable, but I'm not confident with sidewalk on the Dudley Street side if people are going to be driving into the parking places. Commissioner Harrell: Right, this is more of a sidewalk down Satchwell at some point in the future. I was wandering is there any accommodation in there.

Andrea Correll: Yes, we do have the viability to require it, but I think we need the trees too, so adding some type of meandering sidewalk, and not a straight sidewalk would look better. I mean you could still walk through the trees.

Commissioner Harrell: Yeah, and that's why I was asking about the possibility of actually putting the sidewalks on top of what is now a drainage ditch that is being piped.

Andrea Correll: [inaudible comment] in the sidewalk and right now you have open ditch.

Commissioner Harrell: Right, I'm aware of that, so that is why I was wandering if that is a possibility if we are going to continue curb and gutter and sidewalk down...

Andrea Correll: I can't, you know, will have to go to construction drawings and have Alan's expertise and...

Commissioner Harrell: Just expressing, that is all. Thank you.

Mayor Dawson: Any additional questions?

John Westbrook: My name is John Westbrook and I live at 410 East Fremont and I really believe this is a wonderful project and is a good transition neighborhood for the south and the west and is very appropriate, in particular the single family [inaudible comment]. Mixed use with apartments upstairs and retail downstairs is what we should do more and more of, particularly around downtown. Other than that, I just compliment you (Mr. Pearsall and Mr. Coyle) on a wonderful job and anything that I can do to help, I'd be delighted to do so. You set a really high standard and I would like to [inaudible comment].

Andrea Correll: Do you have any additional questions or should I go into discussion of the findings? I am holding a card in my hand to remind me to remind you that your special use permit motion should include mix use and planning building group. In our ordinance, planned building group is more than one building on the [inaudible comment] site. That's in your legal ad in the first paragraph, but I'm just trying to keep us on track.

Mayor Dawson declared the public hearing closed at 6:18 PM.

Ms. Correll reviewed the findings and received votes from the board.

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 Robbins: 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.

There was discussion about the condition of the eight-foot fence spoken about by Commissioner Dawson.

Commissioner Harrell asked if there was a need for the fence since it is dividing residential from residential.

Commissioner Dawson said she would like a fence along the back for the neighbor, and then transition from eight-foot, to six-foot, then to four-foot on the side next to AB Grill. The eight-foot fence would only be on the back property line. Mr. Pearsall asked if he could do a six-foot fence with a two-foot lattice on the top. Commissioner Dawson was okay with this.

Commissioner George: Yes, with the condition of the fence described above.

Commissioner Harrell: Yes, with the condition of the fence described above.

Commissioner Dawson: Yes, with the condition of the fence described above.

Commissioner Robbins: Yes, with the condition of the fence described above.

Commissioner Malloy: Yes, with the condition of the fence described above.

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 Robbins: 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 Robbins: 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 advised a request from the applicant to waive the traffic impact analysis was approved by the Town Manager and these documents are included in the documents.

Commissioner George: Yes.
Commissioner Harrell: Yes.
Commissioner Dawson: Yes.
Commissioner Robbins: Yes.
Commissioner Malloy: Yes.

After review of the findings, Ms. Correll asked for a final vote for approval of the major special use permit. Commissioner Dawson made a motion to approve the major special use permit as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ITEMS FROM MANAGER – *James Gantt, Town Manager*

Update on current town projects

Mr. Gantt gave an update on the renovation progress of the former EMS building. He showed a picture of the progress on the inside of the facility.

Mr. Gantt advised the encroachment agreement was received today from NC DOT for the Clark Street sidewalk. Staff will continue to prep the area and continue to work on this project. As long as the weather will cooperate, the sidewalk should be completed before school starts.

Mr. Gantt, Mayor Dawson and Assistant Town Manager/Police Chief Jim Hock met with NC DOT about their proposed project of widening NC Highway 53 from Walmart to Stag Park Road. Mr. Gantt said they discussed in detail this project would not greatly benefit the area at this time. There was discussion about other possible projects in town. Mr. Gantt said they discussed the potential of extending Ridgewood Avenue as previously discussed with the board. He said the cost of the project would be approximately the same cost for the widening of NC Highway 53 as originally proposed. NC DOT representatives will take the proposal to higher authority for consideration. Commissioner Robbins said this is not a new idea and has been discussed years ago. Mr. Gantt will bring back more information on this item as it becomes available. Mr. Gantt said they also talked with NC DOT about moving up the project proposed to come through town along NC Highway 53.

Mr. Gantt advised the Wright Street sewer repair is complete and paving will be done next week. He said invoices will be sent to Four County Electric for payment of the repairs due to one of their fiber optic lines going through the town's line. Commissioner Harrell asked about the status of the water line that is supposed to go through the area. Mr. Gantt said this project is budgeted, but have not started the designing of the project.

There was discussion about speed humps/tables at the last regular board meeting. Mr. Gantt said Chief Hock is working on getting the speed device placed in the area of concern (West Satchwell Street) and will bring back data to the next meeting. Commissioner Harrell asked if the input from the residents in the area have any impact on the determination of this matter. Mr. Gantt said it could and will be up to the board on the final decision. Commissioner Malloy commented on the radar sign being seen and drivers slow down when they approach it. Mr. Gantt said the

device he is speaking of, is a small device that attaches to a light pole and is not easily noticed by drivers. Commissioner Robbins requested to look at Wilmington Street between Cowan Street and Highway 117 due to fast drivers. He would like something to be done to slow down drivers. There was discussion on options. Captain Fuller said the problem is Wilmington Street is too wide. Commissioner Robbins said the parking spaces on the side of the road are not utilized often. He asked about the possibility of putting a walk/bike lane. There was also discussion about a median with landscape down the middle of Wilmington Street. Attorney Rivenbark said the board needs to look at the truck route through town. After much discussion, Mr. Gantt will look into options such as reducing speed in town, speaking with NC DOT regarding bike lanes, bulb outs, bollards, etc. on Wilmington Street. Mayor Dawson also mentioned speaking to NC DOT about a cross walk mid-block in front of the Old Jail/Community House.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Harrell thanked Mr. Gantt and Ms. Wells for putting the transportation pilot program information in the town's newsletter.

Commissioner Harrell asked if it was possible to put town funds in mutual funds. Ms. Pope said not mutual funds, but there are other investment opportunities, such as the NC Cash Management Fund. Ms. Pope advised the town currently has money with them.

Commissioner Harrell said he spoke with Attorney Rivenbark and Captain Fuller about the Miranda Rights. He said we are not required to do this, but would like the town to continue this policy because it benefits a lot of people that aren't aware of their rights and we would be doing a disservice if we discontinued this.

Commissioner Dawson asked for an update with the Whrens Street ditch clearing. Mr. Moore said the contractor will start soon.

Commissioner Dawson commented on the tree that Faye Ezzell had removed at her residence, which was actually in the town's right-of-way. She asked Mr. Gantt to look into refunding her for the removal of a town tree.

Commissioner Dawson spoke about the tractor trailer parking issue on Dickerson Street. She asked if the town could go ahead and stripe the area to eliminate the right turn lane. Mr. Gantt advised this is a NC DOT street and will add this to the list to discuss with them.

Commissioner Dawson asked for an update on the security cameras at Hankins Park and Rotary Park. Mr. Gantt said he has done a design and working on getting costs associated with the project. Mr. Gantt advised there are new locks on the doors that automatically lock at night. There was brief discussion about vandalism at area parks, including Pender Memorial Park.

Commissioner Dawson asked Mr. Gantt for an update on the addition at Public Works. Mr. Gantt said he spoke with the contractor at the EMS building about removing the piece on the front of the building and utilizing the steel structures for the addition at Public Works to save on costs. This will work for the addition and staff is working on designs.

Commissioner Robbins suggested dark color curtains in front of town hall at the old meeting room windows/door. Mayor Dawson commented on the benches in the area as well. Staff will work on making the area look a bit nicer.

Mayor Dawson commented on a grant opportunity for the town that is due in September. Mr. Gantt confirmed staff is working on this.

CLOSED SESSION – 7:12 PM

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

OPEN SESSION – 8:16 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 Dawson and carried by unanimous vote.

The meeting was adjourned at 8:16 PM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor