

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

DATE: November 14, 2023
TIME: 4:30 PM
PLACE: Burgaw Town Center, 108 E. Wilmington Street
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem Wilfred Robbins
Bill George, Jan Dawson, James Malloy and Vernon Harrell
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Kimberly Rivenbark, Deputy Town Clerk
Wendy Pope, Finance Officer
Jim Hock, Police Chief/Assistant Town Manager
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Gilbert Combs, Planning Director
Jim Taylor, Fire Chief
Damon Stanley, Facilities & Grounds Manager
Jayna Augst, Recreation Coordinator
Zachary Rivenbark, Town Attorney
MEDIA PRESENT: None
INVOCATION: Commissioner Bill George
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Dawson at 4:30 PM and the invocation was led by Commissioner George.

Approval of Agenda

Commissioner Harrell made a motion to approve the agenda as presented. The motion was seconded by Commissioner George 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 October 10, 2023 Regular Meeting Minutes
- B. Approval of the October 10, 2023 Closed Session Minutes
- C. Approval of the February 21, 22, and 24, 2023 Special Meeting Minutes
- D. Approval of the April 18, 2023 Special Meeting Minutes

SPECIAL REQUESTS/PRESENTATIONS

New Employee Introductions – *Department Heads*

Public Works Director, Alan Moore, recognized Derek Robinson as the Utility Technician. Other employees that recently began working for the town were mentioned but not present at the meeting.

Recognition of Desmond Jordan – *Mayor Dawson*

Mayor Dawson recognized Desmond Jordan for his recent accomplishments of setting a state, national and world record. Mr. Jordan attended the United States Powerlifting Association World Championship in Coventry England, and deadlifted over 800 pounds to take first place.

Meet Our Principals

Daniel Sidor, Principal of Pender Early College, introduced himself to the board.

Request of Street Closure – *Dawn Nicole Johnson, Burgaw Chamber of Commerce*

Ms. Johnson discussed the plan for Wright Street between Fremont Street and Wilmington Street for the upcoming Christmas parade. She requested to close off parking spaces on the courthouse side of Wright Street so that bleachers could be placed in the area for spectators. This would also leave space for spectators to sit with chairs, etc. After some discussion, Commissioner Dawson made a motion to approve closing off the parking spaces on the east side of Wright Street, the side of the courthouse, beginning at 8:00 AM on Saturday, December 9, 2023 in preparation for the annual parade. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

DEPARTMENTAL ITEMS

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

Public Funding Request

Mr. Suggs advised the board that a public funding request in the amount of \$2,000 has been received by Tammie Parris with Pender Education Partnership. The purpose of the request is to help support teacher mini grants, as well as scholarships for students. After discussion, Commissioner Robbins made a motion to approve the funding request in the amount of \$2,000. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

DEPARTMENTAL ITEMS

Departmental Updates – *Department Heads*

Public Works Department – *Alan Moore, Director*

- Working on drainage projects, ditching, water leaks, sidewalks, and Christmas décor.

Mr. Moore asked the board to look at funding to complete the sidewalk on the south side Lion's Crest's new facility on South Wright Street. After some discussion, Mr. Gantt will look at the handicap accessibility between the town's pocket park and Lion's Crest's building.

Commissioner Harrell requested staff to prioritize the sidewalks around town and determine which ones are a hazard and start with those.

Commissioner Harrell commented on the water meter re-reads listed on the monthly report. He asked why the number was up this past month. Mr. Gantt said the town is transitioning to a cellular device instead of the gateways, which should help with this issue in the future.

Commissioner Harrell asked Mr. Moore about the white goods that are picked up around town and what they do with the scrap metal. Mr. Moore advised the scrap metal is hauled off to receive money for it.

Facilities & Grounds Maintenance – Damon Stanley, Facilities & Grounds Manager

- Working on the downtown area, as well as the cemetery.
- Upgrading landscaping around the town in parks and at facilities.
- Work on the Community House windows will be completed around December 4th.
- Met with Mr. Combs to look at the proposed restroom project at Dees Park and is in the process of getting cost estimates.

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Working along with Mr. Stanley with upgrading the landscaping and facility needs at the parks.
- The master plan survey will be open through the first part of 2024.
- Working on upcoming Christmas events.
- Gave an update on the West Side Trail project and advised the town now has an agreement in hand from NC DOT Rail for the crossing of the railroad right-of-way.
- Gave update from the Parks Foundation meeting.

Planning Department – Gilbert Combs, Director

- Asked if anyone had questions or concerns from the Planning Department monthly report; no one had questions.

Commissioner Harrell commented on the public zoning meeting that was recently planned and then was postponed. He requested that the board be informed of what will be presented and would like the meeting to be scheduled for January 2024. Mr. Gantt advised he would like the new commissioners to become familiar with everything before holding the meeting.

Commissioner Harrell requested information be shared with the public in regards to zoning, what it is and why is it necessary, as well as how future zoning will affect properties.

Finance Department – *Wendy Pope, Finance Officer*

- Working on changing time clock systems; hoping the conversion will take place before the end of the year.
- Met with a representative from the NC League of Municipalities regarding free services available to the town such as grant writing assistances, etc.

Fire Department – *Jim Taylor, Fire Chief*

- Call volume continues to increase.
- Ladder 15 is out of service for repair.
- Currently having issues with the 2001 Pierce engine.
- Firefighter Kratoval handled Fire Prevention Month in October and held 20 events.
- Deputy Chief Jasper and Firefighter Harrell went to assist with a wildfire in Edneyville, NC.

Commissioner Robbins asked how the shut down of Shiloh Fire Department has affected Burgaw. Chief Taylor advised there has been very little fire call increases for that area.

Human Resources – *Kim Rivenbark, Director*

- Brad Robinson was recently hired to fill a vacancy in the Fire Department.
- Advised the picture album for the lobby of the Burgaw Town Center has been completed and is currently working with the artist to have drawings done for the wall. Chief Hock is working on having a plaque completed as requested previously by the board.

Police Department – *Jim Hock, Police Chief*

- Chief Hock gave a brief overview of ‘No Shave November’ and advised some of the officers are participating.
- Jake brake signs have been installed at the entrances into town.
- Captain Fuller will return from National Academy on December 8, 2023.
- The department is working on firearms training.
- Advised a couple of officers have been doing classes to further their law enforcement training.
- The department has provided mutual aid assistance recently for area events and checking stations.

Commissioner Robbins asked about the concern with the traffic in the drop-off lane at C.F. Pope Elementary School. Chief Hock advised he met with the school and went over suggestions to alleviate the traffic concern.

BREAK 5:25 PM – 5:39 PM

PUBLIC FORUM

John Westbrook, 410 E. Fremont Street, commented on the safety concerns at the intersection of Wright Street and Wilmington Street. He said there is a need for bulb outs at the intersection because you can not see around vehicles. Mr. Westbrook said if the town cannot put concrete bulb outs, then painting yellow lines would help. Mr. Westbrook also commented on the need for damaged sidewalks to be replaced.

Dorothy Autry, 406 N. McNeil Street, voiced her concerns about her neighbor operating a business in a residential area, with four or five employees, which has increased traffic in the neighborhood.

Hugh Frasier, 512 NC Highway 53 East, also voiced his concerns about the neighbor operating a business in a residential area.

Joel Garner, 409 N. McNeil Street, said he was the one that the two previous speakers were speaking about. He owns a business at his residence. He said he moved to Burgaw from Wilmington. Mr. Garner said he was not responsible for increased traffic on the street.

Heidi Garner, 409 N. McNeil Street, spoke in regard to the business as mentioned by Mr. Garner. She said it was a blessing to move to Burgaw.

PUBLIC HEARINGS

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

Consideration of a text amendment to the Unified Development Ordinance to amend section 8.13 Dimensional Requirements; Table of Area, Yard, and Height Requirements. The amendment would increase the maximum height for Office Use in the Office & Institutional Zoning District from 35 feet to 45 feet.

Mayor Dawson declared the public hearing continued at 5:53 PM.

Mr. Combs reviewed the text amendment request as presented at the October 2023 meeting; no changes were made by the applicant.

John Westbrook, 410 E. Fremont Street, asked the board to deny the request. He said the O&I is nestled into a lot of residential areas. He said if the board allows it be right, it could be a real problem. Mr. Westbrook suggested ways to write the ordinance to allow it. He added that he is disappointed that the Planning Board approved it.

Christopher Linton, 506 Jasmine Way, said he was interested in the building and the final footprint. He requested as many trees as possible be left on the property.

Attorney Rivenbark reminded the board this is a request to change all O&I. It is not site specific for this particular property. Attorney Rivenbark and Mr. Combs consulted about the matter and Mr. Combs contacted the engineer and asked if they would like to approach this request another way, other than the blanket rezoning request. The engineer did not respond.

Commissioner Dawson asked if other suggestions were talked over with the applicant. Mr. Combs advised there were three options given to the applicant when they approached the town about the request. There was much discussion about the different options for the applicant. Attorney Rivenbark reiterated that he and Mr. Combs advised the applicant there are other options that may better serve them.

Andy Speck, engineer from Bobbitt Company, gave an overview of the height request and what is within the building plan that goes beyond the allowed 35 feet. He said a stairwell to the roof and mechanical structures would make the height go beyond the allowed 35 feet.

Mayor Dawson clarified with Mr. Combs that a building at the height of 35 feet is currently allowed in any part of an O&I zoning district. Mr. Combs said that is correct and added the maximum height of any building in that district is 35 feet, which includes any type of structure at the top of the building.

Commissioner Dawson commented on the possibility of adding a definition in the ordinance that would refer to the main building being a maximum of 35 feet, not including any type of structure that may extend the height. Attorney Rivenbark suggested that the board think about this before making a motion in the meeting. He suggested that it needs to be very detailed and specific.

There was much discussion by the board (some comments in audible). Mr. Combs said the applicant would be willing to lower the request from 45 feet to 40 feet.

Mr. Westbrook commented again about the request. He said we need to find a way to do what the applicant wants to do, other than a blanket rezoning in all O&I zoning.

Mr. Speck said they reviewed the options, and thought this process was better. Commissioner Robbins said he believes the applicant and the town can work this out and suggested to table the matter. Commissioner Robbins said he does not believe anyone is against the county building this facility. He said the county is an important part of this town and we need to do what we can to help them.

Mr. Gantt said if it is the board's wish to do something other than what the applicant has presented, then the request should be denied and the applicant can review other options with the planning staff and come back to the board.

There were comments from Attorney Rivenbark and Mr. Gantt regarding the option of a conditional rezoning and the lengthy process to make such request.

Having heard all of the discussions, Commissioner Harrell said this is a very worthwhile project that we would like to have in the town, and made a motion to deny the request. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mayor Dawson declared the public hearing closed at 6:22 PM.

Public Hearing #2A – Gilbert Combs, Planning Director

Consideration of a conditional district rezoning from R-12, Residential to R-7(CZ), Residential Conditional District for a multifamily project containing 40 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

Mayor Dawson declared the public hearing open at 6:22 PM.

Detailed presentation and documents are on file in the clerk's office.

Mr. Combs reviewed the request submitted by Andrew Smith/Penderline, LLC.

Leo Andrades, business partner with Andrew Smith, introduced Penderline, LLC and gave an overview of their goals and objectives with the proposed project.

Andrew Smith gave an overview of the project and plan regarding the rezoning request. He reviewed the current zoning district for the property and what he wishes to see it become for the project. Mr. Smith said he appreciated everyone who showed up to the Planning Board meeting for the project. He said there were a lot of emotions about the project and appreciates everyone's input. Mr. Smith advised he has spoken with several town departments to gather more information.

Mr. Smith reviewed various points regarding the project. He said property values are important and the town's land use goal is to promote infill development. He reviewed appraiser reports.

Appraiser Brad White, with G. Brad White and Associates, LLC, spoke in regard to property values around the proposed project. He gave a copy of his impact analysis report to the board for review. At the conclusion of Mr. White's presentation, Mr. Smith reiterated the fact that the property values will not be negatively impacted by the proposed project.

Mr. Smith commented on the adjacent properties and vegetation, buffers, etc. He said the current zoning does not require a buffer yard. With the proposed rezoning, it would require the project to have a buffer yard. He said a large buffer yard would be present, as well as a six foot privacy fence.

Mr. Smith talked about safety; this was a concern brought up during the Planning Board meeting. He said he is not proposing low-income housing. This project is a luxury town home community. Mr. Smith met with Detective Sergeant Williams with the Burgaw Police Department. He said the plan is to put up security cameras within the development, as well as an entry gate. He also said he spoke with the school board and their only request was to include a covered waiting area

for children to stand under while waiting for the school bus. The applicant is in agreement to include this within the project.

Mr. Smith spoke about the traffic concerns that he has heard regarding more people and vehicular traffic in the downtown area. He spoke about how our land use plan encourages infill development and how the location of this project would allow for walking and biking.

Public Comments

John Westbrook, 410 East Fremont Street, voiced his support for the project. He said by rezoning this property, the town is protecting the surrounding properties and providing a transitional use to the single-family area.

Angel Hammers, 318 East Wallace Street, said she does not disagree with having townhomes, but her concern is the flooding issues in the area that the project may cause. She also said she has a safety concern with only one entrance.

Angela Bartlett, 95 Roland Court, is a real estate agent in the area and agrees with the developers in trying to bring more people to the community. She agrees with leaving 400 trees of the 700 trees on the property, but has a concern with the type of trees the developers may plant and will they be native to the area. She added that she is impressed to see the developers putting in a fence and leaving a tree buffer.

Sara Smith, 511 Timberly Lane, voiced her concerns with the project being adjacent to her property. She said her family purchased their home based on the land use plan. She has concerns with the buffers next to her back yard. Ms. Smith also voiced concerns with foot traffic along Timberly Lane, as well as concerns with the flooding in the back of her property.

Emmaline Kozak, resident of 406 East Fremont Street and owner of Burgaw Brewing, said she wants the town to grow and is in support of the project. She added we need more housing for families and children.

Kevin Kozak, resident of 406 East Fremont Street and owner of Burgaw Brewing, said he supports the project and is glad to hear the developers plan to leave a lot of trees. He said this project will be an asset to the community.

Dawn Nicole Johnson, 597 North Drive, Rocky Point and works in Burgaw, voiced her support for the project.

Michelle Hilliard, business owner of 103 West Fremont Street, voiced her support for Leo Andrades, one of the developers of the project. She said his project is providing growth for the town and community support.

Joan Stomski, resident next to daughter at 511 Timberly Lane, said she feels that it is a great idea to grow the community, but she feels that this size of project does not fit into the charm and

quaintness of the town. She is concerned with the dangerous traffic, as well as flooding concerns. She also spoke about her concerns with disturbing the ecosystem, trees, birds and animals.

Cameron Smith, 511 Timberly Lane, said he is opposed to the rezoning of the property. He voiced his concerns on how this project would personally affect his family and property, including the removal of trees and flooding.

Tracy Lewis, 514 Timberly Lane, voiced her concerns and stated she was against the rezoning. She said the town is not ready for this project right now. She also said there is nothing in place in the town to keep children off the corners of the streets. Ms. Lewis said she does not think the schools and buses can accommodate the number of children the development may bring to town.

Hugh Frazier, 512 NC Highway 53 East, spoke about the concerns with flooding.

There being no further public comments, there was much discussion by the board. Some comments were made about the possibility of future sidewalks along Timberly Lane for safety concerns. There was a concern voiced about the number of units proposed, as well as the differences and conditions between R-7 zoning and R-7 CZ zoning. Mr. Combs also explained the reason for the two driveways on the side of the project that lead to nowhere. Mr. Combs said the board can remove the requirement of the two driveway stubs if they wish.

Mr. Smith said this particular public hearing is about the rezoning request, but briefly addressed some of the comments made during the public comments and discussion by the board. He said the trees being left are larger than 10-12 inch diameter. He said if the zoning stays the same as it is today, the property owner could clear cut the entire lot without leaving a buffer. The rezoning request requires a buffer. He said the current zoning would allow no buffer and he could build a three story building if he wanted, but instead is requesting the zoning change and is only planning to construct a two-story building. Mr. Smith also commented on the traffic concern. As a property owner, Mr. Smith said he should not be responsible for traffic issues and road conditions. He has no control concerning people walking on other properties.

Sara Smith, 511 Timberly Lane, said she feels as if the comment about the three-story structure and clear cutting the property is a threat if the developers do not get what they want with the rezoning request to allow the two-story structures with trees.

There were three members of the Town of Burgaw Planning Board present at the meeting. Commissioner Malloy requested to hear from them regarding the project. Chairperson Jennifer Hansen, Member Sam Guidry and Member Char-Lynn Robinson were present. They spoke about their discussions during the recent Planning Board concerning the project. Mr. Guidry voiced his concerns with flooding and life safety involving the need for emergency personnel and being able to turn around in the development. Ms. Robinson explained there was not enough information provided at the Planning Board meeting regarding the project and asked the developer why there was being a rezoning request for the property. Mr. Smith said the current R-12 zoning district only allows single structures; R-7 zoning allows for the proposal of a multi-family development. The current zoning of R-12 would allow approximately 16 single structures/lots, which would then require a paved road, run water and sewer from the main road,

design a storm water plan, perform engineering, etc., it would not be cost effective in the opinion of a developer. Mr. Smith said this is the reason for approaching the project as a multi-family development, which would require rezoning of the property. Commissioner Dawson confirmed Mr. Smith requested a rezoning of R-7 CZ (conditional zoning) to the Planning Board. Mr. Smith confirmed that was correct, based on the recommendation of the planning staff. Mr. Gantt said the “CZ” part of the rezoning request allows the town to have power to apply conditions to the property. Commissioner Dawson said the number of units allowed within the zoning district is the concern.

There was discussion about the density and drainage concerns. Attorney Rivenbark commented on the discussion was going beyond the rezoning request and such items should be discussed during the special use permit public hearing.

Andrea Williams, 215 Murray Town Road, asked if the town approves the rezoning and the developers end up backing out, does that make it easier for another developer to come in and do something similar on the property. Mr. Combs explained this request is for this specific project, so if another person purchased the property after Mr. Smith, they would have to develop it with the same project and conditions presented, or request a rezoning of the property.

Mr. Gantt briefly explained the reasoning behind conditional zoning. Conditional zoning allows the town to have more control over what the developer does on the property.

Mr. Combs said a lot of the comments being made were previously discussed at the planning board meeting. Tim Williams, 215 Murray Town Road, said that the minutes from recent planning board meetings are not online for the public to see.

Commissioner Harrell made a motion to approve the rezoning request. There were additional questions by the board about the conditions, including the number of units, drainage concerns, etc. Due to additional discussions on the conditions, Commissioner Harrell withdrew his motion to approve at this time. The board reviewed the conditions spelled out in the staff report provided by Mr. Combs. Commissioner Dawson confirmed that conditions can be added by the board if they wish.

Commissioner Dawson said she is opposed to the number of units proposed. She said the number of units concerns her with the amount of traffic and drainage. She said she would like to see the number of units reduced and to see the drainage concerns addressed. Commissioner Dawson added her other concern is the side driveway stub leading towards the residence next to the property.

Attorney Rivenbark suggested the board discuss each concern and see if there is a consensus amongst the board related to each issue.

Commissioner Harrell asked the developers what the minimum number of units would still be profitable for them. The developers said 40 townhomes is not too much for the size of property, but willing to have engineers look more closely to address drainage concerns, etc. Mr. Smith reviewed the requirements based on the town’s unified development ordinance. He said they

have gone above and beyond to include various aspects of the project. He said he can reduce the number of parking spaces to help with less water run-off. He also added there is a walking path included around the townhomes that is rock to help with water run off as well.

After much discussion, the Mayor called for a brief break at 9:00 PM. The meeting was reconvened at 9:15 PM.

Upon returning to open session, Commissioner Harrell made a motion to continue Public Hearing #2A and bring back for further discussion at the next meeting. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Public Hearing #2B – Gilbert Combs, Planning Director

Consideration of a special use permit request for multifamily residential in an R-7(CZ), Residential Conditional Zoning District for 40 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

Commissioner Harrell made a motion to table Public Hearing #2B until the next meeting. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #3 – Jessica Gray, Community Development Coordinator

Consideration of a special use permit request for a bar in the B-1, Central Business District, located at 111 East Fremont Street (PIN: 3229-32-7816-0000). The request would permit a bar use to occupy a portion of the existing structure and would include outdoor seating.

Mayor Dawson declared the public hearing open at 9:18 PM.

Detailed presentation and documents are on file in the clerk's office.

Attorney Rivenbark: If everybody will stand where they are if you are planning to speak or testify during public hearing #3 which is generally referred to as Retro Meadery. If you would stand and raise your right hand and I will swear or affirm you from there.

Mayor Dawson: And we're doing this because it is a special use permit.

Attorney Rivenbark: Correct.

Mayor Dawson: Request.

Attorney Rivenbark: So I'm going to start with Ms. Gray if, at the point, where I ask for your name, and go left to right, so, I, state your name [the following persons stated their names in the following order: Jessica Gray, Michael Taylor, Matt Clemmons, Mike Fields, John Westbrook, Emmaline Kozak, Kevin Kozak, Alicia Taylor, Kelly Jacques, Leo Andrades] do solemnly swear or affirm that the testimony you give today be the truth, the whole truth and nothing but the truth, so help you God, and Mr. Gilbert Combs, sorry. Thank you.

Jessica Gray: Thank you Madam Mayor and members of the board. Tonight, we have a special use permit request application from Retro Meadery, LLC. Tonight will be represented by Michael Fields that is sitting in the audience. So he is requesting a special use permit to operate a

wine bar with enclosed outdoor seating area at 111 East Fremont Street. The property is in B-1 central business district and also in the central fire district. The surrounding properties are zoned B-1 and O&I Office and Institutional. To the north of the property is the courthouse and Burgaw Presbyterian Church. West of the property are offices for Community In Schools, attorney offices. East of the building on the other side on South Walker Street is an empty building where they formally had the salt cave business, and then some single family residences...and there are also single family residences south of the building. It's currently used for office space by [inaudible comment] land survey business, [inaudible comment] and supporting staff...at some point in the past, the building had a restaurant and [inaudible comment] rooms in the upper level. The future land use classification is town center, recommending land uses that include small scale commercial, office, educational, governmental, art and cultural, and entertainment. Retro Meadery [inaudible comment] plans to operate in the downstairs unit on the southern end of the building that is currently vacant. The use requested is classified as [inaudible comment] of permitted uses as a bar or as any ICS code [inaudible comment] and is permitted in the B-1 zoning district with approval of major special use permit. Following standards set in section 8.16. In your agenda packet, you should have a copy of their application, that includes the floorplan, information on hours of operation, lighting plan, services provided, water use, number of employees, occupancy and their security and management plan. To the left is the current layout of the interior of the unit. The right is what they plan for the future floorplan. The application submitted indicates maximum occupancy of the space is thirty people. Hours of operation proposed are Monday through Thursday 2:00 PM to 9:00 PM and Friday and Saturday from noon to 10:00 PM. The bar will serve mead as well as beer, wine and other non-alcoholic beverages. Their floorplan shows that they will have arcade games and a variety of seating inside and outside in an enclosed space. Live entertainment is also listed with their services provided. So there's no minimum parking requirements for this use in the B-1 district, but I will note there are thirteen off-street spaces along South Walker Street parallel to the building and a number of public spaces along East Fremont Street. The proposed use would not require a traffic impact analysis and in your packet you will also find a statement from the North Carolina Department of Transportation that they have no comment and there is no driveway permit requirement at this time. So, included in your packet, you will additionally find a letter from North Carolina certified general appraiser, including her parking analysis that she includes there is no evidence that the residential properties would be negatively impacted. Another requirement from section 8.16 is to have a type A buffer next to any residential use, so there is an existing fence in that location and this is kind of what it looks like when you are looking directly on it. So the type A buffer needs to be five feet with accommodation of trees and shrubs, 50% of which need to be evergreen species and by visual obstruction to a height of six feet [inaudible comment]. So, at this point, I will turn it over to Mr. Fields to present his findings of fact.

Michael Fields: Thank you very much. Good evening everybody. Hopefully this one will be an easy one this evening, but thank you all very much. I'm Michael Fields, and my address is over at 580 Meadow Lane, Burgaw. My wife and I have been here for quite some time and she is also a teacher at Little Town Learning Center so we love the town of Burgaw and can't wait to be a part of downtown. So our evidence or finding is that the location of special use is developed according to plan, will be in harmony and absolutely will be in harmony. We want... we are not making any really changes to the building on the outside or anything like that. We do want to put up a privacy fence but it's not going to...it's going to be in harmony with the town, especially with our lighting and everything too and ordinance with the town. Sorry, let me grab my

information real quick. So, the use is allowed pursuant to the ordinance and meets all of the required conditions and specifications, including the limitations set out in the ordinance. The tasting room would fully comply with the sound ordinance meeting the requirements and conditions and specifications outlined in the ordinance has been planned in accordance with local regulations, ensuring that it aligns with the town's guidelines and standards by following these rules. The tasting room will seamlessly integrate into the community contributing positively to local area while respecting the established norms and regulations. The [inaudible comment] the property as proposed will not affect other adjoining, abutting property value which was just stated. We got a statement from a state licensed appraiser about that. We want to work as a neighbor, not just as a business, with the local residents too. The use will not materially endanger the public, health and safety if located where proposed and developed according to the plan submitted as proposed. The tasting room has been meticulously planned to [inaudible comment] public health and safety measures will be put in place and ensure all aspects of the establishment, including its facilities operates and services out of here to strategic health and safety standards, [inaudible comment] inspections, hygiene protocols, self training programs and will be initiated to migrate any potential risks. Furthermore, the layout was designed in the taste room has been carefully orchestrated to facilitate smooth customer flow preventing overcrowding and maintaining a comfortable environment for all patrons. Adequate emergency exits, fire safety equipment, first aid facilities will be installed to address unforeseen situations and prominently [inaudible comment]. Additionally, responsible alcohol service practices are strictly enforced. We all take special training for that, you can see in inspections, we will adhere to that...foremost, that is top priority, the safety of everybody. By fostering a [inaudible comment] responsible drinking containing vigilant approach to health and safety protocols, the tasting room stands to be a testament to its commitment to upholding by the wellbeing and ensuring a secure environment for all visitors. The increase of traffic will not result to endanger to public safety [inaudible comment] I believe the DOT information there suggest that there won't be any increase and won't need a traffic study for that as well. I do want to give a little bit of information about our company, Retro Meadery. We are producers of honey wine. We are the first meadery on the east coast of North Carolina. The next one you hit is in Durham. There are a little over twenty meaderies in North Carolina, so that sets us apart from all the other meaderies that are down here. Our theme is retro. Our plan is not only to provide an entertaining facility with alcoholic beverages, but a entertaining facility for families as well, while providing drinks, and, in my wife's words, very healthy drinks as well, and snacks, that way families can come and enjoy, play retro arcades, have retro movie nights, come over, have a... your kids, your family, different multiple movies that you haven't seen in a long time, and just bring that feel of nostalgia back and have fun with it. We feel that this is something not only for the kids to enjoy, but for families to come together and have an entertainment venue and we hope that starting small like we are with the small facility you have seen here is going to expand and grow as we move into this location. Did you have anything to say Matt? This is part owner, Matthew Clemmons, as well. Any questions for me?

Commissioner Harrell: Sure, so I'm assuming this is going to be a fence along the south wall, to enclose your outdoor seating, is that...

Michael Fields: That is correct. To make it kind of a private area and that way it's not a distraction to...behind the building or to the [inaudible comment].

Commissioner Harrell: Can we pull up the layout, please.

Michael Fields: Absolutely.

Commissioner Harrell: So, just to make sure I'm looking at it the correct way, the bottom of the picture shows the main entrance, is that correct?

Michael Fields: This is the main entrance right here, that's correct.

Commissioner Harrell: And to the left, will be the exterior seating.

Michael Fields: That is correct.

Commissioner Harrell: So the only way to actually get to the exterior seating is by exiting the meadery and then walking over to the exterior.

Michael Fields: Yes, sir. That's correct.

Commissioner Harrell: That makes me a little unsure about that. Just starting there. There's also lighting that is eight or nine feet up and that will be over your...assuming it is a six foot fence...

Michael Fields: That's correct.

Commissioner Harrell: There should, in my opinion, be some sort of shielding between you and the neighbor so that the neighbor doesn't have to look at your lights all night long.

Michael Fields: Absolutely, and I believe the lighting would actually put on...they would be facing the building and not facing outwards towards the neighbors.

Commissioner Harrell: Great, and speaking of those neighbors, have they been contacted?

Michael Fields: Yes, I actually reached out to the resident that is directly beside us.

Mayor Dawson: They're present tonight.

Commissioner Harrell: Okay. I'm assuming we'll hear from you in a bit? Great. Let's see...you'll have music outside?

Michael Fields: We would like too, but we also want to be courteous to our neighbors and if it's going to be an issue with sound, we are more than happy to just have acoustic without amplification, if that's needed. But we are hoping to provide entertainment outside.

Commissioner Harrell: Okay. Let's see, what else. Oh, two hundred and fifty feet from church or residential structure...that seems rather close. The fence will be on the property line.

Jessica Gray: Since they are in the central fire district, they...it can not be more than two similar establishments within the block.

Commissioner Harrell: I thought it read, also two hundred and fifty feet between a residential unit, a church, a public park, I mean this is in the town's regulations, page 5. It says any occupancy less than one-hundred [inaudible comment] establishment, church, elementary school, public park, or existing residential structure.

Jessica Gray: But then it also says, within a central fire district there should be no minimum separation requirements, but no more than two such establishments shall be located per city block, defined as a length of street between two intersections.

Commissioner Harrell: Thank you. Then, my other real concern is the food trucks that will be parked across the street. So, the patrons have to cross the street, which is a highway and then come back across the street.

Michael Fields: Yeah, that's correct. That is an option. We would look at public safety for walking across. Right now, the location that we're thinking about is not ready at the time to do that.

Commissioner Harrell: Sure.

Michael Fields: Leo and I have been discussing on what we could do, but what we really want to do is have menus for like Burgaw Brewing, Fat Daddy's Pizza, and other locations that can be ordered and the customers can bring in their food any time they would like. Can I address your concern about the walkthrough outside.

Commissioner Harrell: Sure.

Michael Fields: Can you give me a little more detail about that?

Commissioner Harrell: Well, I mean, basically, you're exiting the building with alcohol to a public area before you then go into a private area.

Michael Fields: I would ask, wouldn't that kind of be like the same as other establishments...they're able to walk outside with their drink in hand as well and be able to sit outside and enjoy dinner.

Commissioner Harrell: Very good, thank you.

Michael Fields: Any other questions?

Mayor Dawson: Any additional questions? Okay, so we will go into public comment. Mr. Westbrook, your turn again.

John Westbrook: John Westbrook, I live at 410 East Fremont Street and own Burgaw Antiqueplace. I just wanted to come and support this special use. Burgaw is becoming more of a destination and originally, the brewery was going to be kombucha, if you might remember, and they were so successful in Wilmington, they decided to stay and thank God they did, because now we've got Kevin and Emmaline. I like beer better than kombucha, and their meat, and everything else there. The food is good, the beer is cold. I think this will be a real addition to the town of Burgaw. The diversity of uses will bring more even, because they're here and I'm really impressed they want to make it into a family affair and not just a drunk [inaudible comment]. I think that's more appropriate for Burgaw and so, I don't get to go any further. I'll also add that I'm really glad to see they were going to do the mural. I think that adds to the arts and aesthetics of the town and I endorse that as well. I sort of wish they could get from the inside to the outside through the building. I don't mind them walking out and going back in but it just doesn't seem to be integrated as much as it might be if you could have access to the side, than rather them going out and in. My fear is that it won't be used that much. Whereas, if you had through that one window and turn it into a door, it would be more of a flow from the inside to the outside and that's just the architect and how I might would want to use it myself if I was there. Not a negative...I would like to see, actually, be able to walk outside the brewery and walk down the street into the Antiqueplace and carry a beer through and I wouldn't mind it at all. We might want to try that, at some of the festivals and see how it works, so that it's a casual event. It would have to be managed of course and policed in the appropriate way. I'm just excited about these kind of uses coming in Burgaw, the livability, sense of place, creating places that look like they've always been there, was my theme when I was developing [inaudible comment] and that's the town of Burgaw. This adds to that vitality and I think it will be an asset.

Mayor Dawson: Thank you, Johnny. Are you Kelly?

Kelly Jacques: My husband was going to speak, but he got called into work.

Mayor Dawson: That's fine. Would you like to speak?

Kelly Jacques: Yes. Hi, my name is Kelly Jacques. I live at 207 South Walker Street and like I said, my husband was supposed to speak. If I had known he was going to bale on me, I wouldn't have dressed like this, but I will make it short and sweet. I really appreciate you guys reaching out to us, that was awesome. I think what you're doing is awesome. I do have some concerns. We have some concerns. We live right next door, like literally, right next door. With the music and the lights...I don't know everything...but I know that we like to enjoy being outside also. My husband mows the lawn. My kids are having pool parties. We show movies in the back yard, and I want to be just as respectful, and that type of thing. You know, there's a side deck on my porch, and my parents...their bedroom is right there. We moved down from Massachusetts a few years ago after mom had her heart attack. Just quiet, you know. But, my concern is, if we're

outside, we might be bothering y'all, you know. Because we like to play music and those are basically my concerns. Just that our quality of life and, I know you mentioned something about the property value. I haven't looked into it yet really, but that's another major concern of ours. If we go to sell this property and it's right next door to a bar, then that's concerning to us. But I think you guys are doing great, but we live right next door, and that's about it.

Mayor Dawson: Thank you. Kevin Kozak?

Kevin Kozak: My name is Kevin Kozak, 406 East Fremont, part owner of Burgaw Brewing. Just here to say that I 100% support their effort to be downtown. I'm a [inaudible comment] of the art and [inaudible comment] fermentation and more the merrier. I think what they're doing is great. They're going to be great neighbors. Retro arcade games, I'm going that fast to increase my allowance to spend a lot of time there playing games. Not really speaking on your situation directly, but we have a neighbor right behind us at the brewery and we work really well together. We haven't had any problems with our neighbors, so I don't know if that will alleviate any of your fears, but, we are respectful of him and he's respectful of us so it works out really well. If anybody has any concerns about another bar being downtown, don't look at it that way. I think since we have been open since March, I think we have cut off one person to my knowledge, and that was during Blueberry Fest. So, don't think of it as a bar. We've got some concern about the wild west saloon and it just hasn't turned out that way and it's not going to turn out that way at their location either. So, 100% support their effort. Thank you.

Mayor Dawson: Thank you. Emmaline?

Emmaline Kozak: You can skip me, because that is all I was going to say too.

Mayor Dawson: Okay. Mr. Taylor, Michael Taylor.

Michael Taylor: I have just one page to hand out to y'all, if you want to pass it down. May not have enough for the very end.

Mayor Dawson: We'll share.

Michael Taylor: My name is Michael Taylor and my wife, of 712 Whrens Street. My wife Alicia Taylor and myself own the property at 109 East Fremont Street on the west side of the Harrison building, where the owners are applying for the special use permit. Our building was a former doctor's office and it's been leased as office space for the last 33 years. Our tenant is the Pender County office of the Cape Fear Communities in Schools. They help hundreds of Pender County students stay in schools and help them stay on the path to graduation each year. The programs [inaudible comment] from the building, the administrators meet with the student support specialists in our building, conduct trainings, handle personnel matters and doing normal tasks related to administrative work. They also administer teen court, which they had one tonight and they do intact meetings with the juveniles in the office and so much more. I believe that the applicant's special use permit does not meet all the qualifying factors of two of the five parts of section [inaudible comment] UDO, parts A and B. Part A, location, character, special use, I don't believe is in harmony with the area in which it's located. I'm not opposed to a meadery, I'm not opposed to even a bar, I'm just opposed to the location. I like Kevin and I like Johnny. I wish, you know, I wish it could be between your homes, your neighbors, and fit in right there, because [inaudible comment]. There isn't any kind of use on our block like that. We have, on the handout, you know, I realize the two hundred and fifty feet is waived, but the Jacques' home is...their parents' bedroom is forty-one feet from that fence, and this is approximate. I measured that on GIS and you know that's not exact. My office building is thirty-four feet from the outdoor service area and the walls are nineteen feet away from it. It's the outdoor area that I really have a problem with, especially if music is amplified. I also have a problem that there's a

gate on the backside of the outdoor area, which empties right into my parking lot. I told the Fire Chief to ask if that's required as far as fire escape, but he said he hasn't seen it and couldn't judge it until it went through the technical review committee, and that's after it's approved, so he said it depends on various factors. If it is required, I would want it to be...if it's not required, I wouldn't want it there, to empty into my property. If it is required, I would want it to be a fire exit only. You can only get out, not in, because I can see it as a shortcut, people walking down my driveway. There's only...the property owner only owns about two, maybe three feet of...on the west side of that wall...going from the back gate here to Fremont Street. That's a straight brick wall all the way. I'm not sure why that drawing is that way. There must be another space in there. So, I have a concern with that. I have a concern that people going in and out. I have a concern...sure, I have a concern about a bar being there and being open until 10 o'clock at night and people drinking too much. But, during the office hours with my staff, I mean my tenants there, I have [inaudible comment] a quiet and professional workspace that they've always had. All the other properties on the block are either offices, there's the post office way on the other side, there's an after school care inside use, and then there are two homes, one adjacent, just forty-one feet away and that family, I can attest, they enjoy their yard, you know. Tony's father is a Veteran and elderly and enjoys the front porch and waves to cars and people and I just think he deserves not to have music and stuff like that going on. There is also a heat pump in that fenced in back yard. I just can't see how...once a five-foot buffer is put in, you're going to have about fifteen feet for them to walk and then there's a heat pump at that gate. I can just see when the heat pump comes on...turn the music up, we can't hear. It's just disturbing to me. Part A, I just don't think it's in harmony with the homes. Everette Durham's home is just...you can see on that, how far it is...almost two-hundred and fifty feet, and I'm not...I realize it's not required to be two-hundred and fifty feet, but just to show you how close these homes are and the church and my office. There's also Horace Thompson's house, you know. In the other section, it concerns me, is property values. I don't know how long...if my tenant is disturbed and they don't have a working space without the music and people exiting that back gate into the parking lot, you know, at night, leaving trash, urinating, whatever...things like that happen around bars. How well do they want to stay in my building, what kind of tenant am I going to attract there, if that sort of thing is going on. I believe it would affect my property value. I believe that I would have a hard time attracting tenants there, and I think I would have to accept a lower rent. I think it also, if I was to sell it, my building is only...has low baring walls and it was built as office space and that's all it's really good for, except for a residence. So, it can't be a retail space; it's not built for that sort of thing. So, in conclusion, I do have concerns and I don't believe it's in compliance with those two aspects. So, I just ask you to preserve the harmony that the joining and neighboring properties have maintained all these years for the mixed use of residential, institutional and office uses, even though it is part of the central business district, or central fire district. Thank you for this opportunity to speak.

Mayor Dawson: Thank you. Mrs. Alicia, do you want to speak?

Alicia Taylor: My name is Alicia Taylor and I live at 712 Whrens Street. My husband and I own the adjoining property. I am here to ask you to deny the special use request for 111 East Fremont Street. We have all heard Burgaw is going to change, but I believe we must make sure we do not loose what makes Burgaw a good town year round. In the Burgaw of where I was born, and have been almost all of my sixty-nine years, neighbors are considerate of their neighbors. Have you noticed there are few fences in neighborhoods or around town. They aren't needed. The Corbetts and the Taylors have been neighbors in this office district for decades and there were [inaudible]

comment]. It looks to me like the new owners of the Corbett Harrison building, if they had wanted to be good neighbors, they would have discussed their plans to put in a bar and outdoor area with the neighbors. They didn't talk to us. Instead, it looks like they are asking to change the nature of the neighborhood and neighbors be damned. Section 4.7.1(c) states the applicant has the [inaudible comment] to show the proposed use will not affect the adjoining property values. In researching the property values and [inaudible comment], will explain the property values will most likely go down, but it certainly won't increase them. It could be the music that rattles the windows of surrounding offices and houses during the work day that makes the property less desirable. There could be, given the nature of a bar, the presence of intoxicated customers staggering, looking for using outdoor spaces to urinate or vomit, especially since the only bathroom provided will be inside and upstairs. There's a potential problem of second hand smoke coming from the outdoor seating area. These will be customers unlike any this town block has ever seen. These behaviors often accompany bars that will make them an undesirable neighbor and that will lower property value. If our tenants decide they are not comfortable with a bar next door, they may decide to move. Keeping tenants is the best indicator of potential property value and we believe a bar would make our property less desirable. For any future professional, education, or office tenants. Can the developer provide assurance or guarantee that drunk customers will not be trespassing on our property, especially with the west gate at the top and will our tenants be happy with a bar as a neighbor. Section 4.7. [inaudible comment] states the location and character of a special use should be in harmony with the area in which it is located. A bar is definitely not in harmony with the current neighbors. There are only houses and offices on the block, not even retail businesses. Let's look at the neighbors. If this were not in the central fire district, this request would not be considered at all because it is a bar and separation distances would be in effect. We believe the minimum separation distance guidelines are an excellent way to determine whether or not the proposed use is in harmony with the neighborhood. Directly beside the outdoor seating is a private residence. There's a church only two-hundred and twenty-four feet away that has a preschool and afterschool. The proposed outdoor space is less than three feet from our parking lot, where our main tenant is an education, non-profit Communities in Schools. They use the parking lot for their employees and the van that their organization owns. They work with teen court and have young people come to use their offices in preparation. Clearly, a bar is not in harmony with the neighbors. We are having to ask ourselves, how will we keep our parking lot from being used by bar customers trespassing, walking on or even trying to park on our property. There is not room for people to comfortably walk along the west side of the Corbett Harrison Building without being on our driveway. Will we have to get a tow away service; will we have to try to put up a fence on the east side of our parking lot; will the town allow a fence to be put along side of our driveway to keep the bar customers off our property. We've tried to find the answers to these questions in the short time. Each board member should ask, would I want a bar located right beside my house, or my quiet office building. I think your answer would be no. I believe you would say it would destroy the peace and quiet to enjoy my house, or office and yard, and it would probably decrease my property's value. For these reasons, you should deny the special use request. Thank you.

Mayor Dawson: Thank you. Leo?

Leo Andrades: Whew, it's been a long evening. First and foremost, I did not call you, and I do apologize for that. I did get a chance to speak to Tony and his parents, along with the other neighbors, but I did not get a chance to reach out to you, and my apologies for that. It has been a crazy couple of weeks with this meeting, so I did drop the ball there. Just wanted to mention that

because I have the most respect for you as Mr. and Mrs. Taylor. Couple notes I want to hit on...I want take up too much time because I know you all...but I am in favor. I own the lot across the street, 200 and 204 South Walker Street, the empty lot, which I allow the Blueberry Festival, Mr. Cowan, to use every year for the restrooms, port-a-potties. We're still trying to decide what to do with that lot specifically, but right now it seems to be the best use to allow, when they do the Blueberry Fest, the port-a-potties there. I own the building next to it that use to be the salt cave, 204 South Walker. Previously, Pelican Medical, prior to that it was a car shop, welding shop. According to Johnny, it was the hang out spot back in the day where everybody would go in the evening hang in the corner and talk about the things they did the day before. It sounds like a really cool place to be and as I look for tenants for the building, I look at...I own the two lots on the corner and Andrew and I, Penderline, own the Corbett building that we purchased from them. Mr. Corbett's retiring and we're trying to figure out what is the best use for that piece of property and that's just like anything, it's a tough decision. You can't please everyone as much as you want to, but ultimately we feel that it's one of four corners in downtown and our goal is, how do we bring back that corner where we go, hang out with your friends and family and talk about what you did that day. We're so excited that the first thing we would do is wake up the next morning to go back to that spot, based on what Johnny was saying...you know, that's what we want to create there, and how do we do that. The first thing that I think of when Mike came to me, we have a lot of people that call and say hey, I want to do a salon, I want to do a smoke shop, I want to do this, I want to do that, everybody, every entrepreneur has an idea, but we've been very particular about who we put in these buildings and that's why...when Mike came to us, I have personal friends who know Mike and spoke very highly of him and spoke about his business model and what he wanted to do and was intrigued. We met at the building and I like the idea of what he's looking to do, you know, we talk about a bar and stumbling, and being drunk and have to use the bathroom. I really think what he's trying to do is a family establishment, similar to the brewery. My family goes to Asheville when we can to slip away to the mountains and there's this place in Asheville, I can't remember the name, it's a bar and arcade. So the parents go in, pay for a card and it's unlimited games and you can have adult beverages and kids run around and play and when he told me his idea of having an arcade with a meadery...I'm a beekeeper as well; my neighbor Jimmy Wells, got me into beekeeping and I'm hooked, so the idea of mead and bees and the community of Burgaw, has really resonated me personally. As a neighbor across the street, speaking to my [inaudible comment] family here and understand the concern. We don't want downtown Wilmington bars where you have college students and people that are coming from Camp Lejune and just getting hammered on a weekend night. That's not what we are. We're a family community and we need places...young families...where can I go to take my kids to run around where some nice acoustic music being played and enjoy a glass of mead with my wife. That's exciting. We love going to the brewery. Our six children run around in the beer garden and my wife and I will have dinner and enjoy a glass of wine or beer and it's a good experience. So, I'm in support of Mike's trying to do. A couple of things I want to hit on, the fence and the back gate. Totally understand what Mr. Taylor is saying...property lines downtown are real close. The outside area, back side here...you know, if that gate isn't required by fire, we are open in supporting whatever we need to do. There is some heat pumps there, so my suggestion is we have a buffer between the Taylor's property and the heat pumps so there's also a place to hide the trash cans. If you're riding down Walker Street and the building's on your left, all of our tenants pretty much keep their trash cans in this alley, and I also thought that was not very aesthetically pleasing, so my suggestion would be if

you're going to have that outdoor area, have another section that creates a storage area for the trash cans and then it creates an additional buffer for the Taylor's property. Maybe that's helpful. That would be my suggestion there. Regards to property values, as a licensed real estate agent, I completely disagree, respectfully, that this would not hurt property values. I mean, I am always very interested in buying our neighboring properties and would pay more than what they are worth and assume that anyone else looking to buy in downtown Burgaw, especially if there's an active surviving business, there property is mixed use, it's not just residential because you are downtown, so once, if Mike is approved and the business starts and becomes successful and now you have families enjoying that side of town, maybe we would have someone else that wants to have a butcher shop or a bakery or those kind of things on that corner. I think ultimately, it's going to raise the tide and other businesses that want to be in the area. So, I think in regards to property values, sure a bar, if we went off of Wilmington Street and put a bar directly between two homes, that's going to hurt property values. But we're looking at the downtown district, specifically the building is downtown, I don't think that is going to hurt the property values at all. I think actually it would help the property values to have a business that's doing well. I've had a hard time finding tenants for this building. It's either allow anyone to do anything like a smoke shop, which is not what I want there, or more lawyer or doctor's office, nothing against lawyers or doctors, I just don't think that's what we need. I think our town needs places for people to go to enjoy food, enjoy beverages, enjoy their family and their community and I think this is in line with that. As I mentioned, I did talk to Tony's parents, they seemed...you know, [inaudible comment] hear from his wife, thank you for speaking...I didn't hear his side, but his parents seemed to think...you know, they like to walk to the brewery from the house and enjoy...would be somewhat in support depending on the music is what he said, which I think having a certain time for the music to be off is important. Little bit of history of the building, for the last twenty or thirty years it's been Mr. Corbett's office, surveyor...Mr. Corbett was telling some pretty interesting history. I've heard a lot of different stories. A lot of you may not know this, when you first look at that building, there's two kind of glass windows, the front glass window was a waiting area which was the white waiting area and the middle was a colored waiting area and downstairs was a restaurant and upstairs was boarding houses where people would stay overnight. I've heard interesting stories of the things that happened in that building and ladies of the night. I don't know if that stuff is true or not but ultimately Mr. Corbett has done a really good job at keeping that building very professional, but a part of me has some really cool history, that side of town has some really quirky history. How do we play on that history, whether...it's not great history, let's say that...but there's some cool history that we should not forget but we should take and grow with and I think what Mike is trying to do is really cool to that corner of town which is an area that could bring the community together that has some history and I think what Mike is trying to do is a really good example of what we should stand behind as a community. I understand the bar idea is scary, but just remember it's a family establishment and we go into Burgaw Brewing, I never see people falling on their faces or getting hammered, I see families having fun and see a lot of familiar faces I get to say hey to. That's what I expect as a property owner and Mike being the tenant. We're going to hold him to high standard for the community and any suggestions we can to help him get there...even the entrance that was mentioned, having to go outside to go to the side. You know, it's an old building, there's old windows here. Once they get established and start making some money, and it makes sense financially, we can support them putting in a larger entrance that combines the outside to inside, but those are things that, again, what makes physical sense and making smart

decisions and ultimately we want them to first get in there. First, become successful and hopefully will be very successful and we can support them in eventually taking over the whole building. That would be really cool downstairs, the entire downstairs all the way to the front of the courthouse, an arcade, food, we would support that 100%, but this is really kind of a test, a small scale of what they want to do in that building and we wholeheartedly support them. That's all I have. I just wanted to touch on a couple of those things. Thank you. Any questions?

