

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

DATE: October 11, 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, Vernon Harrell, Jan Dawson and James Malloy
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/Assistant Town Manager
Jim Taylor, Fire Chief
Louis Hesse, Building Code Administrator
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Gilbert Combs, Planning Director
MEDIA PRESENT: None
INVOCATION: Commissioner James Malloy
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Dawson at 4:30 PM and the invocation was led by Commissioner Malloy. Mr. Gantt introduced the new Planning Director, Gilbert Combs.

Approval of Agenda

Mayor Dawson asked to amend the agenda by adding item #7A for a presentation by Burgaw TDA, as well as 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 Robbins made a motion to approve the agenda as amended. 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 Dawson and carried by unanimous vote.

- A. Approval of the August 9, 2022 Regular Meeting Minutes
- B. Approval of the August 9, 2022 Closed Session Meeting Minutes
- C. Ordinance 2022-26 Amending the FY 22-23 budget to reflect expenses for fireworks at the New Year's Eve Blueberry Drop event
- D. Resolution 2022-18 Approval of submitting a formal grant application for the proposed Courthouse Avenue Streetscape and Park Development project

SPECIAL PRESENTATIONS/REQUESTS

Burgaw Baptist Church – Street Closure Request

Laura Hinson with Burgaw Baptist Church requested Bridgers Street between Wright Street and Walker Street to be closed the evening of Halloween between the hours of 5:00 PM and 8:30 PM. Commissioner Robbins made a motion to approve the street closure request. The motion was seconded by Commissioner George and carried by unanimous vote.

Pender United – Street Closure Request

Darlene Adams, founder of Pender United, and Jackie McLeod requested additional street closures from the original request during the September meeting. Ms. Adams requested closure of Wright Street between Fremont Street and Satchwell Street, as well as closure of Fremont Street between Walker Street and Cowan Street. Walker Street will remain open. The request was to close the additional streets between 9:00 AM and 6:00 PM. Chief Hock said he is concerned with the flow of traffic traveling down Fremont Street towards Wright Street and having no where to go. After some discussion, it was suggested to close half of Wright Street between Fremont Street and Satchwell Street so the flow of traffic coming from Fremont Street can still turn right on Wright Street. Commissioner Malloy made a motion to approve the street closure request, closing only half of Wright Street as suggested by Chief Hock. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Burgaw Tourism Development Authority updates

Myra McDuffie and Jennifer Hansen were present to share the following updates from the Burgaw Tourism Development Authority (TDA):

- Sponsored the 2022 Pender County Tourism Ghost Walk event by donating \$200.
- Started a trackable QR code for the Visit Burgaw website and signs around town.
- Purchased a full page ad in the 2023 Pender County Tourism Visitor Guide.
- Held Farmers Markets. Commented on the rental of a port-a-john at each market and the possibility of the town assisting with the cost of this.
- Sponsored a Wilmington Sharks baseball game this past summer and had a banner in the outfield. This also involved local businesses to help with the cost of the sponsorship.
- Bi-weekly business spotlights highlighted in the town newsletter and a sign placed in front of the business for two weeks.
- Separated businesses in zones for the TDA members to reach out to businesses in their assigned zones to follow up with business owners about events, activities, etc. The TDA is working on ways to keep everyone informed.
- Advised there is a new occupancy tax collector in town, The Pender House. They have been invited to the TDA meetings. Ms. Pope briefly explained the occupancy tax collection. There was discussion about monitoring the collection of occupancy tax in town. Mr. Gantt said staff can reach out to the occupancy tax collectors after the 15th if their tax has not been submitted to the town. There was also conversation about business registrations. Attorney Rivenbark and staff will meet to look at options.

- Gave away information and popsicles at the NC Blueberry Festival and sponsored the blue grass band during the week of the festival activities.
- Recently approved purchase of giveaways, such as keychains and koozies. Burgaw shirts were also purchased to sell by the TDA.
- Will be assisting with Halloween in the Park and Christmas on the Square.

Ms. Hansen thanked Mr. Suggs and Ms. Augst for all of their work in assisting the TDA with events and activities.

Mayor Dawson commented on the Farmers Market. Ms. McDuffie said we have a pre-registration for the vendors and it's difficult to continue with the market if only two or three vendors sign up. Mr. Suggs said over 200 vendors were contacted about the farmers market when it was started. The first two had several vendors and then dwindled down. The town loses money when there are not many vendors to register because of the cost to rent the port-a-john. Commissioner Malloy said some places have farmers markets every weekend with the same place to set up every weekend. Commissioner Robbins asked about the possibility of having the market on a week day. Ms. McDuffie and Ms. Hansen said the TDA plans to discuss the farmers market again after the holidays.

Attorney Rivenbark commented on the members of the TDA and the recent changes in the ordinance regarding members. He said he will look into this and see if we need to open up the membership for new occupancy tax collectors in town.

DEPARTMENTAL ITEMS

Parks, Recreation & Tourism Department – *Cody Suggs, Director*

Street closure requests for holiday events

Mr. Suggs advised the annual tree lighting will be held from 6-8 PM on Friday, November 25th with carols, food trucks, Santa and the showing of the "Elf" movie on the square. Mr. Suggs requested a street closure on Wright Street between Courthouse Avenue and Fremont Street between 5-9 PM. Commissioner Robbins made a motion to approve the street closure request as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mr. Suggs also said staff is currently evaluating the best location for the New Year's Eve Blueberry Drop since there will be fireworks displayed this year. More information on street closure requests will be discussed at the next board meeting. The test shots for the fireworks are scheduled for 7:45 PM on Thursday, October 20th. A code red call will be sent out prior to the test shots so everyone is aware.

Mr. Suggs said the Christmas on the Square event is scheduled for Saturday, December 3rd from 10 AM to 4 PM and requested closure of Wright Street from Courthouse Avenue to Fremont Street from 9 AM to 5 PM. Commissioner Harrell made a motion to approve the street closure request as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Resolution 2022-19 Consideration of usage policy changes for rental facilities

Mr. Suggs said there have been a couple of issues arise recently with the facility rentals regarding usage time frames. He said some renters are staying longer than their paid rental times, which interferes with the cleaning crew attempting to enter the building to clean. Mr. Suggs said some renters for the Community House are going in early to decorate, which is earlier than the time frame reserved and paid for. Mr. Suggs requested changes to the policy to help eliminate this issue at the facilities. He said the policies have been presented to reflect a \$50 fee for usage outside of rental times originally reserved. After some discussion, it was agreed upon by the board to charge at least half of the security deposit fee for this violation. Commissioner Robbins made a motion to approve Resolution 2022-19 as presented, with the correction of the amount to reflect “half of the security deposit” instead of \$50 as suggested by Mr. Suggs. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. Suggs will see the fee correction be made in the policy. Commissioner Robbins asked if we could put a separate “approval” message about this penalty fee when reservations are made online. Mr. Suggs will be sure to add this as part of the reservation process.

BREAK 5:27 PM – 5:43 PM

PUBLIC FORUM

No speakers were present.

PUBLIC HEARINGS

Public Hearing #1 – Gilbert Combs, Planning Director

Consideration of a Major Special Use Permit for a Bed and Breakfast Inn to be located in the former Dees Tourism Home on a ±0.52-acre tract located at 115 N. Cowan St. The property is further identified as tax reference number 3229-34-7052-0000. Continued from September 13, 2022.

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

Mayor Dawson declared the public hearing continued at 5:43 PM.

Attorney Rivenbark: Anybody wishing to testify in the agenda item number 18, which is generally speaking of Cowan Street, Bed and Breakfast...if you would come forward, please. I’ll hold the Bible if you will... I, state your name, will swear that the testimony you will give today will be the truth, the whole truth and nothing but the truth, so help me God, or you may affirm. Thank you. The following individuals were sworn in by Attorney Rivenbark:

- Gilbert Combs, Planning Director
- Louis Hesse, Building Code Administrator
- Horace Thompson
- John Westbrook

Gilbert Combs: Mayor and members of the commission, the applicant provided something recently that I would like to put into the case for evidence. *Mr. Combs gave each board member*

a document labeled *“Burgaw Antiqueplace List of Services and Amenities for Bebe’s Bed and Breakfast.”* Thank you, Mayor, and Commissioners. A Major Special Use Permit request for a Bed and Breakfast Inn has been submitted for 115 North Cowan Street by the property owner Brenda Allen. The property is approximately 0.52 acres and the applicant’s drawings indicate it is a 10-bedroom residence with an accessory apartment at the western property line. The plan for the bed and breakfast inn is to use eight of the interior bedrooms for guest rooms and two for resident managers. The applicant has not requested for any special event allowance as part of the permit request. The subject property is zoned R-12 residential and requires a special use permit for a bed and breakfast. Adjacent parcels to the north, south, and east are R-12, residential and to the west B-1 Central business. All adjacent properties are being used for residential purposes. The future land use map designates this property as traditional neighborhood residential. The property falls within the traditional neighborhood residential characterization and bed and breakfasts are a recommended use in this classification in the Burgaw 2030 comprehensive land use plan. The list to the left of the slide is use standards required as a part of this special use permit request. Within the submitted application and attachments the applicant is responsible for ensuring all required use standards are met. A buffer type A or B is required between this use and the adjacent residential property to the west. One spot per guest bedroom is required in addition to two spots for resident managers. In residential zoning districts, the use shall be located in a structure that was originally constructed as a dwelling and shall not be altered in any way that changes its general residential appearance. In this zoning district the maximum number of bedrooms for each proposed bed and breakfast inn shall be four unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the board may approve the original number as allowable guest bedrooms. Signage shall be limited to one unlighted sign. The inn shall be operated by a permanent resident manager. Meals served shall be for overnight guests only. Maximum guest stay is 30 days. No receptions, private parties, or similar activities shall be permitted unless expressly approved as part of a special use permit. A floor plan designating the use and floor area of each room and showing ingress and egress from each room, the number of possible guests, permanent residents, and employees, list of services and amenities. These are just some existing conditions of the subject property and abutting properties and the opposite side of the subject property on North Cowan Street. Again, here are existing conditions of the subject property and abutting properties and the opposite side of the subject property but on NC-53. The special use permit process requires ensuring the findings of fact are met. The following five facts must be addressed by the applicant. Ahead are applicant slides. An applicant representative, Mr. Johnny Westbrook, will take over for the applicant submitted slides.

John Westbrook: Thank you very much. Thanks for your help for preparing for today. What I thought I would do for today is generally go through the attachments starting with the site plan. As you can see from...okay...there are currently about four or five parking spaces on the site and what we’re doing is providing all eleven required parking...on the western portion of the site on 53. Even though we would be allowed to use the side streets, North Cowan, parking, we won’t have to do that at all. All of our parking will be on site. The only changes were making to the site is a little...going to try to pin point where...I just wanted to point out on the western side adjacent to...on the 53 side, is a small little deck they are building. Other than the parking, that is the only change being made to the outside. If you flip through the next drawings, it will show you the floor plan, the first floor plan is...here we go. The area in yellow is for the public area, the lower left is a bedroom, a bathroom in between that and another bedroom, then there’s the check out area just to the right of the entry, up to the left of the entry as you come in...then the

living, dining room and kitchen on the top part of the building. Again, the little sunroom that the operators will be using on their own functional use and occasionally [inaudible comment] sunporch. The important thing to say here is this is existing conditions; we're not changing anything on the inside of the building at all. Using the bedrooms there now, currently as the exist. We can move to the next slide. You'll see there are eight bedrooms with two guests per bedroom and the ones on the top are facing Highway 53. Three of those have direct access to bathrooms and the bottom three also have access directly to bathrooms. It's only the ones to the far left up and down that would have to go out in the hall to get to the bathroom. Again, existing conditions; we are making no changes at this point. Should they later want to make any kind of amendments to it, they will go through the building permit process with Mr. Hesse, like any normal person. The top floor is basically just a game room. The attic areas on either side of where the air conditioning units are, there's no changes planned for that at this point. It's being currently used as an office for Bebe. Again, we won't be using that for any particular function. This shows the east view entering off of the street. Again, no changes will be made to that. This is the northeast view as we rotate to the right around the building and continues around. You can see where the little fenced in area is; that fence will be taken down and that extended to the west slightly so they can put some tables and chairs outside for maybe breakfast in the morning if the weather is nice. Then we continue to move around the building you see the west view, the sunroom you see there, the right of that is a little arbor with a table and also another picnic table and going around the building you see a little covered area and also no changes are made to the outside of the building whatsoever will maintain as it is today. This is the southeast view as we continue to rotate around the building and there's no parking in the front. All of this will remain exactly as it is today. All intents and purposes, won't even know there are changes to the site whatsoever except the parking area. We've already talked about the zoning and the land use so... this is the side of the building and the way it was in the late 50s when it was built. It was actually built in late 1948. Other than the trees, it's the same today as it was then. What we really are doing from a historical perspective, is bringing it back to what it was in it's early time. It was called the Dees Tourist Home. We had thought at one time of calling it the Dees Tourist Home rather than Bebe's Bed and Breakfast, but thought since Bebe had already made a sign for it, "Bebe's Bed and Breakfast," that we wanted to utilize that. That sign will go in that corner that you see here. We also wanted to show you that we changed the word "should not have impact on the neighborhood" to "will not have impact." The appraiser assessed it and made that very clear, so we resubmitted that and Gilbert put it into the record so it will clearly...it will not have a negative impact...value on the properties.

Commissioner Dawson: Mr. Westbrook, on that appraisal, did he...because it has the same date on it...did he not retype it, or did he just...

John Westbrook: I did not notice that.

Commissioner Dawson: It has the same date as the old one.

John Westbrook: They changed it...that's news to me. I did not notice the date change. I didn't make the change. It was made by the appraiser.

Commissioner Dawson: I just noticed the date is exactly the same.

Attorney Rivenbark: I will interject that in everything that I've seen...I'm not sure what's wrong with the PowerPoint... it is sealed appropriately by the appraiser.

Commissioner Dawson: Is it? Okay.

Gilbert Combs: There have been times where professionals do not want their seals visible on public documents so that people can't copy them and use them. So I covered the seal and will continue to cover the seals.

John Westbrook: I just want you to know that was not made by me. That change...the word "will," was made by the appraiser. If you look at my records, I also stated...in my personal, as an architect, I state, that it will not have a negative impact on the surrounding properties. This is just for the...it shows the relationship of the building to the rest of downtown, in the lower right. The courthouse shown in the middle. With the Pender House on the western side of town and this on the eastern side of town...all within walking distance of downtown, it's going to be quite a positive addition to Burgaw. It's going to help bring in more tourist trade. It will help the TDA in their efforts to promote downtown and Burgaw, so I think it will be a tremendous asset. This is just a list of the amenities and services that will be provided. You can read them; I don't need to repeat them. Basically, breakfast in the morning, and each of the rooms will obviously be cleaned and start over each time someone comes. All the parking will be provided for guests on site. In terms to exterior, the list there of amenities being provided on-site for exterior and interior. In terms of the findings of facts, I can go through them here, 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. I have stated, as a professional registered architect, the evidence that is proposed for the bed and breakfast located in the area recommended as traditional neighborhood residential and page 92 of the Unified Ordinance, specifically recommends bed and breakfast as a appropriate land use in addition to single family residential and two family residential uses. Thus we are directly fulfilling recommendation of the Land Use Plan, under item A, findings of fact. Under Item B, any questions about that? I just want to follow through and say as a professional how each of those findings of fact have been met by the applicant. How would you like me to proceed?

Commissioner Dawson: We don't have to go through...

John Westbook: Then there's no need for me to go through them. Okay.

