

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

DATE: September 10, 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
BOARD MEMBERS ABSENT: Commissioner William Rivenbark

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

Mayor Dawson asked the board to consider amending the agenda by adding item #6E, Burgaw Baptist Church-Street Closure Request, and item #7EII, Pender High School Homecoming Parade. Commissioner George made a motion to approve the agenda with the amendments requested. 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 George made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

A. Approval of the June 18, 2024 Closed Session Minutes

- B. Approval of the July 9, 2024 Regular Meeting Minutes
- C. Approval of the July 9, 2024 Closed Session Minutes
- D. Resolution 2024-24 Adopting the most recent Municipal Records Retention and Disposition Schedule
- E. Ordinance 2024-21 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for sidewalk repair
- F. Ordinance 2024-22 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for purchase of speed limit signs
- G. Ordinance 2024-23 Adoption of Capital Project Ordinance for the Town of Burgaw Stormwater Masterplan

6. Special Requests/Presentations

A. Employee Recognitions

Ron Meredith, Planning Director, introduced Donna Sayre as the new Community Development Coordinator.

Alan Moore, Public Works Director, introduced Justin Murray as the new Equipment Operator.

Johnathan Prevatte, Fire Chief, advised four (4) new part time Firefighters have recently been hire (employee photos shown on the screen). Chief Prevatta also recognized Fire Marshal MaryBeth Kratovel for achieving the Level 3 Fire Inspector certification.

B. Sydney Lewis - Special Events Application

Sydney Lewis, Burgaw's Best/Lion's Crest Martial Arts, advised her business would like to host a trunk-or-treat event on October 31st between 5:00 PM and 7:00 PM, and requested parking spaces be blocked on Wright Street between Courthouse Avenue and Fremont Street and on Fremont Street between Walker Street and Wright Street. She also said if this was not acceptable due to safety concerns, her other plan would be to request use of Town Hall parking lot. After discussion by the board and considering the Fire Department would be handing out candy, along with the churches along Bridgers Street, Commissioner Malloy made a motion to allow use of the parking lot behind the Burgaw Town Center for set up of a trunk-or-treat event beginning at 4:00 PM on October 31, 2024, including use of 4-5 garbage roll carts. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

C. Pender United - Street Closure Request

A representative with Pender United advised their annual Community Day will be held on September 28, 2024 and requested closure of Fremont Street from Wright Street to Walker Street from 3:00 PM to 7:00 PM for two food trucks. Mr. Suggs said we could close it at 3:00 PM but there is no guarantee there will not be cars in the area. He added that it would be the event host's responsibility to have the vehicles removed if needed. Pender United also requested use of the town stage within their special event application. After discussion, it was determined that set up would begin at 11:00 AM and the best area for the food trucks would be on Wright Street between Courthouse Avenue and Fremont Street. There was additional discussion about the town stage. Mr. Suggs advised it is getting older and there are a few cosmetic issues. Attorney Rivenbark recommended having a hold harmless agreement for any type of town property that is loaned out for use. He can prepare a draft form to include in the special event application.

Commissioner Malloy made a motion to approve closure of Wright Street between Courthouse Avenue and Fremont Street beginning at 11:00 AM on Saturday, September 28, 2024. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

D. Duke Energy Progress, LLC Franchise Ordinance Renewal

Pam Hardy, District Manager for Duke Energy Progress, was present for the discussion of renewal of the Duke Energy Progress, LLC Franchise Ordinance. Ms. Hardy gave a brief overview of her position as District Manager and updates within the community.

Mr. Gantt advised the current 30-year franchise ordinance is up for renewal this year. He advised Duke Energy Progress has requested a 60-year renewal ordinance. Ms. Hardy said the request is for 60 years, but are open to 30 years. She said maintenance is included within the agreement. Mr. Gantt said the town has worked with with Duke

Energy Progress in the past. Commissioner Pearsall asked the difference in a 30-year term verses a 60-year term agreement. Mr. Gantt said there is really nothing different between the two lengths of terms on a town perspective. Certain aspects of the agreement are governed by the Utilities Commission. The agreement between the town and Duke Energy Progress is mainly for the purpose of allowing Duke Energy Progress access to their poles and on-going maintenance. Commissioner Pearsall said he believes the 30 year agreement is more reasonable. Commissioner Dawson and Mayor Dawson agreed. Commissioner George asked about the power poles along the sides of NC Highway 53 East. Ms. Hardy introduced Kelly Penny, Senior Stakehold Engagement, briefly spoke and advised those poles would be in the area of Four County Electric. Mr. Gantt said, according to town ordinance, the board must consider franchise agreements during two regular meetings. Commissioner Malloy said he would like further discussion on this matter before voting. Commissioner Pearsall spoke about issues with poles around town and communication with Duke Energy Progress. There was discussion about the process of replacing Duke Energy Progress poles and a delay of the old poles being removed. Mr. Gantt said there are other utilities that are attached to the Duke Energy Progress poles that take time to be moved. Ms. Penny also spoke about the process of work orders, etc. Commissioner Dawson asked if there was anything the town could do to help speed the process up when other utility companies need to remove or move their lines. Ms. Hardy said she would have a conversation with Mr. Gantt on ways the town could possibly help. She also said she understands the town may not have received the best service from Duke Energy Progress in the past, but as the District Manager of six counties, she is here to engage with the communities and make sure the best service is provided.

Commissioner George made a motion to approve the agreement for 30 years. The motion was seconded by Commissioner Pearsall. Commissioner Dawson, George, and Pearsall voted in favor of the motion; Commissioner Malloy abstained. Commissioner Malloy stated he would not vote against this and would approve it, but he has questions that he wants answers to first.

E. Burgaw Baptist Church - Street Closure Request

Laura Hinson, with Burgaw Baptist Church, requested closure of Bridgers Street between Wright Street and Walker Street again this year on October 31, 2024 for a trunk-or-treat event hosted by the Baptist Church and the Methodist Church. The request is to close the street beginning at 4:30 PM and will reopen by 8:00 PM at the latest. Commissioner George made a motion to approve the request. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

7. Departmental Items

A. Information Technology Department

Dustin McCullen, IT Manager

Dustin McCullen, IT Manager, reported approximately 60 IT service requests had been completed over the past month. He also said we have begun the process of updating the town website. Mr. McCullen said he continues to improve our IT system to keep it secure.

B. Public Works Department

Alan Moore, Public Works Director

Alan Moore, Public Works Director, said his department has been working on installing water and sewer taps, I&I issues, re-reads, patching, and service line inventory. He also advised the box culvert for North Walker Street should be here within the next couple of weeks.

Mayor Dawson how much notice does the sidewalk contractor need to begin work on Courthouse Avenue, as previously discussed in the work session. Mr. Moore said they would need about a 2 week notice.

C. Fire Department

Johnathan Prevatte, Fire Chief

Johnathan Prevatte, Fire Chief, reported his department responded to approximately 75 calls for service over the past month. 325 training hours were completed in August and three (3) new volunteers joined the department. Chief Prevatte advised the department assisted with numerous community events, station tours, education opportunities and smoke detector installations at residences. He also said a few of the volunteer members are moving forward with state certification.

D. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

Damon Stanley, Facilities & Grounds Director, was not present at the meeting.

E. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Cody Suggs, Parks & Recreation Director, gave an update about the splash pad fundraiser from the Parks Foundation. He said the committee has agreed to set a goal of \$150k. He said once that goal is met, a charitable donation will be made from the Parks Foundation to the town account so that we can apply for matching PARTF grant funding.

Mr. Suggs gave an update on the West Side Trail project. He said the contractor is preparing a timeline for the project, survey work is complete, and design work has

begun. Commissioner Pearsall requested the timeline once that is complete. Mr. Suggs said he would include the timeline in the weekly manager update.

Mr. Suggs said he is working on the Parks & Recreation Master Plan and plans to present to the board in the coming months.

I. Master List of Street Closures

Instead of coming before the board for street closure requests for reoccurring town events, Mr. Suggs presented a master list of street closure for routine events hosted by the town. There being no concerns voiced by the board, Commissioner Dawson made a motion to approve the list of street closures below. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

October 11th and 25th – Autumn Concerts

- Closure of parking spaces on Courthouse Avenue from Wright Street to Alley way. 5:00am-9:00pm day of the event.
- Closure of Courthouse Ave from Wright Street to Alley way. 3:00pm – 9:00pm day of the event.

October 19th – Autumn Fest

- Closure of Fremont Street from Wright Street to Walker Street. 12:00am – 7:00pm day of the event.
- Closure of Wright Street from Fremont Street to Highway 53. 12:00am -7:00pm day of the event.
- Closure of Courthouse Avenue from Wright Street to the Alley. 12:00am-7:00pm day of the event.

November 30th – Christmas Tree Lighting

- Closure of parking spaces on both sides of Wright Street from Fremont Street to Courthouse Avenue. 5:00am – 9:00pm day of the event.
- Closure of Wright Street from Courthouse Avenue to Fremont Street. 4:30pm – 9:00pm day of the event.

December 7th - Christmas on the Square

- Closure of Wright Street from Courthouse Avenue to Fremont Street. 6:00am – 5:00pm the day of the event.

December 31st - New Years Eve Blueberry Drop

- Closure of parking space on both sides of Wright Street from Fremont Street to Courthouse Avenue. 5:00am – 9:00pm.
- Closure of Wright Street from Fremont Street to Courthouse Avenue. 4:00pm – 9:00pm day of the event.
- Closure of Fremont Street from Wright Street to Walker Street. 5:00am – 9:00pm day of the event.
- Dickerson Street from Industrial Drive to Williams Street. 7:00pm – 7:30pm day of the event.
- Clark Street from Dudley Street to Dickerson Street. 7:00pm-7:30pm day of the event.

Summer on the Square – June 6th, June 20th, July 11th, July 25th, Aug 8th (2025)

- Closure of parking spaces on Wright Street (courthouse side) from Fremont Street to Courthouse Ave. 5:00am – 9:00pm.

II. Pender High School Homecoming Parade

On behalf on Pender High School, Mr. Suggs requested approval of temporary street closures for the upcoming annual Pender High School Homecoming Parade on September 27, 2024 beginning at 4:00 PM. The route will be the same as years past: leave the middle school and circle downtown, including South Dickerson Street, East Fremont Street, South Wright Street and West Williams Street. Chief Hock is aware of the request and will have staff on site during said event. There being no discussion, Commissioner Malloy made a motion to approve the request as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

F. Planning Department

Ron Meredith, Planning Director

Ron Meredith, Planning Director, advised he is working on the RCCP grant, Pender County Health & Human Services site plan review, code enforcement, text amendments and UDO updates. He also said he and Mr. Hesse have been training their new employee, Donna Sayre.

I. Road Naming Request by Applicants Jamie and Chad Getz

Mr. Meredith advised a road naming request was received by Jamie and Chad Getz along US Highway 117 North near the area of Peterson Hill Avenue, to name a private road "Tatum Trail." Mr. Meredith advised the name has been reviewed by Pender County E-911 Addressing department and there are no issues. Commissioner George made a motion to approve the road name request as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

II. Road Naming Request by Applicant Patricia Adams

Mr. Meredith advised a road naming request was received by Patricia Adams to name two streets in the area of 701 North Wright Street. One street is requested to be named Alonza James Road and MJ Woods Drive. Mr. Meredith advised the names have been reviewed by Pender County E-911 Addressing department and there are no issues. Commissioner Malloy made a motion to approve the road name request as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

G. Building Inspections Department

Louis Hesse, Building Code Administrator

Louis Hesse, Building Code Administrator, advised all projects are making progress. Commissioner Pearsall commented on the amount of building occurring in his neighborhood and the ongoing concern with the erosion and drainage from the construction work. Mayor Dawson spoke about the infill going on around town and clarified these lots did not have to be rezoned.

H. Finance Department

Wendy Pope, Finance Officer

Wendy Pope, Finance Officer, advised she is the ex-officio member of the Parks Foundation and reminded everyone that donations for the splash pad are tax deductible.

I. Town of Burgaw Internal Control Policies

Ms. Pope briefly explained the policy included in the agenda packet to the board for review. She said the policy would apply to all town departments, not just the Finance Department. There being no concerns or questions, Commissioner Pearsall made a motion to approve the policy presented by Ms. Pope. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

II. Resolution 2024-25 Allowable Costs and Cost Principles for Expenditure of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments

Ms. Pope briefly explained Resolution 2024-25. Attorney Rivenbark has reviewed the resolution. Commissioner Pearsall made a motion to approve the resolution as

presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

I. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kimberly Rivenbark, Human Resources Director, advised of current employment opportunities.

J. Police Department

Jim Hock, Police Chief

Jim Hock, Police Chief, said he recently assisted UNCW by helping with Police Chief assessments. Captain Fuller will be helping them with their Captain assessments as well. Chief Hock gave other updates within the department, including Patrol Officer vacancies and visiting James Sprunt Community College to speak with the BLET class.

8. Public Forum

Mayor Dawson called for a break between 5:18 PM and 5:31 PM, prior to Public Forum.

There were no speakers for Public Forum.

9. Items from Assistant Manager

A. Updates on current projects

Chief Hock said there was not much more to speak about outside of what was already listed in the weekly manager updates. He added that some of the older police vehicles are ready to be surplussed with Enterprise and will be getting additional vehicles soon.

B. Other items to be announced

10. Items from Manager

A. Updates on current projects

Mr. Gantt gave an update on the Storm Water Master Plan project. He said the contract and funding allows up to 800 structures to inventory and engineering staff will be in various areas of town beginning at the end of the month.

Mr. Gantt advised he recently met with a representative from Senator Ted Budd's office regarding possible funding opportunities for renovation of the second floor of the Old Jail.

Mr. Gantt said he has a meeting scheduled with Duke Energy Progress to look at the downtown area regarding the feasibility of moving power lines.

Mr. Gantt advised staff is moving forward with details regarding sidewalk improvements on Courthouse Avenue. He said he is waiting to see what Duke Energy Progress says about the power lines. Mayor Dawson reminded everyone of the upcoming events planned for Courthouse Avenue.

Mr. Gantt gave an update on Wall Recycling regarding trash collection in town since they began servicing our area in July. He said there was one complaint about a dumpster being picked up prior to 7:00 AM. Mr. Gantt said he reached out to our representative and they assured it would not happen again. Mr. Gantt also said there are still some lingering issues with GFL and Waste Management; there are some roll carts still around town, as well as a dumpster that is currently blocking access to a Wall Recycling dumpster. After discussion, Mr. Gantt requested the board consider implementing a fine for the containers in town that are not Wall Recycling and adding this fee to our fee schedule. Mayor Dawson suggested to send a final notice to the companies in violation. After discussion, Commissioner Pearsall made a motion to approve the recommended fee to be added to the FY 2024-2025 fee schedule: "Violation of Exclusive Solid Waste Contract by Nonauthorized Parties, \$250/container/day, applies to all commercial, institutional, educational, government, and residential containers placed by contractors other than the Town of Burgaw's contracted Solid Waste Provider (excludes construction dumpsters placed on a temporary basis for construction purposes). The motion was seconded by Commissioner George and carried by unanimous vote.

B. Other items to be announced

11. Items from Attorney

Attorney Rivenbark stated he only had items for Closed Session.

12. Items from Mayor and Board of Commissioners

Mayor Dawson requested the board consider allocating additional funds to the Beautification Committee for Christmas decor. Commissioner Dawson said the Burgaw

Town Center will be on the Christmas Home Tour hosted by the Pender County Historical Society this year and the committee wants to make sure it is nicely decorated for Christmas. Mayor Dawson and Commissioner Dawson asked the board to approve \$500-\$700 for additional Christmas decor. After brief discussion, Commissioner Pearsall made a motion to approve \$700. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

13. 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 6:31 PM pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner Malloy made a motion to go back into open session at 7:44 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Upon returning to open session, a motion was made by Commissioner Pearsall to approve Commissioner Malloy to serve as Chaplin for the Fire Department, Police Department, and Town Hall. The motion was seconded by Commissioner George and carried by unanimous vote.

14. Adjournment

Commissioner George made a motion to adjourn the meeting at 7:45 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.