TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	July 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

The meeting was called to order by Mayor Dawson 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

Commissioner Rivenbark made a motion to approve the agenda as presented. The motion was seconded by Commissioner Dawson 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 June 26, 2024 Special Meeting Minutes

6. Special Requests/Presentations

A. North Carolina Blueberry Festival Association

Doug Krynicki with the NC Blueberry Festival Association thanked the town for their support and help during the NC Blueberry Festival held in June. Commissioner Rivenbark said he heard several requests to have a country singer as a headliner for the future festivals. He also asked Mr. Krynicki to make sure food vendors used the appropriate equipment and clean up procedures for oils and greases on the roadways following the festival.

B. John Westbrook

Vernon Harrell, President of the Downtown Burgaw Association, spoke in support of John Westbrook's presentation regarding downtown sidewalk improvements. Mr. Westbrook spoke about his ideas and gave handouts to the board. Commissioner Rivenbark said we've got to do something there and make it pedestrian friendly. He said he likes Mr. Westbrook's ideas and the idea of phasing.

C. Parks & Recreation Month Proclamation

Mayor Dawson read aloud the Parks & Recreation Proclamation.

7. Departmental Items

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

Dustin McCullen, IT Manager, gave a brief update regarding IT projects and said about 41 help desk tickets were resolved successfully. There were recent network issues with the cameras at Hankins Park, but have since been resolved.

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

Alan Moore, Public Works Director, gave an update from his department including water leak repairs and service line inventory project. He said the paving contractors will be working on East Taylor Street, East Hayes Street and Basden Road soon.

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

Johnathan Prevatte, Fire Chief, said the Fire Department has been very active with community involvement. He said there were 75 emergency calls within the last month and the Junior Firefighter Camp was a success with positive feedback from the attendees.

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

Damon Stanley, Facilities & Grounds Director, said several work requests have been completed, two HVAC units were repaired, a new drop box was installed for utility payments, and uniforms for his employees have been ordered.

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

Cody Suggs, Parks & Recreation Director, said his department is currently busy with summer camp and Summer on the Square Concerts. He gave a brief update on the West Side Trail project and said mapping is in process. Mr. Suggs also advised a local industry, GAF, has stepped up to participate in the Adopt-a-Bench program with the town and has adopted five (5) benches in town plus purchased one (1) new bench for the depot.

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

Ron Meredith, Planning Director, gave a brief update on his department and said staff is working on a backlog of plans, working on cleaning up the Unified Development Ordinance (UDO), and the NC Resilient Coastal Communities Program.

I. Resolution 2024-18 Adoption of the Town of Burgaw Resilience Strategy

Commissioner Rivenbark made a motion to approve Resolution 2024-18 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

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

Louis Hesse, Building Code Administrator, said residential construction is staying busy. He is currently in the process of reviewing the Pender County Law Enforcement Center plans, as well as the Pender County Health and Human Services plans. Mr. Hesse added the new ABC Store construction is coming to an end and will be performing the final inspection soon. He also gave a brief update on minimal housing and said that process is moving along.

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

Wendy Pope, Finance Officer, said the new fiscal year has begun.

I. Resolution 2024-19 Authorizing the Town of Burgaw to engage in electronic payments

Ms. Pope said her department is currently in the process of updating the procurement policy. She gave a brief overview of Resolution 2024-19 regarding electronic payments. Commissioner Pearsall asked who was writing the policy and if there was a deadline to have this completed. Ms. Pope said Deputy Finance Officer Tiffany Byrd is taking the lead on writing the policy and there is no particular deadline. Commissioner Pearsall would like staff to utilize a template for the policy to expedite the completion of this policy. Commissioner Malloy made a motion to approve Resolution 2024-19 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

I. **Human Resources Department**
Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kimberly Rivenbark, Human Resources Director, stated open enrollment for employee insurance was held in June. She said all deductions have been updated for the new fiscal year. She said Andrew Jones was recently hired to fill a vacancy in the Police Department as Patrol Officer. Ms. Rivenbark stated staff will begin working with a new software called Essential Personnel for tracking evaluations, continuing education, etc. Commissioner Pearsall asked if evaluations are used to determine merit increases. Ms. Rivenbark said yes and briefly explained the process. Commissioner Malloy confirmed with Ms. Rivenbark that evaluations are done on an annual basis.

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

Jim Hock, Police Chief, said new officers are progressing well with training. He advised Officer Rossi will be the School Resource Officer at Burgaw Middle School for the upcoming school year. Chief Hock also commented on the assistance with the town's July 4th parade and it's success, as well as saying Burgaw officers assisted with the Surf City fireworks.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:20 PM - 5:31 PM.

Sharon Schoneman, 507 North Wright Street, asked why the town does not have a disability program for assistance in paying utility bills. Ms. Pope said the town can not reduce rates for a certain class, so that is why we do not have a program. Attorney Rivenbark said we could have a program based on age like some counties have for tax breaks, but it would have to be applied the same way for everyone. He said this could be done by ordinance if the board wishes to do so.

9. Public Hearing

A. **Conditional Zoning Request**
Ron Meredith, Planning Director
Consideration of a conditional zoning request for a for a bar/cocktail lounge in the B-1, Central Business District, located at 114 S Dickerson St. (PIN 3229-22-9820-0000). The request would permit a bar use to occupy the existing structure.

Mayor Dawson declared the public hearing open at 5:33 PM.

Ron Meredith, Planning Director, reviewed the conditional zoning request as presented in Ordinance 2024-17.

Applicant Michael Fields spoke about the request he submitted for approval.

Public Comments

John Westbrook, 410 East Fremont Street, said this project will enhance the area and thinks it will be a wonderful thing.

Tyler Cannon, 810 West Bridgers Street Extension, voiced his support of Mr. Fields' project.

Other comments

Commissioner George commented on the empty lot next to the location being presented (114 South Dickerson Street). He said the area will be busy once this business is open.

There being no further discussion by the board, Mayor Dawson closed the public hearing at 5:43 PM.

I. Resolution 2024-20 Adopting a Statement of Consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Michael Fields of Retro Meadery LLC to rezone property located at 114 S Dickerson St. (PIN 3229-60-0564-0000) from B-1, Central

Business District, to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounges, and/or Nightclubs use.

Commissioner Rivenbark made a motion to approve Resolution 2024-20 as presented and stated it is reasonable and in the public's interest. The motion was seconded by Commissioner George and carried by unanimous vote.

II. Ordinance 2024-17 Approving an amendment of the official zoning map of the town of Burgaw requested by Michael Fields of Retro Meadery LLC to rezone property located at 114 S Dickerson St. (PIN 3229-60-0564-0000) from B-1, Central Business District, to B-1 Central Business District, Residential Conditional Zoning for a Bar, Cocktail Lounges, and/or Nightclubs use.

Commissioner Pearsall made a motion to approve Ordinance 2024-17 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

B. **Major Subdivision Request**
Ron Meredith, Planning Director
Consideration of a preliminary plat for a major subdivision in an existing R-12 residential district for a 9-lot single-family residential development located at East Coston Road (PIN 3229-47-0545-0000).

Mayor Dawson declared the public hearing open at 5:45 PM.

Ron Meredith, Planning Director, stated this is a quasi-judicial hearing so we will have to swear in everybody who plans to speak.

Attorney Rivenbark swore in Ron Meredith and applicant, Andrew Smith.

Ron Meredith: Thank you, Madam Mayor, once again and members of the board. This is a Major Subdivision preliminary plat application for an existing R-12 residential district. The applicant proposes a nine-lot single-family residential development located on East Coston Road, identified by pin 3229-47-0545-0000. As a reminder, the Major Subdivision application is a quasi-judicial process. To the north of the subject parcel R-12, to the south of the subject parcel R-7 MH and to the east and west of the subject parcel is R-12 and R-7 MH. This is the general layout of the applicant's proposal. The area highlighted in red on the screen is the general boundary of the existing parcel. The areas highlighted in green is the general boundary of the 9 proposed lots. The applicant has designed the subdivision's structures to be positioned outside of the the flood plane as you can see on your screen. It is important to note that the US Army Corps of Engineers approval was included in your packet. The proposal included open spaces that is located to the north of the subject parcel. The red arrow indicates an access easement to provide access for future residents to the open space. As specified in Section 10.25 Open Space Requirement, all subdivisions of 10 acres or more shall be required to maintain at least 15% dedicated open space. Such open

space shall be designated on the final plat prior to being recorded with the Pender County Register of Deeds. It is important to note that East Coston Road is a town road.
Commissioner Dawson: Excuse me Ron, what is the diameter of that?
Ron Meredith: I believe it was 96 feet. I will let the applicant expand on some of the specifics of the dimensions.
Commissioner Dawson: Okay.
Ron Meredith: But I will check on that for you.
Commissioner Dawson: And the Fire Department is pleased with that?
Ron Meredith: This has gone through TRC. It will meet fire standards.
Commissioner Dawson: Okay.
Ron Meredith: I would like to note that the development has gone through TRC process. This means that town officials have provided their comment to the applicant to better situate the development to meet the town codes and requirements. One comment provided by at the time of this TRC review was the installation of an additional fire hydrant, which you can see on your screen. These are images looking south, north and east. Stormwater would be required to meet the state requirement and would be verified by our engineering consultants. The setbacks are as follows: front yard, 25 feet, side yard, 15 feet, rear yard, 20 feet, and height 35. Overall proposed density with 9 units and 6.53 acres is about 1.38 acres. This is taken over the entire track, not just the area that was platted. The open space does meet the UDO standards, even though I mentioned that open space is only required when you go above 10 acres. That concludes my presentation and the applicant is here and can provide details and answer any specific questions you have based on design.
Attorney Rivenbark Ron, is it your intent to introduce your presentation as evidence for the hearing?
Ron Meredith: Yes, that is my intent.
Andrew Smith: Good evening. First and foremost, thanks everybody for their time today. It is an honor to be here. So, again, I think Ron did great covering that. It is roughly 6.5 acres. It is currently zoned R-12 and stayed with the exact zoning of R-12. Minimal lot size is 12,000 square feet and some of the larger lots are actually about 50,000 square feet, which is a little over an acre and a half. The goal and concept was to create as much open space...this actually doesn't show that but at the very back over here on the side, there's about 2 acres of open space. It will always remain green. No one could ever touch that. Again, there is an existing fire hydrant on the turn here and the goal is to extend and add another fire hydrant here. In working with the design, I was informed during the TRC meeting, that this did not meet the fire rating for what needed to be for a fire truck to turn around, so the proposal does extend this to 96 feet so that it would allow a fire truck to turn. Then also, giving about 20 feet additional space to have additional right-of-way, that would be dedicated to the town as public right-of-way. Then the boxes are really to show that's the representation of what a house could look like. The sewer line is already there and there is capacity for sewer. I am happy to answer any questions.
William Rivenbark: 96 feet will help the fire...if a school bus had to go down there, they are going to have a little bit of time because when I was with the school board,

transportation, we need about 100 feet in there to make that...if the school bus comes in there right now, I'm not sure if they are going in there right now. But to make that turn, they may have to back up a little bit then complete the radius, so just think about that and curving that left side so they will have room to turn around. Ninety feet is tough on a school bus, 96 feet would give them additional space but it's still...they may have to pull up and back up a little bit.
Andrew Smith: Yes, sir.
Commissioner Pearsall: And you are proposing to open that road a little wider?
Andrew Smith: Yes, sir, to increase it...basically it would come to the edge here, to make the road 20 feet wider.
Commissioner Malloy: Also, the very back space back there will always be green and never be developed?
Andrew Smith: Yes, sir, that is correct. It would be called technically common area for the nine lots here, so it would be deeded so that it could never be developed.
Attorney Rivenbark: Mr. Smith, with the road expansion and the cul-de-sac, you are agreeing, as a condition, to build those to town standards prior to them being dedicated to the town?
Andrew Smith: Yes, sir, to DOT standards.
Mayor Dawson: Okay, any more questions? Are we ready to vote?

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

I. Resolution 2024-21 Resolution for a Major Subdivision for property located on E. Coston Road (PIN 3229-47-0545-0000) to allow a proposed 9-lot single-family detached development in the existing R-12 residential district

Commissioner Rivenbark made a motion to approve Resolution 2024-21 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

C. **Voluntary Annexation Request**
Ron Meredith, Planning Director
Consideration of voluntary annexation of property owned by Pender County (PIN 3219-87-6937-0000) located on Old Savannah Road

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

Ron Meredith, Planner Director, reviewed the annexation request by Pender County as described in Ordinance 2024-18.

There being no discussion, Mayor Dawson closed the public hearing at 5:59 PM.

I. Ordinance 2024-18 Approving the amendment of the Town of Burgaw Zoning Map to reflect the annexation of property owned by Pender County (PIN 3219-87-6937-0000) located on Old Savannah Road.

Commissioner George made a motion to approve Ordinance 2024-18 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

10. Items from Assistant Manager

A. To be announced

Chief Hock, Assistant Town Manager, said the roads mentioned by Mr. Moore earlier in the meeting, will be paid from Powell Bill funds. Mr. Moore is also working with contractors for patching areas from water repairs. These repair costs will come from the Enterprise fund. Chief Hock said Mr. Moore has also contacted the engineer for replacing the top 3 water lines needed with funds from the DEQ grant. Chief Hock also advised he is waiting for a quote for the box culvert on Walker Street. He also said staff is currently getting quotes from Enterprise on the new fleet for the new budget year.

11. Items from Manager

A. To be announced

James Gantt, Town Manager, said the digital sign project is moving forward with additional electrical work running from the Burgaw Town Center. He also said the new budget year has started and is planning for FY 2025-2026 Capital Improvement Plan discussions to allow for public input during the fall of 2024. Mr. Gantt advised two bids were received for the Storm Water Master Plan, one being W.K. Dickson and one being Kleinfield. Mr. Gantt said W.K. Dickson was the most qualified and will begin moving forward with the project soon.

12. Items from Attorney

A. To be announced

Attorney Rivenbark confirmed with Ms. Pope that everything would be finished and submitted with the previous audit issues by July 1, 2024.

13. Items from Mayor and Board of Commissioners

A. To be announced

Commissioner Dawson thanked everyone for their involvement with the July 4th parade. She thanked the Fire Department for the effort of hanging the large American flag from the ladder truck during the parade. She also thanked Ms. Rivenbark for her Human Resources presentation.

Commissioner Pearsall also thanked Ms. Rivenbark for the presentation. He thanked everyone for their hard work, especially for the July 4th parade and Blueberry Festival. Commissioner Pearsall said he contacted about 20 people prior to the meeting to encourage them to attend in person or online. He is trying to get more participation and more ways to get information out to the citizens.

Commissioner George thanked everyone for the success of recent events.

Commissioner Malloy said he is always grateful for the work everyone does. He said he has received a call about snakes in the cafeteria at CF Pope School. He showed a picture on the screen of the overgrown house next to the school. Commissioner Malloy said he would appreciate us getting this taken care of. He commented on several other areas in town that are overgrown or has debris that needs to be removed. He said the town should not be responsible for picking up large items by the street. He said this needs to be stopped. Jessica Gray with the Planning Department said a letter has been sent to 307 West Williams Street and the items must be removed by July 26th or the town will remove it and send an invoice. There was much discussion by the board. Commissioner Pearsall said a 30 day time frame is too long and asked what could be done to shorten it to 15 days. Mr. Gantt and Attorney Rivenbark will look into the time frames for these types of violations.

There was additional conversation about the house next to CF Pope School. Ms. Gray said it has gone through the minimal housing process. She said she needs to get with Attorney Rivenbark so that an ordinance can be done to demolish it. Commissioner Rivenbark said we need to figure it out and get it done.

Mayor Dawson commented on a residence at the corner of McRae Street and Bridgers Street. She said there is a lot of things in the yard. Mr. Meredith will check on it.

Commissioner Malloy commented on people asking why the town does not do fireworks on July 4th. The board previously agreed the town would provide fireworks on New Year's Eve since other surrounding areas do fireworks for July 4th.

Commissioner Rivenbark thanked Burgaw Fire Department for hanging the large American flag from the ladder truck at Union Rescue Squad during their July 4th event.

Commissioner Malloy commented on swimming pools and reminded everyone to be careful with kids around.

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

Commissioner Dawson made a motion to go into closed session at 6:33 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Dawson made a motion to go back into open session at 7:08 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Upon returning to open session, Commissioner Dawson made a motion to allow Attorney Rivenbark to proceed with eminent domain for the sewer easements against Walmart and Jeffrey James. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

15. Adjournment

Commissioner Malloy made a motion to adjourn the meeting at 7:09 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.