

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

DATE: February 14, 2023
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, Jan Dawson, Vernon Harrell and James Malloy
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Wendy Pope, Finance Officer
Kimberly Rivenbark, Deputy Town Clerk
Jim Hock, Police Chief/Assistant Town Manager
Louis Hesse, Building Code Administrator
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Gilbert Combs, Planning Director
Jessica Gray, Community Development Coordinator
Jim Taylor, Fire Chief
Zachary Rivenbark, Town Attorney
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 for consideration to amend the agenda to include item #6A for fee waiver requests. Commissioner Harrell 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 Robbins made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

- A. Approval of the December 13, 2022 Regular Meeting Minutes
- B. Approval of the December 13, 2022 Closed Session Meeting Minutes
- C. Approval of the January 10, 2023 Regular Meeting Minutes
- D. Ordinance 2023-04 Approving the amendment to the Town of Burgaw Code of Ordinances to reflect the prohibition of the unlawful use of engine and compression brakes

- E. Resolution 2023-04 Approving the surplus of a 1987 Chevrolet C70 dump truck within the Public Works Department

DEPARTMENTAL ITEMS

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

Discussion of Port-A-John rental fees requested by the Pender County Spring Fest

Mr. Suggs advised the quote for rental of the port-a-johns for the festival would be \$699.21, which includes one handicap accessible unit, one standard unit, and a handwashing station. There being no questions or comments, Commissioner Harrell made a motion for the approval of renting the port-a-johns as described by Mr. Suggs. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Fee Waiver Requests

Mr. Suggs advised a group with the AME Church raising awareness of human trafficking has requested a fee waiver for use of the pavilion at Hankins Park for one hour on February 25, 2023. Commissioner Robbins made a motion to waive the \$20 rental fee. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mr. Suggs also made a fee waiver request on behalf of the Boy Scouts of America to use the depot for the annual breakfast fundraiser on April 4, 2023. Commissioner Robbins made a motion to approve waiving the rental fee for use of the depot, but charge the cleaning fee. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Planning Department

Ordinance 2023-05 Approving the amendment to the Town of Burgaw Code of Ordinances to add Chapter 4, Animals and Fowl, Section 4-8, Restrictions on pet waste – *Jessica Gray, Community Development Coordinator*

Ms. Gray described Ordinance 2023-05 regarding restrictions on pet waste and requested approval from the board. There were some brief comments regarding the dog bag stations along the trail; we may need to consider adding additional stations in the future. Commissioner Harrell made a motion to approve Ordinance 2023-05 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Parking Analysis – *Gilbert Combs, Planning Director*

Mr. Combs presented a downtown parking analysis (attached) as requested at the last meeting. There was also discussion about the parking lot owned by Burgaw Presbyterian Church with the possibility of the town and the county making it a public parking lot. Commissioner Robbins said we should start with getting estimates for the parking area behind the depot and begin

conversations with the county about the Presbyterian Church parking lot. It was the consensus of the board to strike the idea of parking meters and restricted parking times.

Departmental Updates – *Department Heads*

Police Department- Jim Hock, Police Chief

- Complaints have been received about dirt bikes in town and the department is working through the process to handle them as needed.

Fire Department – Jim Taylor, Fire Chief

- January was the third straight month with above normal call volume.
- Extended employment offer for vacant position.
- Deputy Fire Chief Jasper has received his Fire Officer III.
- There have been three structure fires within Pender Central District since the start of the year.

Public Works Department – Alan Moore, Director

- Busy working on water leak repairs.

Building Inspections Department – Louis Hesse, Building Code Administrator

- Burgaw Brewing is progressing.
- There has been an inquiry for water and sewer capacity for fifty town homes on Timberly Lane.

Planning Department – Gilbert Combs, Director

- Tree City USA application was approved.
- Advised some text amendments will be coming to the board next month regarding murals and a wireless communication tower next to the Piggly Wiggly.

There was discussion about the wireless communication tower. As the current ordinance reads, the tower is not allowed in the proposed location. Therefore, the applicant is requesting a text amendment.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Advised there were 250 valentine cards were received for the local nursing homes.
- The trash cans and benches approved by the board have been received and have been placed around town. The plaque for former Commissioner Howard Walker has been installed on the bench in front of Town Hall.
- Working on informal bidding of various items for the West Side Trail and Parks project.
- The recent dances for Valentine's went well.

- A contract has been signed for work to be done on the lower portion of the depot.
- Had a meeting with Lenovo regarding grant opportunities for projects along the Mountains-to-Sea Trail that comes through town.
- Feast Down East recently received a golden leaf grant to expand their operations at the depot. Mr. Suggs asked the board for feedback regarding Feast Down East utilizing additional box car space for refrigeration, as part of their expansion using grant funding. There would be no cost to the town for this project. After some brief discussion, the board was open to the idea and requested Feast Down East come to the next board meeting to present their plans.

Finance Department – Wendy Pope, Finance Officer

- The FY 2023-2024 budget process has begun.
- Advised the utility billing software now has the capability of sending delinquent text and email alerts to customers who are past due on their utility bill. She said the Finance Department will be starting the reminder alerts during this month's billing cycle.

Human Resources Department – Kim Rivenbark, Director

- The Firefighter/Apparatus position has been filled, as well as one of the Streets & Landscape Maintenance Worker positions. Current employee, Steven Ayers, has been promoted to Water & Sewer Superintendent.

Clerk's Office – Kristin Wells, Town Clerk

- Ms. Wells gave each board member a handout with important dates and requested RSVPs for upcoming events.

BREAK 5:19 PM – 5:35 PM

PUBLIC FORUM

Lila Jordan, 4285 US Highway 117 South, Burgaw, representing 1865 Society, presented a first annual Juneteenth Celebration to be held on June 24, 2023 on the Courthouse Square. She requested the town to contribute \$2,000 towards the celebration and asked the board to include this expense in future budgets since this event will occur annually. Ms. Jordan also requested town support by providing public safety, traffic control, trash collection, set up and break down of the town stage, and port-a-johns. Commissioner Harrell and Robbins asked how many people are expected to attend. Ms. Jordan said it is hard to project, but will be marketing the event. There being no further discussion, Commissioner George made a motion to allow the event and approve funds as requested. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

John Westbrook, 410 East Fremont Street, thanked Mr. Combs for working on the parking analysis project. Mr. Westbrook voiced his concern with the parking project proposed behind the depot. He suggested to add parking on the north side of Wilmington Street at the end of the depot

and add pedestrian crossings. He also added that perpendicular parking on Wright Street would be more beneficial than the current diagonal parking.

Rochelle Whiteside, 315 West Bridgers Street, was present to follow up with the board regarding her requests for Spring Fest from the last board meeting. Mr. Gantt said there was not a motion made for approval of the requested funding, other than the requests listed in the letter from the Spring Fest committee. Commissioner Robbins made a motion to approve \$2,000 as requested by the Spring Fest committee. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

PUBLIC HEARING

Public Hearing #1 – *Gilbert Combs, Planning Director*

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 9.27.3 Tree Preservation and Replacement During Development. This amendment will modify tree survey requirement thresholds and exempt only single- and two-family projects from tree removal permits.

Mayor Dawson declared the public hearing open at 5:55 PM.

Mr. Combs presented the text amendment request as described in Ordinance 2023-06.

Mayor Dawson declared the public hearing closed at 5:59 PM.

Resolution 2023-05 Adopting a statement of consistency regarding the text amendments of the Town of Burgaw Unified Development Ordinance requested by town staff to Section 9.27.3 of the Unified Development Ordinance to modify the requirements for tree surveys and tree removal permits.

Commissioner Harrell made a motion to approve Resolution 2023-05 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Ordinance 2023-06 A requested text change amendment of the Town of Burgaw Unified Development Ordinance requested by town staff to Section 9.27.3 of the Unified Development Ordinance to modify the requirements for tree surveys and tree removal permits.

Commissioner Robbins made a motion to approve Ordinance 2023-06 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Public Hearing #2 – *James Gantt, Town Manager*

Early Citizen Input for FY 2023-2024 Annual Budget

Mayor Dawson declared the public hearing open at 6:00 PM.

Mr. Gantt said the budget process has begun for FY 2023-2024 and this is a time for early citizen input.

Thomas Buttery, 419 South Walker Street, requested the board consider a skate park during their budget process. After brief discussion, Mayor Dawson advised the board would look into it during the budget process.

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

ITEMS FROM ASSISTANT MANAGER – Jim Hock, Assistant Town Manager

Ordinance 2023-02 Amending the Town of Burgaw Code of Ordinances Chapter 10, Cemeteries – Tabled from January 10, 2023

Chief Hock advised the proposed cemetery ordinance has been brought back from the last meeting with the recommended changes requested by the board. After some research, he said the town could require mandatory markers. Ms. Rivenbark added there would be a deposit required to be paid to the town and the family would have up to a certain amount of time to have a headstone or flat marker placed. If the marker was not placed in a timely manner, the deposit would be used by the town to purchase a marker of some sort. This would be a way to make sure all burial plots are marked. Commissioner Robbins said he liked the idea of mandatory markers.

After discussion, it was determined to change the wording “stone marker” to “permanent marker” and include “brass” with concrete and granite. It was also the consensus of the board to include information about mandatory markers and allow up to 12 months for the marker to be placed. Chief Hock and Ms. Rivenbark will research further and bring back the revised ordinance at the next meeting.

Other items from Assistant Town Manager

Chief Hock advised the request for qualifications (RFQ) for the expansion of the Public Works facility has been approved by the Town Attorney and has been submitted to the state, as well as the town website.

Chief Hock said he has been working with Mr. Moore regarding an incentive program for the Public Works Department. This program would help employees within the department earn certifications, which will benefit the town, and also allow for pay increases.

ITEMS FROM MANAGER – James Gantt, Town Manager

Speed Hump/Traffic Calming Standards

Mr. Gantt said he has looked into the installation of speed humps for Satchwell Street, as requested by the board during the last meeting. He said, in doing research, he found most towns have standards for these types of traffic calming measures. Mr. Gantt suggested the town

implement standards so when the next person comes in requesting speed humps, the town will have a set criteria to follow when we receive requests. Mr. Gantt explained criteria that is usually within the guidelines, including petitions, reduction in speed limits, placement of the speed humps, etc. Commissioner Malloy said he has a concern about the petitions being signed by the property owners and not the tenants. He said he does not agree with the property owners having to be the ones to sign the petition. Commissioner Malloy said we need to go ahead and put the speed humps in place on Satchwell Street since the board approved this at the last meeting, then bring back the guidelines for consideration. Mr. Gantt suggested the board approve standards before placing speed humps on Satchwell Street. Commissioner Harrell said this process will take months to complete if we follow the guidelines. He wants something done on Satchwell Street now. Ms. Wells reminded the board of the motion made at the last meeting regarding speed humps on Satchwell Street.

After much discussion, it was determined that Mr. Gantt will work on the standards and try to bring back the recommendations to the board at the upcoming special budget meeting.

Update on current town projects

Mr. Gantt advised the former EMS building renovations are going smoothly. Commissioner Robbins suggested the piece of wall at the back of the stage that sticks out should be painted blueberry blue as an accent piece. Staff will look at this. Commissioner Malloy said there are a lot of people in town speaking highly of the renovations. Commissioner Harrell asked about the status of the budget for the project. Mr. Gantt said everything is going well with the budget. Commissioner George said we need to make an area inside the building honoring the founders of the rescue squad.

Mr. Gantt said he is currently working with a small business grant program (SERCAP) where the town would support the grant program to help small businesses in Burgaw with training, customer retention, etc.

Mr. Gantt said he and Mr. Combs are working with the COG on the carbon reduction program that was spoken about a few months ago during a board meeting. This is a grant program that Mr. Gantt is looking at ways for bike and pedestrian connections in town.

Commissioner Robbins asked if Mr. Gantt had an update on the Wilmington Street project. Mr. Gantt said he is working on this.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark commented on the easement situation for the sewer project on Highway 117. He requested guidance from the board in regards to a few properties that have been non-responsive during the requests for easements. Attorney Rivenbark said the project is at a stand still if we do not receive signatures from the few property owners that have not responded. The only way to force them to sign is through a court action. Commissioner Harrell suggested there may be another method for one or two of the properties in question by advising them their

projects can not move forward without the sewer project. He said to let them know in a letter that if they do not sign, the project would be dropped for now. Therefore, their projects could not happen. Commissioner Malloy asked the board how long are we going to keep dealing with this; there needs to be a deadline in place. Attorney Rivenbark stated he could have the letters set out within a week with a deadline of ten days. If no response, the town can assume they are not interested in signing the easement and consider stopping the project. It was the consensus of the board to allow Attorney Rivenbark to move forward with issuing a letter and bring back responses at the March board meeting. There was continued discussion on why the property owners would not sign the easement since the sewer project is going to be beneficial for their developments.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Consideration of appointing ETJ member to the Planning & Zoning Board

Commissioner Robbins made a motion to appoint Leon Stacy Jernigan, Jr. as the ETJ member to the Planning & Zoning Board. The motion was seconded by Commissioner George and carried by unanimous vote.

Beautification Committee Updates – *Mayor Dawson and Commissioner Dawson*

Mayor Dawson and Commissioner Dawson said there were no updates from the committee at this time.

Other items from Mayor and Board of Commissioners

Commissioner Harrell congratulated Parks, Recreation & Tourism on recent recognition of awards from the Blueberry Drop event.

Commissioner Dawson requested an updated street paving list from Mr. Moore. This will be included in the budget retreat.

Commissioner Robbins requested staff to do a proclamation recognizing former Commissioner Howard Walker, Jr. for his service to the town. He would like the proclamation and a picture of the bench sent to his family, church and C.F. Pope Elementary School. Commissioner Robbins made a motion to have the proclamation completed and presented at the next board meeting. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Malloy commented on the street paving and concerns with potholes on South McRae Street. He also said there are some erosion concerns on South McRae Street and North Walker Street. Commissioner Malloy said we really need to look at these types of places around town and consider adding an employee to the Public Works staff to handle drainage. Commissioner Harrell added staff needs to look at old pipes under streets that need replacing before paving is complete. Commissioner Dawson said we need to look at the ditch behind probation and parole on Williams Street. Mr. Gantt advised that ditch is owned by Pender County; he will contact them about cleaning it out.

ADJOURNMENT

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

The meeting was adjourned at 7:23 PM.

G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk