TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

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

1. Call to Order

The meeting was called to order by Mayor Dawson.

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 George 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 Dawson made a motion to approve the consent agenda as presented, with the exception of Ordinance 2024-19 Town of Burgaw Golf Cart Ordinance, as well as amending the June 18, 2024 Regular Meeting Minutes as requested by Attorney Rivenbark prior to the meeting. Ordinance 2024-19 was requested to be placed on the agenda for discussion. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

A. Approval of the June 18, 2024 Regular Meeting Minutes

B. Contracts to Audit Accounts for the year ending June 30, 2024

C. Resolution 2024-22 Accepting funds from the NCDEQ Drinking Water State Revolving Fund - Lead Service Line Replacement loan

6. Special Requests/Presentations

A. FY 2022-2023 Audit Presentation - Lee Grissom, S. Preston Douglas & Associates

Lee Grissom with S. Preston Douglas & Associates presented the audit findings from FY 2022-2023. There was concern voiced about the audit being submitted on time in the future. Ms. Pope advised things are in place to make sure this does not happen again.

B. Pender County Spring Festival - Ross Harrell

Vernon Harrell was present and spoke on behalf of Ross Harrell with the Pender County Spring Festival. Mr. Harrell thanked the board for the money they included in the budget, however the festival would like to request an additional $1k so they can provide the services needed for the Spring Festival. Mr. Harrell reminded the board where the money goes and said vendors are not charged to participate. He said the festival committee is trying to keep finances as low as possible. There was conversation by the board and requested that the festival committee reach out to Pender County for funding as well. There being no motion on this item, Mayor Dawson said the board would possibly revisit this request at a later date.

7. Departmental Items

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

Dustin McCullen, IT Manager, advised there have been approximately 40 IT requests that were completed in the last month. He said he is currently transitioning to a new software to better keep track of IT requests. Mr. McCullen said the town replaced the entire fleet of copiers and printers. He also added there was an issue on July 19, 2024 with Crowdstrike anti-virus software that affected computers and servers around the world. He was able to get this issue resolved with the town fairly quickly.

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

Alan Moore, Public Works Director, advised his department is working on routine projects, including water and sewer tap installations, drainage issues, and cleaning up around town following recent inclement weather. Commissioner Rivenbark thanked Public Works for doing a good job. He asked Mr. Moore how much storm water he thought was getting into the sewer system. Mr. Moore said there was some getting into the system but doesn't know where and how much. Commissioner Rivenbark also asked who is responsible for cleaning up the debris that rises on the edge of the canal following rain events. Mr. Moore said his department would handle this. Commissioner Pearsall asked about a newer ditch near Durham Village and a new construction regarding erosion concerns. Mr. Moore said this would be Durham Village and the contractor's responsibility to fix.

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

Johnathan Prevatte, Fire Chief, advised there were approximately 85 calls over the last month. He said some of the members of the department completed child seat safety training recently and the department is working on implementing a program in the future for a specific time and day for child seat checks. Fire Chief Prevatte spoke about fire extinguisher courses provided for area agencies and organizations. He also said there were about 15 members present during Tropical Storm Debby and the crews responded to approximately 20 calls during the storm.

I. Ordinance 2024-20 Amending the FY 2024-2025 budget to reflect changes to the fee schedule proposed by the Fire Marshal

Chief Prevatte advised he has met with the Fire Marshal regarding the requested fee schedule amendments. He advised there were additional changes to the ones given to the board in their agenda packets prior to the meeting. Chief Prevatte explained the requested changes listed in Ordinance 2024-20. Following brief comments and questions for clarification of the amendments, Commissioner Rivenbark made a motion to approve the amendments as requested and listed in Ordinance 2024-20. The motion was seconded by Commissioner George and carried by unanimous vote.

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

Damon Stanley, Facilities & Grounds Director, said his team has been trying to keep up with mowing grass around town but the wet weather has caused some delays. He said he has worked on a couple of issues related to the HVAC units at Town Hall and was able to resolve those issues without needing an outside contractor. Mr. Stanley briefly spoke about rain and leak issues at the Old Jail, as well as a minor leak in the hood system at the depot. Contractors will be coming in to look at these things.

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

Cody Suggs, Parks & Recreation Director, said this year's summer camp was successful and thanked the Pender County Schools for providing a bus for transportation to and from field trips. He briefly went through results from a post-camp survey from parents. Commissioner Rivenbark asked for a status on the splash pad project previously proposed by the Parks Foundation. Mr. Suggs said the committee recently met and decided on a fundraiser goal and design company. Mr. Suggs also gave a brief update on the West Side Trail project.

I. Street Closure Requests for Town Events

Mr. Suggs requested street closures for Autumn Festival to be held downtown on October 19, 2024. The request is for closure of Fremont Street between Wright Street and Walker Street between 12:00 AM-12:00 AM, Wright Street between Fremont Street and Wilmington Street between 12:00 AM-7:00 PM, and Courthouse Avenue from Wright Street to the alley way between 12:00 AM-7:00 PM, on October 19. 2024. Commissioner Rivenbark requested that all businesses in the area be notified of the closures. Mr. Suggs said parking will be designated for businesses, such as the barber shop. Commissioner Pearsall made a motion to approve the street closures as requested. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Mayor Dawson asked if the board would consider approving a routine list of street closures for annual town events. Commissioner Pearsall said this would save time for everyone and we could remind the public and business owners of the closures in advance. After brief discussion, Mr. Suggs will present a master list of street closures for town events at the next meeting.

Mr. Suggs also requested a street closure for the upcoming Autumn Concerts to be held in Dees Park. This request is for closing Courthouse Avenue from Wright Street to the alley way on October 11 and 25, 2024, between the hours of 6:00 PM and 8:00 PM. Commissioner Malloy made a motion to approve the street closure request. The motion was seconded by Commissioner George and carried by unanimous vote.

There was discussion about alcohol (beer and wine only) being served at the Autumn Concerts. Attorney Rivenbark said if Burgaw Brewing is providing the alcohol, they need to have the Town of Burgaw listed as insured on their liability insurance. Chief Hock said it would be just like the NC Blueberry Festival where guests have beer and wine in a contained area where ID's are checked with extra law enforcement presence; a permit would need to be obtained from the state and a town special events application would need to be completed. There was discussion about logistics, etc. Commissioner Rivenbark and Malloy stated they do not have an issue with the alcohol as long as the town is covered. Mr. Suggs will bring additional information to the board at the next meeting.

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

Ron Meredith, Planning Director, gave an update on plans and projects currently in the que, as well as text amendments that will be coming before the board soon for consideration. He said the town received approval for the RCCP grant and is working with finance on submitting the paperwork. Mr. Meredith also said the new Community Development Coordinator will be starting soon. There will be a joint training session on quasi-judicial hearings on August 15, 2024 for the Planning Board and Board of Commissioners.

Commissioner Pearsall commented on the erosion concerns at new construction sites and having a prerequisite for contractors to make sure the ditches and erosion areas are fixed after building is complete.

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

Louis Hesse, Building Code Administrator, said he has been very busy with various projects in town. He said he is still in the process of reviewing the Pender County Law Enforcement Center plans, as well as the Pender County Health & Human Services plans. He added there are currently nine (9) active minimal housing cases and said there is good progress being made on those.

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

Wendy Pope, Finance Officer, advised new rates were reflected on the recent utility bills and so far, there has not been any negative feedback. There has been great response about switching to Wall Recycling for the trash service. Ms. Pope advised she has closed out the fiscal year ending June 30, 2024, and is on track to have everything submitted for the audit in a timely manner.

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

Kimberly Rivenbark, Human Resources Director, advised the new Community Development Coordinator will be starting soon. Conditional offers for four (4) part-time Firefighters have been completed. Commissioner Malloy commented on the employee turn overs recently.

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

Jim Hock, Police Chief, advised of some changes in the Police Department with officers resigning and SRO changes. Chief Hock advised Officer Murdock completed SRO training and will now be at C.F. Pope Elementery School and Officer Rossi will be the SRO at Burgaw Middle School. Detective Williams recently completed training for crisis intervention. Officer Jones and Officer Wilhelm recently completed training and are now working solo. There is currently one (1) Patrol Officer position being advertised. Chief Hock advised Officer Ramirez completed the child seat safety training. Chief Hock also gave a brief overview of the Cram the Cruiser campaign.

I. Ordinance 2024-19 Town of Burgaw Golf Cart Ordinance

There were concerns voiced about the proposed times and speed limits listed in the ordinance. After discussion, the board agreed to remove (A) Golf carts may be driven on town roads only from 6:00 AM to 9:00 PM, under Rules and Regulations, as well as changing the speed limit from 20 mph to 25 mph under definitions. Chief Hock advised Attorney Rivenbark had concerns with the last line under disqualified vehicles, "Police, Public Safety, and Town of Burgaw Maintenance vehicles are also exempt" and requested to remove from the ordinance. After conversation, Commissioner George made a motion to approve the ordinance with the removal of item (A) under Rules and Regulations, change the speed limit to 25 mph under definitions, and remove the line suggested by Attorney Rivenbark under disqualified vehicles. The motion was seconded by Commissioner Malloy and carried by unanimous vote. Chief Hock advised education of the ordinance will be provided to the public prior to permitting which begins January 1, 2025.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break from 5:31 PM to 5:40 PM.

Lila Jordan, Vice President of the 1865 Society of Pender County, spoke about the recent Juneteenth Celebration and thanked the staff and board for their support.

Leo Andrades, owner of 111 E. Fremont Street, and Robert Corbett, spoke about the recent flooding issue at his building as a result of the paving completed by NC DOT along Walker Street. After some comments, staff will reach out to NC DOT to look at the drainage in the area of concern.

David Koruely, 109 S. Wright Street, asked about sidewalk repairs along Courthouse Avenue. He said he is concerned about someone tripping and falling. Mayor Dawson advised this topic would be discussed at the next Board of Commissioner Work Session on August 27, 2024.

9. Public Hearing

A. **Mural Request - John Westbrook**
Ron Meredith, Planning Director
Consideration for a wall mural in the B-1, Central Business District, located at 101 S Wright St. (Pin: 3229-33-0288-0000).

Mayor Dawson declared the public hearing open at 5:54 PM.

Ron Meredith, Planning Director, presented the mural request as described in Resolution 2024-23. Mr. Westbrook also spoke about his request and said he is still working on pricing and the best material to place the mural along the brick facade. Mr. Meredith suggested the board can still consider the mural request even if Mr. Westbrook is not currently ready to proceed.

Mayor Dawson closed the public hearing at 6:10 PM.

I. Resolution 2024-23 Adopting mural request at 101 S. Wright Street

Commissioner George made a motion to approve Resolution 2024-23 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

10. Items from Assistant Manager

A. North Walker Street box culvert replacement project - Update

Chief Hock showed pictures of the culvert area at North Walker Street from a recent rain event. He wanted to show the board that water was flowing and see if they still wanted to proceed with the culvert replacement or wait since there was not a huge concern during the recent rain event. There was discussion by the board. Chief Hock reminded the board that engineering would cost approximately $50k and the cost of this project would come from the DEQ water and sewer grant if the board wished to proceed. There was discussion about downstream concerns near the Casey house on

North Cowan Street. Chief Hock and Attorney Rivenbark said the town does not own any of the canal near the Casey house and the property lines meet in the middle. There were comments about piping and Commissioner Rivenbark suggested to place riprap along the edges to prevent wash outs. Commissioner Malloy said residents upstream are having drainage issues and need to take care of the issue to get the water out. Commissioner Pearsall said there are two issues; we can let Public Works put in the culvert without engineering and it may cause issues downstream, or we can pay the $50k for engineering and they end up saying additional culverts are needed in other areas as well. There were comments on the scope of engineering. Chief Hock and Mr. Moore will inquire with the engineers to see what the scope of $50k includes. Mr. Gantt explained this area was originally in the stormwater master plan update but the board wished to look at this area sooner than when the plan could be done. He said we don't want to do work without engineering and then cause an issue to property owners then the town would be liable. The board recognized Charles Rooks to speak. He said $50k is alot of money for engineering of one pipe; $50k can buy a lot of pipe so if there is concern downstream, put a pipe in next to the Casey house. Commissioner Rivenbark said we have to trust our Public Works Department to do the right thing. Mr. Moore said he is comfortable doing this work as long as the town isn't liable. Attorney Rivenbark explained the liability issues. After some discussion, Commissioner Rivenbark suggested save the $50k for engineer work and trust the Public Works staff to get the project done. Commissioner Pearsall said he agreed with Mr. Rooks and $50k can buy a lot of pipe. Commissioner Rivenbark agreed. After discussion, Commissioner Pearsall made a motion to proceed with the culvert replacement without engineering and allow Public Works staff to do the work. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote. Work will begin as soon as the culvert is received. Commissioner Malloy requested Public Works staff to be present with the engineers when they are in town doing the stormwater master plan.

B. Other items to be announced

Chief Hock spoke about the sidewalk replacement project and presented the lowest responsible bidder's quote for the sidewalk replacements in the downtown area. The total cost is $213,258.50, including curb and gutter replacement. This includes sidewalks on both sides of Wright Street between Bridgers Street and Wilmington Street, the west side sidewalk of Wright Street between Wilmington Street and Satchwell Street, half of the block of Wright Street on the east side sidewalk between Fremont Street and Satchwell Street, and both sides of the Courthouse Avenue. Chief Hock reminded the board that $100k was allocated in the budget for sidewalk improvements. Commissioner Malloy asked about the sidewalks in front of the businesses on Wright Street between Wilmington Street and Fremont Street and the possibility of making them less than the 12 feet in width as they are currently. There were comments regarding the tight travel lanes on Wright Street when vehicles are parked on both sides. Making the width of the sidewalk smaller would allow extra room on the paved area. Commissioner Dawson commented on the funding; she asked if there was any money remaining in various line items that rolled into the general fund from the last budget year. Ms. Pope said she doesn't have exact numbers but believes it was around $300k that rolled into general fund after fiscal year 2023. Commissioner Malloy and Commissioner Rivenbark said they liked Mr. Westbrook's sidewalk plan he previously presented to the board. Commissioner Rivenbark said we need to get it done and make it happen. After brief discussion, the board agreed to move forward with repairs and talk about this item in further detail during the next Board of Commissioners Work Session on August 27, 2024.

Chief Hock advised three (3) water line replacements will begin soon. The cost of this project is being covered under the water and sewer grant funding.

11. Items from Manager

A. Update on current town projects

Mr. Gantt thanked the staff for their hard work during the recent storm.

Mr. Gantt said things are going well with Wall Recycling. A notice has been sent to GFL requesting them to pick up all of their remaining cans in town. Staff will publish a notice for all GFL carts to be placed by the street by August 21, 2024 for final pick up.

Mr. Gantt said a kick-off meeting is scheduled for the stormwater master plan to discuss further details with the engineering firm.

B. Other items to be announced

12. Items from Attorney

Attorney Rivenbark stated he only had items for closed session.

13. Items from Mayor and Board of Commissioners

A. Kiwanis Club of Burgaw Signage Request - Mayor Dawson

Mayor Dawson said the Kiwanis Club of Burgaw has requested to place signs at the entrances of town at the welcome signs. There was discussion about the materials and labor of installing the signs. Commissioner Rivenbark made a motion to allow the

Kiwanis Club of Burgaw to install their signs at the town's welcome signs. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

B. Other items to be announced

Commissioner Dawson said the hospital did a good job with keeping the water off of their parking lot and utilizing the pumps during the recent storm.

Commissioner Pearsall thanked Mr. Gantt for sending storm related updates via email. He thanked staff for their work during the storm. Commissioner Pearsall also said he has heard positive things about the digital sign.

Commissioner George, Malloy and Rivenbark thanked staff for everything.

Commissioner Rivenbark asked if the town was utilizing the Army Corp of Engineers when needed. Mr. Gantt advised we were. Commissioner Rivenbark said he wants to be sure we are communicating.

Commissioner Rivenbark made comments about projects needing to get done and stop putting off.

Mayor Dawson and Ms. Rivenbark spoke about the new flood map that will need to be approved soon.

14. Closed Session

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

Commissioner Dawson made a motion to go into closed session at 7:48 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner Rivenbark made a motion to return to open session at 9:02 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

15. Adjournment

Commissioner George made a motion to adjourn the meeting at 9:02 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.