

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

DATE: April 11, 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 (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

Commissioner Dawson made a motion to approve the agenda as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Approval of Consent Agenda

Commissioner Dawson made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

- A. Approval of the March 14, 2023 Regular Meeting Minutes
- B. Approval of the March 14, 2023 Closed Session Minutes
- C. Ordinance 2023-02 Amending the Town of Burgaw Code of Ordinances Chapter 10, Cemeteries
- D. Ordinance 2023-12 Amending the FY 2022-2023 budget to reflect changes to the fee schedule regarding cemetery fees

Prior to the special requests/presentations, Chief Hock introduced Andrew Vann, who was recently hired to fill a Patrol Officer position with the Burgaw Police Department.

SPECIAL REQUESTS/PRESENTATIONS

Economic Development Assessment and Plan – Amy Suggs, NC Department of Commerce, Rural Economic Development Division

Amy Suggs from the NC Department of Commerce presented the findings from a recent assessment plan regarding economic development for Burgaw. Mayor Dawson advised the board would consider adoption of the plan in the near future.

NC Blueberry Festival Association – Street closure request

Jaliese Blackburn, Executive Director of the NC Blueberry Festival Association, requested the following street closures for the upcoming Blueberry Festival, which will be held on Friday, June 16-17, 2023:

- *All peddlers, privilege licenses, and zoning permits for vendors, exhibitors, and participants properly approved by the festival are waived for the two days of the festival.*
- *Half of Dudley Street from Wilmington Street to Fremont Street to be closed at 3pm on Friday, June 16th until 10am on Saturday, June 17th for the conducting of the BBQ cook-off event.*
- *Wright Street from Wilmington Street to Fremont Street to be closed at 4am on Friday, June 16th until 11pm on Saturday, June 17th. This will include half of Courthouse Avenue with the closure ending at the alley.*
- **Fremont Street from Walker Street to Wright Street will be closed at 12noon on Thursday, June 15th until 12noon on Sunday, June 18th and has already been approved.*
- *Walker Street from Wilmington Street to Fremont Street to be closed at 12noon on Friday, June 16th until 11pm on Saturday, June 17th.*
- *Walker Street from Fremont Street to Satchwell Street to be closed at 11pm on Friday, June 16th until 11pm on Saturday, June 17th.*
- *Fremont Street from Walker Street to Cowan Street to be closed at 11pm on Friday, June 16th until 11pm on Saturday, June 17th.*
- *Fremont Street from Wright Street to Dudley Street to be closed at 12pm on Friday, June 16th until 11pm on Saturday, June 17th.*
- *Wright Street from Fremont Street to Satchwell Street to be closed from 12noon on Friday, June 16th until 11pm on Saturday, June 17th.*
- *Dickerson Street from Wilmington Street to Fremont Street to be closed at 12pm on Friday, June 16th until 11pm on Saturday, June 17th. This will include the second half of Courthouse Avenue.*
- *Dickerson Street from Fremont Street to Satchwell Street to be closed from 11pm on Friday, June 16th until 11pm on Saturday, June 17th.*
- *Satchwell Street between Dickerson Street and Dudley Street to be closed from 6am on Saturday, June 17th until 6pm on Saturday, June 17th.*

- *The temporary closure of roads to allow the conducting of the 5K run and Tour de Blueberry bicycle ride.*

Commissioner Harrell asked if any of the merchants on Fremont Street and Wright Street had been notified about the street closures. Ms. Blackburn said they have not been contacted yet, but will be sending out information to them soon. There was also discussion about parking, closing of state streets, court possibly being in session, etc. Ms. Blackburn will also be looking at a parking plan for merchants along Wright Street and Fremont Street.

After discussion, Commissioner Robbins made a motion to approve the requested town street closures, with the request of the festival reporting back to the board after the downtown merchants have been contacted. The motion was seconded by Commissioner George and carried by unanimous vote.

BREAK 5:18 PM – 5:33 PM

PUBLIC FORUM

John Westbrook, 410 East Fremont Street, thanked Mr. Combs and Ms. Gray for the work done on the ordinance regarding murals. Mr. Westbrook also added that he, along with the merchants on the same block as Burgaw Antiqueplace, are adamantly opposed to closing Wright Street between Wilmington Street and Courthouse Avenue for the fall fest planned in October.

Michael Pearsall, 213 South Bodenheimer Street, spoke about the trash issue on the empty lot near his residence near Durham Village. He requested the town to look into this matter.

Elaine Tyson, 609 S. Bickett Street, thanked the board for renovating the former EMS building. Ms. Tyson also spoke about the speeding issue in neighborhoods. She requested the town to look at reducing the speed limits in residential neighborhoods to 25 mph.

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 9.26.3 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. *This public hearing is a continuation from March 14, 2023.*

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

Mr. Combs presented the text amendment request as described in Ordinance 2023-11, as well as reviewed the results from the survey recently released regarding murals.

John Westbrook, 410 East Fremont Street, thanked Mr. Combs and Ms. Gray for their hard work regarding the murals.

Elaine Tyson, 609 South Bickett Street, spoke in regards to the murals. She said when the previous mural was put up at the former EMS building, she was the only one who came to speak against the mural. Ms. Tyson asked the town to have some type of input on what the mural will be about before it goes up.

Commissioner Harrell said the town is limited in what we can say about the art due to the first amendment of the constitution. Commissioner Malloy said he understands the first amendment rights, but the murals should be tasteful and represent the community.

Mr. Combs briefly explained the approval process for murals.

Commissioner Harrell commented on letter “C” and letter “E” listed in the ordinance and suggested the wording be looked at. Mr. Combs will re-word these sections to be more clear.

Commissioner Robbins asked if we allow murals to be placed on government buildings. Mr. Combs said the town has more decision making ability for government owned buildings by the town.

Commissioner George commented on a couple of statements that were in the survey results. He said we need to think about the town’s historical purpose.

Ms. Tyson added a comment about the board approving the last mural that was placed on the former EMS building.

Mayor Dawson declared the public hearing closed at 6:05 PM.

Resolution 2023-09 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by town staff to section 9.26 of the Unified Development Ordinance to create a definition for wall mural and to distinguish from other sign types and would introduce standards for those seeking to paint wall murals.

Commissioner Harrell made a motion to approve Resolution 2023-09 as presented. The motion was seconded by Commissioner Malloy. Commissioners Dawson, Robbins, Malloy, and Harrell voted “aye” and Commissioner George abstained. Motion carried.

Ordinance 2023-11 A requested text change amendment of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend section 9.26 of the Unified Development Ordinance to create a definition for wall mural and to distinguish from other sign types and would introduce standards for those seeking to paint wall murals.

Commissioner Harrell made a motion to approve Ordinance 2023-11 as presented. The motion was seconded by Commissioner Robbins. Commissioners Dawson, Robbins, Malloy and Harrell voted “aye” and Commissioner George abstained. Motion carried.

Public Hearing #2 – Jessica Gray, Community Development Coordinator

Consideration of a text amendment to the Unified Development Ordinance requested by staff, to amend Section 8.14 Table of Permitted Uses and Special Requirements and Section 8.15 Use Standards to require standards for accessory structure sales or lease with outdoor display.

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

Ms. Gray presented the request as described in Ordinance 2023-14.

Mayor Dawson declared the public hearing closed at 6:12 PM.

Resolution 2023-11 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by the Town of Burgaw staff to amend section 8.14 Table of Permitted Uses and Special Requirements and section 8.15 Use Standards to require standards for accessory structure sales or lease with outdoor display.

Commissioner Dawson made a motion to approve Resolution 2023-11 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Ordinance 2023-14 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by the Town of Burgaw staff to amend section 8.14 Table of Permitted Uses and Special Requirements and section 8.15 Use Standards to require standards for accessory structure sales or lease with outdoor display.

Commissioner Dawson made a motion to approve Ordinance 2023-14 as presented. The motion was seconded by Commissioner Robbins 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 Chapter 9 Development Design Standards and Processes, Section 9.26.7 Permitted Sign Standards by Zoning District, Subsection B. This amendment would modify permit changeable copy signs – electronic in the R-7, Residential Zoning District.

Mayor Dawson declared the public hearing open at 6:13 PM.

Mr. Combs presented the request as described in Ordinance 2023-15.

Commissioner Malloy and Commissioner Harrell commented about the time frame for when the sign needed to be off during night time hours. After some discussion, the board agreed to change the time frame from 9:00 PM to 6:00 AM.

Mayor Dawson declared the public hearing closed at 6:19 PM.

Resolution 2023-12 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by Town of Burgaw staff to amend section 9.26.7.B to include changeable copy sign – electronic as a sign permitted in the R-7, Residential district for schools, religious institutions and government uses.

Commissioner Robbins made a motion to approve Resolution 2023-12 with the time change of 9:00 PM to 6:00 AM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Ordinance 2023-15 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by Town of Burgaw staff to amend section 9.26.7.B to include changeable copy sign – electronic as a sign permitted in the R-7, Residential district for schools, religious institutions and government uses.

Commissioner Harrell made a motion to approve Ordinance 2023-15 with the time change of 9:00 PM to 6:00 AM. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

DEPARTMENTAL ITEMS

Parks, Recreation & Tourism Department

Tourism Development Authority – Street closure request – *Jayna Augst, Recreation Coordinator*

Ms. Augst advised the Tourism Development Authority (TDA) is planning to host three evening markets during the year and requested closing Dickerson Street between Wilmington Street and Courthouse Avenue between 3:00 PM and 10:00 PM for the three markets. The event would be open to the public between 5:00 PM and 9:00 PM. Commissioner Robbins made a motion to approved the requested street closure. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Tourism Development Authority member appointment

There being no other applications received for the vacancy on the Tourism Development Authority at this time, Commissioner Robbins made a motion to appoint Taylor Gadow to the Tourism Development Authority. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Historic Burgaw Train Depot Fee Schedule Amendment – Discussion – *Jayna Augst, Recreation Coordinator*

Ms. Augst advised we currently have daily rates and hourly rates for weekend rentals at the Burgaw Community House. She said there is currently not a daily rate for the depot during the week. Ms. Augst requested the board to consider approval of adding a daily rate of \$600 for a private rental during the week and adding a daily rate of \$300 for non-profit organizations. There being no discussion by the board, Commissioner Dawson made a motion to approve the addition of the daily rates for the week day rentals at the depot. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Street closure for concert before NC Blueberry Festival

Mr. Suggs advised the board was previously in agreement with closing Fremont Street between Walker Street and Wright Street for the concert to be held on Thursday evening, June 15, 2023. The board agreed to keep this portion of Fremont Street closed overnight for the stage to remain in place for the NC Blueberry Festival, which will begin on Friday, June 16, 2023. Mr. Suggs said there was not a motion previously made with time frames and requested the board consider making a motion at this time. Attorney Rivenbark reminded the board there would be court held on Thursday, June 15, 2023. Mr. Suggs will notify area businesses of the street closure. After discussion, Commissioner Robbins made a motion to close Fremont Street between Walker Street and Wright Street beginning at 6:00 AM on Thursday, June 15, 2023, with prior notification to the businesses on that block of street, including the Clerk of Court. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Feast Down East Contract – *Cody Suggs, Director*

Mr. Suggs said the contract for Feast Down East has been amended to reflect changes regarding the additional space proposed to be used by the organization, as discussed at the March meeting. Mr. Suggs reviewed the changes proposed. There was discussion regarding the rate increase since they will be utilizing additional town space. After discussion, Commissioner Dawson made a motion to approve the contract with the proposed changes, including an increase of \$1,000 in the rental rate. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Ordinance 2023-13 Amending the Town of Burgaw Code of Ordinances to reflect changes to the Parks & Recreation Advisory Committee – *Cody Suggs, Director*

Mr. Suggs said staff has made a few changes to the ordinance in regards to the Parks & Recreation Advisory Committee. After review of the changes, Commissioner Dawson made a motion to approve Ordinance 2023-13 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Juneteenth Celebration – Street closure request – *Cody Suggs, Director*

On behalf of the 1865 Society of Pender County, Mr. Suggs requested the following street closures for the Juneteenth Celebration scheduled for June 24, 2023: Closure of Wright Street from Courthouse Avenue to Fremont Street from 7:00 AM to 5:00 PM, and closure of Fremont Street from Wright Street to Walker Street from 7:00 AM to 5:00 PM. Commissioner Harrell made a motion to approve the requested street closures. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Fall Festival/5k Event – Street closure request – *Cody Suggs, Director*

Mr. Suggs advised the Halloween in the Park event will be moved downtown due to limited space at Rotary Park from the installation of the new volleyball and basketball courts. He said it would be a festival type event with a 5k. Mr. Suggs requested closure of Wright Street between Courthouse Avenue and Fremont Street and closure of Fremont Street from Wright Street to Walker Street between the hours of 6:30 AM and 6:00 PM on October 21, 2023. Mr. Suggs said the 5k event will be conducted by Colin Hackman with Go Time and will begin around 9:00 AM with temporary traffic stops. Mr. Suggs said bands will be scheduled to play, inflatables for kids, candy, etc. There being no questions by the board, Commissioner Harrell made a motion to approve the street closures as requested by Mr. Suggs. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Planning Department – *Gilbert Combs, Planning Director*

Resolution 2023-10 Resolution of commitment to the NC Main Street & Rural Planning Center to participate in the Downtown Associate Community Program if selected

Mr. Combs requested approval of Resolution 2023-10 to show commitment to participate in the NC Main Street/Downtown Associate Community Program if selected. Commissioner Dawson asked about the staff position; Mr. Combs explained and said he would serve the hours required to work on the program. Commissioner Dawson made a motion to approve Resolution 2023-10 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Departmental Updates – *Department Heads*

Police Department- *Jim Hock, Police Chief*

- Strong applicants for the Patrol Officer position has been received and interviews are being scheduled.
- Department staff will be helping with various upcoming events in town, as well as nearby events in other towns.

Fire Department – *Jim Taylor, Fire Chief*

- On-going truck maintenance.
- Firefighter Grafford and Chief Taylor will be attending con-ed class in Morehead City.
- New hire starting at the end of the month.

- Department staff will be attending Strawberry Festival and Spring Fest.

Public Works Department – Alan Moore, Director

- By-pass valves being installed at lift stations.
- Staff has been cleaning out ditches.
- Speed humps on Satchwell Street should be completed soon.

Building Inspections Department – Louis Hesse, Building Code Administrator

- Things are staying busy.
- Had to issue stop work orders on a couple of minimal housing issues.

Mr. Hesse spoke about the street light that was requested by Daniel Wedlock at the last meeting. Mr. Hesse said he has looked in the area of Bridgers Street/Giles Marshburn Road and said the lights are around 500 feet apart, which is a typical distance throughout town. There was discussion regarding the request for the light and past issues with criminal activity at Nash Equipment on the other end of Giles Marshburn Road. After discussion, Commissioner Robbins made a motion to move forward with adding a street light in the area of Mr. Wedlock's residence at the end of Giles Marshburn Road. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Planning Department – Jessica Gray, Community Development Coordinator

- Working on the Mainstreet program application.
- Working on code enforcement

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Spoke about recent events and upcoming events.
- Summer camp will be held in July.
- Depot repairs are being done.
- Spoke about some grant funding available with the Arboretum with signage along the trail.
- Filming permit from Warner Brothers has been received.
- Working on encroachment agreements for the Westside Trail project.

Finance Department – Wendy Pope, Finance Officer

- Working on budget preparations.

Human Resources Department – Kim Rivenbark, Director

- Gave an update on position vacancies and applications received.
- Met with funeral home directors regarding the recent changes in the cemetery ordinance.

Clerk's Office – Kristin Wells, Town Clerk

- Reminded everyone of the Earth Day Community Clean-up Day on April 22nd.

ITEMS FROM ASSISTANT MANAGER – *Jim Hock, Assistant Town Manager*

Public Works expansion bid discussion

Chief Hock reviewed the plan for the Public Works expansion project. He also reviewed the two bids received during the RFQ process. Chief Hock said the total proposed budget is approximately \$375k. There were no objections voiced from the board to move forward with the project. After some brief discussion, Commissioner Robbins made a motion to take the projected funds needed for the project from the water and sewer fund. The motion was seconded by Commissioner Malloy and carried by unanimous vote. The board was in agreement to move forward with bid #1.

ITEMS FROM MANAGER – *James Gantt, Town Manager*

Update on current town projects

Mr. Gantt advised the renovations of the EMS building are moving along well.

Mr. Gantt said there was a slope failure along the canal from the EWP project and the contractor is working on getting this fixed.

Mr. Gantt reminded the board of the upcoming budget meeting on April 18, 2023 from 9 AM to 12 PM.

The grant for the carbon reduction program has been submitted.

Other items from the Manager

Resolution 2023-13 was given to the board at the meeting for consideration of approval regarding the stormwater master plan grant application. There being no questions from the board, Commissioner Harrell made a motion to approve Resolution 2023-13 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Mr. Gantt spoke about the town's vacant properties that were discussed at last month's meeting. He said the deed for the McRae Street property indicated a flood property. The Durham Street property is a tax foreclosure. After some brief comments, Commissioner Harrell made a motion to surplus the Durham Street property that is owned by the town. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Robbins asked about the status of NC DOT in regards to the Wilmington Street pedestrian project. Mr. Gantt advised this project is incorporated in the carbon reduction grant that has been submitted.

Commissioner Malloy said we need to look at the ordinance regarding grass clippings being blown in the street. There was discussion about a yard debris policy. Staff will look into this. It was suggested that we educate the public regarding these types of issues.

Mayor Dawson said Sandy Harris at Pender Christian Services has requested the town consider removing the two large pine trees along McRae Street next to the facility. There was discussion, but no action was taken by the board.

There was some discussion regarding the request by Ms. Tyson to reduce speed limits in residential neighborhoods. After some comments from the board, it was decided to conduct a survey for residents and visitors to have input on the idea of reducing the speed limit in residential neighborhoods.

ITEMS FROM ATTORNEY – *Zachary Rivenbark, Town Attorney*

Attorney Rivenbark stated he only had comments for closed session.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins commented on all of the street closures being requested for special events in town. He asked staff how much time and money it costs the town for employees to close streets. There was discussion about the pros and cons of closing streets in the downtown area.

There was brief discussion on parking. The board requested Mr. Gantt meet with the pastor of the Presbyterian Church regarding the parking lot as previously discussed. Commissioner Malloy suggested we look closer at providing parking on the railroad right-of-way.

CLOSED SESSION – 8:09 PM

Commissioner Dawson 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 Robbins and carried by unanimous vote.

OPEN SESSION – 8:35 PM

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

Upon reconvening in open session, Commissioner Dawson made a motion to appropriate \$3,500 from the water and sewer fund to pay Robert Gillis for an easement for the sewer project. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Malloy made a motion to increase the professional services line item up to \$42,500. The motion was seconded by Commissioner George and carried by unanimous vote.

ADJOURNMENT

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

The meeting was adjourned at 8:36 PM.

G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk