AGENDA | BOARD OF COMMISSIONERS
REGULAR MEETING

February 11, 2025 at 4:30 PM

Burgaw Town Center
108 E Wilmington St

1. **Call to Order**

2. **Invocation**

3. **Pledge of Allegiance**

4. **Approval of Agenda**

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.

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

    B. Approval of the December 10, 2024 Closed Session Minutes

    C. Approval of the January 14, 2025 Regular Meeting Minutes

    D. Approval of the January 14, 2025 Closed Session Minutes

6. **Special Requests/Presentations**

    A. Employee Recognitions

    B. The 1865 Society of Pender County, Inc. - Karen Malloy

7. **Departmental Items**

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

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

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

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

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

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

I. Town of Burgaw Planning Board Reappointment Policy

II. Resolution 2025-08 Opposition to a Subpart 111-K of North Carolina Senate Bill 382 RE: Zoning Authority of Local Governments

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

H. **Finance Department**
Hans Kalwitz, Finance Officer

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

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

8. Public Forum

9. Items from Assistant Manager

A. Updates on current projects

10. Items from Manager

A. Updates on current projects

11. Items from Attorney

12. Items from Mayor and Board of Commissioners

13. Closed Session

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

14. Adjournment

TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	December 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 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 Revered Ben Horrell from Burgaw Baptist Church.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Commissioner Pearsall 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 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 November 12, 2024 Regular Meeting Minutes

B. Ordinance 2024-33 Amending the FY 2024-2025 budget to include a Fund Balance Appropriation for the work by Duke Energy

C. Ordinance 2024-34 Amending the FY 2024-2025 budget to include the recognition of insurance proceeds

6. Special Requests/Presentations

A. New Employee Introductions

Chief Prevatte introduced the newest employees of the Burgaw Fire Department, Cameron Moniack and Matthew Wheeler.

B. Recognition of Pender High JROTC

Cody Suggs, Parks & Recreation Director, recognized Pender High School JROTC for their service in assisting with recent Parks, Recreation & Tourism events and presented a check to them on behalf of the Parks Foundation of Burgaw.

7. Departmental Items

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

Dustin McCullen, IT Manager, advised approximately 45 help desk tickets were resolved over the past month. He continues to work on the Police Department laptop upgrades, as well as the website upgrades.

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

Alan Moore, Public Works Director, said the box culvert for the North Walker Street project has arrived at the company and the town will take possession of it after the first of the year to begin installation.

Commissioner Dawson commented on the condition of the sidewalks on North Wright Street between Wilmington Street and Bridgers Street. The board decided to discuss this item under "Items from the Mayor and Board of Commissioners."

Commissioner Pearsall asked about the status of the 25 MPH speed limit throughout town, as previously approved by the board. Mr. Gantt advised there was a delay in getting the signs and posts. Staff will continue to work on this project and look into the possibility of a contractor to install the signs in residential neighborhoods; there are about 100 signs and posts to install so it will take some time. Commissioner Pearsall asked how the 25 MPH speed limit is currently enforced. Chief Hock advised the only areas that are enforced are the areas that are posted.

Mayor Dawson commented on the paving on Wilmington Street. Mr. Moore reminded the board that Wilmington Street is an NC DOT road, but when the town cuts into a road for any reason, the town is responsible for repaving. The area of discussion had recently been cut due to new water taps and leak repairs over the last several months.

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

Johnathan Prevatte, Fire Chief, advised there were around 83 calls for service over the past month, as well as approximately 330 training hours were completed. The department recently constructed new training props. Chief Prevatte said volunteer applications were received, including a junior application.

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

Damon Stanley, Facilities & Grounds Director, said he and his staff remain busy with various projects around town. He said the electrical project around the Courthouse Square is complete.

Commissioner Dawson asked about the two (2) Christmas wreaths that are not working near Hardee's. Mr. Gantt said he will reach out to Duke Energy. Mayor Dawson commented on these type of things and the need to stay on top of them throughout the year.

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

Cody Suggs, Parks & Recreation Director, gave a brief update on the progress of the Westside Trail project. He hopes to have the preliminary pricing soon.

There was discussion about the town's stage and its current condition. Mr. Suggs said he has spoken with Attorney Rivenbark and decided it would be best not to rent out the town stage due to age and condition. Commissioner Malloy asked if staff had looked into the pricing for a new stage. Mr. Suggs advised it would be $14k+ for a new stage, but reminded the board of the county's plan for a possible permanent stage on the square in the future. Mayor Dawson said she hopes to have more information on the master plan for the Courthouse Square in the next couple of months. The board was in agreement for only town staff to utilize the stage. Attorney Rivenbark said an in-house policy for this would be sufficient.

Mr. Suggs reminded the board of the blocked off parking spaces on Wright Street between Courthouse Avenue and Fremont Street during the Christmas parade for the bleachers. The board was in agreement to allowing this again this year.

I. Adoption of Parks and Recreation Comprehensive Master Plan

Mr. Suggs reviewed the Parks & Recreation Comprehensive Master Plan. He said Commissioner Dawson mentioned some minor edits to him prior to the meeting. Commissioner Pearsall asked if Mr. Suggs will complete the grants or will we need to hire an outside firm. Mr. Suggs said it will depends on how the town wants to proceed. He said the grant writing is based on data and how it is written to show that the community wants it. Mayor Dawson said the plan was very well done. Mr. Suggs also added the Parks & Recreation Advisory Board suggested a different color theme for the printed plan. After discussion, Commissioner Malloy made a motion to approve the plan with the noted corrections by Commissioner Dawson and the change in color theme. The motion was seconded by Commissioner George and carried by unanimous vote. Mayor Dawson requested Mr. Suggs to send a final copy of the plan once the edits were completed.

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

Ron Meredith, Planning Director, advised he is working on UDO updates, gave an overview of current projects, and said he is working on a few code violations. The RFQ for the RCCP Grant is coming to an end and will be interviewing consultants soon.

Commissioner Malloy asked about the status of the fallen tree near the middle school on South Wright/Williams Street. Mr. Meredith said he is waiting for the property owner to contact him back.

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

Mr. Hesse was not present at the meeting, therefore no report from Building Inspections was given.

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

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk, said four (4) new part time Firefighters, one (1) Patrol Officer and one (1) Public Works Equipment Operator were starting soon. Commissioner Pearsall asked where the positions are advertised. Ms. Rivenbark said they are listed on the town website, social media and NC Works. Commissioner Malloy asked about the status of a "second chance" program, that he mentioned previously in a board meeting. There was discussion by staff about this and Ms. Rivenbark gave an overview of the hiring process, including background checks. Mr. Gantt added there is no set policy and the criminal backgrounds are reviewed by staff during the hiring process. Eligibility for employment is based on a case-by-case basis, depending on several factors, including the type of offense, when it occurred, outcome, etc. Commissioner Pearsall said it would be a good thing for the town to give people second opportunities to grow and live here. Commissioner Malloy asked how do we need to get started with looking into "second chance" opportunities. Mayor Dawson and Ms. Rivenbark both said individuals need to apply for available positions first. Ms. Rivenbark said once they apply, then staff can determine the qualifications for the position and discuss their criminal histories.

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

Jim Hock, Police Chief, advised he has a new employee starting soon and there will be a promotion from within the department for the position of Corporal. He also said Sergeant Williams is half way through instructor training at Cape Fear Community College and Captain Fuller has become a certified CPR Instructor. In addition, Chief Hock gave a brief update on the "Chat with the Chiefs" events held recently.

Commissioner Malloy commented on the local schools being satisfied with the town's School Resource Officers.

8. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:24 PM and 5:40 PM.

Regina Fennell, 815 Ridgewood Avenue, voiced concerns with no street lighting in the area of US Highway 117 By-pass and Ridgewood Avenue, as well as the town not accepting her United Healthcare credit card as a form of payment for her utility bill. Mayor Dawson advised staff will look further into these two concerns and get back with her.

9. Public Hearings

A. **Consideration of a text amendment to update the current Unified Development Ordinance (UDO), the request by planning staff is proposed to amend Chapter 14, Flood Damage Prevention Ordinance**

Mayor Dawson declared the public hearing open at 5:49 PM.

Mr. Meredith reviewed the text change request as described in Ordinance 2024-35.

There being no speakers, nor discussion by the board, Mayor Dawson declared the public hearing closed at 5:54 PM.

I. Resolution 2024-32 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 14, Flood Damage Prevention Ordinance

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

II. Ordinance 2024-35 A text change amendment to the Town of Burgaw Unified Development Ordinance (UDO) requested by staff of the Town of Burgaw to amend Chapter 14, Flood Damage Prevention Ordinance

Commissioner Malloy made a motion to approve Ordinance 2024-35 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

B. **Consideration for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP)**

Mayor Dawson declared the public hearing open at 5:55 PM.

Mr. Meredith reviewed the request as described in Ordinance 2024-36.

There being no speakers, nor discussion by the board, Mayor Dawson declared the public hearing closed at 5:59 PM.

I. Resolution 2024-33 Adopting a statement of consistency regarding flood map modification for the Town of Burgaw requested by staff of the Town of Burgaw for adoption of the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP)

Commissioner Dawson made a motion to approve Resolution 2024-33 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

II. Ordinance 2024-36 A text amendment to adopt the updated Flood Insurance Rate Maps (FIRMs) from the National Flood Insurance Program (NFIP)

Commissioner Dawson made a motion to approve Ordinance 2024-36 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

10. Items from Assistant Manager

A. Updates on current projects

Chief Hock spoke about the golf cart ordinance the board recently approved. He requested the board to consider adding seat belts as a requirement in the ordinance. After brief discussion, Commissioner George made a motion to approve the addition of making seat belts a requirement within the golf cart ordinance. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

There was discussion about concerns voiced regarding the sharp curve at the end of North Wright Street near Lewis Sausage. Chief Hock said he reached out to NC DOT and they have added reflective signage and they are working on having additional asphalt poured to widen the street in the curve. Public Works crews have also trimmed brush along the sides of the road as well for easier visibility. Commissioner Rivenbark said he brought this topic up at the recent NC DOT Transportation meeting that he attended and said they are working on a plan. There were comments by the board that this concern was voiced during the approval process of the Pender County Law Enforcement Center project.

Chief Hock said preliminary engineering has been done for water line replacements on West Fremont Street from McCullen Street to McRae Street, South Dickerson Street from Fremont Street to Satchwell Street and South Bennett Street from East Hayes Street to Walker Street.

11. Items from Manager

A. Proposed FY 2025-26 Budget Calendar

Mr. Gantt presented the upcoming budget calendar to the board and requested they determine dates for the Strategic Planning Retreat, as well as the Budget Work Session. After discussion, the board agreed to hold the Strategic Planning Retreat on February 18-19, 2025 beginning at 9 AM on both days. It was agreed upon to host lunch for the board and staff on February 18th. They also agreed to hold the Budget Work Session on May 5, 2025 with May 6, 2025 being a continuation day if needed. Commissioner Dawson made a motion to approve the budget calendar presented by Mr. Gantt with the addition of the dates set by the board. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

B. Updates on current projects

Mr. Gantt said he and staff are working on budget workbooks to be sent out to Department Heads for Capital Improvement Project updates.

Mr. Gantt gave a brief update on the Stormwater Master Plan and said the engineer consultants have completed review on about 650 structures out of around 850 structures in town. He said everything is going smoothly and plans to have a progress meeting soon.

Mr. Gantt gave an update on the Water & Sewer Master Plan project and said the RFQ publication is currently out and will review and make the selection of the firm after the RFQ deadline. Mr. Gantt explained the purpose of the project.

Mr. Gantt advised he met with Duke Energy regarding the downtown street scape project and said they walked around and discussed ideas and thoughts. More information to come on this project.

Mr. Gantt said staff is transitioning to online utility applications. He said this would be more efficient for the public and staff. Paper applications would still be available for those that do not have access to a computer.

12. Items from Attorney

There were no open session Attorney items.

13. Items from Mayor and Board of Commissioners

The board thanked the staff for all they are doing and continue to do for the town.

Mayor Dawson commented on the Wilmington Street paving that was recently done and said it looks good. She also reminded staff to do a Code Red call about the Christmas Parade street closures. Mr. Gantt said he and Mr. Suggs will handle this. Mayor Dawson said there are still some old trash roll carts lingering around the downtown area. Mr. Gantt will look into this prior to the parade. She also commented on moving forward with the 25 MPH speed limit signs as mentioned by Commissioner Pearsall.

There was much discussion about the condition of the sidewalks on both sides of North Wright Street between Wilmington Street and Bridgers Street. Mr. Moore added that the sidewalk on the north side of Bridgers Street between Wright Street and Dickerson Street also needs replacing. After discussion, Commissioner Dawson made a motion to appropriate $75k for the sidewalk replacements as mentioned on North Wright and Bridgers Street. The motion was seconded by Commissioner Malloy and carried by unanimous vote. The board requests these replacements be done as soon as possible.

A. Resolution 2024-34 Resolution to adopt the regular meeting schedule of the Burgaw Town Board of Commissioners for year 2025

Commissioner Dawson made a motion to approve the 2025 regular meeting schedule for the Board of Commissioners meetings. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

B. Appointment of Council of Governments (COG) Representative and Alternate Representative

Commissioner Malloy made a motion to appoint Commissioner Dawson to continue to serve in the capacity of the Town of Burgaw representative for the Cape Fear Council of Governments. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Malloy made a motion to appoint Commissioner George to continue to serve in the capacity as the Town of Burgaw alternate representative for the Cape Fear Council of Governments. The motion was seconded by Commissioner Rivenbark 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 6:38 PM. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Commissioner Rivenbark made a motion to go back into open session at 8:00 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

15. Adjournment

Upon returning to open session, Attorney Rivenbark requested authorization from the board to extend an offer of $1,500, allowing up to $2,000 if needed with a counteroffer, on the Hearne property adjacent to Village on 18. Commissioner Malloy made a motion to approve the request by Attorney Rivenbark. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

Commissioner George made a motion to approve the renewal of the Town Manager contract with changes as discussed in closed session. Attorney Rivenbark will send the changes in writing to Mr. Gantt. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Mayor Dawson asked for an update on the Wilmington Street project. Mr. Gantt said this project was being handled by the previous Town Planner and we need to do the RFQ for design work. Mr. Gantt said staff will move forward with this project.

There was discussion about monthly reports from department heads that are distributed to the board in the agenda packets. It was the consensus of the board for all department heads to submit a report to the Town Clerk in time of delivering the agenda packets, whether they are complete or not due to timing.

Commissioner Malloy made a motion to adjourn the meeting at 8:15 PM. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Shortly after adjourning the meeting, it was remembered the Town Attorney agreement expires on December 31, 2024. Mayor Dawson declared the meeting to be reopened at 8:20 PM. Commissioner George made a motion to recuse Commissioner Rivenbark from the meeting prior to discussing the Town Attorney agreement. The motion was seconded by Commissioner Malloy and carried by unanimous vote. After brief comments, Commissioner George made a motion to extend the Town Attorney agreement through the month of January, expiring January 31, 2025, so that discussion can be had at the Board of Commissioners regular meeting in January 2025. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner George made a motion to adjourn at 8:22 PM. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

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.

Town of Burgaw Board of Commissioners

Item To Be Considered: Request for review of the reappointment policy and structure for Planning Board members, as outlined in the Town of Burgaw's governing documents and procedures.

Date: February 11, 2025

Prepared by: Ron Meredith, Certified Zoning Official

Purpose: This is the proposal for a new administrative policy concerning the reappointment periods for its members. This administrative policy is designed to streamline the reappointment process and ensure that planning activities continue smoothly. This new policy clarifies the reappointment procedure, allowing board members to be reappointed in an organized manner without affecting the integrity of the planning board and their future decisions.

Reappointment Term:

- All Planning Board members serve a three-year term.
- At the end of each reappointment period, members may be considered for reappointment, assuming they have fulfilled their duties and responsibilities appropriately.

Reappointment Process:

- **Two members per year** are eligible for reappointment, based on the established term schedule.
- Reappointments will be considered with adequate notice for potential applicants to apply for any open seat, ensuring a transparent and fair process.
- If a member decides not to seek reappointment, a new candidate will be selected through the appropriate application and selection process to fill the vacant seat.

Vacancy & Term Completion:

- Should a vacancy occur (e.g., resignation or death), the Town of Burgaw Board of Commissioners may fill the position for the remainder of the term.
- All reappointments, except those filling vacancies, will adhere to the **three-year term**.

Town of Burgaw
ITEM REPORT

Item: 7FII

DATE OF MEETING: February 11, 2025 **DEPARTMENT OF ORIGIN:** Planning	**DATE SUBMITTED:** 02/04/2025 **SUBMITTED BY:** Ron Meredith, Planning Director

AGENDA ITEM DESCRIPTION:
Resolution 2025-08 Opposition to a Subpart 111-K of North Carolina Senate Bill 382 RE: Zoning Authority of Local Governments

SUMMARY STATEMENT:
Senate Bill 382 (SB 382) was made public on November 19, 2024, and aimed at disaster recovery. It includes significant policy changes beyond disaster relief, specifically, the Down-zoning Provision which restricts local governments' zoning authority by requiring written consent from all affected property owners for any amendments.

This provision would make it very difficult for local governments to approve important zoning changes and could invalidate previously adopted amendments. The provision received minimal public input and limits local governments' ability to manage growth according to community needs.

STAFF RECOMMENDATION AND REQUESTED ACTION:

FINANCIAL IMPACT INCLUDING FUNDING SOURCE:

FINANCE DIRECTOR COMMENTS:

ATTACHMENTS (IF ANY): Res 2025-08 Opposition SB382

Resolution 2025-08

Opposition to a Subpart 111-K of North Carolina Senate Bill 382
RE: Zoning Authority of Local Governments

WHEREAS, on November 19, 2024 the Conference Report for Senate Bill 382 ("SB 382") *An Act to Make Modifications to and Provide Additional Appropriations for Disaster Recovery; To Make Technical, Clarifying, and Other Modifications to the Current Operations Appropriations Act of 2023; And to Make Various Changes to the Law,* was made publicly available; and

WHEREAS, SB 382 was initially ratified by the General Assembly on November 20, 2024, and subsequently vetoed by Governor Cooper on November 26, 2024. The General Assembly voted to override the Governor's veto of SB 382 on December 11, 2024; and

WHEREAS, SB 382, purports to be a Hurricane Helene relief related bill, but also includes a number of significant policy changes unrelated to Hurricane Helene recovery efforts while following a process that did not allow amendments to the much of the proposed legislation; and

WHEREAS, Part III, Subpart Ill-K of SB 382 entitled LOCAL GOVERNMENT (the "Down- zoning Provision"), amends N.C.G.S. *§* 160D-601(d) by prohibiting local governments from enacting or enforcing any amendment to zoning regulations (e.g., text amendments to zoning ordinances) or zoning maps (e.g., "rezonings") that would constitute "down-zoning" without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

WHEREAS, N.C.G.S. § 160D-601(d) previously required written consent for non-government initiated zoning map amendments that reduced the uses of a property. The consent requirement of the Down-zoning Provision greatly extends the application of the consent requirement from only being applicable to zoning map amendments to now include application to text amendments as well. The Down-zoning Provision further expands the definition of "down-zoning" beyond a reduction in uses available to parcel to the creation of any nonconformity for properties in non-residential zoning districts. The Down-zoning Provision defines "nonconformity" to include any "nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element;" and

WHEREAS, the Down-zoning Provision effectively eliminates the authority of any local government to "down-zone" any parcel without written consent of its owners, and as such, places the authority with any individual affected property owner or part owner who may object to a change in the zoning ordinance or map amendment. This will essentially allow one property owner who cannot be found or who decides not to consent, to "veto" the good faith planning decisions of elected officials, developers, and/or the will of a majority (and perhaps on some occasions, all) of the other property owners affected by the amendment. Thus, it will

be practically impossible for local governments to approve important text amendments or rezonings that impact large groups of owners since written consent from every single non- residential parcel owner would be required; and

WHEREAS, the Down-zoning Provision will require local governments to incur significant expenditures in both time and money for consideration of any zoning amendments applicable to non-residential zoning districts. Each possible amendment will require analysis of how it might or might not be a down-zoning. If an amendment could possibly be a down-zoning, then in many cases, hundreds or even thousands of mailings could have to be sent and managed upon their return to determine whether everyone affected has consented to the proposed amendment. Additionally, there will be significant analysis and time required just to determine who are the owners that might need to receive correspondence. This level of analysis and outreach has never previously been required under North Carolina law and can present all kinds of unnecessary obstacles such as interpretation issues concerning what is and what is not a nonconformity, missing/absent property owners (e.g., heirs' property) who cannot be tracked down for signatures, and similar problems; and

WHEREAS, the Down-zoning Provision retroactively applies to any zoning text or map amendments adopted 180-days prior to the date of the provision's final enactment. Accordingly, the provision will invalidate previously adopted amendments duly considered by local governments in that timeframe. The consequences of invalidating previously adopted amendments would be serious and have the potential to negatively impact numerous developments and projects already in Burgaw and across North Carolina; and

WHEREAS, the Down-zoning Provision received little, if any, public input prior to the adoption of what amounts to very far-reaching legislation. The Down-zoning provision was first introduced as part of a conference report and immediately adopted by the General Assembly. Legislative rules do not allow changes to conference reports, so there was no opportunity even for concerned legislators to modify the provision after it became public. The Provision's inclusion on the last page of a much larger package of unrelated priorities supported by House and Senate leaders, further acted to limit the opportunity for developers, local government leaders, planning staff members and lawyers who work with these regulations every day to weigh in on such an important and significant change to North Carolin zoning law; and

WHEREAS, all North Carolina local governments continue to face planning challenges presented by growth and development. Each local government's zoning authority provides a means to balance those challenges with the needs of the particular community. The Down- zoning Provision effectively sets local government zoning in non-commercial districts as a snapshot of the regulations in effect 180-days before the effective date of the provision, and as such greatly diminishes local government authority to manage growth and change consistent with the needs of each jurisdiction; and

WHEREAS, North Carolina local governments have the most information about the needs of their communities and remain the best equipped to determine the interests of their communities through elections and public engagement; and

WHEREAS, the Down-zoning Provision limits local government authority without offering an opportunity for dialogue about such a legislative change; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Town of Burgaw Board of Commissioners hereby strongly oppose the enactment of SB 382, Part III, Subpart III-K into law, and due to the General Assembly overriding the Governor's veto, request that the General Assembly take expeditious action to repeal SB 382, Part III, Subpart 111-K.

Adopted this 11th day of February 2025.

Attest: ____________________________ Signed: ______________________________________

Kristin Wells, Town Clerk G. Olivia Dawson, Mayor