TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	June 18, 2024
TIME:	4:30 PM
PLACE:	Burgaw Town Center 108 E Wilmington St
BOARD MEMBERS PRESENT:	Mayor Olivia Dawson Commissioner Jan Dawson Commissioner William Rivenbark Mayor Pro-tem James Malloy Commissioner Bill George Commissioner Michael Pearsall
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 Reverend Smith.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Prior to approval of the agenda, Police Chief Jim Hock introduced his newest officer, Logan Wilhelm. Parks & Recreation Coordinator Jayna Augst introduced summer intern, Kyra Rickard.

Mayor Dawson requested the board consider amending the agenda to include an additional member of the Burgaw Fire Department to be sworn in during Special Presentations. Commissioner Pearsall made a motion to approve the agenda as amended. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

5. Approval of Consent Agenda

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

Commissioner Rivenbark 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 April 9, 2024 Regular Meeting Minutes

B. Approval of the April 9, 2024 Closed Session Minutes

C. Approval of the May 14, 2024 Regular Meeting Minutes

D. Approval of the May 14, 2024 Closed Session Minutes

E. Resolution 2024-15 Supporting the Purchase of the South End of Topsail Beach by North Carolina Coastal Land Trust

F. Ordinance 2024-13 Amending the FY 2023-2024 budget to reflect year-end received revenues and expenditures

G. Ordinance 2024-14 Adoption of Capital Project Ordinance for NC OSBM Directed Grant

6. Special Requests/Presentations

A. Swearing In of Firefighter/Apparatus Operators Joseph Smith Jr. and Ivy Floyd - Mayor Dawson

Mayor Dawson swore in Firefighter/Apparatus Operator Joey Smith and Firefighter/Apparatus Operator Ivy Floyd.

B. Ghostwalk Request - Stephanie Key, Pender County Tourism

Stephanie Key with Pender County Tourism was unable to attend the meeting, but Mayor Dawson advised information regarding the Ghostwalk request was given to each board member for consideration. This year's request was the same request that was approved for October 2023, including waiving of the rental fee for use of Hankins Park. This year's event will only take place one evening on Saturday, October 26 in the Burgaw Cemetery, instead of two evenings as in the past. Commissioner George made a motion to approve the request as presented, including use of the cemetery past dusk as stated in the cemetery ordinance. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

C. Juneteenth Celebration Street Closure Request - Karen Malloy, 1865 Society of Pender County

Karen Malloy with the 1865 Society of Pender County requested extending the street closure time as previously approved by the board, to 9:00 PM on Fremont Street, the day of the Juneteenth Celebration. She also requested to make sure all of the electricity on the square is working the day of the festival.

Prior to a motion being made, Commissioner Malloy recused himself. Commissioner Rivenbark made a motion to approve the request. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

D. New Pender County Manager Introduction - Michael Silverman

Michael Silverman was recently appointed as the Pender County Manager and was present at the meeting to introduce himself to the board.

7. Departmental Items

A. **Information Technology Department**
Dustin McCullen, IT Manager

Mr. McCullen said about 80 IT requests have been completed since he began working with the town, as well as a brief overview of projects in the que.

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

Mr. Moore gave a brief update to the board of day-to-day activities for Public Works staff. He said he is waiting on one more bid to come in for the sidewalk project along Wright Street as previously discussed. The current range of bids is $213k-$299k.

Commissioner Rivenbark commented on the oils and greases left on the street after the NC Blueberry Festival. He requested the food vendors be required to use a pan.

Staff will relay this information to the NC Blueberry Festival committee.

C. **Fire Department**
Johnathan Prevatte, Fire Chief

Chief Prevatte advised he is currently in the process of onboarding part time firefighters. He also said his staff is working on pre-plans and implementing more public education outreach.

Commissioner Rivenbark asked about the recent structure fire at Coastal Beverage Company at the Pender Industrial Park. Burgaw Fire Department responded to the incident for mutual aid assistance. There was brief discussion about the fire and solar panels on the roof of the structure where the fire started.

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

Mr. Stanley said he and his staff have been very busy with various projects and on-going maintenance. He added the concept for the Dees Park restroom pavilion is complete and will present it to the board once it is finalized. Mayor Dawson reiterated this design in only a preliminary concept. No money has been allocated towards the project at this time.

Commissioner Pearsall commented on uniforms for the Facilities and Grounds staff. Mr. Stanley said he is in the process of ordering uniforms for his staff so everyone looks professional.

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

I. Street Closure Request - TDA Markets

Ms. Augst advised the Tourism Development Authority would like to relocate the two upcoming markets to Courthouse Avenue on August 9, 2024 and November 8, 2024. The purpose of relocating the event is to be closer to the Cruise-In Car Shows hosted monthly by the Downtown Business Association. There would be live music in Dees Park and the vendor booths for the market would be located in the street along Courthouse Avenue. Ms. Augst requested closure of Courthouse Avenue on August 9, 2024 and November 8, 2024 from 1:00 PM to 9:00 PM. Ms. Augst also said Desmon Jordan, owner of House of Gains, is in support of the request. Commissioner Malloy asked if the hair salon and barber shop had been contacted. Ms. Augst said not yet, but all of those businesses on Courthouse Avenue will be given parking options at the depot.

Commissioner Malloy made a motion to approve the street closure request as presented by Ms. Augst. The motion was seconded by Commissioner George and carried by unanimous vote.

F. **Planning Department**
Ron Meredith, Planning Director

Mr. Meredith advised he is working on departmental processes and protocols. He advised the board there will be some Unified Development Ordinance (UDO) amendments coming in the future once internal processes are completed.

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

Mr. Hesse advised he is busy with various projects happening in town. He also gave an update on the minimal housing and said two houses have been demolished.

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

Ms. Pope commented on the new solid waste collector, Wall Recycling, and said new carts are currently being distributed to residences and business owners.

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

Chief Hock gave a brief overview of the mutual aid process that was conducted during the Blueberry Festival. He thanked all agencies for their assistance.

Commissioner Pearsall commented on the stop sign that was missing at the intersection of Fremont Street and Smith Street in result of an accident. He said it took a few days for the stop sign to be put back up. Commissioner Pearsall had concerns and asked who is responsible for making sure the stop sign was put back up following the accident. Chief Hock advised it would have been the town's responsibility to make sure it was put back up. Chief Hock will see this is relayed to the officers immediately.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:26 PM and 5:37 PM.

Daniel Wedlock, 712 W. Bridgers Street, said Duke Energy assessed his property in 2021, prior to his home being built, regarding light poles that needed to be replaced. He said light poles around his property have been replaced due to the new homes that were recently constructed. Mr. Wedlock said he would like the town to look at having his light poles replaced by Duke Energy since the others have now been replaced.

Karen Harding, 318 S. Walker Street, requested not to turn Courthouse Ave into a toilet. She said she does not understand the suggestion for public toilets on Courthouse Avenue when there are public toilets at the depot, courthouse, and Pender County Annex. She said the money to build, operate and maintain public toilets at that location seems like a lot to ask of a small town when there are so many existing toilets. Ms. Harding suggest placing signage directing the public to the toilets at the depot, courthouse and Burgaw Town Center, which would be far more cost effective. She said placing public toilets in a tucked in area between the courthouse and annex does not make any sense from a safety standpoint. She said it would devalue a good percentage of the downtown properties if the toilets are not kept spotless. Cleaning them daily needs to be figured into the maintenance. In closing, Ms. Harding requested the board to utilize the capital improvement money on important work of the town's water and sewer and get rid of the crazy idea of putting toilets in downtown Burgaw.

9. Public Hearings

A. **Conditional District Rezoning Request - Weldon Village (Bowen-Caputo)**
Ron Meredith, Planning Director
Consideration of a conditional district rezoning from RA, Rural Agricultural, to R-20 (CZ), Residential Conditional District for a 487-lot single-family residential subdivision located at 2630 NC HWY 53 W (PIN: 3218-28-4425-0000).

Mayor Dawson declared the Public Hearing open at 5:44 PM.

Mr. Meredith presented the rezoning request submitted by Elizabeth Shelton of D.R. Horton.

Prior to the applicant speaking, Attorney Rivenbark confirmed with Mr. Meredith that it is staff's opinion this project as proposed is inconsistent with the town's Land Use Plan.

Applicant Beth Blackman with Timmons Group, 5410 Trinity Road, Suite 102, Raleigh, NC, engineering consultant for D.R. Horton spoke about the project, along with other land managers from the Wilmington D.R. Horton office.

Upon completion of the presentation by Ms. Blackman, Commissioner Pearsall voiced his concern with the amount of traffic the development would bring with traveling along NC Highway 53 with the curves and lots of turning. Commissioner Malloy also voiced his concern with safety, as well as concerns with flooding in the area.

Ms. Blackman said the project will meet all requirements with state permits, etc. and will meet NC DOT standards. A traffic representative spoke about the turn lanes for the development.

Commissioner Pearsall said he is not against building, but we want to make sure our town grows without creating more problems in the future. He said it is a rural area and would be okay with 15, 30, or 40 homes and break into phases, but 481 houses is too many.

Public comments

Robert Kenan, 211 E. Fremont Street, Mr. Kenan requested to speak longer than the allotted time for public comments. He stated he is speaking for himself, not as a representing attorney. Mr. Kenan spoke in opposition of the rezoning request.

Milton Green, 1041 Highsmith Road, suggested to have NC DOT get a bypass to help with the growth in the area. He said Burgaw is not capable for this type of impact.

Sandy Blake, 2740 NC Highway 53 West, said she is an adjacent property owner to the proposed project and agreed with everything Mr. Kenan said. She said God gave us the land to take care, and this is not the way to do it. She is concerned with loss of agriculture.

Amy Jones, 2460 NC Highway 53 West, said she had flood issues during Florence and has concerns with drainage and flooding in the area. She also has concerns with emergency personnel capacity, buses picking up children, and sewage capacity.

Rochelle Whiteside, 315 W. Bridgers Street, said she is thankful for a town with a planning board and town board to be guardians of the citizens. She thinks the traffic will be horrendous. She said we need growth, but it needs to be planned.

Richard Thomas, 2876 NC Highway 53 West, said Mr. Kenan summed it up and said the project is inconsistent with Burgaw's plan.

Mike Taylor, 712 Whrens Street, said he supports what has been said and is opposed to the project. Burgaw does not need to become a Leland. He stated that the Planning Board does not support the rezoning request.

Ross Harrell, 111 N. Wright Street, said he was opposed to the rezoning request.

Becky Henderson, 4975 Bell Williams Road, Currie, said she is concerned with the number of kids the development would bring and has a concern with new schools being built to accommodate them. She said the Planning Board voted 'no' for a reason.

Clint Norris, 27926 US Highway 210, Currie, said he moved to the area years ago for peace and quiet, and said Burgaw and Pender County are not ready for this development. He stated he was opposed to the project.

Mike Blackburn, 1171 Piney Woods Road, said he was against the project.

Steve Pruitt, 101 S. Wright Street, spoke about a site bond and said D.R. Horton denied that at the planning board. Mr. Pruitt voiced his concerns with flooding.

JB Croom, 3124 NC Highway 53 East, said he was against the project.

John Fennell III, 681 Piney Woods Road, read a statement voicing his opposition of the rezoning request.

Jessica Bowen, 2185 Henry Brown Road, read a statement voicing her opposition of the rezoning request.

Donald Hufham, 1089 Piney Woods, was opposed to the proposal. He said schools cannot support the current capacity now.

Following the public comments, the applicant presented their rebuttal. Ms. Blackman spoke about the concerns voiced by the public, including mitigation banks, conserving wetlands, trees in the area, HOA would be effective after the final plat is filed, there would be speed limits established in the subdivision, streets would be turned over to the town upon completion and buses would be allowed in the subdivision. She also commented on the tax revenue percentage and said a bond is possible if that would be helpful to everyone. Ms. Blackman said a traffic impact analysis has been reviewed for the project by NC DOT.

Commissioner Pearsall said this project would be developed in the town's ETJ if approved. Attorney Rivenbark said the town would not get any tax revenue from this development.

The Land Manager (name was not documented) for D.R. Horton said he wants to make sure they do what will benefit the town and work with them on this project.

Ms. Blackman said the developers are planning to request annexation of the property if the rezoning is approved.

There being no further discussion by the board, Mayor Dawson declared the public hearing closed at 7:09 PM.

I. **Resolution 2024-16 Statement of Consistency**
   Adopting a statement of consistency regarding an amendment of the Official Zoning Map of the Town of Burgaw requested by Elizabeth Shelton of D.R Horton to rezone property located off NC HWY 53 W (Parcel Identification Number 3218-28-4425-0000) from RA, Rural

Agricultural to R-20 (CZ) Residential District Conditional Zoning for a 487-lot single-family residential subdivision.

Commissioner George made a motion stating the proposed project is inconsistent with the Land Use Plan and against town ordinances. Attorney Rivenbark clarified Commissioner George's motion by noting "your motion is that the project is inconsistent with the land use map and town ordinances as adopted by the town." Commissioner George agreed. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. **Ordinance 2024-15 Zoning Map Amendment**
A map amendment of the Official Zoning Map of the Town of Burgaw requested by Elizabeth Shelton of D.R. Horton to rezone property located off NC HWY 53 W (Parcel Identification Number 3218-28-4425-0000) from RA, Rural Agricultural to R-20 (CZ) Residential District Conditional Zoning for a 487-lot single-family residential subdivision.

Commissioner Malloy made a motion to deny the rezoning request as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

B. **Consideration of adoption of the FY 2024-2025 Budget**
James Gantt, Town Manager

Prior to Public Hearing #9B, Mayor Dawson called for a break from 7:15 PM-7:27 PM.

Mayor Dawson declared the Public Hearing open at 7:27 PM.

Mr. Gantt presented the proposed FY 2024-2025 annual operating budget for the town.

After the presentation, Mayor Dawson asked if the Powell Bill amount went down. Mr. Gantt said he would have to look at it further, but it was probably allocation from the prior year.

Commissioner Rivenbark said he could not agree with the proposed tax increase of $0.06. He added the electrical needs on the Courthouse Square are urgent.

Commissioner Pearsall said the town is growing and we need to maintain the sidewalks. He suggested the board cut back some of their travel budget and look at the possibility of increasing the taxes by $0.03 instead of $0.06. Commissioner Rivenbark said we need to really look at the budget to get the tax rate at $0.54.

Commissioner Dawson said she agreed with Commissioners Rivenbark and Pearsall. She said if we ask the employees to tighten their belts, then the board should do that as well. Commissioner Dawson suggested to increase the tax rate by $0.02.

There was discussion about the possibility of changing the sales tax rate. Commissioner Pearsall said that is a county level budget item and Mr. Gantt said we could look at this next year with the county.

After brief comments about the cost of living adjustment and tax increases, the board decided to continue the public hearing until the Special Board Meeting already scheduled for June 26, 2024 at 9:00 AM.

I. **Ordinance 2024-16 Adoption of the FY 2024-2025 Budget for the Town of Burgaw**

There was no motion taken on Ordinance 2024-16 during this meeting.

10. Items from Assistant Manager

A. Walker Street Culvert Project - Funding Request

Chief Hock reminded the board they agreed to move forward with options and project ideas in October 2023 for culvert replacement on North Walker Street, but funding was not allocated. Chief Hock gave the board two options for proceeding with the project and said engineering would cost approximately $50k. The first option would be to move forward with purchasing the box culvert for approximately $35k, or the second option would be to wait and incorporate the culvert replacement with the future splash pad project at Hankins Park, which would include the parking lot and an extension of the sidewalk in conjunction with the culvert replacement, which would cost approximately $42k. After discussion, the board said the replacement is needed and to move forward with the purchase of the box culvert and extend the sidewalk for the future of the splash pad project.

Commissioner Malloy made a motion to approve $42k for the purchase of the box culvert with extending the sidewalk. The motion was seconded by Commissioner George and carried by unanimous vote. The board agreed to move forward with the project without engineering.

B. Discussion about water line repairs prior to the Storm Water Master Plan

Chief Hock reminded the board of the grant received from the state for water and sewer repairs throughout town. The board previously approved to move forward with a water and sewer master plan, but Chief Hock requested the board to look at having some water line repairs done prior to implementing the master plan due to costly repairs. The three top priority water line replacements would be a line on Dickerson Street from Fremont Street to Hayes Street, Bennett Street from Hayes Street to Walker Street, and Fremont Street from McCullen Street to McRae Street (to include an installation of a fire hydrant). Chief Hock said these repairs would cost approximately $400k, including engineering because we would increase the two inch water lines to six inch lines. These funds would come from the grant. Commissioner Pearsall commented on the amount of money being spent to repair and patch areas continuously. After brief comments by the board, Commissioner Rivenbark made a motion to approve the water line replacements as requested by Chief Hock. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

11. Items from Manager

A. Update on current projects

Mr. Gantt gave an update on the digital sign project, and the parking lot progress around the Burgaw Town Center, including a new dropbox for town hall.

There was brief discussion regarding sidewalks along Courthouse Avenue and Wright Street, as previously discussed.

12. Items from Attorney

Attorney Rivenbark said he only had items for closed session.

13. Items from Mayor and Board of Commissioners

Mayor Dawson commented on grants for the town. Mr. Gantt said it takes a lot of time to work on grants, but there are a few in the works.

Mayor Dawson thanked everyone for their assistance during the NC Blueberry Festival.

Mayor Dawson commented on the new ABC Store building. She recently did a walk-thru to see the progress.

Mayor Dawson advised a Juneteenth press release will be going out the next day.

Mayor Dawson asked if staff could fix the grass area along the right-of-way near the new digital sign area. Mr. Gantt will see this is taken care of.

Commissioner Pearsall thanked staff for the information in the weekly manager's update. He requested any legal matters regarding Human Resources be disseminated to the board along with information from other departments.

Commissioner George thanked everyone for everything during the NC Blueberry Festival.

Commissioner Malloy said he is grateful for everyone.

Commissioner Rivenbark thanked everyone for their hard work and said he had several requests for country artists for the festival. He requested Mayor Dawson relay this request to the festival staff.

Commissioner Rivenbark said he was recently at the Pender County Rural Transportation Advisory Council Meeting and said he would like for the town to spread the word about the Pender County Comprehensive Transportation Plan Survey, which will close in September. Ms. Wells will see this information is published to the public. Also information from that meeting, Commissioner Rivenbark said the project of Walker Street/Wilmington Street will not start until year 2027, according to NC DOT's current schedule. He also said the widening project for NC Highway 53 between US Highway 117 and Stag Park Road will not be any time soon. After brief comments, it was requested to make sure the resolutions previously approved by the board for support of these projects are sent to the state.

A. Police Advisory Board Discussion

After a discussion, Commissioner Pearsall made a motion to suspend the Police Advisory Board at this time due to lack of participation. The motion was seconded by Commissioner George and carried by unanimous vote. The board requests a joint effort between Chief Hock and Chief Prevatte to provide a routine event such as "Coffee with the Chiefs" for the public to attend and share thoughts and concerns.

B. Annexation Request

I. Acceptance of the Certificate of Sufficiency from the Town Clerk

Commissioner George made a motion to accept the Clerk's Certificate of Sufficiency for the annexation request by Pender County. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

II. Resolution 2024-17 Setting a Public Hearing for the Annexation Petition received by Pender County

Commissioner Rivenbark made a motion to approve Resolution 2021-17 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

14. Closed Session - pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege

Commissioner Malloy made a motion to go into closed session at 8:41 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Commissioner Rivenbark made a motion to go back into open session at 9:20 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

15. Adjournment

Commissioner Dawson made a motion to adjourn the meeting at 9:20 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.