

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

DATE: October 8, 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 to amend the agenda by adding item #6B, North Carolina Blueberry Festival Association Street Closure Request, under Special Requests, as well as adding item #13B, Duke Energy Progress, LLC Franchise Ordinance Renewal, under Items from Mayor and Board of Commissioners. 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 Dawson 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 August 27, 2024 Special Meeting Minutes
- B. Approval of the August 15, 2024 Special Meeting Minutes
- C. Approval of the August 13, 2024 Regular Meeting Minutes
- D. Approval of the August 13, 2024 Closed Session Minutes
- E. Approval of the February 27-28, 2024 Special Meeting Minutes
- F. Ordinance 2024-24 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for T-shirt purchase in the Fire Department
- G. Ordinance 2024-25 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for the Beautification Committee

6. Special Requests/Presentations

A. Employee Recognitions

Damon Stanley, Facilities & Grounds Director, introduced the newest employee to Facilities & Grounds, Andy Barnes. Mr. Barnes has filled the part-time Maintenance Worker position.

Johnathan Prevatte, Fire Chief, announced Michael Willingmyre is now a full-time Firefighter with the Fire Department.

Alan Moore, Public Works Director, announced the promotion of employee Ramiro Castaneda, Jr., as Water & Sewer Superintendent Trainee.

B. North Carolina Blueberry Festival Association - Street Closure Request

Crystal Batts, Executive Director of the NC Blueberry Festival, requested closure of Courthouse Avenue from Wright Street to Dickerson Street, as well as use of Dees Park, from 12:00 AM to 6:00 PM on November 16, 2024 for a chili cookoff fundraiser for the festival. All businesses on Courthouse Avenue have been notified.

Commissioner Dawson made a motion to approve the request as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

7. Departmental Items

Prior to Departmental Updates, Mayor Dawson allowed John Westbrook to speak to the board regarding a tree he wishes to donate to the town in memory of Judy Futch. There was prior discussion about planting it in the green space area next to the Burgaw Town Center. After discussion, the board was in agreement to move forward with planting the tree in the appropriate location in the green space next to the Planning & Inspections building/Burgaw Town Center. Mayor Dawson will reach back out to Mr. Westbrook once the exact location is determined.

A. Information Technology Department

Dustin McCullen, IT Manager

Dustin McCullen, IT Manager, reported approximately 30 help desk tickets were resolved during September. He also said we are on schedule to replace several laptops in the Police Department that was approved in the budget. Website updates have begun.

B. Public Works Department

Alan Moore, Public Works Director

Alan Moore, Public Works Director, advised of routine work within his department, including water and sewer taps, water leak repairs, and sidewalk improvements in the area of Fremont Street and Walker Street. He said the box culvert for North Walker Street is in but it is being held in storage at the company until work can be completed. Mr. Moore said Christmas decorations will begin going up around town on November 1, 2024.

C. Fire Department

Johnathan Prevatte, Fire Chief

Johnathan Prevatte, Fire Chief, advised there were approximately 76 calls for service during September. 265 training hours were completed as well. He advised several members of the department attended Eastern Carolina Fire College at Cape Fear Community College recently. Chief Prevatte spoke about improvements on training resources, as well as the success of the touch-a-truck event recently held at Pender Memorial Park.

D. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

Damon Stanley, Facilities & Grounds Director, updated the board on the progress of the electrical upgrades around the Courthouse Square. He also said there are mold issues in the Planning & Inspections building and work is in progress to get this taken care of.

Commissioner Pearsall asked Mr. Stanley about uniforms for the employees in his department. Mr. Stanley advised his employees should be wearing them, but sometimes they have on safety vests. Mr. Stanley will reiterate to his staff to make sure they are wearing their uniforms each day.

E. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Cody Suggs, Parks & Recreation Director, advised there is an event at Dees Park every Friday night in October. Autumn Fest is happening on October 19, 2024 from 10:00 AM to 6:00 PM on the Courthouse Square. Mr. Suggs gave an update on the Parks Foundation's splash pad fundraiser, and also gave a brief update on the progress of the West Side Trail project.

F. Planning Department

Ron Meredith, Planning Director

Ron Meredith, Planning Director, advised the site plan for Pender County Health & Human Services facility has been approved. He also said he would work with John Westbrook on the placing of the tree he wants to donate to the town in memory of Judy Futch. Mr. Meredith said he is working on updating the UDO and if the board has any requests to let him know. He also said he spoke to the state regarding the erosion concerns at construction sites, voiced by Commissioner Pearsall. Mr. Meredith said some of the sites don't qualify for the state regulations because they are less than an acre in lot size, but the town can implement guidelines in the UDO if they wish.

G. Building Inspections Department

Louis Hesse, Building Code Administrator

Louis Hesse, Building Code Administrator, said inspections are very busy and gave an overview of various projects, including the Health & Human Services plans and Pender County Law Enforcement Center. He added there are over 20 residential permits currently underway.

There was discussion about NC DOT improvements along Old Savannah Road in the area of the new Pender County Law Enforcement Center, as well as moving the driveway to enter the facility that would be located directly across from a residence. Commissioner Rivenbark said the last he heard in a NC DOT meeting, was that the

driveway was staying in the same location as originally presented. Commissioner Dawson and Pearsall spoke about the dangerous curves along the area. Mr. Meredith said he could reach back out to NC DOT but curves are normally looked at during the driveway permitting. Commissioner Dawson requested that we stress to NC DOT regarding the large trucks traveling that road and the curves need to be wider. Mayor Dawson also commented on the neighbor that requested a buffer next to the property and said the county needs to touch base with them regarding this.

H. Finance Department

Wendy Pope, Finance Officer

Wendy Pope, Finance Officer, advised she is working on the June 30, 2024 audit and everything is on track to be submitted by the October 31st deadline. She also said it looks like we are going to have to pull money from fund balance due to budget appropriations that occurred during FY 2023-2024. Commissioner Rivenbark and Mayor Dawson requested the most recent audit be visible on the website. Mayor Dawson also asked Ms. Pope if we are on track with ARPA deadline; she advised we were.

I. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kim Rivenbark, Human Resources Director, advised a new Patrol Officer will be starting soon. Commissioner Pearsall asked about the vacant positions in the Fire Department. Ms. Rivenbark advised those have been filled.

J. Police Department

Jim Hock, Police Chief

Jim Hock, Police Chief, advised the new Patrol Officer, Jacob Valade, will be starting October 14, 2024.

8. Public Forum

Mayor Dawson called for a break between 5:18 PM and 5:30 PM, prior to Public Forum.

John Westbrook signed up to speak, but stated he would allow Vernon Harrell to speak on his behalf.

Jon Martel, 235 Oakland Drive, Wilmington, spoke about the local hospital services and the importance of quality care.

Vernon Harrell, 108 N. McRae Street, spoke about the improvements along Courthouse Avenue and gave a petition to the Town Clerk for the record, showing support of the improvements along Courthouse Avenue. Mayor Dawson advised we

are meeting with Duke Energy Progress regarding improvements to the utility lines and then we will move forward from there.

9. Public Hearings

- A. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 8.15, to add recreational and vacation camps (except campgrounds) as a use in the I-1 and O&I.

Mayor Dawson declared the public hearing open at 5:41 PM.

Mr. Meredith reviewed the request as explained in Ordinance 2024-26. Mayor Dawson and Commissioner Rivenbark asked for clarification on this change and what this would allow the applicant to do. Mr. Meredith recognized Joe Boyd, representing the project requesting the change, said this would allow overnight stays for special needs camps at a facility in the zoning district. After explanation and brief discussion, the board agreed to allow this type of use.

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

- I. Resolution 2024-26 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 Chapter 8 Zoning, Section 8.14, Table of Permitted Uses, to add the use of recreational and vacation camps (except campgrounds) as a use in the I-1 and O&I.

Commissioner Pearsall made a motion to approve Resolution 2024-26 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

- II. Ordinance 2024-26 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 8 Zoning, Section 8.14, Table of Permitted Uses, to add the use of recreational and vacation camps (except campgrounds) as a use in the I-1 and O&I.

Commissioner Rivenbark made a motion to approve Ordinance 2024-26 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- B. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 8.15 use standards, to modify language related to the Bars, Cocktail Lounge, and/or Nightclubs use in the (PUD) (B-1, B-2) and to modify separations between uses.

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

Mr. Meredith reviewed the request as described in Ordinance 2024-27. There was brief discussion regarding parking and clarification on the request. Mr. Meredith said this amendment would remove the minimum separation between bars, cocktail lounge, and/or nightclubs to churches, schools, public parks or existing residential structures.

Mayor Dawson declared the public hearing closed at 5:56 PM.

- I. Resolution 2024-27 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 Chapter 8 Zoning, Section 8.15 Use Standards, to remove the minimum separation between Bars, Cocktail Lounges, and/or Nightclubs to churches, elementary schools, public parks, or existing residential structures as measured by a straight line between the closest exterior walls of the principal structures.

Commissioner Malloy made a motion to approve Resolution 2024-27 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-27 A text amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 8 Zoning, Section 8.15 Use Standards, to remove the minimum separation between Bars, Cocktail Lounges, and/or Nightclubs to churches, elementary schools, public parks, or existing residential structures as measured by a straight line between the closest exterior walls of the principal structures.

Commissioner Rivenbark made a motion to approve Ordinance 2024-27 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

10. Items from Assistant Manager

Chief Hock advised the box culvert for the North Walker Street project will be held in storage at the company until it is ready to be installed. Chief Hock also advised items are being purchased as approved with the \$240k state grant funding.

11. Items from Manager

Mr. Gantt updated the board on the Storm Water Master Plan project and advised the surveying has had a delayed start due to weather. They will begin downstream and work their way upstream.

Mr. Gantt advised we are still waiting on final documents for the Water & Sewer Master Plan. He said once these are received, we can bid the project out. He said it would be expensive but will be covered within the \$10.6 million dollar grant funding, as

previously approved and discussed by the board.

12. Items from Attorney

Attorney Rivenbark was not present at this meeting.

13. Items from Mayor and Board of Commissioners

Commissioner Dawson suggested to include wording on the advisory board applications that town boards are working boards such as attending meetings and events. Ms. Wells will update the application.

Commissioner Malloy said he was thankful for the work from everyone.

Mayor Dawson spoke about striping no parking areas and crosswalks. There was also discussion about various signs around town that need to be replaced or cleaned. Mr. Gantt will get a list of what needs to be done.

There was discussion about parking on the railroad right-of-way, as previously spoken about in the past. Mr. Gantt said NC DOT Rail has no issues, but the town needs to understand the designated parking areas would be removed if the rail plans to come back through town. Commissioner Malloy requested to work on getting this taken care of, to provide additional parking in the downtown area. Mr. Gantt will work on getting an encroachment agreement for this project.

Commissioner Rivenbark asked about the permitting process for the golf carts, as previously approved by the board. Chief Hock said we are working on implementing the program and will begin advertising in November with permitting starting in January.

Mayor Dawson mentioned to Mr. Meredith about looking at vape shops when updating the UDO.

A. Consideration of a Parks & Recreation Advisory Board application

Mayor Dawson advised William Stanfield has applied to be on the Parks & Recreation Advisory Board. She said he owns a business and is interested in being involved with the town. There being no objections, Commissioner Rivenbark made a motion to appoint William Stanfield to the Parks & Recreation Advisory Board. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

B. Duke Energy Progress, LLC Franchise Ordinance Renewal

Mr. Gantt advised this renewal was first reviewed and voted on during the September meeting. According to the town Code of Ordinances, this type of ordinance renewal must be considered and voted on twice in two regular meeting sessions by the Board of Commissioners. Commissioner Pearsall advised Attorney Rivenbark was going to

review the summary statement within the renewal and if he was okay with it, then he was in agreement. After brief comments, Commissioner Malloy made a motion to approve the Duke Energy Progress, LLC Franchise Ordinance Renewal for a 30-year term, as previously discussed at the September meeting. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

14. Closed Session

A. Pursuant to NC GS 143-318.11(a)(6) Personnel

Commissioner Rivenbark made a motion to go into closed session at 6:15 PM pursuant to NC GS 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Dawson made a motion to go back into open session at 7:47 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

15. Adjournment

Upon returning to open session, Commissioner Malloy made a motion to approve a Building Inspector position and increase revenues by \$200k as well as expenditures by \$200k. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

Commissioner Dawson made a motion to adjourn the meeting at 7:49 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.