TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	February 13, 2024
TIME:	4:30 PM
PLACE:	Burgaw Town Center 108 E Wilmington St
BOARD MEMBERS PRESENT:	
	Mayor Olivia Dawson Mayor Pro-tem James Malloy Commissioner Jan Dawson Commissioner Bill George Commissioner Michael Pearsall Commissioner William Rivenbark
BOARD MEMBERS ABSENT:	

1. Call to Order

The meeting was called to order by Mayor Dawson.

2. Invocation

The invocation was led by Reverend Nick Smith.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Mayor Dawson requested the board consider removing item #6DIV "Public Funding Request: Burgaw Area Chamber of Commerce-Christmas Parade." Commissioner Pearsall made a motion to approve the agenda as amended. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

5. Approval of Consent Agenda

*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

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

A. **Approval of the December 12, 2023 Regular Meeting Minutes**

B. **Approval of the December 12, 2023 Closed Session Minutes**

C. **Approval of the January 16, 2024 Regular Meeting Minutes**

D. **Approval of the January 16, 2024 Closed Session Minutes**

E. **Resolution 2024-04: Opposing the NC Rate Bureau's Request for Homeowners' Insurance Rate Increase**

6. Departmental Items

A. **Public Works Department**
Alan Moore, Public Works Director

Mr. Moore advised he has no new updates. Mayor Dawson commented on the recent concern with a sidewalk issue on South Walker Street. Staff will take a look at the issue and see if it is a town or NC DOT issue.

Commissioner Malloy spoke about the trash and debris policy, as well as whole house clean outs. Mr. Moore said he gave recommendations on policy amendments to Mr. Gantt. After brief discussion, the board agreed to look at updating the debris policy.

B. **Fire Department**
Jim Taylor, Fire Chief

Chief Taylor advised he recently attended the chief's conference in Concord. He also said the department continues to bring on volunteers.

C. **Facilities & Grounds Department**
Damon Stanley, Facilities & Grounds Director

Mr. Stanley advised his crew has been busy picking up trash around town. There has also been a lot of upgrades done to the park facilities.

D. **Parks, Recreation & Tourism Department**
Cody Suggs, Parks & Recreation Director

Mr. Suggs advised we are currently accepting "Requests for Qualifications" for the West Side Trail and Parks Project.

Mr. Suggs commented on the Chamber of Commerce agreement for the use of the depot. He suggested the board consider reviewing the agreement soon for any needed updates. The board agreed for staff to review the document and propose any recommended changes.

I. **Fee Waiver Consideration: Boy Scouts of America**

Mr. Suggs advised the Cape Fear Council Boy Scouts of America has requested a waiver of the rental fee for use of the depot on March 27, 2024. Mr. Suggs said this request is the same as last year that was approved by the board. The organization understands they would pay the cleaning fee. Commissioner George made a motion to approve the fee waiver request. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. **Public Funding Request: Downtown Business Association - Mainstreet Conference**

Mr. Suggs advised the Downtown Business Association has requested the town to pay for the registration of two Downtown Business Association members, in the amount of $225 each, to attend the NC Mainstreet Conference to be held March 12-14, 2024. After brief discussion, Commissioner George made a motion to approve the funding request. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

III. **Public Funding Request: Burgaw Area Chamber of Commerce - Mainstreet Conference**

This item was discussed along with the previous item regarding the town paying the registration fees for the NC Mainstreet Conference. Commissioner George made a motion to approve the funding request. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

IV. **Policy Consideration: Burgaw Incubator Kitchen Culinary Classes**

Mr. Suggs advised staff is requesting amendments to the Entrepreneur Agreement for the Burgaw Incubator Kitchen. The policy presented will allow for approved tenants to use the Incubator Kitchen to conduct culinary classes. After brief discussion, Commissioner Pearsall made a motion to approve the amendments as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

V. **Discussion: Digital Sign Board for Burgaw Town Center**

Mr. Suggs reviewed three proposals and pricing for a digital outdoor sign at the Burgaw Town Center. After discussion, the board agreed to discuss this item further during the FY 2024-2025 budget process.

VI. **Survey Results: Parks & Recreation Master Plan Update**

Mr. Suggs reviewed the results of the Parks & Recreation Master Plan survey that has been published for several months for the public's input. After the presentation and discussion, the board asked the survey be pushed more for an attempt at additional responses to the survey. Commissioner Pearsall said he would help with surveys on the west side of town. This item will return to the board for further discussion at the April or May meeting.

E. **Planning Department**
Gilbert Combs, Planning Director

I. **Discussion: Rules of Procedure for the Planning Board**

Mr. Combs said there is currently not an official "Rules of Procedure" policy for the Planning Board. He briefly explained the need for the policy and the proposed process for appeals. After discussion, the board was in agreement for staff to compile a "Rules of Procedure" policy for the Planning Board and present it to the board at a future meeting for consideration.

F. **Building Inspections Department**
Louis Hesse, Building Code Administrator

Mr. Hesse said all projects are progressing smoothly. Commissioner Malloy asked about the old house at the end of North Wright Street. Mr. Hesse said there are many heirs to the property, but a contractor should be demolishing the house soon.

G. **Finance Department**
Wendy Pope, Finance Officer

Ms. Pope advised she is working on the upcoming budget, the new time clock conversion is complete, and she has recently included a new section on the monthly finance dashboard.

H. **Police Department**
Jim Hock, Police Chief

Chief Hock advised he has sent off two certificates to the state for Officer Bogan (intermediate certification) and Officer Padgett (advanced certificate).

I. **Discussion: Town of Burgaw Golf Cart Ordinance**

Chief Hock advised we are seeing more golfcarts in town and have received numerous calls from the public about them. He reminded the board this was previously discussed but there was not a vote to put an ordinance in place at that time. After discussion, the board was in agreement to allow staff to bring back a proposed ordinance with suggestions from Attorney Rivenbark.

II. **Discussion: Running at Large Ordinance**

Chief Hock explained the following amendments to the current "Running at Large" section of the town code. After discussion, the board was in agreement to allow staff to bring back a proposed ordinance with suggestions from Attorney Rivenbark.

Section 4-1 - Running at Large
"(a) It shall be unlawful for any owner of a dog, other animal, or fowl, to permit them to run at large or be off the premises of its owner and not under the restraint of a competent person. Restraint of a competent person shall be a leash in the physical control of such person and not exceed twenty (20) feet in length. An electronic collar may be utilized if in proper working order. Having a trained dog under voice command/control will not be considered as a restraint.

(b) Upon an officer observation of a dog running at large or off the premises of its owner and not under the control of a competent person, the officer may, at their discretion, impound the dog, per the county's Animal Control Policy, or return it to its owner.

(c) Upon the receipt of a complaint that a dog is running at large or is off the premises of its owner and not under the control of a competent person, the officer shall investigate the complaint and, upon a finding that there is probable cause that a violation has occurred, the officer may issue a citation or a warning or take any other action provided for by ordinance or state law as the circumstances may require."

7. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:20 PM and 5:37 PM.

John Westbrook, 410 E Fremont Street, spoke about the parking spaces that have recently been eliminated next to his building downtown and expressed his opposition. He gave a handout to the board of his ideas. He requested the town reach out to NC DOT to make this area of Wilmington Street a 25 MPH speed limit zone.

Larry Owens, owner of The Pender House, spoke about the parking along Dickerson Street that has been eliminated by NC DOT when they repaved the street recently. He requested 45 feet of the town's right-of-way on the side of the property along Satchwell Street to add parking spaces. Attorney Rivenbark asked Mr. Owens if he understood this would be done at the owner's expense and the parking would be available to the public since it would be within the town's right-of-way. Mr. Owens stated he understood and agreed; he added that landscape timbers would outline the parking area. Attorney Rivenbark said the parking spaces could not be within 25 feet of the stop sign at the intersection of Satchwell Street and Dickerson Street. After discussion, Commissioner George made a motion to allow 45 feet of gravel and landscape timbers to be installed at the owner's expense in the town's right-of-way at least 25 feet away from the stop sign. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote. Mr. Gantt will see that an encroachment agreement is completed.

Leo Andrades, 1793 Penderlea Highway, spoke on behalf of Penderline, LLC in regard to the Ivy Grove Townhome rezoning request that was recently denied by the board. He asked the board to reconsider the rezoning for the project; the number of units in the project has been reduced to thirty (30) instead of forty (40), which was a concern voiced during the previous public hearings. There were comments by the board to reconsider the project. Attorney Rivenbark suggested to notify the neighboring property owners if the board wishes to reconsider the project. After much discussion and the Attorney explaining the process of the public hearing being reconsidered, Commissioner Dawson made a motion to reopen the public hearing and reconsider the project with a new plan presented by Penderline, LLC. The motion was seconded by Commissioner Malloy. Commissioners Dawson, Malloy, Rivenbark and Pearsall voted "aye". Commissioner George voted "nay". Motion carried.

Karen Harding, 318 South Walker Street, spoke against the idea of public toilets in Dees Park.

Eugene Mulligan, 318 South Walker Street, said he did not see the meeting minutes from December on the town's website. Ms. Wells advised the December minutes were approved during this meeting and will be posted online the next morning. Mr. Mulligan also commented about the property on the corner of Wright Street and Fremont Street that the town once purchased and sold; he asked if this property was declared surplus. In addition, Mr. Mulligan said he is concerned with the way the town is spending tax payer money on parking in a private lot.

Vernon Harrell, 108 North McRae Street, reminded the board about hosting a meeting regarding the 2030 Future Land Use Plan. He also thanked the town and Public Works Department for fixing the drainage issues.

Steve Pruitt, 101 South Wright Street, said he has a business on the second floor of Burgaw Antiqueplace and voiced his concern with the parking issue that was previously spoken about by Mr. Westbrook.

8. Public Hearing

A. **UDO Text Amendment**
Gilbert Combs, Planning Director
Consideration of a text amendment to the Unified Development Ordinance requested by Camille Teuben of D.R. Horton to amend Section 9.27 Landscaping Requirements, Subsections 1.(B).(9).(c) and 3.(C).(2), to modify language related to the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.

Mayor Dawson declared the public hearing open at 6:24 PM.

Mr. Combs explained the request as described in Ordinance 2024-01.

Amanda Johnson, an environmental consultant, explained the benefits of amending the Unified Development Ordinance regarding tree surveys.

There being no questions by board, Mayor Dawson declared the public hearing closed at 6:36 PM.

I. **Resolution 2024-01: Statement of Consistency**
Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by Camille Teuben of D.R. Horton to amend Chapter 9. Development Design Standards and Processes, Section 9.27.1.(B).(9) Regulated Tree and Section 9.27.3.(C) Tree Survey to modify the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.

Commissioner George made a motion to approve Resolution 2024-01 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. **Ordinance 2024-01: Text Change Amendment**
A text change amendment to the Town of Burgaw Unified Development

Ordinance requested by Camille Teuben of D.R. Horton to amend Chapter 9. Development Design Standards and Processes, Section 9.27.1.(B).(9) Regulated Tree and Section 9.27.3.(C) Tree Survey to modify the definition of regulated trees and to modify survey methods for projects exceeding 40 acres in size.

Commissioner Malloy made a motion to approve Ordinance 2024-01 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

B. **UDO Text Amendment**
Gilbert Combs, Planning Director
Consideration of a text amendment to the Unified Development Ordinance requested by staff to amend Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements, to develop a process for temporary construction and use for a limited time, where the temporary use would be permitted by right in the underlying zoning district.

Mayor Dawson declared the public hearing open at 6:37 PM.

Mr. Combs explained the request as described in Ordinance 2024-02.

Speakers:

Leo Andrades, 1793 Penderlea Hwy, asked for clarification on the proposed amendment. Mr. Combs and Attorney Rivenbark briefly explained. The proposed amendment would allow proposed projects that would be permitted by right on a property and that have been given conditional zoning release through the Technical Review Committee (TRC) process the ability to utilize the property for the same use as proposed and for a limited period with temporary facilities.

Everette Durham, 208 South Walker Street, said Burgaw is getting ready to change. He asked the board to consider establishing the way we do things for the people and by the people. He said he wants the board and staff to agree to make things happen the best way they can for people.

There being no questions by the board, Mayor Dawson declared the public hearing closed at 6:53 PM.

I. **Resolution 2024-02: Statement of Consistency**
Adopting a statement of consistency regarding text amendments of the Unified Development Ordinance requested by staff to amend Chapter 8 Zoning, Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section 8.15 Use Standards to add a use that would allow a temporary setup for projects already approved for conditional zoning release.

Commissioner Malloy made a motion to approve Resolution 2024-02 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

II. **Ordinance 2024-02: Text Change Amendment**
A text change amendment to the Unified Development Ordinance requested by staff to amend Chapter 8 Zoning, Section 8.14 Table of Permitted Uses, Special Uses and Special Requirements and Section 8.15 Use Standards to add a use that would allow a temporary setup for projects already approved for conditional zoning release.

Commissioner Malloy made a motion to approve Ordinance 2024-02 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

C. **Rezoning: Pender County Health and Human Services Project**
Gilbert Combs, Planning Director
Consideration of a conditional district rezoning from O&I, Office and Institutional, to O&I (CZ), Office & Institutional Conditional District for a two-story facility located near the intersection of Industrial Drive and Progress Drive Extension for the Pender County Health and Human Services project.

Mayor Dawson declared the public hearing open at 6:54 PM.

Mr. Combs explained the request as described in Ordinance 2024-03. Commissioner Rivenbark asked if a sidewalk is required for the project. Mr. Combs advised it is not included as a condition, but the board can include this as a condition if they wish. Commissioner Rivenbark said he thinks there needs to be a sidewalk. Mayor Dawson said a bicycle rack should be included as well. Andy Speck, with Bobbitt Construction, gave verbal consent to include the sidewalk and bicycle rack as a condition for the project.

Speaker:

Chris Linton, 506 Jasmine Way, voiced his concern with the east parking area that will be next to his property in Creekside, as well as drainage concerns. Mr. Speck advised the project is proposed to meet all buffer requirements, including vegetative buffer and a fence. Michael House with Cape Fear Engineering spoke about the stormwater design. Mr. Linton asked about the parking lot lighting. An architect advised nightsky lighting will be installed so there will not be any light outside of the property.

There being no questions by the board, Mayor Dawson declared the public hearing closed at 7:04 PM.

I. **Resolution 2024-03: Statement of Consistency**
Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Andrew Speck of Bobbitt Construction on behalf of Carolyn Moser of Pender County Health & Human Services to rezone property located on Progress Drive (PIN 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project.

Commissioner Dawson made a motion to approve Resolution 2024-03 including the conditions to install a sidewalk and bicycle rack. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. **Ordinance 2024-03: Zoning Map Amendment**
A map amendment of the official zoning map of the Town of Burgaw requested by Andrew Speck of Bobbitt Construction on behalf of Carolyn Moser of Pender County Health & Human Services to rezone property located on Progress Drive (PIN 3229-60-0564-0000, 3229-60-0024-0000, 3228-59-9798-0000) from O&I, Office and Institutional to O&I (CZ), Office and Institutional Conditional Zoning for the Pender County Health and Human Services project.

Commissioner Dawson made a motion to approve Ordinance 2024-03 as presented with the conditions to install a sidewalk and bicycle rack. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

9. Items from Assistant Manager

A. **Update: Public Works Expansion Project**

Chief Hock gave an update on the Public Works building expansion.

10. Items from Manager

A. **Town Center Parking Lot**

Mr. Gantt advised he has received the bid from the engineer for the parking lot at the Burgaw Town Center. He said it came back for $178,773, which includes drainage work, sidewalk work and paving the gravel area. Commissioner Dawson said it needs to be done. After brief discussion, Commissioner Dawson made a motion to appropriate $180k for the project. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

B. FY 2024-25 Budget Update

Mr. Gantt advised he and staff are working on the budget and hopes to have the CIP complete soon.

C. Information Technology Discussion

Mr. Gantt advised he and staff have looked at options for information technology for the town. He recommended to the board to hire a full-time IT position. After brief discussion, the board was in agreement this was the best solution. This will be discussed at the budget retreat.

11. Items from Attorney

Attorney Rivenbark only had items for closed session.

12. Items from Mayor and Board of Commissioners

Commissioner George commented on the need for a stoplight at the intersection of Wright Street and Wilmington Street.

Commissioner Rivenbark asked if there was a way the town could fill in some area on the edge of the street with rock in front of the Pender County Historical Museum. Mr. Gantt will look at this and see about getting this taken care of.

Commissioner Rivenbark commented on a culvert issue at the Casey house on Cowan Street. There is also an issue with the pipe in the right-of-way near the driveway. Staff will look at this and see what can be done about it.

Commissioner Dawson voiced her concern about several houses that have junk in the yards. She said she has noticed one on Wallace Street, Bridgers Street and Smith Street. She requested staff see if there are any violations. Mr. Gantt will look into this.

Commissioner Rivenbark said there is a street light out on the corner of Wright Street and Wilmington Street.

Mayor Dawson advised Commissioner Rivenbark is serving on the Cape Fear Rural Transportation Planning Organization (RPO).

There was discussion about the 2030 Land Use Plan, as mentioned during the Public Forum. Mr. Gantt advised the updating of the 2030 Land Use Plan needs to be handled by an outside firm. Commissioner Pearsall said he did a survey in the fall of 2023 and will send the results to the board for review. After discussion, it was decided to discuss this further at the budget retreat.

13. Closed Session

A. **Pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel**

Commissioner Rivenbark made a motion to go into closed session at 8:14 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner Dawson made a motion to go back into open session at 8:43 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

14. Adjournment

Commissioner George made a motion to adjourn the meeting at 8:43 PM. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.