Mayor Dawson: Thank you. Any questions?

Commissioner Harrell: I have one more for Ms. Jacques.

Mayor Dawson: Okay.

Commissioner Harrell: Ms. Jacques, so I kind of got the impression from you that you kind of supported this business, but...

Kelly Jacques: I support their...first of all, I support them reaching out to me, which was awesome like I said. I support what they are doing, but I don't support it next to my house. I know it's a family oriented thing; I don't think that there's going to be drunk people all over my yard, but we like to sit outside also. My family does too, and we do a lot of things for Halloween, fog machines going. Like I said, I don't want to step on their toes and I certainly don't want them stepping on mine. Like I said, my kids have parties outside, we have a pool, so we are constantly outside and our quality of life outside, I feel, is going to be affected because of this. Not to say I don't like the idea, I think it's a great idea, do I want it next to my home, absolutely not. Nothing against them personally or what they're doing. I've lived here for five years and my house is hundred something years old, I like it the way it is. I don't like change much, but I do know I wouldn't like much of anything this caliber of music, the lights, the parking, everything that has to do with it, right next to my house. It is literally...like Mike said, forty-one feet from my parents' bedroom.

Commissioner Harrell: Okay. Thank you.

Michael Fields: May I speak to address a couple of the concerns? I greatly appreciate all the concerns and everyone talking about the business and...very much appreciate that. Me and Matt actually walked down to the location today just to talk about it more. We actually did talk about the heat pump and what we would like to do. Leo pretty much stated that we would probably put a buffer there, which lessens the sound for us too as well. We even considered...talked about...we could even have silent disco nights. They're having one at the aquarium; everyone is wearing headphones. They're listening to music but no one else can hear it. There's different ideas we can do there and especially open with times and days we are able to do this. Especially communicate the events that we would like to have and would like for you to join in on the events and have your family come and join us. Like I said, we want to be a neighbor, not just a business. A business and a neighbor. When it comes to drunk, having people drunk, peeing on the walls or anything like that, this is not an establishment for that. Mead is completely different on its own. Yes, it's an alcohol, but it's also an alcohol that's more costly than your traditional wine or traditional beer. You have people that love mead and at nine-dollars for a five ounce pour or even eight-dollars for a five ounce pour, even though that's very costly for somebody to put back and get drunk off of. It's something to enjoy, it's not something we want our customers to take a lot of. Of course, with the training our employees, Matt and myself have, that would not happen. When it comes to the gate there, the gate's there for an emergency exit. We're not expecting customers to go in and out of that gate, especially to show up blindly on the backside. We want that mainly for emergency exit, but totally fine if we don't want to have the gate there. That can totally be removed, but just wanted it for the health and safety of everybody to have

that there just in case. When it comes to smoking, Matt and I are not smokers. It would be a non-smoking facility. We don't want trash or to have bugs around or anything like that around. When it comes to not having retail locations, I would like to remind you that Bandana's used to be there as a restaurant, close to these locations as well, so that wasn't too far long ago they were there. Also, too I want to remind you that there are two bars that are not that far. They are walking distance to get to from our establishment as well. Again, we want to show we are responsible, we want to show the community that hey, we want to be a part of the community and when it comes to Communities in Schools, children and everything like that, again, my wife works at Little Town Learning Center for eighteen years. I have two kids of my own, I have a four year old and a ten year old. We all go to Lion's Crest; I do kickboxing and my son does jujitsu, were part of the community, we've [inaudible comment], we want to help out as much as possible too. It's not about gaining a profit, it's about being with the community and growing with the community and having fun with it. That's the main thing, and entertainment spot for everybody. Thank you.

Mayor Dawson: Any questions for Mike?

Commissioner Robbins: Bathroom.

Michael Fields: So there are two bathrooms that are upstairs. It's not uncommon to have a location, a bar, or a wine bar that has restrooms upstairs. What's hopefully going to happen with the meadery room we are going to expand, there is a restroom downstairs that will be able to be utilized as well.

Commissioner Dawson: For handicap purposes, you don't have to have a downstairs bathroom?

Michael Fields: I don't believe so. I would have to double check on that, but I don't think that's the case. It is an old historic building too. It could be a possibility that with our next door tenant that we could probably work out a situation where we did have a handicapped person to come in, that they would be able to use the first floor restroom.

Gilbert Combs: I'm happy to address that. This tonight, if they get approval, they would still have to go through planning and building inspections, so Louis would make sure of any requirements they would have to meet. He's right, that because it is an historic building, there are certain things about it that may not be required that would be required today, but Louis is on top of that as you know and whatever is required would be required then.

Michael Fields: Like I said, there are options there that we could probably work with too if it is needed during inspections.

Commissioner Dawson: And if you can, close that back gate for privacy for the adjoining neighbors.

Michael Fields: Absolutely. That's not an issue. It was there for emergency purposes only.

Commissioner Harrell: While you're on the microphone, Gilbert, just so I'm clear on this. If we vote for this use, is a special use permit and does not guarantee that the next business that comes there should there business fold, would be okay to be permitted to be [inaudible comment].

Gilbert Combs: I will say this approval runs with the property.

Commissioner Harrell: Okay, thank you.

Leo Andrades: With that unit or the entire property?

Gilbert Combs: The address 111, you're applying for this...it does have a site plan associated or a floor plan layout so it would be held to that foot and layout. I do want to mention to the board that this is kind of [inaudible comment] and the special use permit process in general is far more difficult to deny a request as long as they are checking all the boxes. General statutes do say that

we are able to, if the board wishes, apply conditions on the property to address some of the concerns. Those conditions would have to be agreed upon by the applicant.

Board member: [inaudible comment]

Attorney Rivenbark: That's what y'all...at the appropriate time, have to vote on, individually.

But, if you wanted to ask about any conditions, such as noise and times for outside entertainment, the applicant would have to agree...now would be the appropriate time to do that.

Commissioner Robbins: Is this the appropriate time to ask questions about the outside music? I have no problem with the inside part of it. I have a hard problem with the outside.

Michael Fields: Okay.

Commissioner Robbins: With...If I was her, I would be in here kicking and screaming about somebody putting a bar beside me with, you know, a family, so...

Michael Fields: Right.

Commissioner Robbins: I don't understand why, if you got to...you know, you're talking about playing music outside. How are we going to regulate that?

Michael Fields: So that's really a want other than a need. So, if the music is the main issue here, it doesn't have to be played outside. It can be played inside. Ultimately, we would like to just have a seating, gathering area outside. Ultimately, when we expand, which is our plan, we will have an area...for like I said, retro movie nights, live entertainment inside and arcade. All that would be housed inside.

Commissioner Dawson: Well, if you're willing to forego the music, I think that will help make the neighbors happy, because they...

Michael Fields: Yea, that's not a problem.

Commissioner Dawson: They want to be good neighbors too.

Michael Fields: Yea, absolutely. Any other questions?

Mayor Dawson: Questions or conditions?

Attorney Rivenbark: I just want to make sure we're clear. He's stated he agrees not to have the music outside. Did that also intend to be outside movies, or...I just want to make sure we're clear here.

Michael Fields: I'd say any artificial sound other than people. So, we would not have that outside.

Attorney Rivenbark: You would not?

Michael Fields: Would not.

Attorney Rivenbark: Okay.

Gilbert Combs: If I can jump in here right quick. One of the points in the use standards states "noise and/or music on bar, cocktail lounge, and/or nightclub premises shall not be audible on any adjacent residentially used property after 10 pm."

Commissioner Dawson: It's my understanding that they're...will not have music at all.

Michael Fields: That's correct. We're just going to forfeit it on the outside.

Gilbert Combs: Okay. Great.

Mayor Dawson: Anything else? Does that meet everybody's...

Attorney Rivenbark: Before you begin the voting process, Madam Mayor, again, for the special use permits, for the situation we have to go through all the elements individually, each commissioner has to vote for or against. If the commissioner votes against, they need to state on the record why they believe that condition has not been met. And again, special use permits are quasi-judicial, based upon expert testimony. The applicant appears to have an expert appraiser, which you should consider, but I would also note for you that North Carolina courts always

allow individual property owner to express an opinion of their own property value, that is considered as well. I think you can consider all the testimony that's been given tonight.

Jessica Gray: Do I need to note [inaudible comment] part presentation as evidence?

Attorney Rivenbark: Yes.

Mayor Dawson: So, prior to reading this, is there anything I need to do? No? Just go through it. Okay. So, I'm going to read the first statement and go down to the line and get a vote.

The following Findings of Facts were read aloud and voted on accordingly:

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 Malloy: Yes

Commissioner Harrell: Considering the concessions that have been given, I'd have to say, yes.

Commissioner George: No, because of "wine".

Commissioner Dawson: Yes.

Commissioner Robbins: No, it's not in harmony, the reason being, is because it's not...there's nothing like it there...there's nothing like it in the building, there's nothing like it on that entire block. So, that's the reason I would say it's not in harmony.

Item B - The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this ordinance.

There was a pause and inaudible comments by the board. Attorney Rivenbark reminded the board they've got to go through each of the elements, yes, no and state the reason why and then there will be one final vote on the resolution for a special use permit.

Commissioner Robbins: Yes, it does.

Commissioner Dawson: Yes.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Malloy: Yes.

Item C – The use of the property as proposed will not affect other adjoining or abutting property values.

Commissioner Malloy: No, because I believe it will affect property values.

Commissioner Harrell: Yes.

Commissioner George: I'll say, yes.

Commissioner Dawson: Yes, for me.

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

Mayor Dawson: Okay. So, that was all in consideration of the special use permit request, and now we need a motion for the resolution.

Attorney Rivenbark: To allow the bar use with outdoor seating.

Commissioner George: Do what now?

Mayor Dawson: I'm sorry, repeat that?

Attorney Rivenbark: You either need a resolution to approve or deny the use as requested with the concessions as stated on the record by the applicant.

Commissioner Dawson: I make that motion.

Attorney Rivenbark: To approve?

Commissioner Dawson: Yes.

Commissioner Malloy: Second.

Mayor Dawson: All in favor?

Commissioners Dawson, Malloy, Robbins and Harrell voted "aye" and Commissioner George voted "nay". Motion carried.

Mayor Dawson: Okay. So, at this time we will close the public hearing.

Mayor Dawson declared the public hearing closed at 10:29 PM.

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

Ordinance 2023-31 Traffic Schedule Ordinance Update

Chief Hock briefly explained Ordinance 2023-31 as presented. He said staff has been updating the ordinance regarding traffic schedules, including stop lights, all-way stops, speed limits, etc. Chief Hock gave an update on the intersection of Bridgers Street and Wright Street with making that an all-way stop. He also gave an update on the number of 25 MPH signs needed to reflect the recent approval by the board regarding residential town-owned street speed limit. There was discussion about keeping Fremont Street between Cowan Street and US Highway 117 By-pass at 35 MPH instead of changing it to 25 MPH as previously approved. Commissioner Harrell made a motion to approve keeping Fremont Street between Cowan Street and US Highway 117 By-

pass at 35 MPH. The motion was seconded by Commissioner Dawson and carried by unanimous vote. After some brief comments, Commissioner Dawson made a motion to approve Ordinance 2023-31 reflecting the 35 MPH on Fremont Street. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Updates on Current Town Projects

Public Works Facility Expansion Project

Chief Hock gave an update on the progress of the Public Works expansion. He showed pictures to the board of the progress.

Burgaw Cemetery Fence

Chief Hock advised the fence project at the Burgaw Cemetery has been completed.

Other items from Assistant Town Manager

Commissioner Harrell asked for an update on the elementary school drop-off line issue. Chief Hock said he reached out to Mike Taylor at the elementary school and hasn't heard back. Chief Hock's recommendation is to include an additional parking area in the back of the school as part of the car line for drop-off and pick-up, therefore, making the line longer and hopefully eliminate the cars backing up along Wright Street in front of the residences.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Consideration of appointing members to the Tourism Development Authority and the Parks & Recreation Advisory Committee

Commissioner Dawson made a motion to appoint Angela Bartlett and Nidhi Shah to the Tourism Development Authority. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Commissioner Harrell made a motion to appoint Cathy Guidry to the Parks & Recreation Advisory Committee. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Other item

Commissioner Robbins thanked Mr. Suggs for serving on the Blueberry Festival committee. He said it is good the town is involved.

ITEMS FROM MANAGER – *James Gantt, Town Manager*

Discussion on the town's current trash service

Mr. Gantt said we are continually having more and more issues with our trash service. Staff gets a lot of complaints about missed pick-ups. Another issue has been the trash service beginning

before 7:00 AM. Dumpsters are also being dumped in the early morning hours. Mr. Gantt said he has met with the district manager numerous times, but there continues to be issues. Commissioner Malloy asked for Mr. Gantt's recommendation. Mr. Gantt said the contract ends in June 2024. He said he would like to end the contract immediately, but this puts the town in a situation that we are not ready for. Mr. Gantt suggests advertising for trash service bids soon and find another company to start at the end of the current contract with GFL. All board members were in favor of allowing Mr. Gantt to solicit bids.

Updates on Current Town Projects

Storm Water Master Plan Grant

Mr. Gantt said staff has submitted things to the state. Bidding will begin in the next few weeks. We expect to award the bid to a consultant in mid-January.

Water/Sewer Systems Upgrades Grant

Mr. Gantt said there is not much to update about this at this time. He is waiting to hear back from Carson Smith's office regarding the state funding.

Digital Agenda Project

Mr. Gantt said this project is still moving along and there will be a couple more meetings set for staff. The goal is to use the agenda software for all of the town's boards and committees. The plan is for staff to begin using the software for the January meeting.

Sidewalk Projects

Mr. Gantt said the concrete is supposed to be poured soon at First National Bank.

Mayor Dawson requested staff do an inventory of the sidewalks and prioritize the sidewalks that need attention. There was brief discussion about sidewalks.

Parks Camera and Access Control System Project

Mr. Gantt advised all the items have been delivered for the project and waiting for the company to do the installation.

Burgaw Town Center Parking Lot Update

Mr. Gantt said he has met with the engineer and made some modifications to fit as many parking spaces as possible. The engineer should have the modifications completed soon, then bidding will begin.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he has items for closed session, but they can wait until the next meeting.

Other items from the Mayor and Board of Commissioners

Commissioner Harrell requested staff check with NC DOT about the town adding the bulb-outs at the intersection of Wilmington Street and Wright Street. Mr. Gantt will make contact with NC DOT about the town possibly doing the bulb-outs due to safety concerns.

Commissioner Harrell would like to create a program that would allow students of Cape Fear Community College, Pender Early College, and Pender High School to use the incubator kitchen for food service curriculum. Mr. Gantt reminded the board this was previously discussed by the board in previous years. Commissioner Harrell said he is willing to head up this program even though it would be after he is off of the board in December. None of the board members voiced oppositions.

Commissioner Robbins commented on the situation heard during public forum regarding the business on McNeil Street. He said we really need to look at this. Attorney Rivenbark said Mr. Combs issued a notice of violation and Mr. Garner admitted he is in violation. Attorney Rivenbark said Mr. Garner has requested a text amendment that will be heard by the Planning Board at their next meeting.

Commissioner Robbins said he understands the NC Blueberry Festival is in disarray and commented on the town working with the NC Blueberry Festival similar to the way the town and Chamber are working together. Mr. Gantt will look into this.

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 11:25 PM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor