

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

DATE: April 9, 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 at 4:30 PM.

2. Invocation

The invocation was led by Commissioner Malloy.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Mayor Dawson asked the board to consider adding item 7D(III) Street Closure Request by the NC Blueberry Festival. Commissioner George made a motion to approve the agenda as amended. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

5. Approval of Consent Agenda

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

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

- A. **Approval of the February 13, 2024 Regular Meeting Minutes**
- B. **Approval of the February 13, 2024 Closed Session Minutes**
- C. **Ordinance 2024-09 Amending the FY 2023-2024 budget to reflect the purchase of an easement**

6. Special Requests/Presentations

- A. **National Small Business Week Proclamation - Mayor Dawson**

Mayor Dawson read aloud the National Small Business Week 2024 Proclamation.

7. Departmental Items

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

Mr. Moore advised he has no new updates to report at this time. Commissioner Pearsall asked about work being done on Satchwell Street. Mr. Moore advised staff was installing water and sewer taps. Commissioner Rivenbark spoke about the sidewalk on the east side of the Burgaw Methodist Church and requested Public Works take a look. There was also brief discussion about natural gas lines in town.

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

Chief Taylor advised the Fire Department has been busy over the last couple of months, including a fatality in a structure fire. Chief Taylor said MaryBeth has hit the ground running as Fire Marshal and is doing a great job. He also thanked the board for allowing him to serve as the Fire Chief for the past six and a half years.

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

D. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Commissioner Pearsall asked for a status of the West Side Trail project. Mr. Suggs advised the engineering costs would be around \$367k and the total project is looking to be around \$1.5 million. Mr. Gantt briefly explained the RFQ process and said there were only two bids received for this project. The deadline for the grant funding is October 2025. There was also discussion about phasing the project. After much discussion, the board decided to see the costs of the second bid, save money where we can, and move forward with the process as quickly as possible. Commissioner George made a motion to move forward with getting cost proposals from the second contractor. The motion was seconded by Commissioner Pearsall and carried by unanimous vote. Mr. Suggs will bring back updated information at the next meeting.

I. Chamber of Commerce Agreement

Mr. Suggs reviewed the changes in the proposed Chamber of Commerce Agreement. He said the agreement would be for a five year term instead of a one year term as done in the past. There was discussion about the town allowing use of the depot at zero rent, as well as the phone, internet and email services have been provided in the past by the town. Commissioner Dawson pointed out a correction with the wording on one of the sections. After discussion, Commissioner Dawson made a motion to approve the agreement with the wording correction, as well as informing the Chamber they pay for their phone, email and internet services. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. Public Funding Request - NC Blueberry Festival

Mr. Suggs advised the NC Blueberry Festival Association has submitted a public funding request in the amount of \$2,800 to assist with entertainment and various other things that the festival entails. Ms. Pope advised there is \$1,650 remaining in the budgeted line item for public funding requests. Commissioner Dawson asked why this was not included in the FY 2023-2024 budget. Mr. Suggs said this was the first year that the board allocated funds towards public funding requests and other entities have already requested funds that resulted in the remaining \$1,650 of the \$10k that was budgeted. After discussion, Commissioner George made a motion to approve the funding request in the amount of \$2,800, with \$1,650 coming from the current budget for public funding requests, plus a budget appropriation from the general fund in the amount of \$1,150. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Doug Krynicki, President of the NC Blueberry Festival, thanked the board for their support and gave a brief overview of the scholarships and donations given back to the community from the festival each year.

III. Street Closure Request - NC Blueberry Festival

In addition to the NC Blueberry Festival Association requesting closure of the streets as usual each year, Mr. Suggs requested closure of Fremont Street between Wright Street and Walker Street for a concert to be hosted by the Burgaw Tourism Development Authority on Thursday, June 13, 2024. He requested closure starting at 6:00 AM on Thursday, June 13, 2024, which would remain closed through Sunday, June 16, 2024 for the festival. This request is to accommodate the large stage to be set up and utilized on Thursday, instead of setting up on Friday. Attorney Rivenbark stated he was speaking as a business owner and said he was never contacted about closing the street on Thursday. There was much discussion by the board about closing the street on Thursday or if they should wait until Friday. Commissioner Rivenbark voiced his opinion by suggesting the Thursday night concert hosted by the town be moved to another weekend. After further discussion, Mayor Dawson requested staff to reach out to all business owners that would be affected and bring this matter back to the board.

Mr. Suggs asked the board to consider closing the following streets for the annual Blueberry Festival. He advised festival staff and town staff have met with the court system regarding street closures for the festival. Commissioner Dawson made a motion to approve the following street closures. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

- Half of Dudley Street from Wilmington Street to Fremont Street to be closed at 3pm on Friday, June 14th until 10am on Saturday, June 15th for the conducting of the BBQ cook-off event.
- Wright Street from Wilmington Street to Fremont Street to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Courthouse Avenue and adjunct ally to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Fremont Street from Walker Street to Wright Street will be closed at 9:30pm on Thursday, June 13th until 12noon on Sunday, June 16th.
- Walker Street from Wilmington Street to Fremont Street to be closed at 5:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Walker Street from Fremont Street to Satchwell Street to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Fremont Street from Walker Street to Cowan Street to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Fremont Street from Wright Street to Dudley Street to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Wright Street from Fremont Street to Satchwell Street to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Dickerson Street from Wilmington Street to Fremont Street to be closed at 10:30pm on Friday, June 14th until 11pm on Saturday, June 15th.
- Dickerson Street from Fremont Street to Satchwell Street to be closed from 10:30pm

on Friday, June 14th until 11pm on Saturday, June 15th.

· Satchwell Street between Dickerson Street and Dudley Street to be closed from 6am on Saturday, June 15th until 6pm on Saturday, June 15th.

E. Planning Department

Kimberly Rivenbark, Interim Planning Director

Ms. Rivenbark advised D.R. Horton has applied for conditional zoning district on a 285 acre track on Henry Brown Road for a large subdivision. This item will be going to Planning Board soon.

Ms. Rivenbark said the Planning Department has been involved with the Pender County Comprehensive Transportation Plan so more information will be provided to the board at the May meeting.

There has been contact from the engineers on the subdivision across from Ed Cowan Road that was previously approved for a conditional zoning, so it looks like they will be moving forward soon.

Andrew Smith has applied for a major subdivision off of Timberly Lane in front of Northwoods Apartments, as well as an area on Costin Road, so these projects will be coming before the board in the coming months.

Ms. Rivenbark advised the Resilient Coastal Communities Program will have a booth set up at Spring Festival to get more survey responses and public engagement.

F. Building Inspections Department

Louis Hesse, Building Code Administrator

Mr. Hesse gave a brief update on current projects and everything is going smoothly. Commissioner Dawson asked if there was a bagel shop coming beside Food Lion. Mr. Hesse said there have been inquiries, but no movement yet.

G. Finance Department

Wendy Pope, Finance Officer

Ms. Pope advised she is working on budget preparations and has also been in contact with the county regarding tax collection. She said the town has only received about 40% of ad valorem taxes so far this year. Ms. Pope also said she is working on renewals for worker's compensation and liability and property insurance.

H. Police Department

Jim Hock, Police Chief

Chief Hock said officers have been doing training and a lot of mutual aid. He said there are several upcoming events where officers will be needed. Commissioner Malloy thanked Chief Hock for his assistance with the local mentor group.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:27 PM and 5:41 PM.

Robert Kenan, 211 E. Fremont Street, thanked the board for fixing the sidewalk in front of his office. He also encouraged the board not to allow large subdivisions. Mr. Kenan spoke about infill housing and suggested to only allow houses on half acre lots instead of smaller lots.

Vernon Harrell, 108 N. McRae Street, spoke about developments coming to town. He would like the board to consider placing another person in the Planning Department. He also said the long term plan should be revised soon.

9. Public Hearing

A. Text Amendment Request

Jessica Gray, Community Development Coordinator

Consideration of a text amendment to the Unified Development Ordinance requested by Nathan Tew to Section 10.23 D Access to allow an existing lot of record with no road frontage one recorded access easement.

Mayor Dawson declared the public hearing open at 5:47 PM.

Ms. Grey presented the text amendment request as described in Ordinance 2024-10. Applicant Nathan Tew was present and spoke to the board about his current driveway and where he would like to add the easement.

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

I. Resolution 2024-10 Statement of Consistency

Adopting a statement of consistency regarding a text amendment to the Town of Burgaw Unified Development Ordinance requested by Nathan Tew to amend Section 2.3.5 nonconforming lots of record to allow no more than one existing lot of record with no road frontage to be accessed by a recorded easement

Commissioner George made a motion to approve Resolution 2024-10 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. Ordinance 2024-10 Text Amendment

A text change amendment to the Town of Burgaw Unified Development Ordinance requested by Nathan Tew to amend Section 2.3.5 nonconforming lots of record to allow no more than one existing lot of record with no road frontage to be accessed by a recorded easement

Commissioner Rivenbark made a motion to approve Ordinance 2024-10 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

10. Items from Assistant Manager

A. Conflict of Interest Policy

Chief Hock spoke about the funds that the town is set to receive from the state budget. He said there are required forms that need to be submitted before the town can receive the funds. One of the forms is a Conflict of Interest Policy form that has been reviewed by Attorney Rivenbark and needs to be approved and signed by each board member.

Commissioner Malloy made a motion to approve the policy as presented by Chief Hock. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

B. Other items to be announced

11. Items from Manager

A. Update on current town projects

Mr. Gantt advised the deadline for solid waste contractor bids is April 25, 2024.

Mr. Gantt said he is working with Four County on providing fiber connection for internet at the depot and public works building. He said it is more reliable than Spectrum and will be a cost savings for the town. He said engineers are working on a design and it should be installed over the next couple of months. Mr. Gantt advised Spectrum's contract at the depot expires in June and they have been made aware of the account change.

Mr. Gantt said the Storm Water Master Plan RFQ ends April 12, 2024.

Mr. Gantt advised there will be interviews soon for Information Technology Manager, as well as Fire Chief interviews. The new Planning Director starts soon.

Mr. Gantt gave an update on the Burgaw Town Center parking lot and said contractors are still working.

B. Other items to be announced

12. Items from Attorney

Attorney Rivenbark stated he only had items for closed session.

A. To be announced

13. Items from Mayor and Board of Commissioners

A. Beautification Committee Updates

Mayor Dawson and Commissioner Dawson gave an overview of the current projects being done or proposed by the Beautification Committee. They spoke about the desire to put the string lights back up over Courthouse Avenue. After discussion, staff will meet with Attorney Rivenbark to discuss legal documents for property owners and height requirements, etc.

Commissioner Dawson advised the committee has requested the median near the south end of the depot be cleaned up. Mr. Stanley and his crew will be removing everything overgrown in the median and replanting something lower for sight distance issues. There was also discussion about placing a bench on top of the existing pavers.

There was discussion about the need for a grant writer to assist in getting funding for beautification projects.

Commissioner Dawson advised the committee is ordering a "pick me" sign for Blueberry Row so that residents know they may pick blueberries.

Mayor Dawson said the committee has also talked about repainting the welcome signs at the north and south entrance of town on US Highway 117. She said they would like to see a brick sign similar to Johnson Park, at the entrance of US Highway 117 South. The committee is working on getting cost estimates.

B. Other items to be announced

Commissioner Pearsall thanked Fire Chief Taylor for his service to the town and said his guys in the Fire Department do a great job. He also thanked other town staff and recognized their hard work in the town.

Commissioner George thanked Fire Chief Taylor and said he appreciates the town staff for all they do.

Mayor Dawson thanked the staff for all they do and commitment to the town.

Mayor Dawson said there was a question received from the public regarding a portion of the public comment minutes from the January meeting. She said the minutes are not required to be verbatim and a summary of what was spoken about is sufficient.

Mayor Dawson asked about the process for vacant lots and infill permits. Mr. Hesse said the owner would apply for a permit, but the application does not have to go through the board for approval.

Commissioner Malloy said staff is greatly appreciated and depends on them.

Commissioner Malloy commented on the dumpsters placed for the Blueberry Festival near Southern Printing. He said he would like to see the dumpsters placed further down away from the businesses. Staff will see this message is relayed to the festival.

Mayor Dawson reminded the board to review the dates provided by Ms. Wells.

14. Closed Session

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

Commissioner Malloy made a motion to enter into closed session at 6:37 PM pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Dawson made a motion to return to open session at 7:48 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

15. Adjournment

Commissioner Dawson made a motion to adjourn the meeting at 7:48 PM. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.