TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	January 14, 2025
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 Adam Kord from Friendly Community Church.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Mayor Dawson requested to amend the agenda by adding special recognition of employees under "Special Requests/Presentations". Commissioner Dawson made a motion to approve the agenda as amended. The motion was seconded by Commissioner Pearsall 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 Rivenbark made a motion to approve the consent agenda. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

A. Ordinance 2025-01 Recognizing Insurance Proceeds for repairs to Annex Building

B. Ordinance 2025-02 Fund Balance Appropriation for replacing sidewalks on North Wright Street

C. Ordinance 2025-03 Fund Balance Appropriation for storm drainage work

D. Ordinance 2025-04 Closing the Multi-Purpose Building Renovation Capital Project Ordinance

E. Ordinance 2025-05 Approving Capital Project Ordinance SL 2023-134

F. Resolution 2025-04 Accepting American Rescue Plan Act grant funding

G. Resolution 2025-01 Approving the Conflict of Interest Policy

H. Resolution 2025-02 Approving the Procurement Policy

I. Resolution 2025-03 Approving the Record Retention Policy

J. Resolution 2025-05 Approving the Nondiscrimination Policy Statement

K. Resolution 2025-06 Approving the Property Management Policy

L. Resolution 2025-07 Authorizing execution of necessary documents to award the contract for the Resilient Coastal Communities Program grant-funded rain garden project

6. Special Requests/Presentations

Chief Hock recognized Erica Thomas as the newest Patrol Officer with the Burgaw Police Department. He also recognized Officer Bogan being promoted to Patrol Corporal.

Chief Prevatte recognized new part-time Firefighters Savannah Glenn, Henry Wessell, Caden Rhoades, and Jared Nealey.

A. Swearing in of Burgaw Fire Department Engineer Matthew Wheeler and Engineer Cameron Moniack - *Mayor Dawson*

Chief Prevatte recognized Matthew Wheeler and Cameron Moniack as the newest Engineers with the Burgaw Fire Department. Mayor Dawson administered the oath of office to Engineer Wheeler and Engineer Moniack.

B. Community Service Award - *Cody Suggs, Parks & Recreation Director*

Cody Suggs, Parks & Recreation Director, recognized local boy scout Sam Huemme for his recent community service efforts for his Eagle Scout project.

7. Departmental Items

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

Dustin McCullen, IT Manager, advised there were approximately 30 service tickets completed in December. He continues to work on the Police Department laptop project, as well as the town's website redesign project.

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

Alan Moore, Public Works Director, advised his department continues with day-to-day routines, including water and sewer taps and taking down Christmas decorations around town. He said the new sidewalks along Wright Street between Wilmington

Street and Bridgers Street are completed. The sidewalk on Bridgers Street between Wright Street and Dickerson Street is almost complete. Mayor Dawson and Commissioner Dawson said the new sidewalks are looking nice.

Commissioner Rivenbark thanked Public Works for fixing an area of the sidewalk in front of the Presbyterian Church.

Commissioner Malloy thanked Public Works for their hard work with all of the Christmas decorations around town.

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

Johnathan Prevatte, Fire Chief, advised 85 calls for service were responded to during the last month. There were approximately 496 training hours completed in December 2024, and over 4,000 training hours for the year of 2024. The department continues to attend various events hosted by the town.

Chief Prevatte advised the department has submitted an application in hopes for a grant funding to assist with the purchase and installation of a plymovent exhaust system in the bay. If awarded, the grant would cover 95% of the costs and the town would pay the remaining 5%.

Commissioner Rivenbark asked if anyone from Burgaw Fire Department responded to the wild fires in California. Chief Prevatte said no one from the town has been deployed to assist, but information about the incident has been sent out to local fire departments.

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

Damon Stanley, Facilities & Grounds Manager, said his staff is working on larger projects since the weather is cooler. He also said his department is looking at design plans for landscaping areas in town.

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

Cody Suggs, Parks & Recreation Director, said he is working along with Mr. Stanley's staff on beautification projects around the depot. He gave an update on upcoming events and said the annual NC Blueberry Festival Pancake Breakfast will be held on February 8, 2025 at the Fire Department. Mr. Suggs advised he is waiting to receive cost estimates for the West Side Trail project and hopes to have an update for the board at the January 29, 2025 Board of Commissioners Work Session.

Mr. Suggs advised the Parks & Recreation Master Plan has been completed and copies have been distributed to the board. There was brief discussion on the process of gathering the information included in the plan. The board commended Mr. Suggs on a job well done. Commissioner Rivenbark asked if we are still within the project completion timeframe for the grant funding. Mr. Suggs said the contractor has assured him that the project will be completed by the October 2025 funding deadline.

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

Ron Meredith, Planning Director, advised UDO updates are ongoing and spoke briefly about House Bill 382. He commented on a recent transportation meeting he attended and the opportunities for grant funding. Mr. Meredith said his department is currently working on 11 zoning violations, as well as proceeding with awarding the contract for the RCCP grant project, as described in Resolution 2025-07 that was approved in the consent agenda at this meeting.

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

Louis Hesse, Building Code Administrator, said he and his staff continue to be very busy and gave an update on various projects around town. He said he is very appreciative of his staff, as well as the efforts with fire inspections from Ms. Kratovel. Mr. Hesse said he should be receiving a demolition permit request from the former Jackson Hewitt building at the corner of Wright Street and Wilmington Street. Mr. Hesse gave an update on the deli coming downtown, in response to Commissioner Pearsall's question on the status of this project.

H. **Finance Department**
Tiffany Byrd, Deputy Finance Officer

Tiffany Byrd, Deputy Finance Officer, advised the finance office is running smoothly during the Finance Officer transition. She said staff and Mr. Gantt are working on budget preparations.

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

Kimberly Rivenbark, Human Resources Director, gave an update on current job opportunities and advised interviews were recently held for Public Works' positions.

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

Jim Hock, Police Chief, gave an update on recent employee training and mutual aid assistance, as well as events the department participated in over the holidays.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:26 PM and 5:37 PM.

Sarah Smith, 511 Timberly Lane, asked "are board members with business [inaudible comment] or personal relationships with applicants allowed to vote on quasi-judicial items?" Mayor Dawson directed the question to Attorney Rivenbark and requested he provide a response. Attorney Rivenbark said, "existing business relationships at the time that are voting on it, no, that would be a conflict of interest. Prior relationships, no, not necessarily, unless it's potentially related. If there is some prospective relationship in the future for which they are already under contract or bidding on something, for example, could be a conflict of interest." Ms. Smith asked, "does this change based on town size?" Attorney Rivenbark replied, "no, conflict is a conflict." Ms. Smith asked, "is there a written policy that the town has on file that can be viewed regarding this policy?" Attorney Rivenbark said he believes this is covered under a resolution that was approved on the consent agenda at this meeting, but he said state statute applies regardless before this meeting and still does. Ms. Smith spoke of a hypothetical situation and Attorney Rivenbark said the conflict would be determined if there was any financial gain from the particular project. Commissioner Pearsall said he knows where this is going and said he is a contractor. He said he decided not to vote once on the project being proposed next to Ms. Smith's home. Commissioner Pearsall said he attended a class and talked with legal individuals about this matter and said because Burgaw is less than 20k people, he could vote consciously and depends on how he feels about it. Commissioner Pearsall said because we only have about 4k people and for an individual to be on the board and own a company, they can have conflict of interest on many projects in the town of Burgaw. He stated this is why he did not vote the first time, because he wanted to get legal advice. Commissioner Pearsall said he brought this up during the second time of the project discussion and said he felt consciously able to vote at that time based on the legal advice he was given to help grow Burgaw, whether it be a financial gain or not. Attorney Rivenbark confirmed with Commissioner Pearsall that this was stated at the time of the project's second vote for the record. After brief comments about conflict of interest and Attorney Rivenbark asking of this during quasi-judicial hearings, Ms. Smith clarified that board members can vote on quasi-judicial items as long as they do not stand to gain financially. Attorney Rivenbark said correct, as long as they are not expecting to gain financial benefit from the specific project at that time. After Ms. Smith completed her comments to the board, Mr. Gantt clarified the resolution approved on the consent agenda at this meeting about the conflict of interest policy, was for federal funds only. There was brief discussion about needing a conflict of interest policy for state funds as well. Mr. Gantt will look into this.

Charles Rooks, 105 N. Bennett Street, thanked the board for their service. He voiced his concern about the poor line of sight at the intersection of Bridgers Street and Smith Street; he requested this be handled by the town. He also commented on the grant money received from the state regarding utility improvements. He said water and sewer lines need to be looked at and replaced before paving throughout town. Mr.

Rooks said if the town knows where there are issues with older pipes, why is the town spending the money on a study. He also asked how much the town budgets above what the state gives for Powell Bill. Mr. Gantt said it depends on the year and what the board decides to include. Mr. Rooks requested the town consider increasing the amount budgeted because there are plenty of streets that need improvement. He also voiced his concern with the new sidewalks that were just poured and the current cold temperatures. Mr. Moore confirmed calcium was included in the concrete to avoid issues with cold weather. Mr. Rooks spoke about contacting Frank Futch, per the request of Commissioner Malloy, regarding drainage on his property. He said Mr. Futch is not interested in giving an easement to the town for this area. Mr. Rooks briefly spoke about the area of concern. Mr. Futch did express interest in signing something with the town to allow the town to clear blocked areas at the canal. Mr. Rooks also commented on concerns with the proposed splash pad and the costs associated with water use and ongoing maintenance. Mr. Gantt explained the splash pad project is being proposed by the Parks Foundation and will include a recirculation water system.

9. Public Hearing

A. Early Citizen Input on FY 2025-2026 Budget - *James Gantt, Town Manager*

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

Vernon Harrell, 108 N. McRae Street, spoke about the old pipes under the streets throughout town and requested the board to consider water and sewer infrastructure upgrades during the upcoming budget process. He also requested the town move forward with the street calming project along Wilmington Street between US Highway 117 By-pass and Walker Street. He said this needs to be addressed before new housing is constructed along the by-pass. Mr. Harrell also thanked the Public Works staff for the work recently done in front of his residence regarding a sewer line issue.

Mayor Dawson declared the public hearing closed at 5:57 PM.

10. Items from Assistant Manager

A. Update on current projects

Chief Hock gave an update on the sharp curve at North Wright Street near Lewis Sausage. He said NC DOT is planning to add additional asphalt to the edges of the street, but they are unable to give a timeline at this point. Commissioner Rivenbark said he recently attending the NC DOT Transportation meeting and the plans for widening the curve was mentioned and is currently being reviewed.

Chief Hock said staff recently had the annual meeting with Enterprise in regard to the town's vehicles. He said we are in good shape with the rotation of town vehicles that are on the lease program.

Commissioner Pearsall commented on a recent incident related to excessive debris by the street. After some discussion, the board agreed to discuss the debris policy in more detail at the upcoming work session to be held on January 29, 2025.

B. Other items to be announced

11. Items from Manager

A. Update on current projects

Mr. Gantt said Duke Energy has reconnected the wiring at the lamp posts at Hardee's that was damaged from a traffic accident. He also said plans continue with Duke Energy on a streetscape plan for the downtown area in regard to utilities.

Mr. Gantt said the Storm Water Master Plan is underway. The Water and Sewer Master Plan is ongoing as well with the RFQ process.

Mr. Gantt gave a brief update on the speed limit sign installation project and hopes to bring additional pricing information to the board at the work session on January 29, 2025.

Mayor Dawson asked Mr. Gantt if the town has reached out to the appropriate contacts regarding the request for lighting along US Highway 117 By-pass in the area of Ridgewood Avenue, as mentioned in the last board meeting. Mr. Gantt advised he is currently waiting for a response.

B. Other items to be announced

12. Items from Attorney

Zachary Rivenbark, Town Attorney, said he only had items for closed session.

13. Items from Mayor and Board of Commissioners

Mayor Dawson commented that Commissioner Rivenbark is the town representative for the NC DOT RPO meetings and she serves as the backup when he can not attend.

Mayor Dawson reminded the board to RSVP with Ms. Wells for the Town & State Dinner in Raleigh on February 26, 2025.

Mayor Dawson advised Pender County's 150th Anniversary Celebration will be held on February 16, 2025 from 2-4 PM on the Courthouse Square. She requested the board to approve the closure of Wright Street between Fremont Street and Courthouse Avenue for the event to ensure safety. Commissioner Rivenbark made a motion to allow the Police Department to block parking spaces in the area beginning at 5 AM and closing the street during the event until 5 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner George asked if the canal next to Peggy Casey's residence will be evaluated during the Storm Water Master Plan review. Mr. Gantt confirmed this area will be included in the study.

Commissioner Dawson requested Duke Energy look at the lamp post behind Walmart because it is not working, just as the others near Hardee's that Mr. Gantt said were fixed. Mr. Gantt will contact Duke Energy.

Commissioner Pearsall thanked everyone for their condolences during the loss of his son in December.

Commissioner Malloy asked Mr. Gantt about the status of a wash-out area near the middle school. Mr. Gantt said we are looking into options and the possibility of grant funding to assist with remediation of this issue.

Commissioner Rivenbark spoke about the internet situation in Burgaw. He said there is one bar of signal strength on most electronic devices and we need to do something about this for our residents and visitors. There was discussion by the board about looking into having Verizon place a booster antenna in town. Mr. Gantt said he has spoken with Verizon in the past and they have reviewed the area for an antenna, with the possibility of adding one on the water tower at the prison. Mr. Gantt said he will reach our to Verizon and AT&T about getting a pole/antenna in town. Charles Rooks was present in the audience and said he has offered a piece of his property to the town in the past for a cellular tower but was never done. After discussion, Mr. Gantt said he would look further into this matter.

A. Consideration of appointing one (1) Tourism Development Authority member

Commissioner Rivenbark made a motion to appoint Eden Mills as member to the Burgaw Tourism Development Authority. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

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 Malloy made a motion to go into closed session at 6:15 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner George made a motion to go back into open session at 7:14 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

15. Adjournment

Before adjourning the meeting, there were two more items of business, including a motion to renew the Town Attorney agreement for two (2) years, expiring December 2026. Prior to making a motion regarding the agreement, Commissioner Dawson made a motion to recuse Commissioner Rivenbark from the meeting. The motion was seconded by Commissioner Malloy and carried by unanimous vote. Commissioner George made a motion to approve renewal of the Town Attorney agreement for a two (2) year term, expiring December 2026. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Mayor Dawson spoke about the upcoming Mayor's Gala hosted by the Parks Foundation of Burgaw on March 29, 2025 for the purpose of raising funds for the community splash pad project. She asked the board if they wish to sponsor a table at the Mayor's Gala, which would include tickets for the board members to attend the event. After brief discussion, Commissioner Rivenbark made a motion to approve a sponsorship in the amount of $1,000 from the town to the Parks Foundation of Burgaw and would include six (6) tickets for the board members. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

There being no further items for discussion, Commissioner Rivenbark made a motion to adjourn the meeting at 7:22 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.