James Gantt: He needs to state on the record, because you're going to close the public hearing prior to deliberations so he needs to state on the record how each of those for the applicant.

John Westbrook: Then I need to continue. Item B, under findings of fact, 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. As evidence, I state, the bed and breakfast is a residential use built in 1948 as a ten bedroom home. It was used at the time by many teachers in the local school district, originally called Dees Tourist. Look at attachment number 6 as I showed you. It was a destination for quite a number of visitors from outside of town as well as visiting relatives. Our proposed bed and breakfast attract many wonderful visitors to our local community and no exterior changes are proposed to the structure at all and thus the existing residential character in the neighborhood will be maintained. Under item C of the findings of fact, the use of the property as proposed will not affect other adjoining or abutting property values. As evidence of that, we talked about the attachment of the certified residential appraiser. Originally it said "it should" and now it says "it will" not have a negative affect. I as an architect, affirm that as well. Item D under findings of fact, 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. As evidence, I submit the structure is a ten bedroom home and we are not changing the physical structure on the outside and will be utilized from the interior bedrooms for eight guest rooms. Each of those will have two guests for a total of 16 guests and there will be two bedrooms on the first floor for the resident managers. As a registered architect, I, John Westbrook, state that the health and safety of the neighborhood will not be endangered. Item E, the increase in vehicular traffic resulting from a proposed development would not pose a danger

to public safety. That is evidence under attachment number 26, is the traffic report [inaudible comment] estimated impact the traffic 67 daily trips is well below the 280 daily trips and would not require a traffic study. That's the impact...is minimal, so all of the findings of fact, A-E, in my professional opinion have been met. Are there any questions?

Mayor Dawson: Any questions?

Commissioner Dawson: Does anybody...I've got some comments, yes. Are you ready? Gilbert, do you need to speak...

Gilbert Combs: I've got one more slide, yes. Thank you Mr. Westbrook.

John Westbrook: There's only one other item I didn't hit and I thought...we originally proposed four signs, one would be an entrance sign off of 53 and another would be on the corner at the intersection of Cowan and 53. We wanted to make it more visible, so in the original application, it just showed the sign as sitting on the ground. We need to raise it up and make it a little larger and so, I don't know if that slide is in this or not, probably not, but here is a picture of what we are proposing. Even with the brick it still falls underneath the ten square feet allowed for the sign. The sign itself is only 2.92 square feet and even with the brick, it is still under the ten square feet allowed for the sign. We wanted to light this sign on the corner and would also like the entrance so at night you will be able to see that and know that you can enter from 53. Okay? Thank you.

Gilbert Combs: Thank you Mr. Westbrook and thank you commission. This concludes the staff and the applicant presentation. Staff is available to answer questions you may have.

Attorney Rivenbark: Madam Mayor and Commissioners, I would...it's my opinion as the attorney that we accept Mr. Westbrook's testimony as a sealed architect, and certainly an expert in that field, and very likely is, in my opinion, an expert in local history of the Town of Burgaw and also Mr. Planner, is it your intention to introduce all exhibits including the PowerPoint as presented, as well as all exhibits in item number 18 in the agenda into the record?

Gilbert Combs: Yes, sir, that is correct.

Attorney Rivenbark: That's all.

Mayor Dawson: Any comments?

Commissioner Dawson: Is there anyone else that is going to speak?

Attorney Rivenbark: Mr. Thompson was sworn in, but I'm not sure what he may need to say.

Gilbert Combs: Would it be the appropriate time for...

John Westbrook: This is the map Mr. Thompson did.

Horace Thompson: That is correct.

John Westbrook: We just wanted to... he's the professional that did the survey. He's here to [inaudible comment] this is his drawing.

Attorney Rivenbark: And I submit to the town that, as all know, Mr. Thompson is a registered land surveyor and his map and drawing should be considered his expert work. Mr. Hesse was also sworn.

Louis Hesse: Just in case there was a question to come up, because I was at a couple of the meetings.

Commissioner Dawson: I do have some concerns about safety in regards to the parking lot itself. I did ride by and it is so close to Highway 53. In order for a vehicle to pull in off of 53, you're almost going to have to come to stop to get a car to turn into parking lot one and parking lot six, so my concern are with the number of vehicles...67 might not sound like a lot, but on that [inaudible comment] busy road with all of the eighteen wheelers and log trucks that are going, that main intersection is not a great distance. They usually [inaudible comment] do not have to stop, they just go around that curve there and I had some difficulties when I, myself, was trying

to slowly figure out how to pull in. With that being said, if the number of rooms were reduced from maybe eight to six, then maybe those parking spaces could be deleted completely and at least it would give a vehicle enough opportunity to get off the major highway and get into the parking lot. So those are my concerns and I don't know how you want to address that but those are my concerns.

Gilbert Combs: Yes, ma'am. So there's still a parking standard if we go from eight to six. It would require one parking space for each guest room to get to and from the residence, so that would reduce the required amount to eight parking spots.

Commissioner Dawson: So if that could be reduced, then we can get rid of those parking spaces that are only five feet from that actual right-of-way, then I'm going to feel much better about public safety.

John Westbrook: Can I respond to that? I had originally proposed the two parking spaces on the south side of the building adjacent to the patio. They're not in the front, they're on the side. But in order to maintain the residential character of the property, I relocated those two parking spaces over to the parking lot. There's room for two parking spaces adjacent to the patio there, which would address your concern.

Commissioner Dawson: Can you point to...

John Westbrook: Yes. If you look right there. I had originally proposed two parking spaces right here next to the patio and we can do that, which would reduce these two parking spaces here and make this lot smaller and therefore have parking here. It would still not be in the front yard. So, if you would prefer, we would be glad to do that, but we don't want to reduce the number of beds. I mean what are we going to do with them? Leave them vacant? It's a ten bedroom house. Eight of them are for guests. We want to provide as many rooms as we can within the guidelines and the ordinance itself encourages a bed and breakfast, so to harm us by reducing us by two eats into our income by 25% and it also reduces the number of people that come and stay by that amount. So, we would very much prefer not to reduce the number of beds.

Louis Hesse: If I may interject here. This is a question for you. Would it not eliminate the whole problem if you just reversed the drive where you actually enter off of Cowan?

John Westbrook: We can do that.

Louis Hesse: Then you are just simply waiting for the traffic to break to come out so you're not trying to get out of busy traffic and just trying to...

John Westbrook: We would be glad to do that. In fact, that's the way it's used right now. Most of the entrances are from Cowan Street as opposed to 53. I just felt like for safety reasons for travel, that it might be a little more difficult to come out onto 53 than to... you know. But if you felt better about it, we have no problem whatsoever in reversing it. In fact, we prefer to have the entrance come off of Cowan and the exit onto 53.

Commissioner Dawson: Well it's definitely going to be dangerous entering off of 53. You can't...you have to almost come to a stop to even try to maneuver a vehicle to get in there.

John Westbrook: We have no problem whatsoever, I don't think, coming in...as I said, we prefer to come in off Cowan Street.

Commissioner George: It's going to be dangerous getting out onto 53.

John Westbrook: That was my concern, but again, you know, be cautious, you can see both ways. We would have to make sure the landscaping was such that it wouldn't block the view, so whatever is your preference, we would not mind one bit in changing that.

Commissioner George: I have a concern. If they...one of the bedrooms is having a birthday party going on and they have about 25 guests there, what's going to happen to all the parking of the guests. Where they going to park?

Attorney Rivenbark: There are no special events allowed in the permit, so that would be violation of the special use permit.

Commissioner George: I thought that is what I read. Thank you. Just wanted to make sure.

John Westbrook: In addition to that, the parking out on the street is over and above and therefore if for some reason a guest would need a friend and they needed a place to park, the ordinance allows parking right on Cowan Street. We just didn't want to impact the neighborhood and so we didn't want to count on having to use the parking on the street for our required parking. We had thought at one point about having a little circular driveway here, but we decided no that's best not to do that. It changes the visual character, so we dropped the idea of doing that and went back to having just the existing conditions.

Commissioner George: I have all ideas that it's going to be people coming in off of 53 and going out on 53.

Commissioner Dawson: You would have to make it one way in.

Commissioner George: That isn't going to do no good.

Commissioner Dawson: That's very dangerous coming in...because I've traveled it several times and it's very dangerous.

Commissioner Malloy: From the safety aspect of it, my question...I understand what's being laid out, but in order to do things I think on a safe standpoint, why not cut it to six instead of eight? On a safety standpoint. That is a dangerous area. Anyway we look at it.

John Westbrook: You mean cut it to six...

Commissioner Malloy: Six beds instead of eight.

John Westbrook: Because you cut 25% of our income.

Commissioner Malloy: What about the safety and someone getting killed?

John Westbrook: Well...

Commissioner Harrell: At this point, there are a number of residents that deal that issue everyday and we don't have the considerable number of car accidents in that stretch. There are people...that's how they enter and exit their houses. I don't think it's that much of a safety issue, personally.

Commissioner Malloy: Chief, what do you have to say?

Chief Hock: To Commissioner Harrell's point, I mean, there's a residence even closer to the intersection that he is in and out all the day as well.

Commissioner Dawson: That's not my concern. My concern is that parking space is literally five feet and vehicles are twenty feet long. How are you going to get off the road and maneuver into that turn without almost having to come to a stop. [inaudible comment] reduce those two parking spaces.

John Westbrook: How would you feel about putting two of the parking spaces on the south side of the building?

Commissioner Harrell: I thought that concern was mitigated by reversing the flow of traffic.

Commissioner Dawson: Well, I think, to Chief's point, it's just as dangerous pulling out...is that what you are saying?

Chief Hock: No, I wasn't saying that, but correct me if I'm wrong. You can see it better on here. You have the parking spots, then you have the sidewalk, then you have the right-of-way, correct? Do you know how wide that right-of-way is?

Commissioner Dawson: Five feet.

John Westbrook: The grass area is five feet, where the landscaping is, and the sidewalk is about five feet, and then you've got an additional fifteen feet to the edge of the curb.

Commissioner Dawson: Well, if you can move the two parking spaces, one and six, and move them, I'm fine with that.

John Westbrook: We will be glad to do that.

Attorney Rivenbark: Mr. Westbrook, can you show the south view of the house, I believe, the picture you have and Mr. Gantt may be able to get it quickly. Just for purposes of the record, if you could just state for the records to what appears to be the sunporch, where the parking spaces would be.

John Westbrook: Yes, they would be right here, on the side yard.

Attorney Rivenbark: Would the parking extend, and I'm not an architect...

John Westbrook: They would not extend into the front yard.

Attorney Rivenbark: So it would not extend past this jut out right there?

John Westbrook: This is the edge of the house and it would not extend past the edge of the house.

Attorney Rivenbark: Can we say then, just so were clear on the record, that it would not extend past the western edge...

John Westbrook: Well, I want to make sure from the dimensional standpoint, it's tight. It would be the edge of the house, instead...it would be an extra two feet.

Attorney Rivenbark: I understand.

John Westbrook: Otherwise, I would have to cut into the patio.

Attorney Rivenbark: So then the...clarity of the record...the two parking spots on the south side of the home would not extend past the western corner of the south side of the house.

John Westbrook: Exactly. In addition to that, we probably would put landscaping to screen that parking so you wouldn't see it from Cowan Street.

Attorney Rivenbark: I just want to make sure they are clear where they would be.

John Westbrook: Yea, they will not be in the front yard.

Gilbert Combs: If I may Mr. Attorney, in the ordinance, it does not permit any parking in the front yard, so he could not do that. It would be prohibited.

Attorney Rivenbark: If he extends past that corner?

Gilbert Combs: That is correct.

John Westbrook: It would not extend past it, it would be on the side. Do you have a problem with it being in the side yard?

Gilbert Combs: As long as it meets the standards in the ordinance, there is no problem [inaudible comment].

John Westbrook: It would not be in the front yard. In fact, we will push it as far west as we could and if we could push it even further, depending on the width of the spaces, we will do so. I just didn't want to have to push it into the patio. I also want to leave enough room, landscaping wise, to screen that parking from Cowan Street so you really wouldn't see it.

Gilbert Combs: Just to provide additional options here. There is an opportunity to provide parallel parking there, [inaudible comment].

John Westbrook: Yea, I've actually shown it as diagonal parking. In fact, since we're entering from Cowan Street, that will actually be easier. Originally coming from the other way, it's a little more difficult. But if we come from Cowan Street instead of 53 as an entrance, then, yes, it would be better on an angle, which would allow for more landscaping. That's a good idea. Does everybody understand what I'm talking about?

Commissioner George: Diagonal parking?

John Westbrook: It would be diagonal parking and you would come down from Cowan Street and pull in. Most likely those spaces would be utilized by the operators, because that's where you enter into their bedroom area anyway, so that will actually be convenient for them.

Commissioner Dawson: One more question, do we have to provide handicap parking anywhere?

John Westbrook: The ordinance does not require it. We could if...well...

Commissioner Dawson: Are there going to be any handicap accessible rooms?

John Westbrook: Originally we thought there would be, but in order to do so, we would have to change the doorways and put in a handicap bathroom.

Louis Hesse: Having eight or fewer guest rooms takes them out of commercial code, takes them out of the handicap...they are doing handicap because they want to, not because they have to.

Commissioner Dawson: Okay.

John Westbrook: In fact, they were going to provide, I can say they are not, but for the veterans, they wanted to provide a handicap room free to veterans on the first floor. That was originally, but with the change in the plans and the controversy we've been through...this is the third time we've been here...we decided that would overcomplicate it, because what that would mean is we would have to turn the third floor into another bedroom. We could do that at some later time, but to meet the ordinance requirements at this point, we would prefer not to be required to have a handicap spot, but is likely they would utilize it for wounded veterans. Now if there is room to put in extra handicap parking, we can do that.

Louis Hesse: Free or not, it would still be a limit of eight, then it would throw you into the commercial code with sprinkler system.

John Westbrook: We would not...we would have to reduce it somewhere else. We couldn't handle more than eight. If we had a bedroom downstairs, then we would have to reduce one of the ones on the second floor in order to meet within the eight guidelines. At no point would we want to go above the eight, no matter what we do, and I state that for the record.

Commissioner Dawson: If you can eliminate those two, one and six, and relocate them diagonally, then I'm okay with that.

John Westbrook: We can do that.

Attorney Rivenbark: I'm going to ask. Is it the will of the board, if the applicant is willing, and this is not a vote on yes or no, but this is a potential change that Commissioner Dawson has mentioned. If the applicant is willing to move two parking places as are shown on his current parking lot adjacent to East Bridgers Street, Route 53, to two diagonal spots, not extending past the corner of the home closer to the entrance, which will be changed as well to come from Cowan Street. Is that the will of the board?

Commissioner Dawson: It's mine...[inaudible comment].

Attorney Rivenbark: Say the rest of the board, on that potential change? If that's not the board's wishes, then we need to ask the applicant is agreeing...which I think he is...

John Westbrook: We totally agree to that. They said yes and they are here.

Commissioner George: You said diagonal coming from off...

John Westbrook: Coming in off of Cowan.

Attorney Rivenbark: Coming in off of Cowan was the request of the change.

Commissioner George: Coming towards the back of the house instead of coming in off 53 and driving around the house and pulling in this way.

John Westbrook: And eliminating those parking spaces...

Commissioner George: So you're not going to be able to park coming off of Cowan on the side?

Attorney Rivenbark: Yes, right there.

John Westbrook: Yes, we will...[inaudible comment]

Commissioner George: You're going to back in?

John Westbrook: No, you will pull in and pull straight in.

Commissioner George: You're going to have to turn your car around to put it in park.

John Westbrook: No, no. You just come down the right, turn right and park diagonal and park right there. So what we would do, again, let me point...

Mayor Dawson: I think he understands now.

Commissioner George: Okay, okay. Alright.

John Westbrook: And you back out, on out to 53. It's a little bit more difficult if we were coming from the other direction, but coming from Cowan Street, there's room, because of the angle parking, you know.

Attorney Rivenbark: And Mr. Westbrook, on behalf of the applicant, if the board were to approve this, the applicant will allow and consent to those changes we just discussed?

John Westbrook: Yes, they are sitting here today. They are not against...absolutely, and prefer to do that.

Attorney Rivenbark: That's the only question I have on that issue.

John Westbrook: Yes.

Mayor Dawson: Any additional questions or comments?

Commissioner Dawson: One more, Mr. Westbrook. I just wanted to note that in the evidence, it does say there will be no receptions, private parties or similar activities. It will be bed and breakfast only.

John Westbrook: That is correct.

Commissioner Dawson: Okay.

Mayor Dawson declared the public hearing closed at 6:27 PM.

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.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

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, with the additional conditions regarding the modifications to the parking, as agreed to by the owners.
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.

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

Commissioner Harrell made a motion to approve the major special use permit as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #2 – Gilbert Combs, Planning Director

Consideration of a Major Subdivision Preliminary Plat application for Coastline Station Subdivision located on a ±2.47-acre tract containing seven lots at 818 W. Bridgers Street Extension. The site is zoned O&I (Office & Institutional) and developed under the R-7 (Residential) standards of the Unified Development Ordinance. The property is further identified as tax reference number 3219-83-9783-0000.

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

Mayor Dawson declared the public hearing open at 6:30 PM.

Attorney Rivenbark: Is there anyone here present that would like to testify agenda item number 19, which is Coastline Station? Okay. Madam Mayor, what names do we have?

Mayor Dawson: I have a Mr. Andrew Smith, Jonathan Wayne, and Daniel Wedlock.

Attorney Rivenbark: If you will all raise your hand and say I, and state your name, do you swear or affirm that the testimony you will give today will be the truth, the whole truth and nothing but

the truth, so help you God, or affirm? Thank you. The following individuals were sworn in by Attorney Rivenbark:

- Gilbert Combs, Planning Director
- Andrew Smith
- Jonathan Wayne
- Daniel Wedlock

Gilbert Combs: Madam Mayor, members of the commission, a subdivision into seven lots is proposed at 818 West Bridgers street. These lots would be developed to R-7 standards. The subject property is zoned O&I and permits residential development that follows R-7 standards. Adjacent property to the north is zoned industrial and office and institutional, to the south across West Bridgers Road Extension is R-12 residential, to the west is institutional and to the east is industrial and office and institutional zoning. The adjacent land uses are agricultural, institutional and vacant. The future land use map designates this property as mixed use transition. Recommended land uses are offices, small-scale multi-family residential, small-scale mixed-use developments, adaptive reuse of historic structures, educational, neighborhood scale commercial, and non-neighborhood residential. This is the proposed subdivision of the parent parcel. Water and sewer are in place in front of the property. Discussion between the applicant and the public works department regarding existing vegetation on the property that may impede the departments ability to properly work occurred. It is important to note that the clearing of vegetation will be the responsibility of the builder and owner at the time a request is submitted to connect to water and sewer infrastructure. This work must be completed to a satisfactory level approved by the public works department. Here are photos of the subject property and across from the subject property on West Bridgers Street Extension. This item, like public hearing item 1 is a quasi-judicial proceeding. The five findings of fact must be met. This concludes staff portion of the presentation. I am here for any questions and the applicant is present and will provide the response to these items.

Commissioner Robbins: I have a question.

Commissioner Dawson: Do you want us to hear from the applicant first or rather ask you?

Concerning the site plan; I have some questions.

Gilbert Combs: Sure, we can go ahead and address questions.

Commissioner Robbins: Number one, I haven't seen anything where there is a drainage plan. Where is the water going to go? We already have a serious issue up there right off of Giles Marshburn and all of the water wants to run there. Where you going to take your water?

Gilbert Combs: I believe the applicant would be better suited to answer that.

Commissioner Robbins: Yes.

Andrew Smith: Hey guys. Thanks everybody. So ultimately, the goal here for the water flow is to push it to the ditch in front of the property so what the plan is for all of these, is...we are doing shared driveways on all these. Ultimately, there will be swells graded between the properties that will push the water from the property to the street. Obviously, if you look at the actual contours of the property, it's set up that way today, so that the flow will ultimately run to that street. There will be an open ditch there in front of the street to catch the water.

Commissioner Robbins: The problem we have here in town is that there is a lot of goals, but what we need is something to prove to us that the water is going to be taken away from there. Like I said, we have a major problem, you probably don't know it, but right down the street there, with water piling up there at Giles Marshburn and Bridgers Street.

Andrew Smith: Yes, sir. That is the flow of the land today. I mean...that's where...we're not disturbing any land, so that's the biggest thing here. At the end of the day, we're doing survey

work. The builder obviously will come in and build his own [inaudible comment] and naturally what we always do is put swells in between each one of those properties. There's going to be a culvert for the driveways. DOT is requiring for us to put in the culverts. I was the one who actually suggested the...the way the driveway is laid out [inaudible comment] is to do shared driveways so you wouldn't have so much of an impact on the road there, which he actually really like that. But ultimately, the land today, is situated so that the water already today runs from the back of the property to the front of the street, which is designed...best designed for the property so it catches it from the swells. Once the homes are actually built and pushes it to the street, it will be an open ditch. That ditch is obviously...it naturally flows back to town. That's the natural flow of the land in that area. It flows to that creek that's just down the street.

Commissioner Malloy: Alan, will you be kind enough to give me your opinion on this, because you're going to have to deal with all this.

Alan Moore: As far as drainage, it is DOT. I agree there is a lot of water that is over there, but unfortunately it's DOT's issue.

Commissioner Dawson: What we can't see, because we only got 8.5 by 11 sheet site plan, it's impossible to read. We can't barely see the contours or elevations, running to the road like you were mentioning.

Andrew Smith: Yea, there is... you see the circles on lot seven? You can see the circled kind of...on lot one. Those are the high spots on that property. It is more or less flat, that entire lot. There used to be an old house on the property, manufactured home, two old buildings on the property, but it was already set up as residential, previously. The homes have been since removed, but ultimately, there's only two foot contour difference on the entire property, parcels, so it's basically a flat lot.

Commissioner Dawson: That two foot contour, which direction is it flowing?

Andrew Smith: If you look at lot seven, that lot is a little bit higher, so you can see on lot seven, that little circle that's there and you can see on lot one on the dotted line and it kind of goes into lot 2, those two areas are a two foot contour line.

Commissioner Dawson: So, it's going...

Andrew Smith: Yes, ma'am. So it's kind of pushing it...today, that's the way the natural land is. We have left all the trees on lots...what we have tried to do, as minimally as possible...is obviously, you have the Board of Education behind it, so we wanted to leave as many trees back there. When you see development, more trees get cut down and obviously, typically you're going have a little bit more water...the trees absorb a lot of water. So, we tried to leave as many trees as possible. The gentleman I work with that builds, same thing, we tried to leave all the trees in the back as much as possible, without keeping it within 15-20 feet of actual house [inaudible comment]. But then again, with DOT, there are going to require a certain size pipe underneath that driveway, so the water will naturally run, you know, underneath that as it accumulates.

Commissioner Dawson: Can you tell the distance between each...see you got...one and two [inaudible comment]. So from one common drive to the next one, what is that...

Andrew Smith: So the lots themselves are 60 feet wide. Ultimately, zoning O&I reverts back to single-family, to 7,000 square feet R-7, so we actually design these lots...the smallest lot we have, lots one through three are 12,000 square foot lots, lot four is 14,000, and then five, six and seven are 18,000 plus. So, when you are looking at these, you've got roughly a ten foot set back on those. [inaudible comment] house themselves, we are showing 36 foot house blocks on the lots. The driveways, just to kind of give you a perspective on those...those driveways actually flare out. You can see they're 18 by 40, is what that [inaudible comment] access easement is, so the driveways themselves are 18 by 40 so they are big.

Commissioner Dawson: We actually can't see it. That's why I'm asking. These site plans...I'm having a hard to reading it.

Andrew Smith: I've got this map. I'm more than happy to share it with you if you would like to see it.

Commissioner Dawson: If you can tell me that distance, I'm fine with that.

Commissioner Robbins: Speaking of the driveways, what will the driveways...will the driveways be made of pervious material?

Andrew Smith: So the DOT is requiring us to do us...you meet up with their paved road, six inches of concrete, so there going to require us to do concrete driveways within those DOT right-of-ways. Now, if you want something different after the fact, after you get off that...typically we're going to do regular concrete, is what we standardly would do there.

Commissioner Robbins: Which creates more storm run off, so if it was pervious, wouldn't it not be beneficial for...

Andrew Smith: It would be. So, I'm not going to be dealing with...ultimately, the goal...I'm the developer, I'm presenting lots that we will ultimately turn into single family lots to someone. The goal from this concept, and kind of what I met with you guys last time, is to present housing. I think everybody knows we need housing. There's next to no one in this area that is building what I consider somewhat affordable housing. You know, Mr. Hardison is building some lots up here and his houses are \$399k. Where the goal for this concept here is to put houses around the \$250k price range and that's our goal. I've got floor plans already laid out and I've already got set up with a builder. I'm not personally building them, but at the end of the day, that's the concept. So, impervious concrete, pervious, there's a big cost difference in that and you're looking at substantially more if it was something besides just typical concrete.

Commissioner Robbins: I thought concrete is more expensive.

Andrew Smith: The impervious concrete is more expensive.

Commissioner Robbins: I like the idea of moving towards an impervious...

Andrew Smith: We will do everything we can as far as...I mean we obviously don't hurt neighboring property owners. I have nothing but respect...at the end of the day, we're not here to push water on anybody else. That's the last thing we want to do, so, you know, with regards using swells in between the lots and in between the neighboring properties, that is typically what we will do. You know, at the end of the day, if it's better to try to do an open ditch on the neighboring side where we know where the water is going, we can absolutely do so. We've got the room to do it. Ultimately, what will be best for everybody. You know, the goal here is not to have residents that move into these new houses to have problems. But we've kept every single house [inaudible comment]...there is a little bit of a flood [inaudible comment] where it's shown on here. It's lot seven. You can see there's a dotted line if you look on the bottom right corner there. So we've been able to keep every single house out of a flood zone on this entire property.

Commissioner Dawson: I'm not sure if you answered it or not, but it looks like about 120 feet center to center on those driveways.

Andrew Smith: Yea, that's pretty much center to center was.

Commissioner Robbins: I guess the reason I'm questioning it and so concerned about the water, is it just seems like over the past several years, our entire town is turning into a flood zone...

Andrew Smith: Yes, sir.

Commissioner Robbins: Slowly, but surely, we really can't...don't know the answer and that's when we have to be so careful with everything we do with new development wise.

Andrew Smith: Absolutely, I respect that.

Commissioner Robbins: It's not like it was even five years ago.

Commissioner Dawson: And public works can tell you that. The last rain storm that we had, that came down in three hours, five to six inches, there weren't too many roads that were not affected.

Andrew Smith: Yea, we have a house that I [inaudible comment] on Ballybunion and thankfully we were told to build it up twelve inches with a pad. At the time, we were wondering...thankfully it worked because that road...had deep of water, so I understand. And like I said, we're not going to clear cut these lots. The goal is to leave as many trees as possible. They would pretty much be off the house pad themselves about 15-20 feet behind the house. Everything then would remain wooded, so we would limit the clearing of the land to as little as possible. Obviously, the Board of Education behind them, it's nice to try to keep [inaudible comment] between the property anyway.

Mayor Dawson: Any questions?

Gilbert Combs: Now will be reasonable time for the applicant to address the five findings of fact and then allow the public to speak afterwards.

Commissioner Dawson: Is there anyone else that is signed up to speak by chance?

Mayor Dawson: Do you want to say anything?

Daniel Wedlock: My issue is pretty much the same that you are speaking of, about the drainage. I've addressed the board before about my drainage issues on my lot and the ditches are not being maintained in that whole area over there. You look at the Department of Transportation right beside that...at the end of that lot where [inaudible comment] there's a ditch over there but it hasn't been maintained. You know, they don't maintain that ditch, and they don't maintain the ditch all the way on the backside of the property. Now on the front, everything else is squared away and pretty, but the back side is not maintained. I don't know the regulations as far as...with the [inaudible comment] but with the back side of the fence, it's totally overgrown and the Department of Transportation's property line is beyond their fence but they don't maintain it. They don't maintain the ditch and that's my issue on my side. I really don't know where all the water...when it does flood on my side to come...the ditches in that area are all filled in and it's...that...that would be my only issue, but it's just to maintain the ditches, you know, that's the issue with the design of the canal. The canal is designed for water to go to it, but the water isn't getting to it because the ditches are not maintained and we've talked before about the different properties and the different owners and that agreeing to clean it is...you know, that's an issue that needs to be addressed, you know, and this is a good program. As far as the water draining towards the road, yea, that's our [inaudible comment] but still when it goes down towards the canal, it's going somewhere. A lot of that is in my yard, you know.

Commissioner Harrell: So you are the neighbor, in this picture, the neighbor to the right?

Daniel Wedlock: Yea, to the right. I own the three lots to the right, in between that...and the Department of Transportation on the back side.

Commissioner Robbins: Do we...I mean, who owns the ditches?

Daniel Wedlock: The ditches are on the property line. Split right down the ditch and the property line.

Commissioner Robbins: Does the Board of Education own any of that?

Commissioner Dawson: Who are...you mentioned DOT.

Daniel Wedlock: Yea, DOT is directly behind me and beside him.

Andrew Smith: I'm showing the Pender County Board of Education.

Daniel Wedlock: On there...but it's the Department of Transportation.

Andrew Smith: So this is what you're saying...this ditch right here.

Daniel Wedlock: Yea.

Andrew Smith: [inaudible comment]

James Gantt: So there's the ditch...it looks like possibly along...

Daniel Wedlock: [inaudible comment]

James Gantt: Then there's a ditch that looks like it goes that direction.

Daniel Wedlock: Down towards the canal.

James Gantt: There's another ditch it looks like in this area.

Commissioner Dawson: Who owns that property, James?

James Gantt: [inaudible comment] Murphy, Luanne Murphy, out of Missouri, same thing, same thing, Jenny [inaudible comment], Santos, these are all...

Commissioner Robbins: Louis, I mean we had the same problem up right over there by Jimmy Basden and what we were trying to get out of there. Does this water here want to go up that or flow back down?

Louis Hesse: I haven't really been on there to look at it, but you can look at the contours if you want hit that, James, and see. It probably flows down towards that corner...I'm not sure where the ditch goes through the canal, after it goes down that line, but...turn the road map on and see the contours better.

James Gantt: So right here is your [inaudible comment]...

Louis Hesse: So you got...six foot drop...four foot drops...

Commissioner Robbins: Did they ever clean out the culverts up there under the Penderlea Highway?

Louis Hesse: I don't know...there really wasn't a problem at Penderlea Highway on the Basden problem. The Basden problem was all the water that came from Tealbriar that came through there and those ditches...you know, we did assist some in cleaning those out twice and then the last time, one of the property owners did it themselves. It [inaudible comment] so, every two to three years somebody...you got, in that situation...not this at all, there's only four inches in drop in 700-800 feet, so it [inaudible comment].

Andrew Smith: What you're seeing, from this property, to where we were just at, you're seeing, this is about 50 foot elevation where this is 44, so there's a six foot elevation drop from basically this...Mr. Wedlock's property down to where the water should be [inaudible comment]. You're probably right...something has got to be stopped up.

Louis Hesse: Have you walked it Daniel?

Daniel Wedlock: Yes, I have.

Louis Hesse: So, where's the biggest blockage?

Daniel Wedlock: It's pretty all the way...

Louis Hesse: Wood [inaudible comment]?

Daniel Wedlock: Behind, right down that ditch, probably about half way.

Louis Hesse: It's like a lot of our other internal ditches that Alan was just saying there's pine trees two feet wide in the middle of the ditch.

Daniel Wedlock: You got to look at everything in those ditches. There's one area that's [inaudible comment] that the bank is falling in.

Louis Hesse: Right.

Andrew Smith: And that's all private property.

Daniel Wedlock: Yes, two private properties.

Andrew Smith: Is that something that the town can send a letter to the property owner?

James Gantt: We can, but there's no regulations for them to clean it out.

Mayor Dawson: But we can address an issue and send notice to try.

Daniel Wedlock: I would think the canal was designed that there had to be maintenance involved in maintaining.

Commissioner Robbins: There was. The prisoners did it, years ago. They came through and swept the whole town and when they stopped doing that, things started growing up and private property owners...it's like that throughout the entire town.

Daniel Wedlock: I would think if the design that was done and design was maintained [inaudible comment] on private citizens. That seems like to me beyond the Town of Burgaw to maintain. I understand some things do change...just like [inaudible comment] they have the prisoners do it now. [inaudible comment] to charge me to have it done...[inaudible comment]. I really appreciate your time in hearing me.

Mayor Dawson: Thank you for sharing that.

Andrew Smith: With regards to...there's a few items I think that we didn't even touch on, and I think this was the way you guys wrapped up the last one. This is, obviously, in harmony with the surroundings areas. Mr. Wedlock has a residential place directly beside it that is zoned R-20 directly across the street, so it does fall in harmony. It did have residential structures on it previously that were dilapidated and vacant, so those have been removed at this point. It would revert back to R-7 as I mentioned and we're going to do above and beyond that with a minimum of 12,000 going up to 18,000 square foot lots. Then, ultimately, if it is allowed within the requirements of the town ordinance, so it does meet the 2030 Future Land Use Map. I believe is mixed use transitional I believe if I remember correctly, which does fall into a category of residential. Then obviously in regards to public safety, again, working with [inaudible comment] on the driveway permit, so, again, off a previous project I worked on before, we suggested the shared driveway. Obviously, one off lot we did a single driveway, but he liked that idea. We did widen, thanks to John, he came up with the great idea to widen the turn when you come in, so that the cars can ultimately turn around in their own driveway and not have to back out on [inaudible comment] so I think that was actually a great idea. Then, with respect to the trips per day...if you look at a normal household, I think, the way you guys look at your ordinance, it reads if you have two cars, they estimate ten trips a day, which would ultimately be roughly around 70 trips. I think that's excessive in my opinion for a single family home for some, but it falls well below the 200 that would be required for a traffic count. Does anybody have any questions?

Attorney Rivenbark: Mr. Planner, is it your intent to introduce into the record all items in agenda number 19 and the PowerPoint?

Gilbert Combs: Yes, Mr. Attorney.

Mayor Dawson declared the public hearing closed at 6:58 PM.

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. He voiced his thoughts about drainage in the area and wants the town to look at helping the situation.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes, with the same concern voiced by Commissioner George.

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 George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

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.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

Commissioner Harrell made a motion to approve the major special use permit as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #3 – *Gilbert Combs, Planning Director*

Consideration of an amendment to the Official Town of Burgaw Zoning Map to rezone a tract of land totaling ±0.689-acres, further identified as tax reference number 3229-13-9244-0000, from R-12 (Residential) to R-7 (Residential) to enable the two existing duplex housing units to become conforming.

Mayor Dawson declared the public hearing open at 7:02 PM.

Mr. Combs reviewed the rezoning request as described in Ordinance 2022-27. Commissioner Harrell asked if this change will affect the value that the buildings have on the property and asked Mr. Combs if he expects this to increase the property taxes. Mr. Gantt said this is a conventional rezoning going from R-12 to R-7 which is staying very close to the same density so he said this would not negatively affect the property value. He said this would be a determination from the county tax appraiser, but this change is making it conforming, so this is the right move to do as opposed to not conforming the property.

Donald Payne was present and spoke in regard to this public hearing. He said he is the resident on the property and voiced his concern regarding property values. He said his question was answered. He also said he has been there for three years and asked why this is just occurring. Mr. Gantt said this was not a town initiated change, but the property owner applied for it to be considered.

Mayor Dawson declared the public hearing closed at 7:06 PM.

Resolution 2022-20 Adopting a statement regarding the consistency of the Shevchuk property that the requested map amendment to the Town of Burgaw official zoning map to rezone ±0.689-acres of land from R-12 to R-7 is consistent with the Burgaw 2030 Comprehensive Land Use Plan.

Commissioner Dawson made a motion to approve Resolution 2022-20 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Ordinance 2022-27 Approving an amendment to the Town of Burgaw official zoning map rezoning a ±0.689-acre tract of land located on N. McRae Street with houses addressed 105 & 107 N. McRae Street from R-12 (Residential) to R-7 (Residential). The property is further identified as tax reference number 3229-13-9244-0000.

Commissioner Dawson made a motion to approve Ordinance 2022-27 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Public Hearing #4 – *Gilbert Combs, Planning Director*

Consideration of an amendment to the Official Town of Burgaw Zoning Map to down-zone two tracts of land totaling ±0.5 acres from B-1 (Central Business District) to R-7 (Residential District) further identified as tax reference numbers 3229-21-8922-0000 and 3229-21-8856-0000.

Mayor Dawson declared the public hearing open at 7:07 PM.

Mr. Combs reviewed the rezoning request as described in Ordinance 2022-28. Commissioner Harrell asked if this change will benefit the town. Mr. Combs said, based on the future land use map, this is something the town has wanted.

There being no one signed up to speak, Mayor Dawson declared the public hearing closed at 7:10 PM.

Resolution 2022-21 Adopting a statement regarding the consistency of the Pender Acres property that the requested map amendment to the official Town of Burgaw zoning map to down-zone two tracts totaling ±0.5 acres from B-1 to R-7 is consistent with the Burgaw 2030 Comprehensive Land Use Plan.

Commissioner Robbins made a motion to approve Resolution 2022-21 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Ordinance 2022-28 Approving an amendment to the Town of Burgaw zoning map down-zoning two tracts of land totaling ±0.5 acres located on the west side of the 300 block of S. Dudley Street from B-1 (Central Business District) to R-7 (Residential). The properties are further identified as tax reference numbers 3229-21-8922-0000 and 3229-21-8856-0000.

Commissioner Malloy made a motion to approve Ordinance 2022-28 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Departmental Updates – *Department Heads*

Police Department- Jim Hock, Police Chief/Assistant Town Manager

- Progressing on the project regarding generator capability at traffic signals.
- Almost done with filming in town.
- Air conditioning unit in the Police Department went out and a new unit was installed.
- Public Works expansion drawing has been sent to the contractor working on the old EMS building for review and cost estimates.
- Vehicles approved in the current budget are coming in.

Commissioner Dawson asked about the public works expansion. She asked for clarification on the addition that was moved from the old EMS building. Chief Hock and Mr. Gantt briefly explained.

Commissioner Malloy commented on the Police Department monthly report regarding domestic/disturbance calls. He asked if fentanyl has been found in town. Chief Hock said he is not aware of any cases within the town limits. Chief Hock briefly explained precautionary measures that his department takes in regard to possible fentanyl exposures.

Fire Department – Jim Taylor, Fire Chief

- Fire Prevention Week is October 9-15.
- Pump on brush truck has been damaged and will need replacing.
- Commented on online training for firefighters.
- Fire Department staff will be holding Halloween at the station on October 31.

Public Works Department – Alan Moore, Director

- Prepping sidewalk on Smith Street.
- Paving contractors will be in town over the next couple of days.
- Prepping Christmas lights.
- Working on various water leaks.

Commissioner Dawson said the county is considering a large development off of Highway 117 going towards Wallace. There was discussion about this affecting the sewer flow and force main. Mr. Gantt said this is in the very early preliminary stages of discussion, but he has spoken to the county and Wallace about this and it is basically out of our control. There was discussion about the town owning the line and who is responsible for maintaining the line. Staff and Attorney Rivenbark will review the contract and bring back more information to the board. Commissioner Dawson and Robbins requested someone from the Public Works Department attend future meetings pertaining to this matter. Commissioner Malloy commented on maintaining the line. Mr. Gantt said it's about time for the line to be looked at and cleaned of sediment. Commissioner Harrell requested Mr. Gantt and Attorney Rivenbark look at any rate increases that could be passed along to the county, and for maintenance of the line.

Building Inspections Department – Louis Hesse, Building Code Administrator

- Cardinal Foods project is progressing.
- Heritage Place is converting their heating and air system to natural gas.
- Food Lion has a new permit for interior improvements.
- Broadband project is progressing.
- Having good success with minimal housing cases.

Commissioner Dawson asked about Project Fresh between St. Helena and Burgaw. Mr. Hesse said there is still activity on it, but he understands there have been some issues with the soils.

Commissioner Robbins spoke about the appearance of the solar farm outside of town in St. Helena's jurisdiction.

Commissioner Malloy asked about a dilapidated house on Wright Street. Mr. Hesse said there has not been any response to the letter sent.

Planning Department – Andrea Correll, Planning Director

- The Planning Department will be introducing a Pre-TRC meeting that gives the applicant an opportunity to meet with staff before proceeding with development plans.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Working on upcoming holiday events.
- Volleyball and basketball courts are going well.
- Working with Tennis Bloc regarding a free tennis program to be held in town.

- Working on fireworks for New Year's Eve Blueberry Drop event.
- Tree canopy replacement project starting soon.
- Received a \$2,000 donation from Burgaw Rotary Club for beautification around the new basketball and volleyball courts.
- Currently in process of finalizing the PARTF contract.

Finance Department – Wendy Pope, Finance Director

- New HVAC system in the Police Department so a budget amendment will be forthcoming.
- All 100 counties in NC were declared an emergency in result of Hurricane Ian. Currently working on the reimbursement process.
- NC League of Municipalities will be holding webinars and providing information on economic development. Staff is looking at the early stages of preparing for the next budget.

Human Resources Department – Kim Rivenbark, Director

- A community flu clinic in conjunction with the Pender County Health Department will be held at the Burgaw Community House on October 18th.

Clerk's Office – Kristin Wells, Town Clerk

- Former Commissioner Howard Walker's memorial bench will be placed at Town Hall and staff will work to have a plaque ordered.
- Shred event will be held this Friday at Town Hall.

Commissioner Robbins commented on communication issues regarding various events happening in town. There was discussion about this amongst staff and the board. Commissioner Robbins requested the board to be informed of anything happening on town property.

ITEMS FROM MANAGER – James Gantt, Town Manager

Update on current town projects

- EMS building is progressing well.
- Emergency Watershed Protection project is out for bid and a meeting has been scheduled with potential contractors.
- NC DOT is currently working on some projects in town that were previously discussed, such as painting crosswalks in town. They also did the traffic counts in some areas in town. Wilmington Street at Highway 117 Bypass did not meet the numbers for a signal, but Fremont Street and Highway 117 Bypass did. Our NC DOT representative will look to see if there is any possible funding. Staff will also reach out to state representatives for assistance. Mr. Gantt also said NC DOT will be resurfacing some state roads throughout town starting soon. He added they are looking at other various improvements throughout town, but will bring back more information on those.

- Staff is working on the Dees Park grant and getting that submitted.
- Town Hall roof project has been finished.
- Tree removal project is currently underway.
- The forestry service has approved for the town to place a welcome sign on their property across from Four County Electric. Mr. Gantt is working with the landscaper on having this installed.
- Cardinal Foods have been having issues with sewer flow and limits. The company is currently shut down while staff is working with the owners and Wallace to resolve the issue.

Commissioner Malloy commented on the mural and the EMS building. He does not want the mural to be forgotten about. Mr. Gantt also commented on the electronic message sign proposed for the new building. Staff will look at the town ordinance regarding this.

Commissioner George said something needs to be done about the street breaking up on McNeil Street at the first stop sign coming from NC Highway 53. He said there is also a hole in the street near the intersection of McNeil Street and Wilmington Street. Staff will look at these issues.

Commissioner Harrell asked about the status of the speed reduction request on Satchwell Street. Mr. Gantt said the speed limit signs are up and Chief Hock has informed residents in the area. Mayor Dawson said she spoke with Mr. Pearsall about the issue and he appreciates the efforts in reducing the speed and placing signs up, but really does not think that will solve the problem.

Mayor Dawson asked for an update on the semi-truck parking issue on Dickerson Street. Mr. Gantt said he has spoken to NC DOT about this since it is their street and they said the street needs repaving anyway, so that project is on hold until the paving and restriping can be done.

Mayor Dawson commented on several cracked sections of sidewalk on Courthouse Avenue. Mr. Moore said the best way to fix this is to cut it back about two feet from the curb itself since there are plans for major improvements on this street in the future.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Beautification Committee updates

Commissioner Dawson advised the Beautification Committee has voted to remove the crepe myrtles on both sides of Fremont Street between Walker Street and Wright Street.

There was discussion about the schedule for the cleaning of the downtown sidewalks. Mayor Dawson said the committee decided to have the sidewalks cleaned in November and May, as well as requesting the Blueberry Festival have the sidewalks cleaned after the festival in June. Commissioner Harrell said we should also request the festival not to use a permanent paint on the street when marking booth numbers. Mr. Moore said the quote for the cleaning is about \$6,400 for 30k square feet for the sidewalks on the list. Mr. Gantt said it would be about \$2,000 in addition to that to do the sidewalks on the square. There was discussion about the expense of cleaning the sidewalks twice a year.

Commissioner Dawson said there is a lot of Blueberry Festival items in the Public Works building and requested them find somewhere else for their items since the town is running out of storage space. Mr. Gantt said he will look at the agreement with the festival. Attorney Rivenbark said it is the town's property and if the town decides they need the storage, they can use it. After some discussion, Mr. Gantt will research the agreement and bring back information at the next meeting.

Commissioner Dawson advised the Beautification Committee is having pansies placed at the welcome signs.

Other items from Mayor and Board of Commissioners

Commissioner Harrell asked for Ms. Pope to look at the income we are making from the depot, community house and the incubator kitchen, and make sure they are not costing us. He said he wants to make sure we don't need to increase rates. Mr. Gantt said we assess this during budget time and will look at the rates at this time.

Commissioner Harrell asked Mr. Moore to look at any issues that need to be taken care of before the state paves roads as mentioned earlier in the meeting by Mr. Gantt.

ITEMS FROM ATTORNEY – *Zachary Rivenbark, Town Attorney*

Attorney Rivenbark said he could not find any local session law regarding the truck route through the town. He said this needs to be discussed and addressed. Mr. Gantt, Chief Hock, Mr. Combs and Attorney Rivenbark will meet and talk about this.

CLOSED SESSION – 8:29 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 Robbins and carried by unanimous vote.

OPEN SESSION – 8:51 PM

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

Upon reconvening to open session, Commissioner George made a motion to amend the pay classification plan and the FY 2022-2023 budget to reflect an increase in Police Department officers' salaries by \$2,500. The motion was seconded by Commissioner Harrell 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 was adjourned at 8:51 PM.

G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk