

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

DATE: November 12, 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 Malloy made a motion to approve the agenda as presented. The motion was seconded by Commissioner George 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 Pearsall made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

A. Approval of the September 10, 2024 Regular Meeting Minutes

- B. Approval of the September 10, 2024 Closed Session Minutes
- C. Approval of the October 8, 2024 Regular Meeting Minutes
- D. Approval of the October 8, 2024 Closed Session Minutes
- E. Ordinance 2024-28 Amending the FY 2024-2025 Annual Budget to recognize additional Building Permit revenue and Inspections departmental expenditures.
- F. Ordinance 2024-29 Amending the FY 2024-2025 Annual Budget to reflect changes to the Schedule of Fees

6. Special Requests/Presentations

- A. Employee Introductions

Jim Hock, Police Chief, introduced the newest Patrol Officer, Jacob Valade.

Louis Hesse, Building Code Administrator, introduced Ivey English as a new Building Inspector for the town.

Johnathan Prevatte, Fire Chief, introduced Michael Willingmyre, Joseph Williams, Jr., and Parker Brown as new full-time Firefighters.

- B. Swearing In of Burgaw Firefighters Michael Willingmyre, Joseph Williams Jr., and Parker Brown - Mayor Dawson

Mayor Dawson administered the oath of office to Firefighters Parker Brown, Michael Willingmyre, and Joseph Williams, Jr.

- C. Life Saving Award and Citizens Commendation Award - Johnathan Prevatte, Fire Chief

Chief Prevatte recognized Firefighter/Apparatus Operator Joseph Smith, Jr., former Firefighter Landon Harrell, part-time Firefighter Brent Stophel, and Volunteer Firefighter Hagan Blake for their life-saving efforts during a recent fire call. Chief Prevatte also recognized Donald "Skip" Johnson with Pender EMS & Fire. Timothy Bourque was given a Citizen Commendation Award for his life-saving efforts, as well.

D. Recognition of the Promotion of Sergeant Kennedy, Burgaw Police Department - Jim Hock, Police Chief

Chief Hock recognized Sergeant Ronnie Kennedy with the Burgaw Police Department on his recent promotion.

E. FY 2023-2024 Audit Presentation - Lee Grissom, S. Preston Douglas & Associates

Lee Grissom with S. Preston Douglas & Associates was in attendance virtually and gave an overview of the FY 2023-2024 audit. Finance Officer Wendy Pope and Mr. Grissom commented on a few items regarding the audit. There were no questions or concerns voiced from the board.

F. Burgaw Rotary Club - Fee Waiver Request

Ruth Glaser, President of the Burgaw Rotary Club, requested the usage fee be waived for use of the Community House on December 4, 2024 for a Rotary event to be held between 6:00 PM and 8:00 PM. After brief discussion, Commissioner George made a motion to approve the fee waiver request, but require the payment of the cleaning fee. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

G. Burgaw Area Chamber of Commerce - Street Closure Request for Annual Christmas Parade

Jeana Lindbert, Interim Director of the Burgaw Area Chamber of Commerce, requested street closures for the Annual Christmas Parade to be held on December 14, 2024. She advised the closures are the same as in years past. There being no questions or concerns, Commissioner Rivenbark 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, advised there were approximately thirty (30) service tickets resolved over the past month. He said the website update project is underway,

and is working on replacing some of the laptops in the Police Department.

B. Public Works Department

Alan Moore, Public Works Director

Alan Moore, Public Works Director, advised his department has been working on getting Christmas decorations up around town, along with normal daily activities. Mayor Dawson and Commissioner Dawson said the decorations are looking nice and appreciated Public Works assistance.

There was brief discussion regarding the dead tree that still remains in the parking area at South Wright Street/Williams Street near Burgaw Middle School, due to a storm during the fall. Mr. Gantt advised it is located on private property because the property line extends into the paved area. Planning staff will send a letter to the property owner.

C. Fire Department

Johnathan Prevatte, Fire Chief

Jonathan Prevatte, Fire Chief, advised there were 77 calls for service during the month of October, and 311 training hours for the month. He said there were several fire prevention events over the last month as well. Chief Prevatte said a Junior Volunteer Firefighter has joined the department with the new program, as well as a new volunteer Firefighter. Commissioner Dawson asked what the minimum age is for the Junior Firefighter program. Chief Prevatte advised it was age 16 and explained the program.

D. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

Damon Stanley, Facilities & Grounds Director, said his department has been very busy and is currently working along with Security Plus on the electrical project around Courthouse Square. He said Duke Energy is also involved with assessing areas as well. Mr. Stanley said remediation at the inspections building is underway. Attorney Rivenbark asked if Mr. Stanley was planning to put lights or reflective tape on the electrical boxes at the holly trees along Fremont Street/Courthouse Square. He said they are a trip hazard. There was brief discussion and Commissioner Rivenbark suggested to get a cost of small solar lights for the top of the boxes.

E. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Cody Suggs, Parks & Recreation Director, advised the NC Blueberry Festival Association will be hosting a Chili Cook-off event on Courthouse Avenue on November 16, 2024. Mr. Suggs said he is busy with the upcoming Christmas events, as well as the Parks & Recreation Master Plan that will be presented to the board in the coming months. He also said the Parks Foundation continues fundraising efforts for the splash pad project. Mr. Suggs also gave a brief update on the West Side Trail Project and

said the design and engineering should be completed by the end of November with permitting complete in April 2025. The project should be completed by October 2025.

F. Planning Department

Ron Meredith, Planning Director

Ron Meredith, Planning Director, advised his department in working on updating the UDO, Tree City USA resubmittal, RCCP grant and training Ms. Sayre, the new Community Development Coordinator. He said the tree given by Mr. Westbrook will be placed soon.

G. Building Inspections Department

Louis Hesse, Building Code Administrator

Louis Hesse, Building Code Administrator, gave an update on the current projects and said all is moving smoothly. He thanked the board for recently approving the Building Inspector position. Commissioner George asked about the status of the Wolfe Building on the corner of Wright Street and Wilmington Street. Mr. Hesse said the owner is planning to demolish the building and rebuild with commercial on the first floor and residential on the second floor.

H. Finance Department

Wendy Pope, Finance Officer

Wendy Pope, Finance Officer, said she is working on routine reporting and advised she will be working on bidding out banking services and audit services beginning in January.

I. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kimberly Rivenbark, Human Resources Director, advised of current employment positions available.

J. Police Department

Jim Hock, Police Chief

Jim Hock, Police Chief, advised the department is working on firearms training. He also said the K9 Kane has been recertified for the year. Chief Hock also said some members of the department will be participating in 'No Shave November'.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:23 PM and 5:36 PM.

Sharon Schoneman, 507 N. Wright Street, was present and commented on the condition of the house next to her residence, at 505 N. Wright Street. She said there are rodents and no one has lived there in 20 plus years. Mr. Hesse said very minimal has been done, but the heirs of the property owner are making slow progress.

9. Public Hearing

A. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 8.14, to add Auction Houses (excluding livestock) as a use in the I-1.

Mayor Dawson declared the public hearing open at 5:40 PM.

Mr. Meredith gave an overview of the request as described in Ordinance 2024-30.

There being no questions by the board and no speakers, Mayor Dawson closed the public hearing at 5:43 PM.

- I. Resolution 2024-29 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 Auction Houses (excluding livestock) as a by-right use in the I-1 zoning district.

Commissioner Dawson made a motion to approve Resolution 2024-29 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-30 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 8, Section 8.14. Table of Permitted Uses, to add Auction Houses (excluding livestock) as a by-right use in the I-1 zoning district.

Commissioner Malloy made a motion to approve Ordinance 2024-30 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

B. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 9.27.3, to

modify tree mitigation requirements and tree removal requirements of public property.

Mayor Dawson declared the public hearing open at 5:44 PM.

Mr. Meredith gave an overview of the request as described in Ordinance 2024-31.

Commissioner Pearsall asked if there was a diameter limit for the tree. Mr. Meredith said the ordinance is not very specific.

Mayor Dawson closed the public hearing at 5:50 PM.

- I. Resolution 2024-30 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 9, Sections 9.27.3 to add language related tree mitigation requirements and tree removal requirements of public property.

Commissioner Dawson made a motion to approve Resolution 2024-30 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-31 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 9, Sections 9.27.3 to add language related tree mitigation requirements and tree removal requirements of public property.

Commissioner Pearsall made a motion to approve Ordinance 2024-31 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

C. Consideration of a text amendment to the Unified Development Ordinance requested by Planning Staff to amend Section 9.27.3, to modify the tree inventory requirements.

Mayor Dawson declared the public hearing open at 5:50 PM.

Mr. Meredith gave an overview of the request as described in Ordinance 2024-32.

There being no questions by the board and no speakers, Mayor Dawson closed the public hearing at 5:54 PM.

- I. Resolution 2024-31 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 9, Sections 9.27.3. to add language providing an additional option for the tree inventory.

Commissioner Rivenbark made a motion to approve Resolution 2024-31 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

- II. Ordinance 2024-32 A text change amendment to the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to amend Chapter 9, Sections 9.27.3. to add language providing an additional option for the tree inventory.

Commissioner Malloy made a motion to approve Ordinance 2024-32 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

10. Items from Assistant Manager

A. Project Updates

Chief Hock advised new replacement vehicles have recently been striped and are currently waiting on more vehicles to come in. Chief Hock also advised some staff have been taking the drone training course to fly the drone purchased by the town with the directive grant. He also reminded the board that the Police Department UTV and Fire Department UTV were also purchased with the grant funding. There was discussion and display of the drone by Mr. Gantt.

Commissioner Rivenbark commented on a concern from Halloween regarding the road closure in front of the Methodist Church. He said barricades rather than cones alone would be helpful. There was also brief discussion regarding the child hit and run incident on Halloween night.

11. Items from Manager

A. Burgaw Business Improvement District (BID) Extension

In 2014, the Town of Burgaw Board of Commissioners established a Business Improvement District (BID) / Municipal Service District (MSD) in the Downtown area to be able to offer incentives for the Downtown business and property owners. The approved BID ordinance had a sunset date for 5 years from the adoption. The BID was extended for an additional 5 years in 2019 with it expiring in 2024. Mr. Gantt recommended to remove the 5-year sunset period from the program and change the language to "The Downtown Burgaw Business Improvement District and associated rights and privileges shall remain in effect from July 1, 2014 until abolished by the Board of Commissioners pursuant to G.S. 160A-541." Commissioner Dawson asked if we need to look at the boundaries. Mr. Gantt explained that public hearings would

need to be held to expand the district. There being no further discussion, Commissioner Malloy made a motion to approve the extension as recommended by Mr. Gantt. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

B. Project Updates

Mr. Gantt gave an update on the Storm Water Master Plan and said there will be about 300 out of 800 structures that will be surveyed. He also advised there was a meeting with Duke Energy regarding future electrical plans for Wright Street and Courthouse Avenue. Mr. Gantt shared the presentation from the meeting with the board. The project includes underground utilities along Courthouse Avenue and Wright Street between Wilmington Street and Fremont Street. The proposed price for the project would be approximately \$242k with a time frame of completion by May 2025.

Commissioner Dawson asked about decorative lamp posts along Wright Street. Mr. Gantt said the sidewalk would have to be cut in order to place these type lamp posts along Wright Street because we are not planning to replace the sidewalk in this area right now. He said lamp posts could be added along Courthouse Avenue because that is where the board decided to start with sidewalk replacement. After discussion, Commissioner Dawson made a motion to appropriate \$250k for the underground utilities project. The motion was seconded by Commissioner Pearsall and carried by unanimous vote. Ms. Pope will include a budget appropriation ordinance at the next regular meeting.

12. Items from Attorney

Attorney Rivenbark advised there was no need for a closed session, and stated he understood from Mayor Dawson from the last meeting (Attorney Rivenbark not present) that the board wanted to push the easements for the Highway 117 Sewer Project. Attorney Rivenbark advised there has been a lot of talking progress, but not much document signing completed. He said he would provide the board with an update in approximately two weeks before the December meeting. He will have a list for the December meeting of properties we do not have easements for, so the board can consider moving forward with litigation.

13. Items from Mayor and Board of Commissioners

Commissioner Dawson said downtown parking continues to be an issue and would like to move forward with some sort of solution for parking, such as placing parking along the railroad right-of-way as previously discussed.

Commissioner Malloy asked Mr. Meredith about the rules on having chickens in town. Mr. Meredith said it depends on the zoning district. Attorney Rivenbark stated the rules for residential are no more than five chickens, no roosters and they can not be free

range.

Commissioner Malloy asked if the board could set ground rules for allowing the public to speak during work sessions.

Mayor Dawson said she appreciates the board's support in moving forward with the Duke Energy proposal for underground utilities. She also stated she would like staff to work more efficiently on the process for press releases and public information. Mayor Dawson also reminded the board that the next work session is scheduled for January 29, 2025. She said the work sessions are for going more in depth for the planning needs and project discussions of the town. Commissioner Malloy asked if the board can get ground rules for the work sessions on allowing the public to speak. He understands the public is invited and welcome to attend, but the work sessions are for conversations between the board. The board agrees this time is for discussion among the board only and to limit the public to speak at regular meetings only. Mayor Dawson said we will set this rule from this point forward at the work sessions.

14. Adjournment

Commissioner Rivenbark made a motion to adjourn the meeting at 6:48 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.