

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

DATE: March 12, 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

Mayor Dawson called the meeting to order.

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

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

A. Resolution 2024-05 Approving Local Water Supply Plan

- B. **Ordinance 2024-04 Approving the amendment to the Town of Burgaw Code of Ordinances, Section 4-1 Running at Large**

- C. **Ordinance 2024-05 Amending the FY 2023-2024 Annual Budget for the purchase of a digital message board/road sign, Merry Christmas Garland Banner, 15' illuminated 3D Santa, and a contract service to have the Burgaw Town Center parking lot paved.**

- D. **Ordinance 2024-06 Amending the FY 2023-2024 Annual Budget to reflect changes to the Pay Classification Plan**

6. Special Requests/Presentations

A. Arbor Day Proclamation

Mayor Dawson read aloud the Arbor Day proclamation.

B. Tourism Development Authority - Update

Myra McDuffie, Chairperson of the Burgaw Tourism Development Authority, gave an update on projects and events recently hosted by the Tourism Development Authority. She said the committee is planning to host quarterly markets again this year at the Depot on April 12, August 9, and November 22. Ms. McDuffie requested a street closure between Wilmington Street and Courthouse Avenue on Dickerson Street between the hours of 2:00 PM and 8:30 PM on the dates of the markets. Commissioner George made a motion to approve the request. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

C. John Westbrook - Special Events Application

John Westbrook requested the closure of the east side parking spaces of Wright Street between Wilmington Street and Fremont Street on April 9, 2024 beginning early morning through 3:00 PM for the MG British Auto Club of America annual event. There will be a number of cars stopping in town on this day and would like reserved parking

for them. Commissioner Malloy made a motion to approve the request by Mr. Westbrook. The motion was seconded by Commissioner George and carried by unanimous vote.

D. Pender Spring Fest - Request of Street Closure

Ross Harrell with the Pender County Spring Festival committee requested street closures for the upcoming Spring Festival on May 3-4, 2024. He requested closure of Wright Street between Courthouse Avenue and Fremont Street on Friday, May 3, 2024 from 5:30 PM to 10:00 PM for the annual street dance event. He also requested closure of Wright Street between Wilmington Street and Fremont Street, as well as Fremont Street between Wright Street and Walker Street, on Saturday, May 4, 2024 between the hours of 6:00 AM and 4:00 PM, for the festival events. Commissioner Dawson made a motion to approve the requested street closures. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

E. Resilient Coastal Communities Program - Update

Julia Maron, Resiliency Planner, and Montanna Weitzel, Project Specialist, from Kleinfelder, were attending the meeting remotely and spoke about the NC Resilient Coastal Communities Program.

F. Kids Making It Program

Matt Anlyan, Program and Direct Services Specialist with Kids Making It Program, advised they will be opening their first satellite office at 204 South Walker Street soon. Mr. Anlyan gave an overview of the program.

7. Departmental Items

A. Public Works Department

Alan Moore, Public Works Director

Mr. Moore advised there are no new updates to provide from the Public Works Department. Mayor Dawson asked about the status of the building expansion. Mr. Moore advised that project is completed. Mr. Moore also added they have a new employee, Michael Clarke.

B. Fire Department

Jim Taylor, Fire Chief

Chief Taylor advised MaryBeth Kratovel has taken over the new role as Fire Marshal for the department and is doing well transitioning into her new role. Chief Taylor said he is working on budget related items for the town, as well as along with the county. Chief Taylor said the department had their annual awards banquet in February. The Rookie of the Year award went to Bill Thomas, Officer of the Year was awarded to Jonathon Paluck, and Firefighter of the Year was awarded to MaryBeth Kratovel.

C. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

D. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Mr. Suggs gave updates from his department including possible grant funding for the West Side Trail project, upcoming Easter in the Park event and Arbor Day activities, and the Burgaw Parks Foundation officially became a 501(c)(3). Mr. Suggs also advised that new landscaping, new sidewalk and patio are being done at Harrell Park. He said the two trees next to the planning building will be transplanted to Hankins Park due to the new parking lot for the Burgaw Town Center.

There was discussion regarding Pecan Park and the park across the street from it on Wilmington Street. He said the Beautification Committee has discussed the need for additional forest areas in town. The Beautification Committee recommended to have the sign removed at Pecan Park and make it more of an area for trees, and utilize the park across the street more. After discussion, the board decided to leave the sign at Pecan Park and plant additional pecan trees.

E. Planning Department

Gilbert Combs, Planning Director

Mr. Combs gave a brief overview of items on the upcoming Planning Board meeting agenda. He also said there will be activity starting for the first phase of the Stapleton Place subdivision going in behind White Tractor Company. There will be 26 units in the first phase.

F. Building Inspections Department

Louis Hesse, Building Code Administrator

Mr. Hesse advised inspections are staying busy as usual with about 5 new homes permitted this month plus a few more in the que. Focus Broadband is moving along smoothly with a certificate of occupancy being issued soon. The new ABC facility is

going well. Mr. Hesse said he has been working along with Fire Marshal Kratovel on fire inspections and things are going well. He also gave a brief update on minimum housing process.

G. Finance Department

Wendy Pope, Finance Officer

Ms. Pope said she has been busy working with the upcoming budget preparations. She also spoke about the utility policy and the deposit process. Ms. Pope advised the board that the large Santa that was surplussed has been sold.

H. Police Department

Daniel Fuller, Assistant Police Chief

Captain Fuller advised training courses for the officers have been done recently, as well as mandatory in-service training. Captain Fuller advised he and staff will be working on the evidence room soon.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break beginning at 5:15 PM. Public Forum began at 5:34 PM.

Karen Harding, 318 South Walker Street, requested information about the proposed toilets at Dees Park. She said no one has said why the town wants to build toilets at the park, what problem does it solve, or how it makes the lives of Burgaw residents any better. Ms. Harding said this impacts the downtown businesses and added that she is vested in the downtown area and has done research on other towns that have public toilets. She said the stand alone public toilets pose security issues, graffiti, vandalism, people using them as bathing places, and a place to sell and consume illegal drugs. Ms. Harding stated Dees Park location seems problematic as it sits on a side street, behind commercial properties, between two courthouses and two eateries that are open late in the evening. She also added it would be better to utilize the toilets at the Depot, the Burgaw Town Center, and the Community House, all are which in close proximity to Dees Park, and provide a safer place for the people using them. She said this would be a more cost effective for the tax payer. At the end of her comments, Ms. Harding asked the board if there was going to be public toilets or not so she could share factual information to friends and family. Mayor Dawson advised once a plan was in place, the board would be happy to share it, but there is currently no budget for the project at this time.

9. Public Hearing

A. Rezoning Request: Penderline, LLC

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 30 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

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

Tom Harvey, Attorney with Shipman and Wright LLP, spoke about the new proposal from Penderline, LLC for the Ivy Grove Townhome project on Timberly Lane. He said this proposal includes 30 units instead of 40 that was previously proposed. He added the units were moved closer to Timberly Lane, out of the flood areas in the back of the property. He briefly gave an overview of other changes to the plan, as included in the supporting documents with the agenda packet.

Comments from the public:

John Westrbook, 410 E. Fremont Street, spoke in support of the project.

Joan Stomski, property next to 511 Timberly Lane, spoke in opposition of the project. She also said that single family homes at a max of 16 on the property would be better than townhomes.

Cameron Smith, 511 Timberly Lane, spoke in opposition of the project and stated he does not understand why this proposal has been brought up again by the board without going through the appeal process.

Sarah Smith, 511 Timberly Lane, signed up to speak but when called upon by Mayor Dawson, stated no comment.

There being no further comments by the public, Commissioner George said it is a nice project and likes the changes, but is not in favor of proceeding because the planning board has not been involved with the new proposal.

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

I. Resolution 2024-06 Statement of Consistency

Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Andrew Smith of Penderline, LLC to rezone property located on North Timberly Lane (Parcal Identification Number 3229-36-9052-0000) from R-12, Residential

to R-7 (CZ) Residential District Conditional Zoning for a multifamily project containing 30 3-bedroom townhomes.

Commissioner Dawson made a motion to approve Resolution 2024-06 as presented. The motion was seconded by Commissioner Malloy. Commissioners Dawson, Malloy, and Pearsall voted "aye" and Commissioners George and Rivenbark voted "nay." Motion carried.

II. Ordinance 2024-07 Zoning Map Amendment

A map amendment of the official zoning map of the Town of Burgaw requested by Andrew Smith of Penderline, LLC to rezone property located on North Timberly Lane (Parcel Identification Number 3229-36-9052-0000) from R-12, Residential to R-7 (CZ) Residential District Conditional Zoning for a multifamily project containing 30 3-bedroom townhomes.

Commissioner Dawson made a motion to approve Ordinance 2024-07 as presented. The motion was seconded by Commissioner Malloy. Commissioners Dawson, Malloy and Pearsall voted "aye", Commissioner George voted "nay" and Commissioner Rivenbark abstained from voting. Motion carried.

B. Special Use Permit: Penderline, LLC

Consideration of a special use permit request for multifamily residential in an R-7(CZ), Residential Conditional Zoning District for 30 3-bedroom townhomes located on Timberly Lane (PIN: 3229-36-9052-0000).

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

Attorney Rivenbark:

Madam Mayor or Gilbert, I'm not sure who has. Do we have anybody signed up? Who do we have signed up for this special use permit?

Mayor Dawson:

We do. We have the Smiths.

Attorney Rivenbark:

Smiths? Okay so if Smith's would stand, this portion is a quasi-judicial hearing, so your testimony will have to be sworn and Gilbert, if you will swear as well, and then the applicant, well I don't know, are you going to present or your attorney?

Tom Harvey:

I'll present.

Attorney Rivenbark:

Okay. Alright. If you will, I, state your name.

Gilbert Combs:

I, Gilbert Combs.

Cameron Smith

I, Cameron Smith.

Sarah Smith:

I, Sarah Smith.

Attorney Rivenbark:

Okay. Do solemnly swear or affirm.

Gilbert Combs:

Do solemnly swear or affirm.

Attorney Rivenbark:

That the testimony that you will give today.

Gilbert Combs:

That the testimony that I will give today.

Attorney Rivenbark:

Be the truth, the whole truth and nothing but the truth.

Gilbert Combs:

Will be the truth, the whole truth and nothing but the truth.

Attorney Rivenbark:

So help you God.

Gilbert Combs:

So help me God.

Attorney Rivenbark

Do you? Do you agree with that?

Others sworn in:

Yes.

Attorney Rivenbark:

Thank you.

Gilbert Combs:

Thank you, Madam Mayor and Commissioners. This is Part 2 of the process for overall approval for this multifamily project on nearly six acres of land located on the Timberly Lane.

Our ordinance allows multifamily, through special use permit in the O & I/PUD and R7 zoning districts. The property was just approved for R7 zoning designation and therefore is eligible for the special use request. Here we just have some nearby land uses. A lot of these slides you've seen and they're actually in the presentation that was going to give during the legislative part. The current site conditions looking at the subject site and looking away from the subject site. Here are the proposed elevations. The project will have to be substantially in line with these elevations when built, if built. And this concludes staff presentation. Staff is available for any questions and the applicant team is present and will speak on the proposal and we'll address the findings of fact you see before you.

Tom Harvey:

Alright, thank you. Ladies and gentlemen, I'll try to be brief. I touched on some of these same issues earlier. But I'm going to, as part of the quasi-judicial testimony, read back into the record. A number of the required attestations and factual determinations. This written testimony is included behind Tab B, but for the formality of it, I will go ahead and build the record with it. So the first question is, the location and character of the special use it developed according to this plan as submitted and approved will be in harmony with the area in which it's located. And you know, yes this proposed plan meets all the requirements with both applications. One to be rezoned, conditional rezoning, which this board just did and two, the application for special use permit. The Ivy Grove townhome community has received recommended approval from the Burgaw Planning department. In addition, the proposed residential project in North Timberly Lane is in harmony and conformance with the zoning request changed for R7 CZ zoning. The outlined Section 8.5 conventional residential district, where multifamily dwellings are allowed the side of North Timberly Lane is situated next to the North Woods Apartments. Currently zoned R7 and adjacent to 600 N, Timberly Lane is currently zoned O & I being used for commercial purposes. Uh, this is a transitional area in town, as noted on page 75 in the Burgaw 2030 land use under actions to consider the modifications of existing zoning districts or additions of new zoning restrictions to allow for transition zone between residential commercial areas. We've talked about how this property is fully in line with that. The mixed-use transition areas are designated for land use that serve as buffer to residential areas and intensive commercial and industrial areas. This land is, classification would allow for the variety of small scale land uses including, small scale multifamily residential, which is actually recommended land use under that category. Uh, again, this is part of the Burgaw 2030 land use plans to promote infill development. This development utilizes infill, flexible land planning techniques and encourages development to effectively use the land resources. We discussed how this development is preserving the land resources, retaining over 470, I believe 478 of those 700 trees on the survey. Here it also asks the users allowed pursuant to the ordinance and meets the required conditions as specified. Including without limitation, those set out in the ordinance. The board just approved the ordinance allowing for R7 on this property, however, it still requires a major special use permit for the development of multifamily community. The proposed townhomes are using multifamily standards to meet the density allowed on property zoned as R7. The proposed multifamily development falls under detailed regulations found within section 8.16 of the regulations special use permits. Multifamily use shall include no fewer than three and no more than eight individual dwellings sharing a common roof. Here we've got a mixture of four and three unit dwellings under a single roof. But nothing's larger than four, so we fit on the small end of that requirement. Each multifamily dwelling use there should be a minimum land requirement of 8,000 square feet for the first two dwelling units and 2,000 square feet for each additional dwelling units. This property far exceeds that of the 5.71 acres, which supports proposed 30

units, including the setbacks shown and provided on the site plan they were required to have 1 1/2 parking spots per unit. We have three, including the one car garage and two driveway spaces. So we exceed all of the requirements for the special use permit. The next tab here that we need to offer evidence on is the use of the property as proposed will not affect other adjoining or abutting property values. We've provided you with two stamp appraisal documents speaking to the fact of the impact of this on the community. And it does not impact the property values. The first one is located under Tab C. The second one is directly behind this written testimony. This is the first one was provided by Greg Dunn of Atlantic Coast Appraisers and Associates. Stacy's project will not negatively impact the surrounding properties within the immediate area. The second one, performed by Brad White and Associates. Mr. White attended one of the Board of Commissioners meetings when this was first presented. He took, helped us redevelop this and then took that information and then integrated that within his findings that the Ivy Grove community will not have any negative effects of the adjoining or abutting properties and will not affect the property values of the adjoining or adjacent properties. We are well within the guidelines of section 9.27.3, the tree preservation requirement. During the, you know, during the development of the buffer yards. The community, we've performed a tree survey in order to take into consideration the preservation and replacement of as many trees as possible. We've talked about the 478 trees, which will remain on the property and help to give this property a park like feel. It's important to us to really bring the nature and the environment into the community. We also talked about the community is proposing to keep as many trees as possible in the 5.7 acre. Adding to the buffer yard of 10 foot to be composed of layered Cypress trees and space at 32 feet and indigenous shrubs to be placed at six feet as needed. But again, we have we're retaining so much that addition is going to be... You know, limited to as needed and really continue to blend in. Again, we talked about in the first section, I'll continue to build the record, but that under R12 we wouldn't be required to have that 10 foot buffer yard, but in R7, we are. But to be a good neighbor, we're going above and beyond that and again to help alleviate some of the privacy concerns of the neighbors of the South. We are incorporating a six foot privacy fence along the entire southern border of the property. Again, of the 5.71 acres of this community, 3.77 acres will be open space. That's 66% of the community will be open space, so it's almost unheard of in a development of this nature. The next big factor here is the board is to consider is the use will not materially endanger the public health or safety if located where proposed. So again, under Tab C we have a stamp certified traffic study that was part of the health and safety. It's anticipated to produce 200 trips a day, with at peak times 20 to 25 trips per hour. In addition to the limited impact on traffic, we have also integrated a number of walking trails throughout the community, the covered bus stop for children in the neighborhood to give them a safe space off the road to catch a bus to school, the integrated sidewalks in the front of the community. There's additional lighting at the entrance of the street and building, lighting installed for visibility and security at each of the dwellings. We discussed that each unit will have a private driveway and garage to add to security for homeowners and safety. Again, providing them with a place to lock vehicles and personal belongings and again taking those vehicles out of a community road based space and more into the home, the private property, by parking in the driveway. And finally, there is no part of this development will impact any floodway shown on any community site map or utility plan. We've moved everything out of those floodways, again, adding to the safety of the residents community and also lessening any kind of impact on neighboring properties. Part E again touches on vehicular traffic. The stamped letter from the traffic survey is under Tab C of your binder, is performed by John Wayne of Hanover Design Services showing, as I talked earlier, the total trips per day equal approximately 200. This has been signed, stamped and sealed and doesn't have a massive impact. The next paragraph down in the written testimony, says we've developed 4 or 10 four unit buildings, as I mentioned

earlier, that's been reduced to six four unit buildings and two three unit buildings. This increase of vehicular traffic does not pose any danger to or safety concerns to the community. The development will also have six different bike rack locations to promote and encourage the residents to use other means of transportation, such as walking or biking. With the close shopping and dining nearby, we encourage walkability and the use of bikes on the design. Ivy Grove site map shows that the new sidewalk will be installed in the front of the community that meets the requirements of the UDO for the community development and then lastly the infill development that is mentioned within Burgaw 2030 land use plan, page 34, the use under land use goal one is to promote infill development in existing areas. This is exactly what this community is. It is an infill development which will promote commute, encourage walking and biking and use of the downtown business district as well as Courthouse Square and the Urban Trail and Osgood Canal Greenway trails. This is again really trying to promote community involvement and activity. So that's the testimony, the factual testimony related to the special use permit. I'm happy to answer any questions.

Attorney Rivenbark:

Are you asking to enter into evidence, one of the binders as your exhibits?

Tom Harvey:

Yes, Sir. Thank you.

Mayor Dawson:

Any questions for the Attorney?

Tom Harvey:

Thank you.

Mayor Dawson:

Gilbert, do you have anything to add prior to hearing from our public?

Gilbert Combs:

No.

Mayor Dawson:

No? Okay. Ms. Sarah Smith.

Sarah Smith:

So one of the things that is important to me, especially living in North Carolina and living right next to the property is... I'm not sure what color they've decided on for the development, but I know a lot of the times things that are white here, especially in the back of the apartment complexes and you can see like this... like for example, there's a white duplex development behind Sam's Club in the entire back of it is kind of like a gross green and it needs to be power washed, but isn't. So one of the things that I had an opportunity to talk to Mr. Andrades on Fridays, was about potentially having this not be white. I don't know if that's something that would even be considered at this stage, but it was something that is important to us. I feel that it would help with our privacy. It would help blend in through the trees a little bit...a darker color, gray, brown, dark tan, anything. So if that's a condition that you're able to place for the

conditional use, I would just ask if that's something that you take into consideration because obviously, you know, looking at the proximity to my house and however many... I don't know how many feet it is... But let's say a 500 feet dark gray wall or dark green wall is a lot less obtrusive than, you know, a 500 foot white wall. So that's what I ask, if that's something you could take into consideration, I would appreciate that. Thank you.

Mayor Dawson:

Thank you. Mr. Cameron Smith.

Cameron Smith:

Again, just want to state that I strongly disagree with the process. This proposal did not go through planning and zoning. This project was rejected by this board. And the applicant came immediately back and asked for a revote. It did not...at appeal process. They asked for a redo, a do over. I disagree with that strongly. We live right next to this. We don't like it. I probably will not retain the property once this goes in. We'll have to go find somewhere else to live. As far as the appraisals in your binders... The value of this property is determined by me and the buyer. Not some appraiser, that was paid by the applicant. I disagree with that strongly. I'm very disappointed. Thank you.

Mayor Dawson:

Thank you. Alright, do we have any additional comments? Are we ready to...do we close this before we go? Okay. Are we ready to close this?

Cameron Smith:

Before you vote, may I ask a question?

Mayor Dawson:

Can you come back up to the stand?

Cameron Smith:

It's just a procedural question that I have. On the original vote, Mr. Pearsall recused himself, but I see that he's voting now. Is there any explanation to that?

Attorney Rivenbark

Mr. Pearsall, do you have any financial interest in this property or any other reason to recuse yourself from this vote today?

Commissioner Pearsall:

No, no I do not.

Cameron Smith:

Can you explain why you recused before?

Commissioner Pearsall:

Because the thing is, I was doing some work for the applicant as a hardwood flooring individual, okay. Being in a small town, I did speak to two attorneys to see if my vote could... What I do would effect the entire process of what is going on. If there's 20,000 people or

less...when I went to the class...that if I work at Lanier Hardware store, let's make that one example and I was a board member and someone wanted something done, I would have to recuse myself on everything that happened within this town. So my business will fall or my position here would fall. Being a small town as Burgaw is, and we are a lot of people that own small businesses here, may get elected. If I were to recuse, or that individual to recuse himself, from every vote, there's no need to be in this position. So I did get legal advice, if this is okay to do such and so per that legal advice, I was able to vote consciously, with good mind stating that, my vote was not going to be influenced because of financial gain or anything like that.

Cameron Smith:

Yes, Sir. Thank you.

Mayor Dawson:

OK, so this...

Commissioner Rivenbark:

Question. Gilbert, on this recommendation here, the 1st letter of the first statement under Tab B. He said you received a recommendation approval from Burgaw Planning Department. That it was not presented back to anyone else. You guys have everything for the town?

Gilbert Combs:

This has only gone through the planning department one time. Other than that, it's gone through the planning board once and you all have seen it a number of times.

Mayor Dawson:

Does that clarify?

Commissioner Rivenbark:

Mm-hmm.

Mayor Dawson:

Alright. Are we ready to close the public hearing at this time?

Board:

Yes.

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

I. Resolution 2024-07 Special Use Permit

Resolution for a Special Use Permit for property located on North Timberly Lane (Parcel ID: 3229-36-9052-0000) to allow a multifamily project containing 30 3-bedroom townhomes in the R-7 (CZ), Residential District Conditional Zoning.

Mayor Dawson read aloud the following findings of fact:

A. The location and character of the use, if developed according to the plan as

submitted and approved, will be in harmony with the area in which it is to be located.

All board members voted "yes."

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.

All board members voted "yes."

C. The use of the property will not affect other adjoining or abutting property values.

All board members voted "yes."

D. That 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.

All board members voted "yes."

E. The increase in vehicular traffic resulting from the proposed development would not pose a danger to public safety.

All board members voted "yes."

Commissioner Dawson made a motion to approve Resolution 2024-07 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

C. Special Use Permit: Pender County Law Enforcement Center

Consideration of a special use permit request for the Pender County Law Enforcement Center for a detention facility and sheriff's office located on Old Savannah Road (PIN: 3219-87-6937-0000).

Mayor Dawson declared the public hearing open at 6:21 PM.

Attorney Rivenbark:

Madam Mayor, I'm not sure if you have it or Gilbert has the list of the people. This is a special use permit from the [inaudible comment] and have everyone sworn.

Mayor Dawson:

Everyone here has signed in to speak. We have Crystal Batts, David Organ, Raymond Bost, Patrick Buffkin, Daniel Adams, Joe Boyd, Rynal Stephenson, Haywood Newkirk and Alan Cutler.

Attorney Rivenbark:

If all of you would stand. I'll do the I, and state your name individually and then you can just say yes or I swear at the end. We will start with Mr. Combs and work left to right.

Those being sworn in, stated their names:

Gilbert Combs, Daniel Adams, Joe Boyd, Rynal Stephenson, Haywood Newkirk, Crystal Batts, Alan Cutler, Ray Bost.

Attorney Rivenbark:

Do solemnly swear that just... Oh, sorry, one more...

David Organ:

David Organ.

Attorney Rivenbark:

Do solemnly swear that the testimony you give today will be the truth, the whole truth and nothing but the truth, so help you God, or you may affirm.

Those sworn in stated "I do" or "Yes".

Attorney Rivenbark:

Thank you.

Mayor Dawson:

Thank you.

Gilbert Combs:

Thank you, Madam Mayor and Commissioners. The applicants, Joseph Boyd with WithersRavenel and Pender County have submitted a special use request to permit a jail component into the Pender County Law Enforcement Center project which is proposed to include a 911 center, law enforcement offices and a detention center. Here, just a vicinity map showing the project location in relation to the town's corporate limits in solid blue and in dashed blue the extent of the planning jurisdiction or the extraterritorial jurisdiction a little zoomed in to show adjacent land uses. Everything abutting, which includes properties immediately next to and across the road, is zoned RA or rural agricultural. This is our least dense residential zoning district and as the name suggests, also appropriate for many agricultural uses. To the north and east of the subject site, there are existing single-family homes. Here we see that RA zoning district mentioned in the previous slide with R-20 and R-12 zoning in proximity. Here we have the future land use map designations for the subject and nearby properties. This map is part of the town's comprehensive land use plan and serves to show support for and against requests such as rezonings and special use permits with policies and recommended land uses. The subject site sits in a classification for rural character with no other classifications abutting unlike the townhome project but like the townhome project, policy, not regulation. This classification looks for the area to remain rural in nature, with low density and a primarily agricultural character. Recommended land uses are low-density residential, agriculture, forestry, and recreational amenities. Here at the top are images of the subject site and below are those across Old Savannah drive. Here is the proposed site plan. The larger parcel that has been shown in previous slides will be subdivided in about a third in the future, the potential lot line pointed out by the note at the bottom left. This is just the site plan with some of the

proposed landscaping. There will be trees lined at the roadway for the length of the project frontage and trees capping parking rows. Here at the top right we have two different color arrows that correspond with the approximate viewpoint in the images to the left. These are conceptual images provided by the applicant. Here is the first of a few slides listing the conditions for the special use permit. On this page, mostly boilerplate conditions that would apply to all petitions to SUP and CZ. Note the underlining in item 1, where the applicant included an exception to strict adherence to local, state, and federal requirements. Ahead, I will mention why the applicant added this. This is the first of two proposed conditions by the applicant. It would condition that the SUP would only apply to the current project boundary, which is a little over 30 acres. To the left, is the description that was provided by the applicant describing the approximately 31.89-acre parcel. It was staff's understanding that the SUP was meant to apply to this portion of the parent 90 some acre tract of land. It is not uncommon for a rezoning or other site specific vesting plan to identify a project boundary though for things like a rezoning, it is encouraged that the entire parcel be included. Here is the second condition requested by the applicant. The request is for indefinite relief from the buffer requirements of the UDO on all sides except for the portion abutting the residentially used property to the north. Here, some language related to buffers. Some of what is highlighted supports this condition request and some will simply show the limitations of staff. At the top, it is described that a buffer shields adjacent properties from adverse effects of development. In the highlighting below that, we see that buffers are supposed to be installed at the time of initial construction or change of use. Just more language describing what should be included for a type b bufferyard. Highlighted at the bottom, leniency of placement. So here the yellow line shows the entire parent parcel with the purple showing the potential property line in the future. The green here shows where the type B boundary, should be placed according to the language in the UDO describing placement where adjacent to residentially used OR zoned property. If approved with this applicant proposed condition, the applicant would only be required to place the type B buffer adjacent to the residentially used property to its north with the caveat that if subdivided, and if the southern portion of this property were to change hands, then the other buffers would need to be placed. Administratively, this wasn't something that could be waived, so staff and I'm sure the applicant is looking to the board and attorney to determine the appropriate direction on bufferyards. This concludes staff's presentation. Before you are the findings of fact that must accompany a request for a special use permit. The applicant team is present and members from their team will come up to cover the project and respond to the findings of fact.

Mayor Dawson:

Do we have any questions for Gilbert?

Commissioner Dawson:

You might can answer it. Are both entrances off of Old Savannah, are they are going to be egress and egress or is one going to be ingress?

Gilbert Combs:

I will go ahead and let the applicant respond to that if you don't mind, Commissioner.

Commissioner Dawson:

Okay.

Gilbert Combs:

Any additional questions for staff?

Commissioner Dawson:

No.

Patrick Buffkin:

Good evening, Mayor Dawson, Members of the board. It's a pleasure and honor being in front of you tonight. My name is Patrick Buffkin, Staff Attorney with Pender County Government. On this momentous occasion, where we will present historic project, an historic investment in the county seat of Pender County, the Town of Burgaw. We are here tonight to present our application for a special use permit. As you've heard from your staff, I beg your patience. Some of this will be a little repetitive from your staff's very thorough presentation and I'd be remiss if I didn't add a word of thanks to your staff for their cooperation and collaboration on this project. It's been a pleasure to work with them, the manager, the planning director and the rest of the team. You've got some great professionals and we're grateful for the work that they do. This is our application for a special use permit to construct a jail, Sheriff's Office and an E-911 Communication Center, just outside the town, with the Town of Burgaw's ETJ. The proposed building is 95,800 square feet. It is a mixed-use building intended to meet the future public safety needs of Pender County. It will consist of a jail with 232 beds and room for 30 staff. The Sheriff's Office with space for 163 employees, including the E-911 center and four warehouse staff. The current estimated cost has probably gone up just in the time that I've been speaking with you. But it is currently pegged at \$65 million and we've made every effort to maximize value for the taxpayers of this county. We're using land that was donated to us by the state of North Carolina. We are going to be financing the project through USDA Rural Development, which offers some very favorable terms for local governments and the design of the building is laid out to allow for future expansion, with the possibility of an additional jail. Here's some renderings of the building. This is the view as you approach on Old Savannah Road and as we click through here, you'll go on a drive path, as if you were traveling to the Sheriff's Office. So, if you are a visitor, you turn right into the public parking here. If you're an employee of the Sheriff's Office, you would continue through a gated entrance to the employee parking that will be behind the building. The need for the project is real. Pender County is growing. You all know that, you feel that every day and the needs for public safety and the county are growing as well. The current Pender County Jail is just not adequate to meet your future needs. And the Sheriff's Office needs a more modern and efficient space in which to do the important work that they do to keep us all safe. And the E-911 communications center likewise needs new modern space and this will be a valuable resource that is shared from among public safety agencies in the county. Here's an orientation to the side. Again, just outside the town limits in the ETJ and you have seen this slide already. And you see the surrounding uses, single family residences, the state prison just to our south and a great deal of vacant land surrounding the site. Here's a summary of your UDO standards. You've seen these in the previous hearing. You're familiar with them. I won't read them to you, but that is from section 4.7 of your Unified Development Ordinance. I won't spend a whole lot of time on this slide. You've already heard this once tonight. This is a quasi-judicial hearing. If you're wondering why we didn't reach out to talk to you about it, it's because we can't. You board members are in the role of a judge tonight. Evidentiary standards apply and you will hear from 4 expert witnesses that have helped us with this project tonight to provide the evidence as to those five standards. And it is your role and we will ask you to make a determination of facts and a decision on the permit. And there is of course a right to appeal and judicial review. As I mentioned, we will have four expert witnesses testifying tonight and you will see them in this order: Daniel Adams, the

Pender County Planning Director, Joe Boyd, professional engineer, our consulting engineer at WithersRavenel. Haywood Newkirk at CBRE on valuation expert and Rynal Stephenson, professional engineer at Randy Kemp DRMP on the traffic study. We've also given you a big stack of papers. We have foregone, including in our packet tonight, the materials that are in your agenda packet. Your staff report includes our application and all the backup materials. But you will find in our packet, excerpts from your Unified Development Ordinance, section 4.7 and 8.16, which your staff has already shown. You will find that exhibit 3, the town future land use map and other policy documents that Exhibit 4, you'll find our report on property values and exhibit 5, you will find the traffic impact analysis. I have not included the appendix to that traffic impact analysis, but your town clerk does have a copy. We can certainly get you that if you want to look at that tonight. As your staff told you, they have proposed four standard conditions for an SUP permit and we have asked for clarification of one and two additional conditions that will give us certainty for the future. One, it's about the subdivision of the property and one is about the buffer requirements and I'll talk to those in just a little more detail. I'm trying not to repeat what you've already heard from [inaudible comment]. So, as you heard, this is a 100 acre parcel. We plan to develop about 32 acres of it. The needs for our financing require us to use the entire lot in security for our loan and then once the construction is complete, we will flip that loan over to the development site that we are focused on tonight, the 32 acre parcel that you see on the screen in front of you. And so, one of the conditions that we have proposed is just to give us the certainty that the SUP requirements apply only to the developed site, the 32 acres and to give us relief from those buffer requirements which would otherwise be required, those being along what's labeled the proposed property line. This is when we get back to subdividing the property. This will be the new lot line and along this line where existing vegetation essentially provides an adequate buffer and those are temporary relief proposals in that condition. In working with your staff, they felt it was important, should have adjoining parcels never be sold by the county to some other owner or be converted to a residential use that those future adjacent owners would also get the protection and benefit of your buffer requirement and we will do that should that circumstance come to be. So those are the conditions that I've passed out and that is a brief overview of the project. Just a reminder, this won't be the last time you see this project. We will be back shortly, maybe a couple months to request annexation into the town limits and utility service through the town's utility. And then we will be working with your staff in the future on the subdivision and the administrative approvals required for the project to move forward. With that, I will ask my colleague Daniel Adams, Pender County Planning Director, to come up and address standard one.

Daniel Adams:

Good afternoon, Mayor, Members of the Board. My name is Daniel Adams. I'm the Pender County Planning Director. And echo the sentiment from Mr. Buffkin, pleased and honor to be before you this afternoon. So, my role and my function in this presentation is to discuss that first standard. As Mr. Buffkin mentioned, there are 5 standards. I'm only to discuss the first before you in this presentation. But it's a bit of a long, a long sentence. I want to break it out into a couple of slides. So the first standard at least, the first part of the first standard, talks about the location and character of the special use will be in harmony with the area in which it is located. So the proposed use is substantially similar to an adjacent use on adjacent property, Pender Correctional Facility, and adjacent to the subject property to the south and west, the property is owned by North Carolina Highway and Public Works Commission and there's no intent to develop that property. So there's vacant properties to the south and to the west, also adjacent to the state prison. Additionally, the subject property and the development will be appropriately buffered from the adjacent residential land use to the north as Mr. Buffkin

and Mr. Combs pointed out on that map. There is a residential land use to the north and we're wanting to be good neighbors and comply with that buffer requirement. So we feel that we have met the standard for harmony with the area. The second part of that first standard is that the location and character of the special use conforms to the land use plan. And as Mr. Combs mentioned in his presentation, the future land use map for this property describes, defines this piece of property in the future land use category of rural character and that future land use category is intended to remain rural in nature with low density and primarily agricultural character, but if you go on to read the future land use plan on page 89, it provides the following quote, "the match shows the geographic layout of Burgaw's preferred land uses, but does not capture the full detail of the comprehensive plans policies, identify the full range of recommended strategies or present any staging of development priorities." So what that quote means is that you can't cone in specifically on the map. You need to look at the comprehensive land use plan as a whole. And when we do that we find that there are policies that support this development proposal. And those policies are land use goal one policy, one governance, goal one public health and safety goal 3. And again, I want to remind the board that this is a unique development. You don't get private developers looking to build jails. This is a development that only comes from government applicants and it's uniquely situated in that there is also a similar development on adjacent property. And finally, we've met the standards of UDO and that we are establishing the appropriate buffer and this development is spatially separated from what the UDO requires for, perhaps more sensitive land uses, such as the church or daycare facility. That wraps up my presentation. I'm happy to answer any question should the board have them.

Joe Boyd:

Hello, Mayor and board. I'm Joe Boyd with WithersRavenel. Now it's the really fun part where site engineers stands up and gets to talk about technical things, which I know you guys love. You're welcome. As Daniel spoke before me, I'm going to jump around a couple of standards and I know that I know [inaudible comment] before starting to nail down these five items that you have to prove. Mine is the technical compliances, the location character of the special use is that is developed according to the plan as submitted and approved, will be in harmony with the area which it is located. That is basically what Daniel has already been spoke about. But also the special use in some [inaudible comment] and other plans and places effective time and address at impacts of the project. So I wanted to basically speak about the proposed use we have is allowed with the zoning it has right now. So this does not need to be rezoned. We meet the zoning requirements. Also, this plan will meet all local, state and federal permits and jurisdictions. All codes will be followed as was mentioned, we're following the setbacks and then the buffer requirements, especially one that northern boundary and we can get into more questions come up on the reasoning for reviewing the boundary that getting rid of but amending to not have that boundary of the other sides unless the use changes, workers become [inaudible comment] into neighbors. This, again, I'll show this is the site plan that we have for the site. All three thousand things, we skip past it. Of course, very proud of it. But the next time I want to speak of was standard #4 is the public health and safety. That we will not materially endanger the public health or safety for the proposed development, according to the plan, as submitted. So the site will again meet all those codes. This is not going to have... this project will not have a well or septic. The town will be providing the water and sewer to the site. We will meet all local and state codes for that. There is a stormwater treatment device, proposed [inaudible comment] on the site. There's actually size with available capacity to actually expand if needed, but this time means state and local codes as proposed. So we're meeting all those technical requirements and will not endanger the public health or safety.

Also, this project is not located anywhere where developing in the floodplain. We're outside of all that and there are no impacts to wetlands. There is a potential ditch impact. It is not a wetland impact along with the private roadway that's going to be used by the Sheriff's Office that's associated with this project. But again, all federal, state, local ordinances, those permits will be obtained and then later I'll be able to answer your questions. But next up I'll pass to Haywood to speak about [inaudible comment].

Haywood Newkirk:

Good evening. I'm Haywood Newkirk, appraiser. I've worked for CBRE and actually a resident of New Hanover County. So when I am given the charge of seeing if this project will affect joint property values. Couple of things I do. The first thing is... so I look at the site. You guys have seen multiple pictures of the site. It's got good road access. Minimal development in the area right now. There is a natural buffer in place to the residents to the north. There's also a natural buffer to the south. We learned earlier this was originally a government site. Well, the land to the south, lands in the west is also a government owned site. So that's, I'll let the site...yep, meets all of my criteria, as appraisal expert. [Inaudible comment] the improvements file plan project and it meets zoning requirements, site plan follows all state codes. So great site, great plan. But the way that I get hired, I'm just a reporter with a calculator. I go out and look at projects like this. I make decisions and I report it is what it is and some people don't like results that I find. I get asked to do a significant number of these and I end up turning them down and [inaudible comment] appearing before these boards because the data that I find might not be something that they like. You're getting ready to see the reason that I am here tonight. Because I found the opposite from this. All right. So what I did, my analysis is I went out and I looked around the state. Rather than just hand you guys my [inaudible comment] and said yes, it's not going to impact property values. What I did is I went out around the state and actually looked for similar projects that had been built and what they did to the surrounding properties. And this is actual data. This is more than my opinion. This is me being a report. Bladen County Law Enforcement center, built in 2017. The first table, residential properties...I like to move around a little bit...this property, value went up 31%. Next property and here's the center, all of these properties, these are the closest residential properties to this development. Second property, value went up 8%, third property 38%, fourth property 9%. Commercial properties in the area, one went up 37%. One went up 31%. So that's an example of Bladen County. Cumberland County, you can see this is in a very densely populated area. So we've got a broad range of examples here. At the top of residential property grid, first one went up 81% after this project was built. Second one went up 61%. That went up 57%. That's went up 40%. Commercial properties went up 2%. One of them went up 7% and one of them went up 4%. So honestly, I've actually been surprised by the strength of these numbers that I have seen so far. Granville County, north of Raleigh. I'm starting to see the same pattern. Property value increase and you can see they are closest residential properties two project 48%, 33%, 21%, 49%. Commercial properties 35% and 45%, so as a reporter, I'm starting to see very, very strong data showing property values doing this when these [inaudible comment] are constructed on the right side with the right design and right location. This one is really interesting to me. This is Orange County. The [inaudible comment] North Carolina. Orange County has a very, very strong reputation for choose my words carefully here. Being very, very restrictive in terms of real estate development. They have some of the most restrictive zoning codes, [inaudible comment] procedures in the state. They built, in 2022, the law enforcement center on this site on West Hillsborough Street, okay. Not only the property values go up [inaudible comment]. They're here. They're maps. This is one that I found that was interesting. This one right here, directly across the street. In Orange County. North Carolina, they built the

law enforcement center. Not only did it increase property values, it changed the development pattern for this property here. It went from \$120,000 value in 2008 to \$1.2 million in 2021. That law enforcement center blew up property values there. [Inaudible comment] present change the development patterns. So, do you all have any questions? Because to me, that's just data. Multiple examples all over the state recently conducted law enforcement centers. That's my opinion that this data is going to show the pattern for the data here in Burgaw. So, any questions? Thank you.

Mayor Dawson

Thank you.

Rynal Stephenson:

Good evening, Rynal Stephenson, professional engineer with DREP, Randy Kemp & Associates. And we prepared a traffic impact analysis for the project. So I'm here to talk about standard #5 that traffic generated by the development would not endanger the traveling public. So as I said, we did prepare a traffic impact analysis for this particular development, working with the town and NCDOT, following their standards for the traffic study. Did a little graphics here in the lower right shows the two primary access points for the development off Old Savannah Road. And the arrows on the diagram will actually indicate that there are two way traffic. I think that was a question earlier at the driveways, however, most of the traffic we would anticipate being at the at the main entrance. We do account for an emergency access that would be at the rear of the site. One thing that we did to look at safety was to look for crashes that were happening on Old Savannah Road and we found that there were actually none in the five year period that we looked at in the vicinity of the site. In addition, when we [inaudible comment] numbers, the driveway access points on old Savannah operator rail service A which is, almost unheard of these days, and the reason for that is there's just not a lot of traffic on Old Savannah Road. So there's not many impacts coming from the site generated traffic by the site. One thing we do have to do going forward is we will have to work closely with NCDOT to finalize plans for the driveway and obtain the appropriate permits. But at this point, based on the traffic study and our analysis, the development will not endanger the traveling public.

Patrick Buffkin:

Mayor, Members of the Board, that's our case. We believe we've met our burden as to each of the five standards and we respectfully request you accept our evidence presented as expert witness evidence. [Inaudible comment] submittals as exhibits make the required findings an issue the special use permit that we've applied for with the six conditions intact. We are available to ask any questions you may have.

Attorney Rivenbark:

Mr. Buffkin, your PowerPoint presentation, would you also like that submitted into evidence?

Patrick Buffkin:

Yes, sir. Please.

Attorney Rivenbark:

A couple of questions I have for you. I didn't hear an answer to Commissioner Dawson's question about the ingress and egress, if you will have the appropriate person to answer that.

You did mention that if the county were to ever sell the property, you mention that, are there any plans for that this time?

Patrick Buffkin:

No, Sir.

Attorney Rivenbark:

And this property is actually covered by deed restriction that prohibits it from being used for anything other than jail and law enforcement center. Is that correct?

Patrick Buffkin:

I believe the language...Yes, that is correct...I believe the language says law enforcement center. So, it's a little broader than a jail.

Attorney Rivenbark:

Sure.

Patrick Buffkin:

But yes, and that is as to the entire 100 acres that was donated by the state and that deed restriction came from a special act of the General Assembly.

Attorney Rivenbark:

So in order to change that, there would have to be another special act of the General Assembly to [inaudible comment].

Patrick Buffkin:

I believe so.

Attorney Rivenbark:

So just by clarifying that, I don't have any other questions for Mr. Buffkin at this time. And I don't think his condition #5 on the special use permit is a problem to subdivide the property that you're wanting to subdivide a 31.89 acre parcel. Since it is covered, the deed, the property is covered by the deed description.

Patrick Buffkin:

Thank you, let me get Mr. Stephenson back up here to address the access and, or ingress and egress on the site.

Rynal Stephenson:

Yeah, the driveways would allow for two way traffic in and outs. Those driveways.

Commissioner Dawson:

But you did mention that DOT has not given approval on the driveway entrances.

Rynal Stephenson:

DOT has approved the traffic study so they have approved the access points. But what we have to do is come back in with an official permit for them to sign off on, so they'll be looking at the exact design of the driveway locations onto Old Savannah Road.

Commissioner Dawson:

The southern entrance? That location, directly across the street from the driveway of a mobile home and I don't know if that could be repositioned because that would be a lot of traffic right directly across from that home. If you pull up the map, I'll be glad to show you, but that is one request that I have, is that be considered moving because it is directly across from that mobile home.

Rynal Stephenson:

Okay. Those are exactly the things DOT will look at, the specific design plans where that ties in, but the driveway you know looks like in terms of drainage pipes and all these kinds of design details, they'll be looking at that.

Commissioner Dawson:

As long as they understand that is a concern. Because you would be, the traffic would be dumping directly in front of their home.

Rynal Stephenson:

Correct. NCDOT's typical process is to align driveways with each other to create a four way intersection.

Commissioner Dawson:

In any other situation, it wouldn't be a problem, but this is a law enforcement center, so that needs to be reconsidered. That's my concern. Stress to them, please.

Rynal Stephenson:

Okay. We will 100% pass that along and work with them on that.

Commissioner Dawson:

Thank you.

Attorney Rivenbark:

Let me ask a question to that effect. Mr. Buffkin, are you able to speak for your client, that if DOT recommends moving the driveways for ingress and egress, that the county would comply with DOT's request.

Patrick Buffkin:

Yes, we certainly would and maybe I should back up just to make sure, Commissioner, that we're understanding exactly the concern.

Commissioner Dawson:

You can say from that area, the mobile home.

Patrick Buffkin:

This is the one?

Commissioner Dawson:

Yes, sir.

Patrick Buffkin:

Okay. We will take special care...we will talk with NCDOT.

Commissioner Dawson:

If you can please realign that so it won't be directly across from the residential home. That would alleviate some of the residents' concern.

Patrick Buffkin:

Yes, ma'am. We will do that.

Commissioner Dawson:

Thank you so much.

Mayor Dawson:

Any additional comments or requests before we move on?

Board:

No.

Mayor Dawson:

Are we ready to hear from the public? Okay. We will hear from the public. We have Mrs. Crystal Batts.

Crystal Batts:

Good evening. Thank you, Madam Mayor and Commissioners. Rather be anywhere else but here, but here I am. This is our residence here, the north residence. That's why I'm here. The natural buffer yard that was just spoken about earlier. Here you see those trees here. Those are all located on my property. Those have been left there waiting to see what was going to happen. That's part of my property I've not been able to use. There was supposed to be a garage and an outdoor recreation area built there on my property that has not been able to be built. When the guy came to clear the land, he said, you know they're getting ready to put a jail right beside you. I was like what. So anyway, this natural buffer yard is all located on my property, so let's just clear that up real quick. Okay. So, sire location. It's 100 acres that the county was gifted. The Pender County Commissioners chose to put it right next to the only abutting residential residence, as you can see. My concern is the light intrusion, the noise intrusion. As you see their driveways, they're coming out. Every time a car comes out of the jail in both driveways, do you see where they're light is going to be directed to? Directly to my house. The noise from the cars coming down this driveway, that's 20 foot off my property line, is what I'm going to hear 24 hours a day, seven days a week. Not a nine to five facility. This is 24 hours a day, seven days a week. I'll try to wrap this up because I'm starting to get a little bit emotional. Since 2021, I have been working with Pender County. I've spoke to the Pender County Manager. I've spoke to the Sheriff, who have all [inaudible comment] my concerns,

please just don't put it right on top of my house. You've got 100 acres. Why do you need to put it right on top of my house. The people that I spoke with, tried to work with me, that called me, and I said look, if I need to sell my property, let me know now what's happening. This is back in 2021. I will sell my property, but I need to sell it now because I don't want to live with this right on top thing. It's not going to be quiet. It's not going to be dark. I'm not...my grandson's playground is going to have to be moved. You know, all...there are things I'm going to have to do if this is right on top of my property. Don't worry, you do not need to sell your property. We are not going to put this right on top of you. There was another site plan brought before the commissioners and as a matter of fact, one of the Commissioners mocked that site plan when they were told the [inaudible comment] residence has a problem with how close it'd be right next to her, and that Commissioner says, well, has she seen where our jail is now. You're talking apples to oranges. This is a residential agriculture neighborhood. This is not the middle of downtown Burgaw. If I lived in the middle of downtown Burgaw, I would expect anything to be built beside me in, in front of me, across from me or whatever. This is your residential agriculture. This thing's going to be lit up like a Christmas tree. We all know that parking lot lights, vehicle lights coming in and out 24 hours a day, seven days a week. Not a nine to five Monday through Friday facility and I would like for you guys to take into consideration that they...number one, are right on top of me. They want to use this little existing farm road that's there, I guess it's going to save them tons of money, to use this little existing road for ingress and egress that is 20 foot off my property line. The buffer yard, the natural buffer yard is on my property. It's not staying there. I can have it tore down tomorrow and then guess what I mean...They're looking right in my windows and I'm looking right at them. Yeah, this is a 24 hour a day seven day a week facility. They have 100 acres. 100 acres they were given and they chose to put it 20 foot off the property line of the only abutting residence. If this site plan does not change, I will be forced to leave my home. That is how important this is to me. I've been thinking about this. I go to sleep thinking about it. I wake up thinking about it for over three years. And if this site plan is approved, I will be leaving my home. Thank you.

Mayor Dawson:

Mr. David Organ.

David Organ:

What she said. Basically, where that pump station is, will be right across the street from my house. So when I look out my front door, I'll be looking right at a lift station. So my issue is like she said, there's 100 some acres. Why not put it way back over here, close to the prison? You already have the infrastructure in place over there. You can tie into the sewer up there, gravity feed it and not having to put a lift station and pump it. Because you'll be coming down by the creek and then somebody said there were no wrecks on Savannah Road since 2017. Well, I've seen five. I've pulled three of them out myself and one of them was a Burgaw patrol officer that come around the curve around 2 o'clock in the morning going kind of fast. Said he was in pursuit of a pick up truck. But there was no pickup truck that I saw and he rolled over, he totaled his car. So there's accidents that are happening that are not recorded. A lot of four wheel drives in area pull them out, you know. My main issue is, put it way back in the back. I mean, you probably will save a couple million dollars by not putting in a lift station and tearing up the street, putting in the infrastructure. Water and sewer, you know. Anyway, that's not the point. I'm just not happy about it. And so if we go with this, I'm like her, I'm going to sell. I should get more money because I can tell people that the property rates are going to go up because they're going to build a jail across the street. Thank you.

Mayor Dawson:

Mr. Raymond Bost.

Raymond Bost:

My name is Ray Bost. I live at Old Savannah Road South. I take kind of an exception to our esteemed appraiser. Doesn't seem where he's taken any consideration to 9% inflation rate that's been going on in the past two to three years. If you look on the news, it's all over the place. Nobody can afford housing so going up 8% in three years doesn't cover inflation, so we can get that taken care of in this multi-million dollar project based on about 1.2 million. So... that's commercial. Those things fluctuate by who has money and who doesn't. Another thing I take exception to is the vacant farmland. It's not vacant. It's farmland. We use it for crops, people...how far will they continue on accessing. People are saying you're going to access. Look through...have access under the town so they can use the sewer and so forth. How far down the road you're going to go because you go down much farther, you're taking my property and now we're getting serious. I have also pulled people out of the road with my tractor on Old Savannah Road. So people who say that there isn't accidents, they're there. They may not be life invested or whatever, but they're people off the road in the ditch. That's some of the problems that we got. Why doesn't the town take, I mean county, take that piece of property there and use all of it. Go all the way to the back. Go across NC Public Works property they say they are not going to use and put the infrastructure there. So if they do use it, they got a road. You don't have any infrastructure on Old Savannah Road. I've been trying to get three phase power, can't get it. I've been trying to get water. I've got like money in. Can't get it. Trying to get sewer, can't get it. But you guys come in and all of a sudden everything's solved. We got all kinds of money. Well, how about [inaudible comment] the money down for the people who live there. I can't get cable. But it's the big picture. How far is this going to go? Like I said, in the development stage. Let's see here. I've got some other things here, you know you got your common access like say you already got the prison land down here. Everything's there. You can come through and you [inaudible comment] Penderlea Highway. That area there does have sewer, water, everything. \$2 million dollars like the gentleman said. Redoing this pump station here and so forth. Fixing this little access road. When I moved here, it was dirt. How much of this area are you going to tear up in construction. You're going to have to rebuild that infrastructure after you get done. Why not build it on the other side, where it's already there. We're talking a major, major problem and in traffic, we got 500 people traffic... How many are going to be after this facility comes into effect? We haven't got an idea on that. We know that there's going to be more people coming down the road with prisoners. Traffic back and forth, you know. I feel like if we're dealing with a bunch of big suits here that got all the regulations. Got everything, but nobody takes into consideration people's lifestyles. We've been here for 30 years. This is new. If it was here when we moved in, we can't complain. We can complain because it's not here yet. It was just like the bypass, just like everything people come in and push and push and push and they only get your way. We're just trying to make it work. We can live with your pushing. Thank you.

Mayor Dawson

Mr. Alan Cutler. Do you want to speak?

Alan Cutler:

Good evening. I will be very brief. I just wanted to thank you all for having all of us tonight. This is a need that has been there, the need for a new facility has been there for many years, way

before I came here. And I've spoken to a few of you tonight and the ones I've spoken to, recognize that need and obviously it's the location and I appreciate that and I do understand their concern. I appreciate you hearing us tonight, and I also appreciate the fact that you are hearing from the public as well. Just want to thank you for working with the county on this project and appreciate your general relationship that we share with you.

Mayor Dawson:

Thank you. Would you like to address any other concerns?

Patrick Buffkin:

Well, Mayor, I think we did address a lot, you know, in our presentation. Perhaps I will ask you, what would the board like to hear from us? What concerns did you hear that we can address?

Commissioner Dawson:

I have a question. Was the location presented to the adjoining property owners. When the county was hearing the request, were the concerns addressed at that point and why did the county not consider it back off the road more?

Patrick Buffkin:

So a couple of things there. I hope to be helpful. I want you all to be comfortable with what we're proposing. Some of what you heard was confusing about the buffer. There is a natural buffer on the opposite side of the property line as one of the ladies appeared before you said. We are going to install the Type B buffer, that's identified right here in that bright green color as required by your unified development ordinance. That type B buffer consists of Evergreen plantings. If you go from the outside of the property, which is the neighbor side of the property. What they will see is Evergreen shrubs, Evergreen trees and a fence or a wall. So that will be a buffer that will filter light. It will filter a little noise and it is what's required under the town code and we're going to do that. We did have some robust discussions about whether we could do it. It would be expensive, but if we had moved this road. There's a ditch on each side of this road. There is costs savings to the project by using that existing access and keeping those ditches where they are. Moving the road, moving ditches, triggers potentially significant environmental regulations on top of you know just the cost of engineering and building a new road in a different spot.

Commissioner Dawson:

I understand the location of the road. I'm talking about the depth on Old Savannah. Was that considered moving it back, because the roadway goes back a good distance. At the time it was presented to the county for consideration, was that or any of the adjoining properties owners' concerns address and was it considered moving it back more off the road so it wouldn't be so close to those homes.

Patrick Buffkin:

Yes, ma'am. Thank you for that question. But since the project has gone through some iterations and we we've tried to be a good neighbor, there is no perfect site to develop and there's no perfect project, but we've tried our best to comply with your town ordinance and we've tried our best to do a good project for people of Pender County. So specifically about where it's located, like I said, there was some different iterations of the project. This one was chosen to preserve future space on the balance of the parcel. This is the 32 acre site. The

entire parcel is 100 acres, so we've got 65 or 70 more so acres that would be preserved for future development.

Commissioner Dawson:

That doesn't exactly answer my question. I was asking was it considered because it is such a large parcel of land, to shift everything back, so it would be farther away from the existing residents. Because I'm hearing their concerns. I live right down the street from the existing jail, so I understand their concerns. You get used to it, but I don't live in the country. I live right in town. So was any of that considered when it was going before the county? Because you've been discussing it obviously for some time, was that considered and Alan might can answer that question for me. Was that considered shifting everything back off the roadway of?

Patrick Buffkin:

Yes, ma'am, it was. And I was like I said, the reason we chose this configuration was to preserve the balance of the property for future development potential.

Commissioner Rivenbark:

Only other question I may have, and I know it's down the road, is the lighting situation. What is our...we have a luminance ordinance? How much lighting could be involved? And I know you guys, engineers, especially know more about it. The current prison, if you're coming down I-40 like I have over years. You can see Burgaw because the lights reflecting off the clouds, especially if it's foggy and so forth. The lighting situation for the neighbor across the street as well as Mrs. Batts on the other side. If there's any way possible we can configure some way to help in that situation. I know you're going to grow some stuff there, but it's not going to take care of it immediately and we know that common sense is going to let us know that, but if there's any way you can consider that if this is approved, to help with the light, but again, you got to have lighting because it's a law enforcement center. And you got cameras out there. You got to be able to see things, you know. Just some consideration over the lighting, the type of lighting that would not elevate to the sky too much, but still cover the grounds that they can still have, you know, whatever for cameras and other things as well. But just something to consider there because this is a big project and that's one of the comments I heard as well, on the lighting aspect.

Patrick Buffkin:

Yes, sir. Thank you, Commissioner. We do have options on that. It's a little early in the development project to get to that level of detail, but we will explore those options again. It's our intent to be a good neighbor, and light pollution is something that affects neighbors. So we will take that seriously and we will try our best to do a good project for the neighbors.

Commissioner Rivenbark:

Thank you.

Jennifer Matthews:

Olivia, I'm sorry, I'm not on the list to speak, but I've got a question that I've not heard...that nobody has brought up that's a concern.

Attorney Rivenbark:

That's at the board's discretion, but you'll need to be sworn.

Mayor Dawson:

If you'll swear yourself in and if it's a valid question that needs to be asked.

Attorney Rivenbark:

Anyone any other additional folks that didn't...were not sworn earlier? Is that okay with the board? If you would stand up. I, and state your name.

Jennifer Matthews:

I, Jennifer Matthews.

Mike Spano:

I, Mike Spano.

Attorney Rivenbark:

Do solemnly swear that the testimony you give today will be the truth, the whole truth and nothing but the truth, so help you God, or you may affirm.

Jennifer Matthews:

I do.

Mike Spano:

Yeah.

Jennifer Matthews:

So I came to support Crystal today, but nobody has brought up this traffic study. I travel this road on a daily basis. Nobody has mentioned the 90 degree curve after you pass the elementary school. And then the sharp curve before you get to where the traffic study was done. So my concern is, if they're leaving this area to go around then the sharp curve and then around this 90 degree curve, into an elementary school, I don't understand how a traffic study from here to here is legitimate. I mean, there's a school there. I mean, there's a 90 degree curve. I mean, none of this has been...nobody's mentioned this.

Mayor Dawson:

Okay. We will see if they can answer.

Jennifer Matthews:

It's very...it's something that needs to be taken into consideration. That's all I can say.

Mayor Dawson:

Thank you. If you'll step up. I will just need...have you sign this sheet before you leave.

Mike Spano:

Can I approach the board? I live down Old Savannah Road a ways so [inaudible comment], but quick question, if all of you board members own this house, would you rather have egress here or here? I'm a retired contractor. I feel bad for her.

Mayor Dawson:

I mean...I was going to ask a very similar question. Moving it back doesn't change these driveways. I see their point as well. I guess some of the driveway is probably part of the issues at this point, whether it's where it's currently sitting or moved back, correct?

Commissioner Malloy:

May I ask the question? The question I have for all of us here tonight. This is a great meeting. So my question to all of us. How can we make this work? How can we get this facility in place? Because we need this facility. The county spends a lot of money housing prisoners outside. That's money that we need to keep in our pockets, so how can we come together, work together and get this project in place? So I mean that's....and please understand me, we will have to be reasonable in how we approach this, because we're not going to get all what we want so there has to be some buffer. There has to be some compromise to get things done. But we need this project.

Crystal Batts:

I [inaudible comment] one property owner.

Commissioner Malloy:

I understand. We need to somehow...just please work together.

Raymond Bost:

[Inaudible comment] acres in the back [inaudible comment] open that you're not going to take...and save for use another date and use the back section now. What's the difference? Why do you have to have the back saved when nobody's there? [Inaudible comment] front part until you need it.

Mayor Dawson:

Can we address the question about how it may affect the road from the school and the curve and there is an elementary school located...

Patrick Buffkin:

Yes, ma'am. I'll need Mr. Stephenson's help with that if that will be alright.

Rynal Stephenson:

And I know there are some curvature and some less than desirable road conditions. You know, maybe upper bound, you know from here, however, the folks utilizing this road, you know? Utilize this facility traveling up and down these roads would be folks that I would think would be the ones who would you certainly understand that being law enforcement. You know folks that. You know, would pay close attention to those things and really take those curves and things more seriously. You know a project like this, you can't straighten curves and things like that. I mean, on some of these roads. That's a much different scale of project. But the traffic is low. This is not a hot traffic generator facility. And the types of folks who are going to be going in

and out of this facility are the ones that I would certainly trust to be able to navigate those roadways. Another point, if you look at the plan here. Most of the traffic and you can see it on plans to come out of the driveway paved right there, you can kind of see the access to the public and parking area, so in that driveway is going to be the one that carries more of the traffic. Just thought I would mention that as well. Does that help answer the question?

Commissioner Dawson:

It does part of it, but I do have another question and I understand their concern. And I also understand the need and we need this project. Is there anything, like Commissioner Malloy, is there anything we can do as far as not utilizing that existing road. That road was put in because the county was fortunate to get a grant to get that site. And DOT put that road in. It doesn't mean we have to use it. Can that road be shifted down? Can a new road be put in to alleviate that concern going right in by Ms. Batts' home?

Patrick Buffkin:

Thank you, Commissioner. I'm going to ask Mr. Boyd to come up here. He is going to address that question. And it seems your constituents are concerned about how we made the decisions to put the development site in place we did, so I'm asking to ask him to address that as well.
Joe Boyd.

Joe Boyd:

So the first question about the existing access and potentially moving that access. There is an existing large ditch that separates basically the property line is the center line of that ditch. Moving that access is going to change that drainage path. We don't want to impact that drainage path. Shifting it down is going to be a significant cost increase to the project, with all more culvert pipes, piping further, greater impact potentially to the adjacent landowner to make that adjacent driveway change, so leaving it in place is really the best thing to do for that access right there. Again, that access you can't see so well on the plan, but these are gated accesses. Technically the public can turn on that but they don't have no where to go because there are fences and little gated guard [inaudible comment] for the sheriffs and their employees will only be able to access through this back end. So, there will not be a nearly the traffic. Again, this is not a heavy traffic site to begin with But pulling traffic will be carried through [inaudible comment] to the right into that public parking lot. These other lots are all gated, you know, private staff parking lots.

Attorney Rivenbark:

If I can interrupt you, maybe I can save a little time. I think the question is more along the lines of why do you need access on the left side towards Ms. Batts' residence as opposed to going directly out to Old Savannah Road and if it can be changed, would the applicant agree to do so.

Joe Boyd:

There's also a safety factor of having two different access points. So, I don't want to speak before the county...that access is existing, you know, relocating it is very cost [inaudible comment]. We're not proposing a new access there. That is an existing access, we're tying to it and in case of some sort of crazy emergency, there is a secondary access out of the site, rather than one spot. So there's a safety factor for leaving that in place and again...

Commissioner Dawson:

That second spot is also a problem because it is dumping right in front of someone's home. So I agree with Mr. Malloy, if we can, if we can, agree the compromise for some of our residents...

Joe Boyd:

If DOT asks us to relocate entrances, sure. The existing entrance is an existing entrance. If DOT requests us to relocate that one...

Commissioner Dawson:

We are requesting that.

Joe Boyd:

I don't know if DOT is going to agree to that. We can't agree to that...DOT likes accesses to line up. All setting driveway the more accesses. Sorry, it's a safety issue, so if DOT says yes you can move it away. I don't think we would have a problem with that.

Commissioner Dawson:

There's plenty of room out there that it can be moved.

Joe Boyd:

I understand that. But there's safety involved with lining up.

Commissioner Dawson:

I understand that, but it would, it would literally be dumping almost in her front yard.

Joe Boyd:

Right, but I don't want to cause traffic...other potential issues.

Commissioner Dawson:

I don't think it will, sir. I've ridden up and down that road many, many times.

Unknown commenter:

The 90 degree curve and the other curve would be more of a traffic issue than...

Joe Boyd:

Again, as a professional, we have a traffic expert here that [inaudible comment]. My professional opinion is that you want accesses to line up. You do not want offsetting accesses.

Commissioner Pearsall:

Could you [inaudible comment] where the green line is coming down, could that be dropped down some, closer to the building itself, the facility, because that will allow, I don't know the young lady's name, the lights are not going directly into her home.

Joe Boyd:

Yes.

Commissioner Pearsall:

So currently you have like a 35 degree, could it not just be moved over maybe another 50 feet and straight down parallel with the building?

Joe Boyd:

So you're saying shift the buffer down some?

Commissioner Pearsall:

Towards the road. The green line...this here. Currently you're dumping right here. Could this be moved straight down this much. This line and come straight down. Because you're really not losing anything. You want [inaudible comment] something for the future. I [inaudible comment] with Commissioner Malloy. We need the project, but if this can... this is an existing [inaudible comment]. And this could all be down here. Make a street to come down this way. That will give to the resident more peace, more buffer for herself. This here is something that needs to be addressed too because it's also [inaudible comment] in front of someone's home. I cannot see why this entire area can come down here.

Joe Boyd:

I'm not saying it cannot.

Commissioner Dawson:

Sir, that road would have to be improved because that's a very old road.

Joe Boyd:

So.

Commissioner Dawson:

You're not going to be able to utilize it. It is a very old road.

Patrick Buffkin:

Thank you, Commissioners. I know you're taking this seriously and we're trying to get solutions. We're looking at an expensive decision that needs to be made here. None of the people that are in front of you have the authority to commit the county to do that just yet. But I will tell you what I can do and I want to make sure I'm understanding. The board is thinking about two reconfigurations of the driveway. This one dropping straight down. Am I understanding that correct.

Commissioner Pearsall:

Yes.

Patrick Buffkin:

Thank you.

Commissioner George:

Take that one and just put...hey, put your marker back up there.

Patrick Buffkin:

Yes, Sir.

Commissioner George:

Take that and move it to the to the left, to the right I mean. Come on, come on. Right there. Let it dump into that circle down there. No, come on over, right there. Do the same to that one.

There were several inaudible comments being made a once.

Patrick Buffkin:

Move in?

Commissioner George:

Yep.

Patrick Buffkin:

Yeah. Okay. Well, like I said, this this is something that DOT's going to have a say so in and we can't tell you tonight what DOT will approve. But I can tell you this, we can see some issues with this possibilities. One is...

Commissioner Malloy:

Now, Sir. Would you go back to that? Just let me ask this question. And the concern for the constituents. The road, the first top road coming out. Mr. [inaudible comment] this. The 2nd road down, could that be emergency access? And like I said, we want to compromise. We want... we need this project and that's what we are simply trying to work through. We need this. I'm behind the project. I'm not against it. I want to make that known, but we are just trying to make some adjustments and compromise to get it done. I know we're not going to satisfy everybody, but somewhere in the middle can kind of meet and get things done. Is there a possibility of working with DOT? That you can maybe make this here, the second road down, your emergency access and that would kind of take away from the traffic or the lights from coming out from the house. On this end here. I do know, like Mrs. Dawson said, when it come to the trailer there, that can be a little disheartening for the people and I think there should be some consideration to kind of keep that off of them. Can you work with the DOT in that capacity, to just try to change that.

Patrick Buffkin:

Yes, Sir. And we will. If DOT was here tonight and told us that we can get that plan approved, we would do it.

Commissioner Malloy:

I'm not against it. We need this.

Patrick Buffkin:

Right.

Commissioner Malloy:

And I know it would save the county a lot of money, but if we can work with DOT to make those adjustments, if you would introduce them.

Patrick Buffkin:

Yes, Sir.

Commissioner Malloy:

And help us out there.

Patrick Buffkin:

We will do that and we will try to make that work. You know, and there may be other things we can do to help the neighbors, if they needed vegetative screening on their side, we can talk with them about doing plantings for them.

Commissioner Malloy:

Okay.

Patrick Buffkin:

But I can commit to you tonight, we will have this conversation with DOT. If we can make the reconfiguration that you all talked about tonight, work and DOT will approve it.

Commissioner Malloy:

Okay.

There were several inaudible comments made in the background.

Commissioner Pearsall:

With those hairpin turns going around two [inaudible comment] that's there, can anything be put there for safety because as the constituents are stating, you know, they're pulling people out of ditches and everything. I've ridden that road many a time, when it's foggy, when it's wet, you can easily slide off. You going to have buses going back through both ways. So, if this is and I am for this project, but safety is also a concern. Go on these turns, even at 25 to 30 miles an hour at night with deer, those roads need to be built up in safe, safety concerns with me, both there, especially going around by elementary school too. So if you guys can take that back to your plans to the DOT and say look we need to buffer those two hairpin turns because accidents will happen. We don't live there, you guys don't live there. We have residents that do and it brings concerns up.

Rynal Stephenson:

I think that's a great point. And there are some relatively inexpensive things that can be done there to help with that. And so we have a lot to talk to DOT about. That is one thing we could add to the agenda for there is what we can do in those curves to provide additional signage, markings, reflective materials, wherever there is to help with that. So, absolutely we add that to the list.

Commissioner Rivenbark:

Thank you. That will be very, very beneficial.

Joe Boyd:

Glad to do that.

Commissioner Dawson:

Thank you for your consideration in that because I think we can make everybody happy and we all understand that this is definitely a need and would like to see it happen as soon as possible. But we also had concerns with the existing roadway, which would have to be improved because it is a very old road, so as, Commissioner George, and I think Commissioner Pearsall as well, making that straight where this is an existing roadway configuration within the development could go straight out to Old Savannah Road, instead of having to turn on the other one. Still use the back section as emergency for ingress and egress, but biggest majority of the traffic, if that could be worked out and I think everybody would feel much better about that.

Attorney Rivenbark:

Mr. Buffkin, can I ask it this way, I'm not an expert on this and you're not an expert on this. It doesn't make any sense to me how the concrete can't go towards Old Savannah Road at a, should be a shorter distance and how that would cost more money. But I'm not an expert on that, but would you as the applicant and the county consider following condition if the board approved it, and the condition is that the first driveway coming from Old Savannah closest to Ms. Batts' house, if DOT allowed it and we would like a town representative in those meetings, whoever the board would nominate, and if the board agrees with this assessment, if the county would accept this condition that if DOT allowed it, with a driveway permit, that that first driveway be moved from whatever road that is adjacent to Ms. Batts' house, tow Old Savannah Road, would the county accept that condition if DOT approved that?

Patrick Buffkin:

I think we could do that. You know, I would like to see it written down, I would like to have a chance to consult with the team, but if you will take our good faith commitment on that and we will keep you updated. We're going to make an effort to do it. We've heard you loud and clear. It's a serious issue that needs to be dealt with and we're going to do that and if we can get DOT's approval of it, we will make it work.

Attorney Rivenbark:

It is the board okay with that? Does that summarize what your concerns are? If DOT will allow it, that first driveway... not go on that road... but go out to Old Savannah Road. Would that be a sufficient condition to attempt to address some of those concerns?

Mayor Dawson:

That's the first issue they're asking for. The second, being the emergency access.

Commissioner Rivenbark:

Yeah, you can't eliminate that emergency access. You got to have that. That's...you'll have to leave that emergency access there.

Several inaudible comments were made in the background.

Crystal Batts:

The emergency access road next to my house, floods every time it rains. Everyone in this room right now knows that. The whole reason for this road coming back behind going out to Penderlea Highway, that could be the emergency access because of the flooding issues with this little old road that they are just dying to use for ingress and egress for whatever reason. Every time it's a heavy rain, it's under water. The DOT comes out and puts out there little signs, you know, high water, caution flooding area, whatever, is at that road. So, why they are really wanting to use that road, I have no idea. And the road going out to Penderlea Highway is supposed to be an emergency road.

Attorney Rivenbark:

I can ask that last question, Mr. Buffkin, again, slightly differently, so that we don't have to delay this. Would the county, as a condition allow the town to have a representative at the DOT meetings to discuss the county's concerns? That will take the heat off of you, for taking your commitment, so allow the board to appoint a representative to meet with the county and DOT as you go through the driveway permit process?

Patrick Buffkin:

Mr. Rivenbark, I think that is an artful solution. We'd readily agree to that.

Attorney Rivenbark:

Is that okay with the board?

Commissioner Malloy:

Yes.

Commissioner George:

If we plan to annex the plan, we need to have some say-so.

Commissioner Malloy:

Yes.

Commissioner Rivenbark:

I agree.

Commissioner Dawson:

I think we all want to approve it and we can approve it contingent upon these requests.

David Organ:

Can I add some more?

Mayor Dawson:

Can you step to the podium?

David Organ:

Now the traffic study, that you said, 500 vehicles a day, that doesn't take into consideration harvest time, planting time, with all the 18 wheelers coming up and down when they're hauling their corn to the silos around that...and I think they should have included that blind corner, the blind curve because there are 18 wheelers going around there. They run me off the road all the time because sometimes you know the backs of the trailers askew and it will come across your lane. It's bad and I think they purposely left off the blind curve, so [inaudible comment] you know, and I don't know what the big deal is on putting it here we you can push it all the way up here close to the prison where all the infrastructure is already in place. And if there's more light, I mean, the prisoners lit up like Fourth of July anyway, the lights not going to hurt anybody. So what's the big issue, I mean and then I hear future development because it there...whatever they got planned for all this other stuff. I mean, is that the main issue? Put this over here out of the way so they can develop this something we don't know about yet? I mean, consider that. Thank you.

Commissioner Dawson:

I don't think so, sir. I think what they're trying to do is get this accomplished, which is going to take some time and it will be sufficient for years.

David Organ:

I'm all for it. I'm all for it. I mean, cause we need this, but not right there.

Commissioner Dawson:

We do.

David Organ:

Put it on the back, close to the prison will not affect anybody.

Commissioner Dawson:

This is property that was donated to the county and as taxpayer [inaudible comment] one too, we are doing everything we can to save money. It would be significantly more expensive if this was...if we had to redo this. But I think it's like, Commissioner Malloy said, we can definitely work through some compromise and approve it. And I think it would...I think the residents would be more pleased with that.

David Organ:

If you say so.

Attorney Rivenbark:

If I can address one thing I heard from the audience. The courthouse moving. That is not allowed anywhere in the Town of Burgaw...Courthouse is only allowed in the B1 zoning district, which is basically where it is right now. So that would require this board to change their ordinance and I don't think that will ever happen. If it does, I will no longer be their attorney and they will probably need more protection than Sheriff Cutler can provide.

Comments were made in the background for clarity on "a movie" verses "moving."

Commissioner Rivenbark:

One more statement and I'm going to hush. I think you're on the right path to talk to DOT and work with them and those engineers are very intelligent. I met...Mr. Gantt and I met with one of them and just listening to them. They know what they need to do. I think that's where we need to go next. Move this process along because we don't want to delay it any further than we have to, but please set up that meeting and whoever the Board of Commissioners appoint to be on that committee to help, you know, understand it and protect our part of it, but I think that's the next goal we need to really work on. Thank you.

Commissioner George:

I think you just volunteered.

Commissioner Malloy:

Are we good?

Mayor Dawson:

Are we ready to? Are we going...are we ready to proceed with the conditions? Is that what we want to do this evening?

Commissioner Malloy:

Yes.

The board agreed.

Mayor Dawson:

Alright, so at this time, if there's not anything else to be said, we will close the public hearing.

Mayor Dawson declared the public hearing closed at 7:46 PM.

I. Resolution 2024-08 Special Use Permit

Resolution for a Special Use Permit for property located on Old Savannah Road South (Parcel ID: 3219-87-6937-0000) to allow the Pender County Law Enforcement Center project which includes a detention center (jail) in the RA, Rural Agricultural Zoning District.

Mayor Dawson read aloud the following findings of fact.

A. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

All board members voted "yes."

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.

All board members voted "yes."

C. The use of the property will not affect other adjoining or abutting property values.

All board members voted "yes" with Commissioner Dawson adding contingent on driveway locations. Attorney Rivenbark asked Attorney Buffkin if the county agreed to let a town representative be involved with the meetings with NC DOT. Attorney Buffkin agreed.

D. That 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.

All board members voted "yes."

E. The increase in vehicular traffic resulting from the proposed development would not pose a danger to public safety.

All board members voted "yes" with Commissioner Pearsall adding conditions that additional safety measures be put into place at the two curves on Old Savannah Road near the proposed project.

There being no further discussion, Commissioner Rivenbark made a motion to approve Resolution 2024-08. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

The board agreed for Commissioner Rivenbark to serve in the meetings with the county and NC DOT. Commissioner Malloy will attend if Commissioner Rivenbark is not available. Attorney Buffkin will be in contact with Mr. Gantt.

D. Text Amendment Request

Consideration of a text amendment to the Unified Development Ordinance by staff to amend sections 8.14 Table of Permitted Uses, Special Uses and Special Requirements, 8.15 Use Standards, 8.16 Regulations for Special Uses, and 17.2 Definitions.

Mayor Dawson declared the public hearing open at 7:52 PM.

Mr. Combs presented the requested text change amendment as described in Ordinance 2024-08.

There being no concerns voiced by the board, Mayor Dawson declared the public hearing closed at 8:00 PM.

I. Resolution 2024-09 Statement of Consistency

Adopting a statement of consistency regarding text amendments of the

Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend sections 8.14 Table of Permitted Uses, Special Uses and Special Requirements, 8.15 Use Standards, 8.16 Regulations for Special Uses, and 17.2 Definitions.

Commissioner George made a motion to approve Resolution 2024-09 with the consistency statement. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

II. Ordinance 2024-08 Text Amendment

A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend sections 8.14 Table of Permitted Uses, Special Uses and Special Requirements, 8.15 Use Standards, 8.16 Regulations for Special Uses, and 17.2 Definitions.

Commissioner Malloy made a motion to approve Ordinance 2024-08 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

10. Items from Manager

A. Public Safety Radio Replacement Project

Mr. Gantt reminded the board that public safety radios need replacing by year 2025. He advised this system works in conjunction with the county's radio system. Therefore, the county has come up with a joint effort in purchasing the radios with a bulk discount and municipalities would pay the county back for the radios over a period of time, as opposed to the town purchasing all of the radios needed at once. Mr. Gantt said the county will allow the town to make payments over a 72 month period at zero interest. He said the agreement with the county was included in the agenda packets for review by the board. Attorney Rivenbark said he is okay with the agreement. There being no discussion or concerns voiced by the board, Commissioner Rivenbark made a motion to allow the town to move forward with the agreement with the county regarding the radio replacement project. The motion was seconded by Commissioner George and carried by unanimous vote.

B. Update on current town projects

Mr. Gantt gave an update on the Burgaw Town Center parking lot progress. He also said the RFQ advertisement for the Storm Water Master Plan has been published, as well as the process for the RFP for solid waste bids has started. The current contract with GFL ends June 30, 2024.

Mr. Gantt said he gave an updated project dashboard to the board.

Mr. Gantt recognized Mr. Combs and thanked him for his service to the town over the last year and a half.

11. Items from Attorney

Attorney Rivenbark stated he only had items for closed session.

12. Items from Mayor and Board of Commissioners

Commissioner Dawson commented how grateful the town is to have Fire Marshal Kratovel and all she is doing. Commissioner Dawson also thanked Mr. Combs for his service to the town.

Commissioner Dawson gave a few updates from the Beautification Committee. She said the committee agreed to have the rose bushes removed at the stand-alone flower bed area at the end of the Depot at Fremont Street and Dickerson Street. There is a site distance issue and the mulch is too high. Mr. Stanley and his crews will take care of this project. Commissioner Dawson added the committee is looking at possibilities of putting a new, larger welcome sign at the entrance near South Walker Street and US Highway 117. She requested this be discussed during the upcoming budget meetings.

Commissioner Dawson commented on the dark stains running down the exterior wall of the inspections building. Staff is aware and handling the issue.

Commissioner Dawson thanked Mr. Suggs for the updated work being done at Harrell Park.

Commissioner George thanked everyone for all they are doing for the town.

Commissioner Malloy said he is grateful for everyone and what they are doing. He thanked Gilbert for his work with the town.

Commissioner Rivenbark said he appreciates everyone and thanked Mr. Moore for the rock that was put at the driveway of the Pender County Museum and the area near the Casey's house on Cowan Street.

Mayor Dawson commented on the following items that need attention: stop signs on Ashe Street are dirty and need cleaning and markings on the pavement near school zones need refreshing.

Mayor Dawson asked if we can consider putting the diagonal parking back along Fremont Street in front of First National Bank. Mr. Gantt said yes and that staff is currently getting a list together of other striping or markings needed along the trail, as well.

Mayor Dawson said she will be attending the upcoming Mainstreet Conference.

Mayor Dawson commented on the recent comments around town regarding the removal of General Pender monument on the Courthouse Square. Attorney Rivenbark said, based on his research, he does not believe it can be removed.

Mayor Dawson asked for a status on the iPad project for the board. Mr. Gantt explained.

Mayor Dawson commented on a possible resolution or letter of support for the rail coming back through town in the future.

Mayor Dawson asked how the town can control the areas outside of festival footprints for vendors, food trucks, etc. There has been concern in the past with vendors not applying through the NC Blueberry Festival and setting up outside of festival parameters. After brief discussion, staff will look into this and bring back more information to the board.

Commissioner Rivenbark stated he will be attending the rural transportation meeting on Friday.

There was brief discussion about local businesses having delays in getting driveway permits from NC DOT. Mr. Gantt will reach out to NC DOT.

13. Closed Session

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

Commissioner Malloy made a motion to go into closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege at 8:26 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Commissioner Malloy made a motion to go back into open session at 8:48 PM. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

14. Adjournment

Prior to adjournment, Commissioner George made a motion to approve a budget amendment in the amount of \$4,500 for an easement for Crosswinds. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner Rivenbark made a motion to adjourn the meeting at 8:49 PM. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

