

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

DATE: March 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, and Vernon Harrell
BOARD MEMBER ABSENT: 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 (virtual attendance)
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 #10A for a fee waiver request. Commissioner Harrell made a motion to approve the agenda as amended. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Approval of Consent Agenda

Commissioner George 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 February 14, 2023 Regular Meeting Minutes
- B. Ordinance 2023-07 Amending the FY 2022-2023 budget to reflect monetary donations to local events
- C. Ordinance 2023-08 Amending the FY 2022-2023 budget to reflect the costs of installing speed humps on Satchwell Street
- D. Resolution 2023-06 Resolution in support of Novant Health Pender Medical Center

SPECIAL REQUESTS/PRESENTATIONS

Proclamation – Howard N. Walker, Jr.

Mayor Dawson read aloud a proclamation in honor of former Town Commissioner Howard N. Walker, Jr.

Proclamation – Arbor Day 2023

Mayor Dawson read aloud a proclamation recognizing Arbor Day in the Town of Burgaw.

Feast Down East

Jordan Appel-Hughes, Executive Director with Feast Down East, gave a presentation on what Feast Down East does and what areas of the depot they utilize. She advised the organization was awarded funding to be used to expand its services and product for the community; therefore, she requested additional lease space from the town by upfitting and utilizing the additional box car at the depot. There being no concern voiced by the board, everyone was in agreement to allow Feast Down East to move forward with their proposed project. Mr. Suggs will bring back a lease agreement at the next meeting for the board's approval.

NC Blueberry Festival Association

Pete Cowan and Doug Krynicki with the NC Blueberry Festival Association presented monetary donations to the Burgaw Police Department and Burgaw Fire Department.

Pender County Historical Society

Janet Rivenbark, representative for the Pender County Historical Society, was present to give an overview of the function of the Pender County Museum and request funding for building repairs. She gave handouts to the board that included engineering reports of structural repairs that are needed on the historic building. On behalf of the Pender County Historical Society, Ms. Rivenbark requested a grant from the Town of Burgaw in the amount of \$30k to help pay for the critical needs of the museum. There were no comments from the board.

Fee Waiver Request

Mr. Suggs advised the Livestock Crusaders of Pender County 4H is requesting a fee waiver for use of Rotary Park on April 25, May 23, August 22, and September 26 from 6:00 PM to 8:00 PM for their monthly meetings. Commissioner Robbins made a motion to approve the fee waiver request as presented by Mr. Suggs. The motion was seconded by Commissioner George and carried by unanimous vote.

DEPARTMENTAL ITEMS

Departmental Updates – *Department Heads*

Police Department- Jim Hock, Police Chief

- Officer Broughton will begin in his new role as School Resource Officer at Burgaw Middle School on March 15, 2023.

Fire Department – Jim Taylor, Fire Chief

- Working on the budget with Pender County.
- Holding various training classes within the department for the volunteers.

Public Works Department – Alan Moore, Director

- Working on ditching, water repairs, and pavement patching.

Planning Department – Gilbert Combs, Director

- Mr. Combs was attending the meeting virtually and advised he was at the Mainstreet Conference.
- Ms. Gray advised the Town of Burgaw has been chosen to participate in the NC Resilient Coastal Communities Program. She gave an overview of the program.

Building Inspections Department – Louis Hesse, Building Code Administrator

- Busy with commercial projects.
- Currently there are 25 new constructions in town.
- Minimal housing projects are going smoothly.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Arbor Day events on Friday.
- Working on the Easter event that is upcoming.
- Working with Ms. Rivenbark in advertising for someone to assist with summer camp.
- Opened age group for the upcoming Red Carpet Affair and now the event is sold out.
- Commented on the benches for the front of the new building; staff is looking at ordering backless benches due to the sidewalk width for ADA requirements.

Finance Department – Wendy Pope, Finance Officer

- Working on the FY 2023-2024 budget.

Human Resources Department – Kim Rivenbark, Director

- We are currently looking to fill two Streets & Landscape Maintenance Worker, one Water & Sewer position, one Firefighter/Apparatus Operator, and one Police Officer.

Clerk's Office – Kristin Wells, Town Clerk

- Reminded everyone of the upcoming shred and e-recycle event at Town Hall on March 21, 2023 from 4:00 PM to 6:00 PM.
- A handout was given to the board with upcoming dates for events and meetings.

BREAK 5:13 PM – 5:32 PM

PUBLIC FORUM

John Westbrook, 410 East Fremont Street, advised the board that he has spoken with the elders of the Presbyterian Church regarding their parking lot being utilized for public parking. Mr. Westbrook said one out of the twelve members, that were part of the conversation, wanted to see limitations placed on the parking lot. That person would like limitations set for the parking lot to only allow employees of the courthouse to utilize the parking area. The rest of the members were okay with the idea of sharing the parking lot with the town as long as it was well lit, paved, and properly signed. Mr. Westbrook requested feedback from the town board in regards to the limitations mentioned for the parking lot. Commissioner Robbins and Harrell voiced they were not in favor of limitations; anyone should be able to use the parking lot at any time. No other board members voiced opposition on this suggestion. Mr. Westbrook will take the information back to the church for consideration. Commissioner Harrell thanked Mr. Westbrook for his efforts in working on this parking project.

Daniel Wedlock, 712 West Bridgers Street, requested the town to consider more lighting on his street. He said there are two streetlights near by but are not in the vicinity of any homes. Mr. Wedlock also voiced concern with the bump in the road on East Bridgers Street near the fire department. Staff will look at fixing this issue.

PUBLIC HEARING

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

Consideration of a text amendment to the Unified Development Ordinance requested by Ralph Wyngarden (Faulk & Foster; Verizon Wireless Agent), to amend sections 8.14 Table of Permitted Uses and Special Uses and Special Requirements and 9.13(B) Wireless Telecommunication Support Structure. This amendment would allow wireless telecommunication facilities in the B-2 Highway Business District.

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

Mr. Combs presented the text amendment request as described above.

Applicant, Ralph Wyngarden with Faulk & Foster (Verizon Wireless Agent), spoke in regard to the request. He advised Verizon currently places a temporary cell site on the Piggly Wiggly property during the NC Blueberry Festival to handle the extra demand. He explained, if this text amendment passes, they would come back to request a Special Use proposal for the same area in which the temporary cell service is placed for the festival. He said Verizon's request is for a text amendment to allow wireless support structures to be proposed within the B-2 Highway Business district to allow height up to 150 feet and to allow set back reductions to the fall zone as certified by a North Carolina registered engineer. Mr. Wyngarden explained the proposed site plan in further detail, as well as justification for the need of the wireless structure in the area.

John Johnson, 200 S. Dickerson Street, spoke in opposition to the requested text amendment.

Mr. Wyngarden addressed some of Mr. Johnson's concerns and said this public hearing is just a text amendment to allow them to come forward later to have the conversation in a quasi-judicial setting. He said some of the things Mr. Johnson spoke about will be addressed during the quasi-judicial hearing with particular evidence.

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

Prior to Mayor Dawson requesting consideration for approval of Resolution 2023-07 and Ordinance 2023-09, Commissioner Robbins made a motion to deny the request to make a text change amendment to B-2 Business District that would allow wireless support structures to be built in the business district. The motion to deny was seconded by Commissioner Dawson and carried by unanimous vote.

Resolution 2023-07 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by town staff to sections 8.14 and 9.13.B to permit wireless telecommunication support structures in the B-2, Residential Zoning District and to introduce modified and new use standards.

No discussion; no action taken.

Ordinance 2023-09 A requested text change amendment of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend sections 8.14 and 9.13.B to permit wireless telecommunication support structures in the B-2, Residential Zoning District and to introduce modified and new use standards.

No discussion; no action taken.

Public Hearing #2 – Jessica Gray, Community Development Coordinator

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Chapter 7, Enforcement Against Violations. This amendment would modify the current language and introduce penalties for violations to the UDO.

Mayor Dawson declared the public hearing open at 6:06 PM.

Ms. Gray presented the request as described in Ordinance 2023-10.

Commissioner Harrell asked about the mistakenly issued permits. Ms. Gray said in those cases, it would need to go through the appeals process. Attorney Rivenbark briefly explained the process.

Mayor Dawson declared the public hearing closed at 6:16 PM.

Resolution 2023-08 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by Town of Burgaw staff to amend Chapter 7. Enforcement against violations and sections 4.2.2 and 17.2 to clarify current procedures for enforcement and establish penalties for violations.

Commissioner Dawson made a motion to approve Resolution 2023-08 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Ordinance 2023-10 A requested text change amendment of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 7. Enforcement against violations and sections 4.2.2 and 17.2 to clarify current procedures for enforcement and establish penalties for violations.

Commissioner Dawson made a motion to approve Ordinance 2023-10 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

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

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 9.26.3 Definitions and add 2.26.6.E Wall Murals. This amendment would create a definition for wall murals to distinguish from other sign types and would introduce standards for those seeking to install wall murals.

Mayor Dawson declared the public hearing open at 6:17 PM.

Mr. Combs presented the request as described above.

Commissioner Harrell said he did not see any size definitions for murals in the proposed amendments. For example, he asked if an 8x11 inch sign on his building would be permitted. Mr. Combs said we can look at including size requirements.

Karen Harding, 318 S. Walker Street, said she would like to see the town adopt Raleigh's ordinance that says privately owned walls can be painted under first amendment rights. She said she believes creating an ordinance may actually cause more problems than it solves. Ms. Harding said she has issues with a number of things, including the wording "murals should not be permitted on any roof or permanent fence". She said this doesn't meet the definition of a mural so it needs to be struck from the ordinance. Ms. Harding commented on the fading of murals and who makes the decision to say it needs to be repainted. She said she does not have a problem

with the wording about buildings being on the national registry, but does have an issue about maintenance plan. She also said she has a problem with stakeholders, as mentioned in the proposed ordinance. Lastly, she is concerned this will be another ordinance that will never be enforced.

Austin Gaskins, 3260 Herrings Chapel Road, Burgaw, was in attendance on behalf of the Pender Arts Council. He said one of the things spoken to Mr. Combs about is the concern of the Pender panorama mural that is currently in the Arts Council's possession. He said the proposed ordinance does not cover the Pender panorama mural in regard to one day displaying it again. He commented that Mr. Combs is doing a great job listening to citizens' concerns and thinks there should be more discussion and questions answered before moving forward with the proposed ordinance.

Rochelle Whiteside, 315 W. Bridgers Street, agreed with Mr. Gaskins in regard to having more discussion on the matter before moving forward. She also voiced her concern about the maintenance plan for the murals as well.

John Westbrook, 410 E. Fremont Street, commented he already has a mural up on his building. He explained that one of his front windows was damaged, so instead of replacing it with glass, he had local artist, Eden Mills, create a mural to go in its place. Mr. Westbrook stated he is grandfathered and whatever the town does, he already has a mural, which is on the front of his store, Burgaw Antiqueplace. He added that murals add to the quality of life.

Eden Mills, 315 S. Wright Street, owner of Art of Eden, stated she has done several murals in the community. She spoke about the desire for murals and public artwork and how it attracts visitors to town.

Mr. Combs responded to some of the comments made by the public. He said he is in favor of murals and public art. He commented on the maintenance plan, enforcement, stakeholders, etc. as mentioned in the comments above. He said it would be a good idea to hold a public meeting for citizens to attend and provide input.

Commissioner Harrell made a motion to table the public hearing regarding murals. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. Combs said he will hold a public input meeting to allow citizen input.

Public Hearing #3 was not closed and will be continued for further discussion.

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 February 14, 2023

Chief Hock advised the cemetery ordinance has been brought back for further consideration by the board after corrections were made per the request of the board at the last meeting. Commissioner Harrell asked that we include marble as a type of monument allowed. Chief Hock

said he and Ms. Rivenbark would finalize the ordinance and place it on the consent agenda for the April meeting. He advised staff plans to hold a meeting with the local funeral home directors before final approval by the board.

Other items from Assistant Town Manager

Chief Hock said the maintenance staff at C.F. Pope Elementary School has cleaned up the weeds, etc. at the fence next to the cemetery, in preparation for the slats to be added to the fence. This is part of the cemetery enhancement project.

Chief Hock advised the deadline is approaching for the design build quotes for the Public Works facility expansion project.

ITEMS FROM MANAGER – James Gantt, Town Manager

Update on current town projects

Mr. Gantt said there has been interest in a couple of properties that the town owns. He said one property is on Durham Street and one of South McRae Street. After discussion on locations and how the town obtained the properties, it was agreed upon by the board to allow Mr. Gantt to research more information on the properties and bring back further information.

Mr. Gantt advised the renovations at the former EMS building are going smoothly.

Chief Hock and Mr. Moore are working on the speed hump project for West Satchwell Street.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he has items for closed session. He also said the town has filed suit on 715 North Wright Street for a dilapidated structure (previously discussed at a prior meeting).

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Advisory Boards and Committees – Discussion

Mayor Dawson commented on the current town advisory boards and committees to see if the board needs to take a further look into the structures of these boards and committees. Mr. Suggs spoke about the Parks & Recreation Advisory Committee. There are times the meeting had to be canceled due to lack of quorum, participation in town events, etc. Mr. Suggs also commented on the possibility of creating a 501c3 non-profit board. There was discussion about the advisory board and a non-profit board. Commissioner Robbins suggested to open up the advisory board to allow people outside of town limits and increase the number of members. Mayor Dawson suggested to include residents of the 28425 zip code. Commissioner Harrell said he is in favor of a non-profit board. After discussion, it was requested by the board for Mr. Suggs to bring back suggestions.

Chief Hock commented on the Police Advisory Board. He advised the Chairperson resigned several months ago and there have not been any applications received to fill the vacancy. He said one member has not been to several meetings, but has recently talked to them and hopes to attend the next meeting. Chief Hock reminded the board the purpose of creating the board. There was brief discussion on the possibility of reducing the number of members. Commissioner Robbins also suggested having meetings throughout the year by the police department staff for the public to attend if they wish.

Other items from Mayor and Board of Commissioners

All of the commissioners congratulated Mr. Gantt on recently receiving the Credentialed Manager designation from the International City/County Management Association.

Commissioner Harrell asked about the status of NCDOT hydraulic study for the Burgaw area. Commissioner Dawson, as the town representative on the Cape Fear Council of Governments board, said there is no information about this right now and individuals are still working on various projects.

Mayor Dawson commented on the prior discussion on using paper bags for leaves being placed by the street for pick up. After some discussion, the board agreed to encourage residents to use paper bags when placing leaves by the street for pick up.

CLOSED SESSION – 7:34 PM

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

OPEN SESSION – 8:15 PM

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

ADJOURNMENT

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

The meeting was adjourned at 8:15 PM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor