



AGENDA | BOARD OF COMMISSIONERS REGULAR MEETING

May 13, 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 April 8, 2025 Regular Meeting Minutes

B. Approval of the April 8, 2025 Closed Session Minutes

C. Ordinance 2025-09 Amending the FY 2024-2025 budget to recognize insurance proceeds in the amount of \$1,604.66

D. Ordinance 2025-10 Amending the FY 2024-2025 budget to recognize insurance proceeds in the amount of \$1,283.98

6. Special Requests/Presentations

A. Employee Introductions

B. 1865 Society of Pender County - Karen Malloy

7. Departmental Items

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

- I. Adoption of Bishop Rayford Hankins Memorial Park Community Splash Pad Development Plan
- II. Consideration of amending the Town Parks Fee Schedule and Usage Policy
- III. Consideration of amending the Burgaw Incubator Kitchen Entrepreneur Tenant Operating Agreement

B. Information Technology Department

Dustin McCullen, IT Manager

C. Public Works Department

Alan Moore, Public Works Director

D. Fire Department

Johnathan Prevatte, Fire Chief

E. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

F. Planning Department

Ron Meredith, Planning Director

- I. Resolution 2025-14 Resolution in Opposition of Legislative Preemption of Local Government Planning and Zoning

G. Building Inspections Department

Louis Hesse, Building Code Administrator

H. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

I. 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

- A. Consideration of reappointing Parks & Recreation Advisory Committee Members

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: April 8, 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 Commissioner Malloy.

3. Pledge of Allegiance

The Pledge of Allegiance was said by all.

4. Approval of Agenda

Commissioner George made a motion to approve the agenda as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

5. Approval of Consent Agenda

*Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.

Commissioner Dawson made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

A. Approval of the March 11, 2025 Regular Meeting Minutes

B. Approval of the March 11, 2025 Closed Session Minutes

6. Departmental Items

A. Public Works Department

Alan Moore, Public Works Director

Alan Moore, Public Works Director, advised there are about five houses waiting to have water taps installed. He also said his department has been working on repairing the water leak on Wilmington Street near McNeil Street. Commissioner Rivenbark said he would like this area fixed since it has been a problem in the past.

B. Fire Department

Johnathan Prevatte, Fire Chief

Johnathan Prevatte, Fire Chief, said there were 84 calls for service and 308 total training hours over the last month. The Fire Department had their open house event in March and received good feedback from the community. Chief Prevatte said the department launched the Ride Along Program last month and has received lots of interest.

C. Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director

Damon Stanley, Facilities & Grounds Director, said his department has been busy since mowing season started. He said the awnings were installed on town facilities, interior renovations are complete in the Inspections and Planning building, and new solar lighting has been installed at the town welcome signs. Mr. Stanley advised he is in the process of checking all of the HVAC units at town facilities since the weather is getting warmer.

D. Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director

Cody Suggs, Parks & Recreation Director, reminded the board of upcoming events, including the ribbon cutting for the exercise equipment recently installed along the walking trail at Ashe Street park, as well as the Community Beautification Project planned for Dees Park. Mr. Suggs commended Ms. Augst on her assistance with the recent Easter event that was held in conjunction with Pender County Parks & Recreation. Mr. Suggs advised the recent Mayor's Gala raised around \$15k for the splash pad fundraiser. Commissioner Rivenbark said the Mayor's Gala was a great event and the food was good. Mr. Suggs also advised the port-a-jons for the Blueberry Festival are being relocated this year, with potential placement in the street near the same corner on Walker Street. Mulch has been ordered and will be used to refresh the

welcome signs and playground areas. Regarding the Westside Trail project, updates were submitted to the PARTF Board along with a request for a six-month extension. Feedback from the Board indicated no issues, and PARTF is agreeable to leaving the contract unchanged as long as the new trail alignment connects with the original trail. The project is currently awaiting approval of the state stormwater permit, with groundbreaking tentatively planned for June 2025.

Mr. Suggs said there have been recent inquiries about using Dees Park, prompting discussion regarding a use policy. Commissioner Pearsall suggested drafting a policy that allows for the imposition of a fee if cleanup is required after an event. Mr. Suggs raised the idea of restricting the park to public events only, rather than allowing private functions. The Mayor agreed that the park should be available for public use, with organizations signing up in advance. Commissioner Pearsall also questioned who is responsible for cleanup, to which Mr. Suggs responded that the hosting group should clean up after their event, while the Facilities and Grounds team would handle tasks like replacing trash bags. Commissioner Malloy proposed placing a sign to indicate when the area is reserved. There was consensus among the board to gather additional information and bring back a formal policy for review.

E. Planning Department
Ron Meredith, Planning Director

Ron Meredith, Planning Director, said he has been working on a wayfinding sign study and gave an overview of the process in conjunction with the Beautification Committee. Upcoming Planning Board cases for next month are expected to stem from staff-recommended changes to the Unified Development Ordinance. Code enforcement continues and there are approximately 15 active violations, with cases being addressed on an ongoing basis. Mr. Meredith also said the RCCP grant project for the rain garden remains in the design phase, with the building phase coming soon. Additionally, staff met with NC DOT and the Council of Governments regarding the CTP grant and ensured Ridgewood Avenue was included in the future project.

F. Building Inspections Department
Ivey English, Building Inspector

Ivey English, Building Inspector, gave an update on current projects in town. Everything seems to be progressing smoothly.

Commissioner Rivenbark asked for an update on the proposed demolition of the old Wolfe building at the corner of Wilmington Street and Wright Street. Mr. English advised he had no update regarding this project. Mayor Dawson and the board requested Mr. English to look into this and get this project moving.

Commissioner Malloy asked about the status of minimal housing and homes that need to be demolished. Mr. English advised the Inspections Department has been very busy

with current development and has not made any recent progress. Commissioner Malloy requested staff start working on these issues.

G. Finance Department

Hans Kalwitz, Finance Officer

Hans Kalwitz, Finance Officer, advised he will be holding monthly meetings with the Finance staff to talk about ways to make things work more smoothly along side other departments regarding financial needs. He also advised there will be a few budget amendments coming soon for consideration of approval from the board. Mr. Kalwitz said his department is also looking at ways on enhancing the finance software to help eliminate human error. In addition, he advised he is working on the audit process with the audit firm and will be making sure everything is submitted and running smoothly. Commissioner Rivenbark commented on making sure the town submits the audit prior to the deadline.

H. Human Resources Department

Kimberly Rivenbark, Human Resources Director/Deputy Town Clerk

Kimberly Rivenbark, Human Resources Director, stated a new Facilities & Grounds Maintenance Worker begins soon and she is still advertising for Public Services Director, Equipment Operator, and Water & Sewer Maintenance Worker.

I. Police Department

Jim Hock, Police Chief

Jim Hock, Police Chief, advised he attended the quarterly Pender EMS & Fire peer review to discuss EMS trends in the county. Sergeant Williams successfully led a case resulting in the recovery of a truck, tractor, and trailer. Sergeant Williams and Corporal Padgett recently went to South Carolina related to the investigation. Officer Vann completed intoximeter certification, and new firearms were assembled with all officers now qualified; the old firearms will be surplussed. Officer Jones and Corporal Padgett completed training on financial crimes, Detective Farren is currently training in forensic analysis of shootings, and Sergeant Kennedy is participating in radar forensic interview training.

7. Public Forum

Prior to Public Forum, Mayor Dawson called for a break between 5:27 PM and 5:38 PM.

Kevin Berlied, 208 W. Satchwell Street, introduced himself and stated that he and his wife are new to the area. He has a concern regarding his neighbor (206 W Satchwell Street) who has several vehicles and a camper that both hold trash, and lots of clutter in the front yard. He has safety concerns regarding this with summer coming and it will cause a stench and rodents.

Janet Rivenbark, 307 E. Bridgers Street, stated that she is the President of the Pender County Historical Society. The Historical Society is requesting funds in the amount of \$5,950 in the next fiscal year's budget for the repair and painting of the porch.

Charlynn McClain, 305 S. McRae Street, informed the board of an upcoming event hosted by Think Pender Strong. The event will be on May 9, 2025 from 9AM – 2PM at the Pender County Complex. This event will have the Lions Club Vision Screening along with approximately 25 vendors.

Sarah Smith, 511 Timberly Lane, requested that the board consider the addition of a fence around the future splashpad. This fence would provide a safe, enclosed area where children of all ages and abilities can play securely. Commissioner Pearsall further mentioned that he would also like to see a fence around the splashpad.

8. Public Hearings

A. Consideration of a preliminary plat for a major subdivision in an existing O&I Office and Institutional district for a 13-lot single-family residential development located on Worth Beverage Dr (SR-1481) PIN: 3228-58-6970-0000.

Ron Meredith, Planning Director, stated that the applicant would like to withdraw their application at this time. They plan to reapply at a later time. The attorney for the applicant reiterated the desire of the applicant to withdraw the application at this time.

- I. Resolution 2025-11 Resolution for a major subdivision for property located on Worth Beverage Rd (SR 1481) (Parcel ID: 3228-58-6970-0000) to allow a proposal 13-lot single-family detached development in the existing O&I, Office and Institutional District.

Due to the withdrawal of the application, there was no discussion or motion on Resolution 2025-11.

- II. Ordinance 2025-07 Approving a major subdivision for property located on Worth Beverage Rd (SR 1481) (Parcel ID: 3228-58-6970-0000) to allow a proposal 13-lot single-family detached development in the existing O&I, Office and Institutional District.

Due to the withdrawal of the application, there was no discussion or motion on Ordinance 2025-07.

B. Consideration of a conditional zoning request for a bar, cocktail lounge, and/or nightclub use in the B-1, Central Business District, located at 107 W. Courthouse Ave. (3229-32-0848-0000). The request would permit this use to occupy the existing structure.

Mayor Dawson declared the public hearing open at 5:52 PM.

Ron Meredith, Planning Director, presented that Eddie Yarborough, Applicant, has applied for a Conditional District Rezoning for 107 W. Courthouse Avenue for a bar/cocktail lounge in the B-1 zoning district. Mr. Meredith showed pictures of the existing zoning district as well as the building. He further explained that the use applied for is required to go through the Conditional Zoning process and is consistent with the Future Land Use Map.

Mr. Yarborough stated that his intentions of the Conditional Zoning is for a sports bar. He explained that he would like to have an outdoor seating area on the left side of the building and would have that area fenced. It is proposed that the bar will have pool tables, dart boards, televisions inside and outside, and may occasionally have live music. They will sell prepackaged food and, if the business works out, they may install a grill in the future.

Commissioner Rivenbark asked Mr. Yarborough if the apartments are still located on the second floor of the building. Mr. Yarborough stated that there are three apartments on that floor and they will be installing a two-hour fire barrier as required by building code and said that sprinklers will not be required. He additionally stated that the second story floor has two inches of concrete that assists as a sound barrier. Commissioner Rivenbark stated he was in favor of anything to make that building look better.

Commissioner Pearsall stated he believed this sports bar would be a great addition to Burgaw.

Commissioner Rivenbark questioned if there would be zoning issues with the second story apartments. Mr. Meredith said that is not an issue and the Fire Marshal is aware of what is planned in case of an emergency. He further stated that this use is a great mixed-use project.

Commissioner Dawson inquired about the square footage of the sports bar. Mr. Yarborough stated that he believed it would be approximately 1,800 square feet.

Commissioner George stated that he believed there would be an issue with parking.

Commissioner Malloy asked Mr. Yarborough if there would be issues with the closing of Courthouse Avenue for events. Mr. Yarborough stated that this building has been owned by his family since 1996 and that road closures would not be an issue; he is aware of the need for road closures for festivals, etc.

Following further discussion by the board, Mayor Dawson closed the hearing at 6:09 PM.

- I. Resolution 2025-12 Adopting a statement of consistency regarding an amendment of the official zoning map of the Town of Burgaw requested by Eddie Yarborough to rezone property located at 107 W. Courthouse Ave. (Parcel ID: 3229-32-0848-0000) from B-1, Central Business District, to B-1 Central Business District, Conditional Zoning (CZ) for a Bar, Cocktail Lounges, and/or Nighclubs use.

Commissioner Pearsall made a motion to approve Resolution 2025-12 as presented. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

- II. Ordinance 2025-08 Amending the official zoning map of the Town of Burgaw requested by Eddie Yarborough to rezone property located at 107 W. Courthouse Ave. (Parcel ID: 3229-32-0848-0000) from B-1, Central Business District, to B-1 Central Business District, Conditional Zoning (CZ) for a Bar, Cocktail Lounges, and/or Nighclubs use.

Commissioner George made a motion to approve Ordinance 2025-08 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

9. Items from Assistant Manager

A. Updates on current projects

Chief Hock advised the Fire Marshal's truck has arrived and is awaiting striping, while the Fire Chief's truck is expected to be completed soon. The dump truck is still waiting for emergency lighting installation, and two Police Department vehicles are pending upfits. Chief Hock also said staff is working on scheduling Basic Life Saving and ALICE (Alert, Lockdown, Inform, Counter, Evacuate) training for town employees.

Commissioner Rivenbark said he received a call from Four County EMC about an unexpected visit from the town Fire Marshal regarding an inspection that was not scheduled, therefore the appropriate staff member was not on site to unlock offices, etc. so it created some issues. There was discussion when these types of inspections are scheduled and Chief Prevatte briefly explained the process of pre-plans and fire inspections.

10. Items from Manager

A. Draft Request for Proposals for Legal Services

Mr. Gantt gave an overview of the document that was presented to the board. Mr. Gantt introduced Norwood Blanchard as the current Interim Town Attorney. Mr. Blanchard made comments regarding the document. The board requested the proposal to state that the Town Attorney works under the board, not the Town Manager as presented in the draft document. After brief discussion, Commissioner George made a motion to approve the document with verbiage that the Attorney would work under the board, in correspondence with the Town Manager and Town Clerk. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

B. Updates on current projects

Mr. Gantt provided an update on the Duke Energy downtown project, noting that a recent meeting revealed the initial cost estimate was significantly underestimated—nearly double the original figure. He requested a revised, more reasonable estimate, and Duke Energy returned with a 95% confidence estimate of \$300k. Mr. Gantt also discussed modifications to the plan aimed at reducing costs and asked the Board of Commissioners to consider an additional \$50,000 in funding. Commissioner Pearsall inquired about the previously approved 30-year franchise agreement with Duke Energy, which Mr. Gantt confirmed. He added that they are still working through project details and coordinating with NC DOT regarding potential cost-sharing for improvements at the Wright and Wilmington intersection.

Mr. Gantt discussed the West Side Trail project and confirmed with the Local Government Commission (LGC) that everything looks good for funding. He asked the Board to consider the best funding approach for this and another project. Commissioner Pearsall emphasized the need to move forward with the West Side Trail, noting the project has been delayed repeatedly. He supported pursuing LGC financing in the \$400k–\$500k range, which is preferable to the higher \$600k estimate mentioned previously. There was discussion about this matter and Mr. Gantt asked if the Board was in favor of proceeding with debt service at \$499k. Commissioner Pearsall reiterated support for the first option, stressing the importance of finally advancing the West Side Trail regardless of other competing priorities. After much discussion, the board decided they did not want to finance any more than \$500k and Mr. Suggs gave a timeline review of the LGC process. Commissioner Pearsall made a motion to approve financing \$499k for the West Side Trail project. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

After the financial discussion for the West Side Trail project, Commissioner Malloy made a motion to allot \$50k from the fund balance to move forward with the Duke Energy project.

Mr. Gantt stated that Duke Energy has informed him that they are unable to start this project prior to the Blueberry Festival. Mr. Gantt will be meeting with them next week to walk the project and see what can be done as far as sidewalk replacement prior to the festival.

Mr. Gantt stated that he has talked with the contractor for the installation of the speed limit signs. That contractor has now stated that he does not want to do the project. Mr. Gantt has reached out to another contractor who is interested in the project and they will submit a proposal soon for review.

Mr. Gantt stated the Stormwater Master Plan is on schedule to be completed on time and they plan to hold public engagement meetings in April.

Mr. Gantt stated the Water/Sewer Master Plan is progressing. He has received the scope back and he will hold a meeting with Chief Hock, Alan Moore, and himself to review. The plan is estimated to take 295 days from start to finish.

11. Items from Attorney

Interim Attorney Blanchard had no items for open session. He introduced himself to the board and audience.

12. Items from Mayor and Board of Commissioners

Commissioner Dawson asked if there were updates on easements. Mayor Dawson stated that would be discussed during closed session.

Commissioner Pearsall voiced concerns about unequal attention between the east and west sides of Burgaw. He noted significant residential growth on the west side, yet observed it receives less infrastructure investment and maintenance compared to the east. He emphasized the importance of completing projects once started, citing examples like unfinished lighting improvements on Hayes Street and partial ditch closures. Safety was a key concern—he recounted a near-accident involving a child and stressed the need for better lighting and safer streets, particularly near parks. Commissioner Pearsall urged the board and staff to regularly drive through all areas of town to better understand local conditions. He compared street quality, stating the best-paved west side road is no better than the worst on the east. He called for consistent code enforcement, full project completion, and accountability from leadership. Finally, he encouraged efforts to bridge divisions and ensure equal service across the entire town, including follow-through on plans like downtown parking.

Commissioner Rivenbark reflected on his 16 months of service, expressing concern over the loss of experienced staff, including the former fire chief and key maintenance personnel, citing dismissals and resignations. He noted significant project delays, rising

costs—such as the Westside Trails project increasing from \$200,000 to over \$1 million—and the potential jeopardy of a \$10 million infrastructure grant due to lack of urgency. He criticized staffing issues and a lack of morale, stating that employees fear termination, and mentioned recent HR reports of several unfilled positions. He apologized for supporting the previous tax increase, stating he was discouraged from proposing budget cuts, and pledged not to support another increase. Commissioner Rivenbark stated he had offered to serve as a liaison to Public Works but was declined. He also addressed misinformation surrounding the March 11, 2025 resignation of the town attorney, clarifying the attorney was not fired but resigned after the board ignored legal recommendations. He concluded by making a motion to replace the Town Manager and seek new leadership to move Burgaw forward.

Commissioner Malloy requested a recess. There was a break from 6:33 PM to 6:36 PM.

Mayor Dawson acknowledged that some of the matters under discussion may be more appropriately addressed in Closed Session and deferred to the Town's Interim Attorney for clarification. Interim Attorney Blanchard advised that personnel-related concerns, particularly those involving individual employee performance, are most appropriately discussed in Closed Session. However, any motion to terminate the Town Manager would need to occur in Open Session, with the underlying discussion held in Closed Session.

Commissioner Pearsall requested to enter Closed Session. Commissioner Rivenbark questioned the procedural validity of entering Closed Session while a motion was already on the floor. Mayor Dawson clarified that she had asked for a second to the prior motion, and none had been offered at that time. Commissioner Pearsall then seconded the motion. The motion to remove the Town Manager was put to a vote and failed, with two votes in favor (Commissioners Rivenbark and Pearsall) and three opposed (Commissioners George, Dawson and Malloy).

A. Consideration of appointing one (1) member to the Beautification Committee

Mayor Dawson stated that the Beautification Committee has an application from Glynnis Lettinhand for consideration. Commissioner Dawson made a motion to appoint Ms. Lettinhand to the Beautification Committee. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

13. Closed Session

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

Commissioner Pearsall made a motion to go into Closed Session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and (a) item (6) Personnel. The motion was

seconded by Commissioner Malloy and carried by unanimous vote.

Commissioner Malloy made a motion to go into Open Session at 8:06 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

14. Adjournment

Commissioner Dawson made a motion to adjourn the meeting at 8:08 PM. The motion was seconded by Commissioner George and carried by unanimous vote.

DRAFT

ORDINANCE 2025-09

AMENDING FISCAL YEAR 2024-2025 ANNUAL BUDGET Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2024-2025 on June 26, 2024; and

WHEREAS, there has been an accident where a public works vehicle collided with a deer; and

WHEREAS, due to the accident, the vehicle has been or is being repaired by Caliber Collision; and

WHEREAS, the Town has received \$1604.66 from NCLM Property and Liability insurance to reimburse the Town for our cost of repairs; and

WHEREAS, the Town of Burgaw would like to recognize \$1604.66 of insurance proceeds, therefore additional revenue and expenditure must be recognized.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

The FY 2024-2025 budget will be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
30-3730-91-800	Insurance Proceeds	\$ 1604.66

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
30-8000-91-170	Police M&R Vehicles	\$ 1604.66

Adopted this the 13th day of May 2025.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

ORDINANCE 2025-10

AMENDING FISCAL YEAR 2024-2025 ANNUAL BUDGET Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2024-2025 on June 26, 2024; and

WHEREAS, there has been an accident where a police vehicle collided with a deer; and

WHEREAS, due to the accident, the vehicle has been or is being repaired by Caliber Collision; and

WHEREAS, the Town has received \$1283.98 from NCLM Property and Liability insurance to reimburse the Town for our cost of repairs; and

WHEREAS, the Town of Burgaw would like to recognize \$1283.98 of insurance proceeds, therefore additional revenue and expenditure must be recognized.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

The FY 2024-2025 budget will be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-3730-00-800	Insurance Proceeds	\$ 1283.98

INCREASE BUDGETED EXPENDITURE

<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-5100-10-170	Police M&R Vehicles	\$ 1283.98

Adopted this the 13th day of May 2025.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor

2025



BISHOP RAYFORD HANKINS MEMORIAL PARK COMMUNITY SPLASH PAD DEVELOPMENT PLAN



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ACKNOWLEDGEMENTS

Mayor

Olivia Dawson

Board of Commissioners

James Malloy, Mayor Pro-Tem

Jan Dawson

Bill George

Michael Pearsall

William Rivenbark

Town Manager

James Gantt

Town Clerk

Kristin Wells

Parks & Recreation Staff

Cody Suggs, Director

Jayna Augst, Recreation Coordinator

Parks & Recreation Advisory Board

Parks Foundation of Burgaw, Inc

Citizens of Burgaw, North Carolina

EXECUTIVE SUMMARY

The intent of this master plan is to outline the vision, goals, and process for the implementation of a community splash pad in Burgaw. This project is designed to enhance community recreation, promote sustainability, and provide an inclusive, family-friendly water play environment.

Project Description

A splash pad is a type of water recreation amenity with interactive fountains, ground sprayers, water cannons, tipping buckets, and other water features. Splash pads often follow a theme, contributing to the town's aesthetics and character. A splash pad will be installed as an interactive water attraction for children of all ages from Burgaw and surrounding areas.

After discussion with relevant stakeholders, it was decided to use a recirculation splash pad system to be environmentally conscious and avoid wasting water, though the up-front cost is higher.

A proposed design was developed based on budget criteria, location, and community needs. The design is a splash pad with about a 1500-square-foot area and includes multiple overhead and ground sprayers, tipping buckets, and water cannons of different heights and interactive abilities.

This plan will outline the next steps to take and the short- medium- and long-term maintenance and upkeep requirements of the splash pad.

Project Justification

A splash pad has long been on the list of capital projects for the Burgaw Parks, Recreation, and Tourism Department. There are no existing public water recreation amenities in Burgaw or in the whole of Pender County. Splash pads have become increasingly popular as an alternative to swimming pools in the past two decades due to lower cost, less management and maintenance, safety, and accessibility. The Town of Burgaw is limited on land and staff, so a splash pad, rather than a pool, is a great amenity to offer to families to help combat the summer heat.

Previous planning initiatives, including the 2016 Parks and Recreation Master Plan and the 2024 Parks and Recreation Comprehensive Master Plan, have emphasized the desire of the community for water recreation amenities. Past community surveys and community meetings during the 2024 Parks and Recreation Comprehensive Master Plan planning process have also highlighted strong community interest in a water recreation amenity in Burgaw. Parks, Recreation, and Tourism Staff formed a steering committee during the 2024 Master Plan planning process made up of the Parks and Recreation Advisory Board, the Parks Foundation of Burgaw, and the Burgaw Planning Board. Staff visited each respective group to receive feedback to formulate an overall vision for the department.

Bishop Rayford Hankins Memorial Park

Community Splash Pad Development Plan

Location

Bishop Rayford Hankins Memorial Park was chosen as the splash pad site due to its strategic location. Hankins Park is directly adjacent to the Osgood Canal Greenway and Urban Trail, which connects neighborhoods, schools, and the downtown area. It also contains a parking lot, a picnic pavilion, and restrooms and is adjacent to W. Ross Harrell Memorial Park that has that has a playground and tennis courts. This splash pad will serve as a convenient and accessible destination for residents of all ages.



SECTION I: HISTORY AND INTRODUCTION

History of the Burgaw Parks, Recreation, and Tourism Department



The Burgaw Parks, Recreation, and Tourism Department was established in 2017 by the Town's Board of Commissioners to better meet the recreation needs of the town. Prior to 2017, several parks existed in Burgaw, and the creation of the department allowed all park oversight to be consolidated. The Burgaw Parks, Recreation, and Tourism Department now oversees 11 community parks, a 5.2-mile-long greenway and urban trail, and over 20 festivals, special events, and regular programs on an annual basis.

The Burgaw Parks, Recreation, and Tourism Department has developed the following Mission and Vision statements.

Mission: The Parks, Recreation, and Tourism Department seeks to enhance the quality of life of the citizens of Burgaw by offering both active and passive recreation opportunities. The department includes a comprehensive system of parks, greenways, facilities, and open spaces that helps promote health and the enjoyment of outdoor activity in Burgaw.

Vision: The Town of Burgaw envisions a system of parks and recreation facilities that:

- Connects neighborhoods physically, socially, and culturally
- Provides a sense of place and identification for the community
- Protects, preserves, and restores significant natural areas and resources
- Enables all residents to reach their potential through healthy, active, and balanced lifestyles

Introduction

Splash pads are becoming increasingly popular as safe and accessible alternatives to traditional water play, offering interactive water features that encourage children and families to engage in outdoor activities while promoting water safety. The Town of Burgaw does not currently have a community splash pad, a facility that has long been desired by residents. The idea was presented as one of the top ten most needed facilities in the 2016 Parks and Recreation Master Plan and was the second most requested facility in the 2024 Master Plan update.

The community pursued a splash pad project in 2016, but due to internal logistics and location, the project was not completed, and funds raised were returned to donors in late 2017. With the development of The Parks Foundation of Burgaw in 2023 a 501(c)3 non-profit, plans to pursue such a project have been revived. To support the Parks, Recreation, and Tourism Department for the town, The Parks Foundation of Burgaw has presented this information to the Town of Burgaw Board of Commissioners for support and approval to use the existing land at Bishop Rayford Hankins Memorial Park. Because the park was named after Reverend Hankins, The Parks Foundation consulted the family to be sure they were in favor of the project.

SECTION II: VISION, GOALS, AND OBJECTIVES

To guide the development of the Hankins Park Splash Pad, the Town of Burgaw establishes the following vision statement and goals:

The Town of Burgaw envisions an innovative splash pad space that inspires active play, fosters community connection, provides a safe, fun environment for people of all ages, and connects to the existing parks and trails infrastructure. This vibrant play space will enhance Burgaw's current public parks system by offering a refreshing, interactive experience that promotes health, wellbeing, and outdoor enjoyment for generations to come.

Hankins Park Splash Pad Goals

**Enhance
Community
Engagement**

**Improve Local
Amenities**

**Promote
Sustainability and
Stewardship**

Goal 1: Enhance Community Engagement

The Town of Burgaw actively seeks to establish recreation programs to bring people of all ages, ethnic backgrounds, and socio-economic levels together and to design parks to accommodate all sectors of the town's population and support their physical, mental, and social needs, as stated in the 2024 Parks and Recreation Comprehensive Master Plan. The Town also strives to encourage active, healthy lifestyles for members of the community, and promoting outdoor play at a splash pad helps to accomplish this goal.

The proposed location for the splash pad is Hankins Park, which is already connected to residential areas of town and the downtown area through sidewalks and the Osgood Canal Greenway and Urban Trail. Given this location, the splash pad will be easily accessible by walking along safe routes, giving more families the opportunity to enjoy outdoor recreation.

The Town of Burgaw is dedicated to improving the accessibility of existing facilities and incorporating accessible elements into all future facilities. The proposed splash pad is ground level,

has safety surfacing, and contains varying levels of interactive play materials, making the facility accessible for those with all abilities.

Objectives

- **Provide a community gathering space that promotes outdoor family-friendly activities and fosters social interaction**
- **Develop a water facility that is accessible to people of all ages and abilities**
- **Host events and community programs at the park to encourage use of the facilities**

Goal 2: Improve Local Amenities

Currently, there are no water recreation attractions in Pender County. A splash pad in Burgaw will encourage residents to stay in town during the hot summer months, rather than venturing to Wilmington or other surrounding areas to find water recreation opportunities. Not only will residents use this facility, but members of nearby communities will be able to enjoy the splash pad, promoting tourism and supporting local businesses while they are in Burgaw.

The proposed location for the splash pad, Hankins Park, is a passive park that is rarely used other than to host parties at the pavilion on site. A splash pad at Hankins Park, situated along the Osgood Canal Greenway and Urban Trail, will facilitate increased usage of Burgaw's existing park acreage.

Objectives

- **Build the first interactive water feature in the county**
- **Encourage residents to recreate locally instead of traveling to other areas**
- **Attract visitors from nearby communities**
- **Enhance the usability of an existing passive park that does not have any active engagement elements**

Goal 3: Promote Sustainability and Stewardship

The Parks, Recreation, and Tourism department seeks to use resources to their highest potential while minimizing waste. The Hankins Park splash pad will be primarily funded through grants and community and business donations as organized by The Parks Foundation of Burgaw.

To minimize wasted water and be financially conscious, the proposed project includes a recirculation system that reuses and treats the water from the splash pad to continuously provide

safe water for the facility. The water features on the splash pad will not be constantly running, but will be user activated, also reducing waste.

Regular maintenance of existing parks and facilities has consistently been important for the department. The splash pad will be added to the list of locations to maintain to promote health and safety and keep the facility looking new.

Objectives

- **Fund the project in part through grants, community support, and donations from large organizations**
- **Invest in a recirculation system that uses water efficiently to help minimize wasted water**
- **Ensure the splash pad meets all safety standards and guidelines for public water features**
- **Outline a plan for long-term maintenance to keep the splash pad clean, safe, and in good condition**

SECTION III: EXISTING CONDITIONS

Demographic Profile

A review of the demographic information of residents of Burgaw has been evaluated to understand the characteristics of the community better and to identify future trends and projections that may influence recreation and park planning. Information concerning the age and gender of the population is an important factor in determining the need for recreation in the community. Statistics from the US Census Bureau and Town staff indicate that there will be a period of stable growth in Burgaw over the next few years. The table below contains the general demographic characteristics for full-time residents of Burgaw as ascertained by the 2022 American Community Survey estimates.

Category	Number	Percent
Sex		
Male	1,811	56.5%
Female	1,396	43.5%
Age		
Under 18 years	586	18.3%
18 to 64 years	1,950	60.8%
65 and over	671	20.9%
Race		
White	1,675	52.2%
Black	1,140	35.6%
American Indian and Alaskan	18	0.6%
Asian	4	0.1%
Hispanic	202	6.3%
Other	168	5.2%

Demographics Summary

The 2022 population estimates from the American Community Survey reveal significant characteristics of Burgaw's population. Of note is that people between the ages of 18 and 64 make up most of the population at 60.8%, followed by 65 years and over at 20.9%, and under 18 years of age at 18.3%. The largest racial segment of the population identifies as White (52.2%) and the next highest is the Black population at 35.6%.

Housing and Education

2022 American Community Survey data indicates that 58.5% of Burgaw residents are homeowners, with the other 41.5% of residents occupying their place of residence as renters. The median value of owner-occupied housing units in Burgaw in 2022 was \$194,100. 82% of adult residents of Burgaw were a high school graduate or higher and 20.8% graduated from a four-year university with a bachelor's degree or higher.

Population Projections

to the 2022 American Community Survey 5-year estimates, the population of Burgaw was 3,207 individuals. Based on the 2022 projections of 3,207, there has been a 3.07% growth rate over four years, putting the estimated 2024 population at around 3,520. Using this rate of growth for future population size estimates can help when planning on meeting a growing demand for recreational services. The population projections for Burgaw have been compiled in the table below.

There have been both times of rapid growth and a slight decline in Burgaw's population since the year 2010; however, the population has been growing at a steady rate with an improved national economy. Burgaw population estimates (in ten-year increments) can be seen below.

Year	Population Estimate
2020	3,207
2030	4,047
2040	4,073
2050	4,099

A population growth occurred from 2010 to 2019 with Burgaw residents. This was primarily due to Burgaw's location concerning the thriving City of Wilmington and the amenities offered by the Metropolitan Statistical Area (MSA) in terms of housing, schools, hospitals, churches, employment, entertainment, etc. The population and growth rates of the Town should be re-evaluated in future years and adjustments should be made to Plan Recommendations, as necessary.

Parks Inventory

W. Ross Harrell Memorial Park

This 0.75-acre neighborhood park includes children's playground equipment, tennis courts, a gazebo, picnic tables, benches, and off-street parking. There are no restrooms on-site, but the park is diagonally across the street from Hankins Park, so bathroom facilities are within walking distance.



Bishop Rayford Hankins Memorial Park

Hankins Park is a passive 1.49-acre neighborhood park immediately adjacent to the Osgood Canal Greenway and Urban Trail. This site includes a picnic pavilion, picnic tables, benches, water fountains, restrooms, and open space. The pavilion can be reserved for parties, but the remaining open space always remains open to the public.



Ashe Street Park

This 4.34-acre park on the corner of Ashe Street and Timberly Lane is currently being developed. The Osgood Canal Greenway and Urban Trail meanders along the canal through the property. The park includes property on both sides of the canal, but the two sections are not currently connected. A fitness park was recently constructed at Ashe Street Park, and there are plans to install a dog park.



Burgaw Entry Peninsula

Only 0.36 acres, this green space area marks the transition to the town's historic downtown area. It is linked with the other town parks by the Osgood Canal Greenway and Urban Trail. It is not currently used for much recreational activity due to its proximity to two busy roads and small size. A blueberry statue is located inside the park to represent the annual North Carolina Blueberry Festival.



Wilmington Street Park

Originally slated for a children's playground area with bathrooms, this 1.03-acre park is currently considered a space best used for more passive activities due to neighborhood concerns. No official function for the park has been designated. The town has planted trees on the lot for beautification. This lot is currently located within the floodway.



Rotary Park

This park is immediately adjacent to Cape Fear Community College and provides the playground and pavilion amenities originally planned for Wilmington Steet Park. Playground equipment includes both a tot lot and equipment for older children, and the pavilion includes picnic tables and restrooms. There are also regulation-size basketball and volleyball courts. The park is immediately adjacent to the Osgood Canal Greenway and Urban Trail.



Dees Park

This park is located downtown on Courthouse Avenue between the Historic Burgaw Train Depot and Pender County Courthouse. The area includes picnic tables and a stage for entertainment. The park is currently being utilized for outdoor movies and concerts. Plans for the park include the construction of public restrooms and a gazebo.



Wright Street Pocket Park

This park is located on Wright Street next to the post office. The park is passive in nature and has no active use regarding recreational activities. The park includes landscaping and a swing.



Johnson Park

This 1.38-acre park sits on the corner of South Walker and East Hayes streets. It is currently being used for passive activities and amenities. The Osgood Canal Greenway and Urban Trail runs through the site.



Pecan Park

Across the street from Wilmington Street Park, this 0.25-acre site is a passive pocket park with pecan trees. There are no amenities on the lot.



Osgood Canal Greenway and Urban Trail

The Osgood Canal Greenway and Urban Trail is a 2.2-mile loop of walking trail in and around the central portion of the town limits. The trail follows the Osgood Canal through town and includes wooded areas along the canal and urban areas downtown. It connects the three schools located in the town and links both passive and playground parks.

An additional 3 miles of trail is under construction at the time of writing this Development Plan.

Burgaw Fitness Park

This fitness park is under construction at the time of writing this Development Plan.

SECTION IV: PLANNING AND PUBLIC ENGAGEMENT PROCESS

Public input is crucial when developing any new major recreation amenity because it ensures the new facility will be meeting the recreation needs and desires of the community it serves. The recommendations of this plan rely heavily on the public input provided during the 2016 and 2024 Parks and Recreation Master Plans planning periods.

Previous Plans

Both the 2016 and 2024 Town of Burgaw Parks and Recreation Master Plans highlighted the desire of the community for a splash pad in town. Survey results for the 2016 Master Plan indicated a splash pad was the ninth most-needed facility in Burgaw, and the plan recommended installation of one as a short-term capital project.

The 2024 Master Plan saw respondents even more interested in a splash pad, with the facility ranking second on a list of most-needed recreational facilities, only following swimming pools, which are unable to be accommodated with current land constraints.

The 2024-2025 Town of Burgaw Capital Improvement Plan (CIP) also issues recommendations for the installation of a splash pad as a medium-term project to be completed in FY 2028-29. The delay in timing as stated in the CIP is due to space constraints, where the Town would need to acquire additional properties to accommodate the facility. The splash pad is now able to be completed in a more immediate time frame due to recognition of Hankins Park as a suitable site.

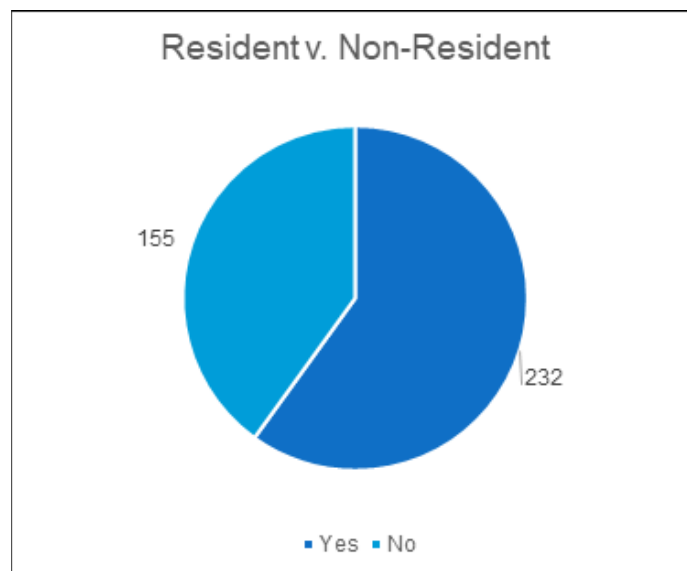
Community Meetings

During the development of the 2024 Parks and Recreation Comprehensive Master Plan, the department held two community meetings to gather information on which facilities the community would most like to see developed in the near future. Attendees were given 5 stickers each and had the opportunity to put them on photos of their most desired new recreation amenities. Splash pad ranked third on most wanted facilities at these meetings, tying with Dog Park, and following Skate Park and Community Recreation Center.

The Town plans to host additional splash-pad-specific community meetings in September of 2025.

Community Survey

The Community Survey was available to the public from September 2023 to July 2024. Community members could participate in the survey by visiting the Town Hall or attending a community event hosted by the Town. In addition, the survey was available electronically on the Town of Burgaw website and social media. Town staff further distributed the survey through the town newsletter, local newspaper, emails, radio ads, and local television stations. Relevant community survey results are included here.



Response Rate

Four hundred and eighty-two (482) responses were returned representing one thousand five hundred and ninety-six (1,596) individuals. Two hundred and thirty-two (232) respondents indicated that they lived within the corporate limits of the Town, and one hundred and fifty-five (155) indicated that they did not live within the corporate limits. Ninety-five (95) individuals did not respond to these questions, leaving a total response rate of three hundred and eighty-seven (387).

Demographics

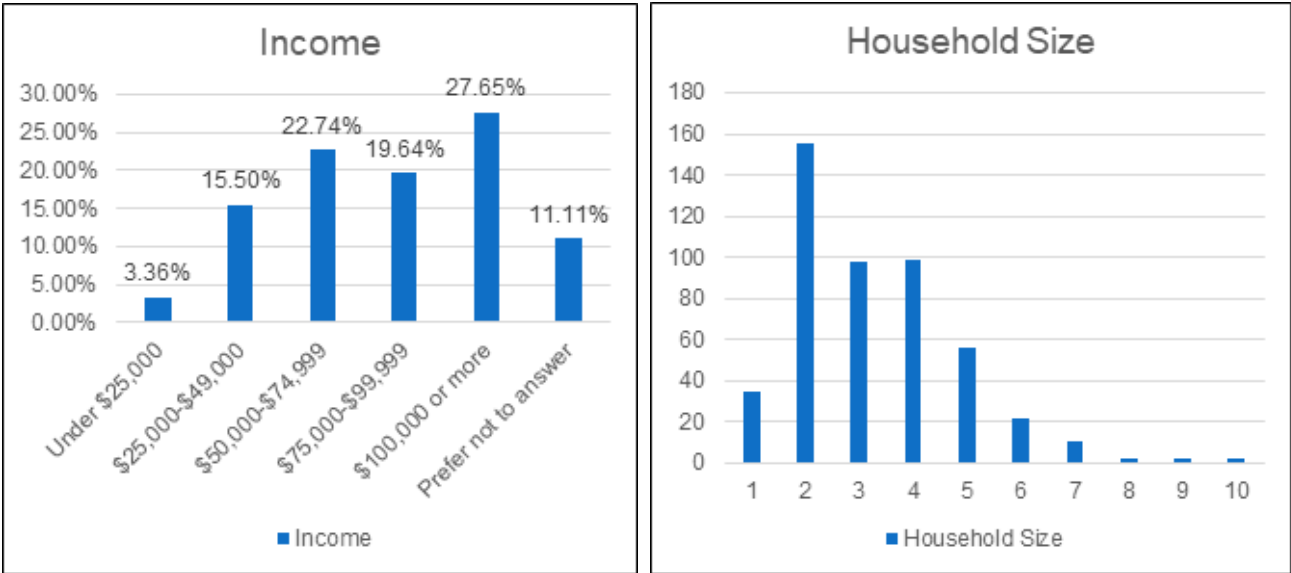
Demographic information was included as part of the survey primarily to determine whether the respondents were representative of the entire community. Because there were questions regarding the spending of property taxes, respondents were also asked whether they were property owners. Around two hundred and twenty-three (223) respondents owned property within the Town of Burgaw, making up 57.62% of the response rate. The average family size per resident was around two (2) people per household. 2020 census data reports 2.4 persons per 1,078 households in Burgaw, NC.

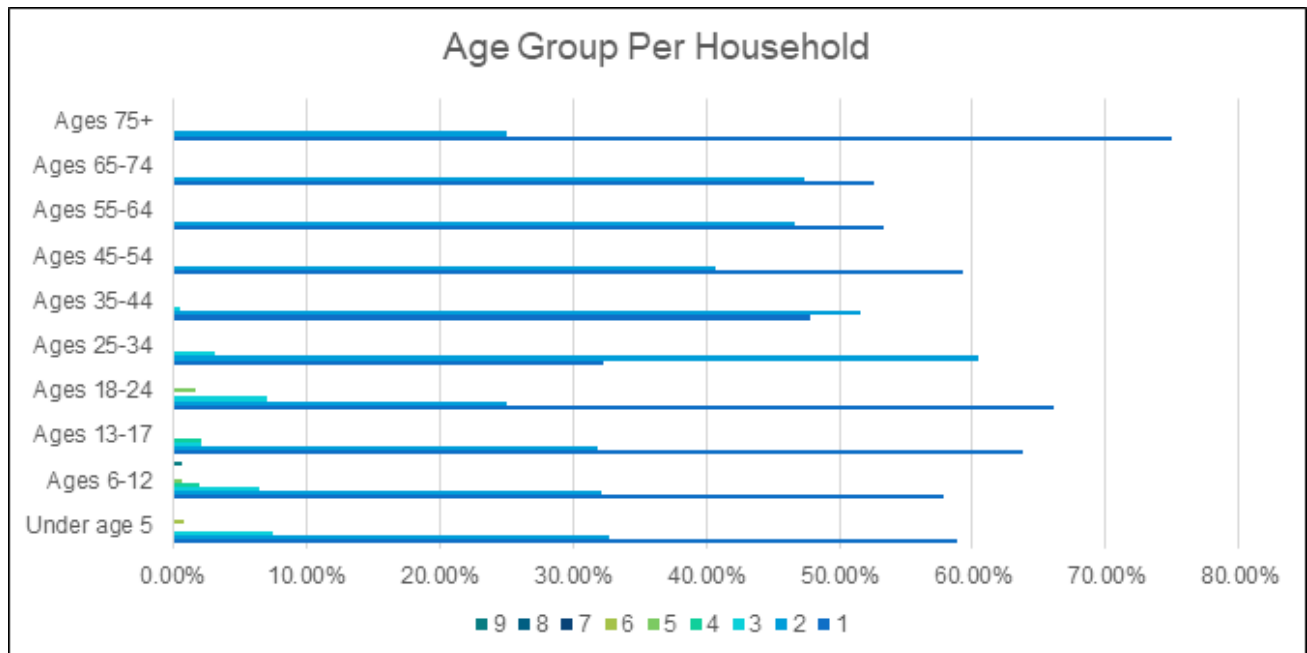
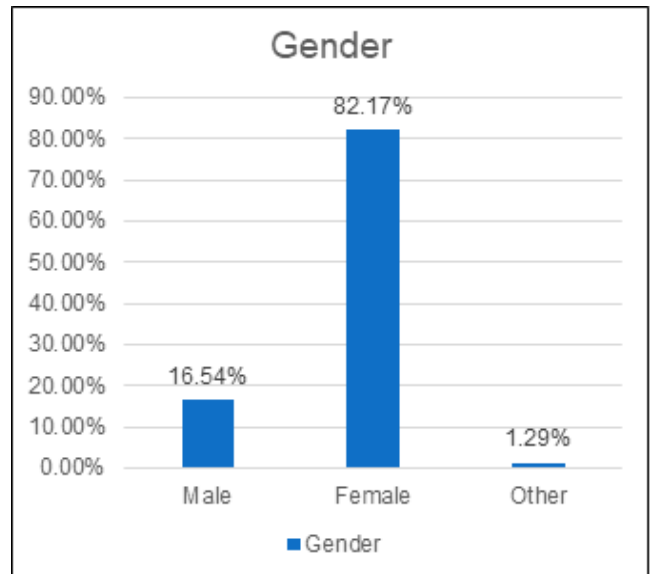
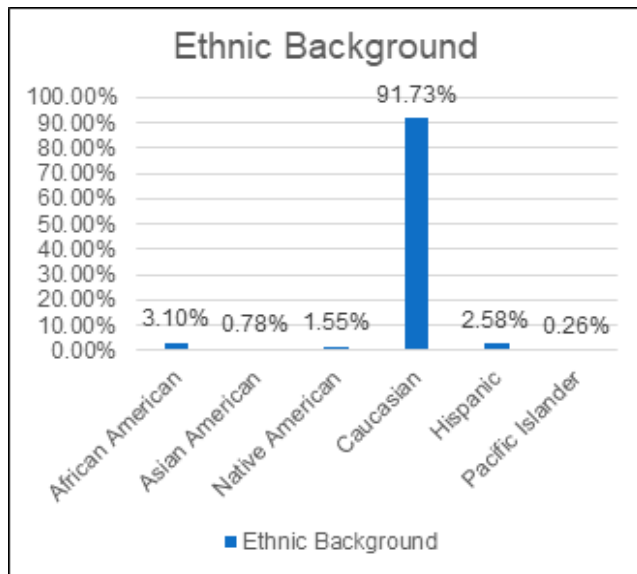
The ethnic background of survey respondents was less representative of the population, in comparison with census findings. According to the 2022 census, the town's population was 52% Caucasian and 36% African American. However, 91.7% of survey respondents were Caucasian, and only 3.10% were African American. In both the census and the survey, the number of people of other backgrounds was small enough as to not be statistically significant. Survey responses were filtered by ethnic background to determine where responses may be affected by the undercounting of the African American population, and those discrepancies are noted in this document and the Needs Assessment. Ninety-five (95) individuals skipped the question altogether.

Based on gender, 82.17% of the survey respondents were Female and 16.54% were Male. Ninety-five (95) respondents elected to skip this question together and 1.29% indicated their gender as "Other".

Survey respondents were also asked about their household income levels. Survey responses were filtered by income to determine where responses may be affected by the undercounting. Discrepancies are noted in this document and the Needs Assessment. 27.65% of responses indicated that their average household income was greater than \$100,000. Ninety-five (95) individuals skipped the questions altogether and 11.11% of individuals preferred not to share this information.

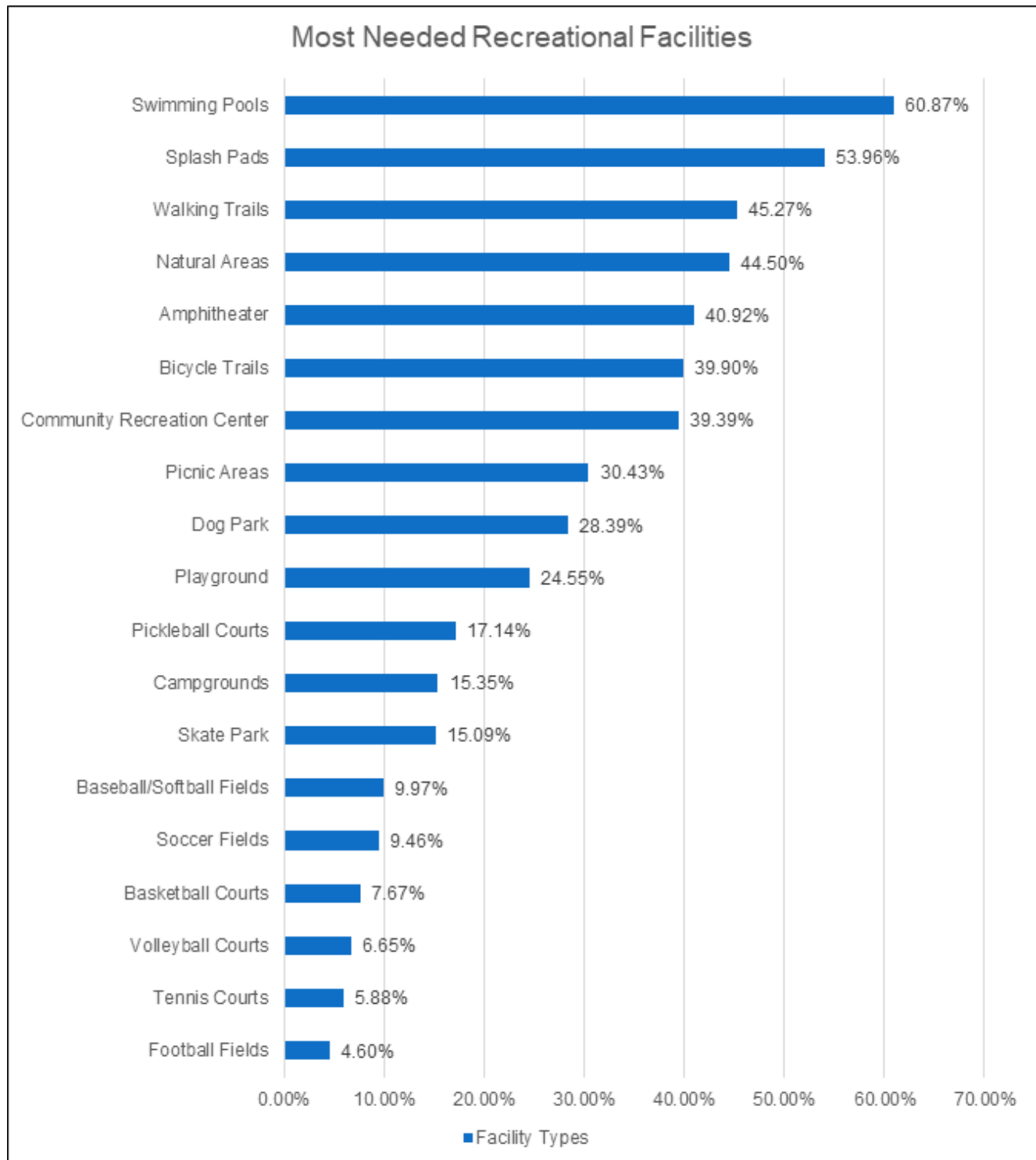
Respondents were also requested to indicate the number of people in each group in their households. All four hundred and eighty-two respondents participated in this portion of the survey. The largest age groups reported were the age 35-44 and 6-12 years of age groups. The 35-44 (182 responses) age group reported an average of two (2) individuals (51.65%) per household within this age bracket and the 6-12 (152 responses) age group reported at least one (1) individual (57.89%) with this age bracket.





Most Needed Recreational Facilities

Survey respondents were asked which new facilities they would most like to see developed in town. Splash pads ranked second, directly under swimming pools. The top ten facilities noted were needed including swimming pools, splash pads, walking trails, natural areas, amphitheaters, bicycle trails, community recreation centers, picnic areas, dog parks, and playgrounds.



SECTION V: SITE SELECTION AND ANALYSIS

Bishop Rayford Hankins Memorial Park was selected as the location of the splash pad project for a number of reasons, from floodplain and parking considerations to proximity of restrooms and utilities. A combination of favorable elements makes Hankins Park the ideal space for this new water recreation facility.

Physical Location

Hankins Park is situated along the Osgood Canal Greenway and Urban Trail, which connects various neighborhoods, three local schools, and the downtown area. This makes the park and splash pad easily accessible for families who may be walking or biking the trail from different parts of the community.

Located across the street diagonally is W. Ross Harrell Memorial Park, featuring tennis courts, a racquetball court, playground, gazebo, and picnic area. The proximity of the two parks means families can easily move between the two for a full play experience.

Another contributing factor to the selection of Hankins Park as the splash pad location is the fact that part of the park is in a 500-year floodplain (see Appendix D). Only the southernmost portion of the park, adjacent to the Osgood Canal itself, is impacted by this floodplain hazard. The northern half of the park, where the splash pad will be situated, is free of any flood risk. Other parks in the Town of Burgaw are located directly in a floodplain and would not be acceptable locations for a splash pad.

Parking

Hankins Park contains a gravel parking lot with 14 spaces available for public use. The parking lot is connected to the park via sidewalk. The proximity of Harrell Park down the street means some families may park at that location for the playground before making their way to the splash pad at Hankins Park.

There is room for future expansion of parking at Hankins Park diagonally along Walker Street to the west of the park. Accessible parking can eventually be constructed here, ensuring the splash pad becomes yet easier to reach for all visitors, including those with mobility challenges. Renderings were completed to show future parking possibilities.

Nearby Amenities

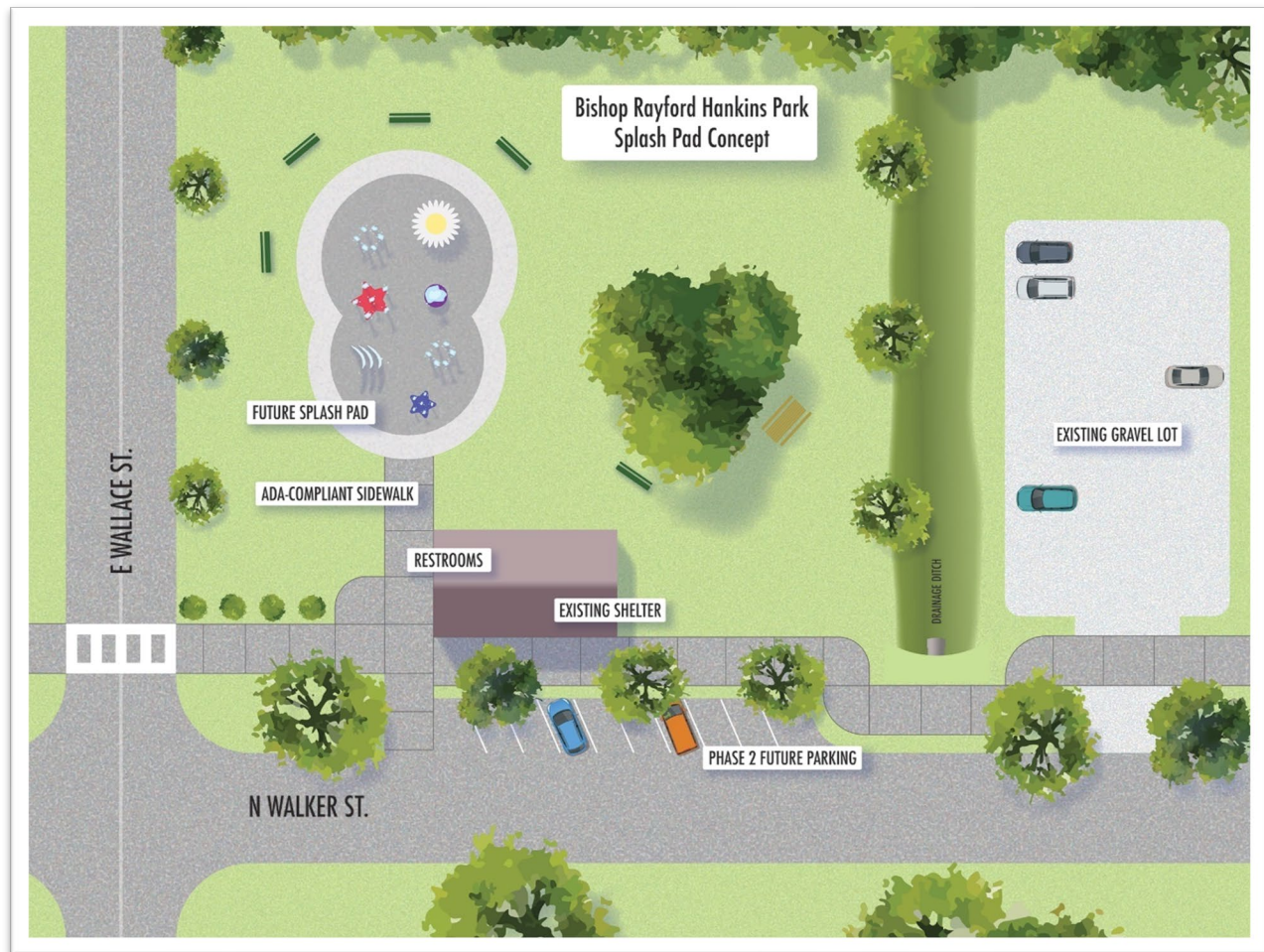
Hankins Park is ideal for a splash pad because additional facilities will not need to be constructed to accompany the splash pad, due to their location on site. Hankins Park already contains a pavilion that includes a picnic shelter and accessible men's and women's restrooms with two stalls each. This provides ample space for families to sit down and enjoy lunch at the park and change clothes in the restroom.

As previously mentioned, Hankins Park is near Harrell Park, which has its own playground, tennis courts, gazebo, and picnic area, complimenting the splash pad by catering to an overlapping audience.

Utilities

The existing utility services at Hankins Park include a 1-inch water line and 3-phase power, both of which are sufficient resources for a splash pad with a recirculation system.

Though the park is adjacent to the Osgood Canal, water will be designed drain into the reservoir, rather than to flow into the canal as treated water can be harmful to organisms in the canal.



SECTION VI: SPLASH PADS

A splash pad is a type of water recreation amenity with interactive fountains, ground sprayers, water cannons, tipping buckets, and other water features. Splash pads often follow a theme, contributing to the town's aesthetics and character, creating a visually appealing space for residents and visitors to enjoy. Splash pad guidelines are outlined in Appendix A.

Popularity

Splash pads have become increasingly popular as an alternative to swimming pools in the past two decades due to lower cost, less management and maintenance, safety, and accessibility. The Town of Burgaw is limited on land and staff, so a splash pad, rather than a pool, is a great amenity to offer to families to help combat the summer heat.

Recreation Management's 2024 Report on the State of the Managed Recreation Industry notes that splash play areas are the top feature respondents said they plan to add to their facilities in their 2024 survey.

System Types

Flow-Through

FLOW THROUGH SYSTEM



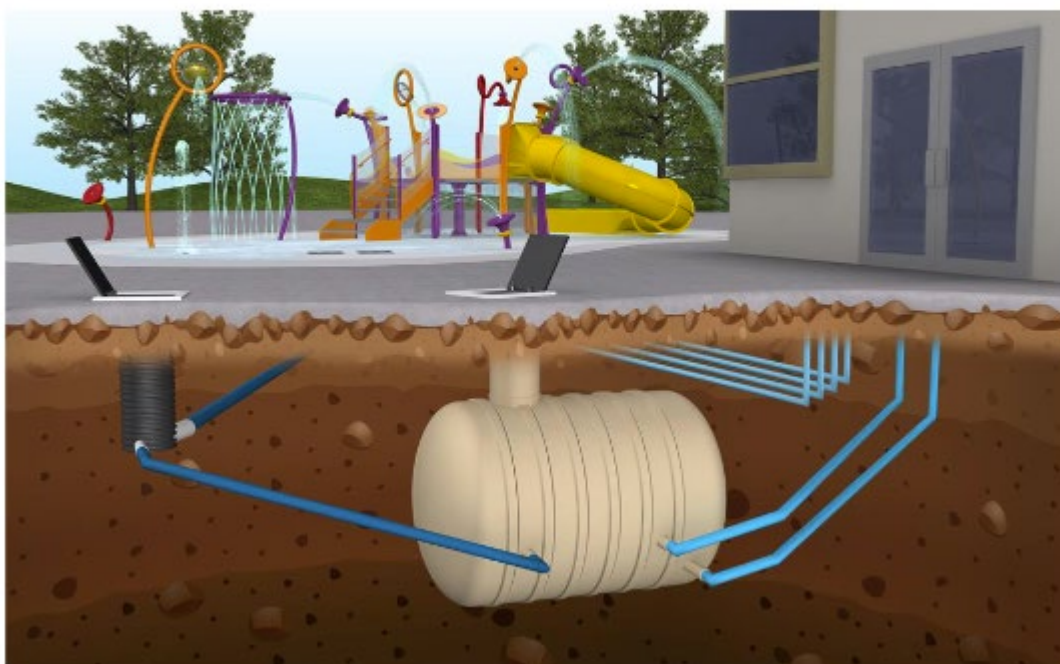
In a flow through system, water is pumped directly to the splash pad and then drained into the sewer or stormwater system. This water system consistently provides fresh, clean water without the need for chemical treatment on site. Installation is simple since no underground tank needs to be installed. This

system type is cheaper than others but tends to waste water, which could mean needing to be turned off in times of drought.

Recirculation

Recirculation systems involve water being constantly filtered, disinfected, and reused on the splash pad. In this closed-loop system, an underground holding tank is filled at the time of installation. This type of splash pad water system reduces wasted water but requires significant up-front cost and more frequent maintenance. Recirculation systems can be more beneficial than the other two system types if there is a drought, since water is not regularly pumped to the pad from the water main.

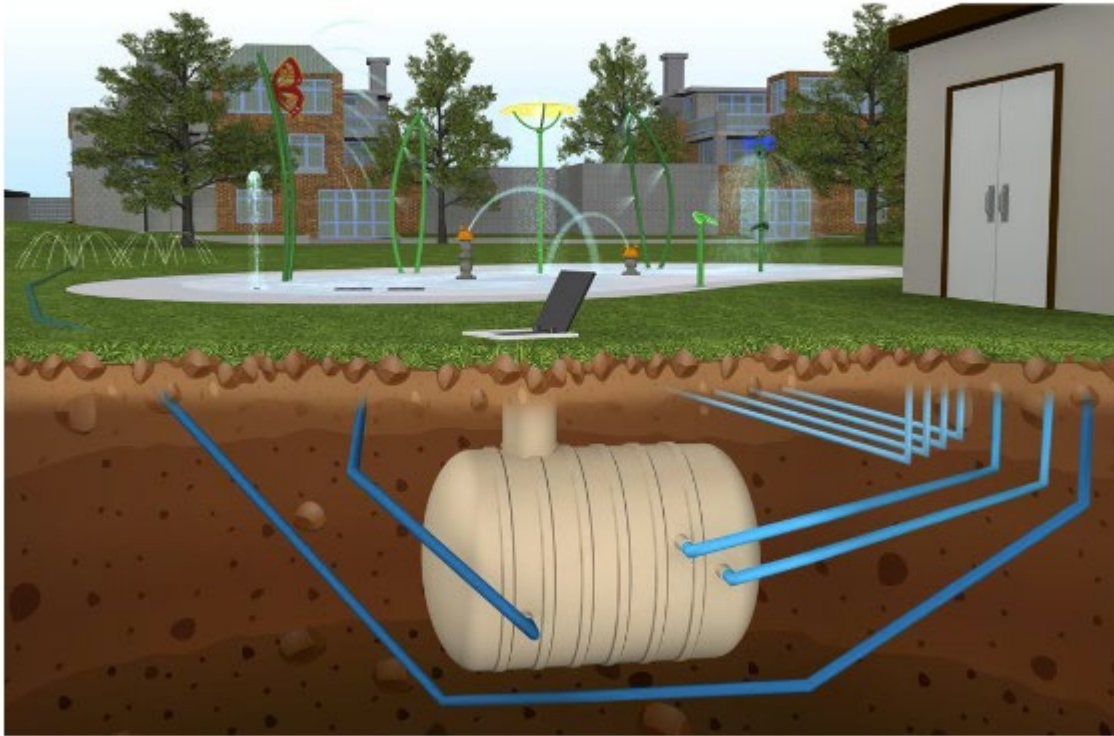
RECIRCULATION SYSTEM



Retain and Reuse

A retain and reuse system is a combination of the other two system types. Fresh water is pumped directly to the splash pad, and the water drains into a holding tank in the ground. Instead of the water being treated, it is held to be reused for other reasons, such as irrigation or landscaping. This type of system reduces wasted water by reusing it for another purpose but may only be helpful if there are areas very nearby that

RETAIN & REUSE SYSTEM



need irrigation. Since water does not need to be treated, less regular maintenance is involved than if using a recirculation system.

Design

After working with The Parks Foundation of Burgaw, the department's Parks and Recreation Advisory Board, and the Town of Burgaw Board of Commissioners, it was decided to use a recirculation system in order to reduce wasted water and provide clean water to splash pad users.

A proposed design was developed based on budget criteria, location, and community needs. The design is a splash pad with about a 1500-square-foot area and includes multiple overhead and ground sprayers, tipping buckets, and water cannons of different heights and interactive abilities.

Surfacing

Surfacing for the splash pad facility will be provided by a local company, GAF, who will be donating and applying their pavement surfacing material called StreetBond. This material protects and preserves pavement and provides a non-slip surface. StreetBond is environmentally friendly as it can be recycled with asphalt. The coating will reflect heat, an important aspect during the summers in Burgaw.

StreetBond will also provide a colorful finish on the community splash pad project, allowing the park to remain beautiful, rather than taking away from the aesthetics. See the example below.



SECTION VII: ACTION PLAN FOR IMPLEMENTATION

In order to implement development of the Hankins Park Splash Pad, the following actions need to be taken:

1. Adopt the Plan

The plan needs to be adopted by the Town of Burgaw Board of Commissioners so that the Town can move forward towards goals set forth in the plan and seek additional funding. The plan will be presented to the Board of Commissioners at the May 2025 meeting for review and approval. The plan will also be presented to The Parks Foundation of Burgaw and Parks and Recreation Advisory Board at their May 2025 meetings for support

2. Quote Project Costs

The Town will obtain quotes for construction and installation of the splash pad and its amenities.

3. Host Public Meetings

The Town plans to host community meetings regarding the splash pad in September of 2025 to provide details to the public, answer questions, and garner support.

4. Apply for Funding

The Parks Foundation of Burgaw has ongoing fundraising efforts specifically for a splash pad project. Their intent is to donate funds raised in the amount of half of the cost of the project to the Town of Burgaw. The Town will need to apply for a PARTF grant in May 2026 to fund the remaining half of the project

5. Apply for Permits

The Town will apply for necessary permits including:

- Building Permit with the Town of Burgaw
- Public Swimming Pool Operation Permit with Pender County Health Department

6. Complete Project

The Town of Burgaw will pursue bids and complete construction of the project.

SECTION VIII: MAINTENANCE, MANAGEMENT, AND OPERATION

The Town of Burgaw Parks, Recreation and Tourism Department will work with the Facilities and Grounds and Public Works Departments to maintain the splash pad in accordance with North Carolina Department of Health and Human Services guidelines for water recreation amenities. See Appendix A.

Ongoing and Short-Term Maintenance

- Daily water quality checks and balancing chemicals
- Filter and surface inspections and cleaning

Short- to Medium-Term Maintenance

- Winterization
- Annual full system inspection and replacement of worn parts
- Keep water system filled to the appropriate capacity

Medium- to Long-Term Maintenance

- Surface repairs or recoating
- Expansion of splash pad or addition of other facilities on site
- Filter system or disinfection system replacement or upgrade

APPENDIX A: CAPITAL IMPROVEMENT PLAN

The following Capital Improvement Plan was adopted by the Town of Burgaw Board of Commissioners on July 1, 2024. The plan represents a 10-year vision for the Parks and Recreation Department. The plan incorporates the long-term vision for sustainable development, economic growth, and community resilience. This plan is updated yearly and remains subject to changes based on evolving needs, financing opportunities, emergencies, or Board directives.

FY 2024-25

West Side Expansion of Osgood Canal Urban Trail & Greenway..... \$200,000

Due to additional requirements mandated by the North Carolina Stormwater Program, the Parks, Recreation, and Tourism Department is requesting additional funding to cover the expense of design, engineering, survey, permitting, and construction administration of West Side Trail. The original budget for PARTF did not cover these expenses and would be a massive detriment to the overall project budget if not allocated. The Town is currently obligated under contract with the North Carolina Parks Division to provide the state recreation amenities of West Side Trail. The Parks, Recreation, and Tourism Department believes it is vital to fulfill our obligation to the State and the residents of Burgaw, who voted and advocated for multiple years to have this project built.

FY 2025-26

Dees Park Pavilion..... \$TBD

The development and construction of the Dees Park Pavilion, a landmark addition to the Historic Downtown area. This project will be designed to enhance community engagement and outdoor leisure, with a focus on providing essential amenities for residents and visitors alike. The Dees Park Pavilion will feature a picnic area, thoughtfully integrated into the downtown landscape to complement the vibrant array of local restaurants. This inviting space will offer a setting for individuals and families to enjoy outside dining, fostering a sense of connection and enjoyment within the downtown community. In addition to its picnic area, the Dees Park Pavilion will include public restrooms strategically positioned to provide convenient access for downtown patrons. These facilities will serve as a vital amenity, offering essential comfort and accessibility while shopping, dining, or attending events in the downtown area. Whether exploring the bustling streets or participating in community gatherings, visitors can rely on the Dees Park Pavilion to provide a welcoming and convenient retreat in the heart of Burgaw's Historic Downtown. The development and construction of the Dees Park Pavilion underscore Burgaw's commitment to enhancing the downtown experience and fostering community engagement. Through thoughtful planning and execution, this project will contribute to the continued revitalization and prosperity of Burgaw's Historic Downtown area, ensuring a vibrant and inviting environment for generations to come.

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users Capital Improvement Plan Town of Burgaw Page | 15 while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Resurface Tennis Courts.....\$40,000

Resurfacing of the tennis courts at the W. Ross Harrell Memorial Park will ensure they meet the national standards for safety and athletic performance set by the United States Tennis Association. Resurfacing is recommended every 4-8 years to maintain the quality and integrity of the courts. Currently, the tennis courts are showing signs of wear and tear, including stress cracks and small holes, indicating the need for refurbishment. By investing in the resurfacing of the tennis courts, Burgaw aims to prolong the lifespan of this recreational facility, providing residents with a safe and enjoyable environment for playing tennis. This project aligns with the town's commitment to maintaining high-quality recreational amenities and promoting an active and healthy lifestyle within the community.

Shade Structures at W. Ross Harrell Memorial Park.....\$8,000

Proposal to install two cantilever umbrella shade structures at W. Ross Harrell Memorial Park. These shade structures are designed to provide much-needed protection from the sun in areas with high exposure. The installation of shade structures aligns with recommendations from the National Recreation and Park Association, which emphasizes the importance of providing shade to protect park visitors from harmful UV rays. Exposure to prolonged sunlight can lead to heat-related illnesses and increase the risk of skin cancer. By installing shade structures, Burgaw aims to create a safer and more comfortable environment for park users, encouraging them to spend more time outdoors while minimizing the potential health risks associated with sun exposure. Furthermore, shade structures promote inclusivity and accessibility by ensuring that all members of the community, regardless of age or sensitivity to sunlight, can enjoy the park's amenities. Overall, this project reflects Burgaw's commitment to promoting health, wellness, and community engagement through the enhancement of its public spaces.

FY 2026-27

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Dog Park..... \$30,000

Proposal for the design and development of a dog park, in accordance with the Parks and Recreation Master Plan. This initiative aims to fulfill the community's growing demand for dedicated spaces where residents can safely and responsibly exercise and socialize their canine companions. The design and development of the dog park will involve careful consideration of various factors, including suitable location, amenities, and landscaping to create an inviting and functional space for both dogs and their owners. This project aligns with the town's commitment to enhancing recreational opportunities and promoting a healthy and active lifestyle among its residents. By providing a designated area for dog recreation, Burgaw seeks to foster a sense of community, strengthen social connections, and improve the overall quality of life for its residents and their furry friends. Additionally, the dog park will contribute to the beautification of public spaces and serve as a valuable asset for attracting visitors and potential new residents to the area.

FY 2027-28

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By

resurfacing the trail, we aim to enhance the overall experience for users while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Land Acquisition..... \$TBD

Land acquisition to expand the park system and accommodate new amenities requested by residents and visitors. Currently, there are no available Town-owned properties suitable for developing new facilities or parks. Without acquiring new land, the Parks Department is unable to implement the desired features outlined in the Parks and Recreation Master Plan as requested by the community. By purchasing additional land, Burgaw aims to enhance its park system, address the growing recreational needs of its residents, and improve overall quality of life. This initiative reflects the town's commitment to providing accessible and diverse outdoor spaces that promote health, wellness, and community engagement. Acquiring new property will enable Burgaw to fulfill its long-term vision for the development and expansion of its parks, ensuring that they remain vibrant, inclusive, and well-equipped to meet the evolving needs of the community for generations to come. No cost is available at this time.

LED Lighting at Tennis Courts..... \$12,000

This project includes the replacement of existing lighting at the tennis courts with energy-efficient LED lighting, which will improve overall illumination and reduce glare around the playing surface. LED lighting not only enhances visibility for players but also offers significant energy savings compared to traditional bulbs. By switching to LED, Burgaw aims to lower energy consumption and operating costs associated with maintaining the tennis court lighting. Additionally, LED technology offers long-lasting performance, reducing the need for frequent maintenance and replacement of bulbs. Overall, this project aligns with Burgaw's commitment to sustainability and providing high-quality recreational facilities for its residents. Upgrading to LED lighting at the tennis courts will enhance player experience, promote energy efficiency, and contribute to the town's efforts to reduce its environmental footprint.

Pickleball Court..... \$30,000

Proposes to install a new pickleball court at W. Ross Harrell Memorial Park in response to resident requests and the growing popularity of the sport. Pickleball, a fast-growing activity, has been identified as a desired addition to the town's recreational offerings through the Parks and Recreation Master Plan. With sufficient space available at the park, there is an opportunity to accommodate one pickleball court to meet current demand. However, should the need for additional courts arise in the future, the Town may need to explore options for acquiring additional land to accommodate further expansion. By introducing a pickleball court at W. Ross Harrell Memorial Park, Burgaw aims to enhance recreational opportunities for residents of all ages and abilities. This project reflects the town's commitment to providing diverse and inclusive recreational amenities that promote active and healthy lifestyles within the community.

FY 2028-29

Repaving of Osgood Canal Greenway (Multi-Year) \$10,000

Repaving project for the Osgood Canal Urban Trail & Greenway, originally installed in 2010/2011. Over the years, the Osgood Canal Urban Trail & Greenway has served as a beloved pathway for residents and visitors, offering a scenic route for walking, jogging, and cycling. However, as with any well-loved infrastructure, wear and tear have become evident, prompting the need for maintenance and improvements. The repaving project, completed in phases, will address various safety concerns to ensure that the walking trail remains free of any trip hazards, cracks, roots, or other potential safety hazards. By resurfacing the trail, we aim to enhance the overall experience for users while prioritizing their safety and well-being. This initiative aligns with our commitment to providing accessible and well-maintained outdoor spaces that promote active lifestyles and community engagement. The repaved Osgood Canal Urban Trail & Greenway will continue to serve as a vital asset for recreation, transportation, and leisure, enriching the quality of life for residents of Burgaw and beyond.

Splash Pad..... \$100,000

Construction of a splash pad, fulfilling a longstanding request outlined in the Parks and Recreation Master Plan over the past 10-12 years. Recognizing the importance of providing recreational amenities for families and younger Capital Improvement Plan Town of Burgaw Page | 18 children, the Parks, Recreation & Tourism Department is seeking to address this need by introducing a splash pad to the town. Due to space constraints, the construction of a splash pad would necessitate the purchase of additional properties to accommodate the facility. This investment reflects Burgaw's commitment to enhancing the quality of life for its residents and fostering a sense of community by providing inclusive recreational opportunities. The introduction of a splash pad will not only offer a safe and enjoyable water play experience for children but also serve as a gathering place for families to socialize and connect. This project aligns with the town's vision for creating vibrant and family-friendly public spaces that promote health, wellness, and community engagement.

FY 2029-30

Gazebo at W. Ross Harrell Memorial Park..... \$20,000

Replace the current wood structure with a new metal pavilion at W. Ross Harrell Memorial Park. The Parks Department has identified the need for this upgrade due to the ongoing maintenance issues with the existing gazebo, which has required multiple repairs over the years. Transitioning to a metal pavilion will reduce upkeep and maintenance costs associated with the structure, providing a more durable and long-lasting solution. Additionally, the new pavilion will be larger in size and available for rent, offering opportunities for revenue generation. By investing in this project, Burgaw aims to improve the quality and

functionality of its park facilities, providing residents and visitors with enhanced amenities for gatherings, events, and recreation. This initiative reflects the town's commitment to maintaining and enhancing its public spaces to meet the evolving needs of the community.

Recreation Center \$3,000,000

Proposal to construct a recreation center in response to longstanding requests outlined in the Parks and Recreation Master Plan over the past 10-12 years. Recognizing the importance of providing recreational facilities for families and younger children, the Parks, Recreation & Tourism Department is seeking to address this need by establishing a dedicated space for indoor activities and programming. The construction of a recreation center will offer a wide range of benefits to residents, including access to fitness facilities, indoor sports courts, meeting rooms, and programming for all ages. This initiative aligns with Burgaw's commitment to promoting health, wellness, and community engagement by providing inclusive recreational opportunities. By investing in the construction of a recreation center, Burgaw aims to create a vibrant hub for residents to gather, socialize, and participate in recreational activities year-round. This project reflects the town's dedication to enhancing the quality of life for its residents and ensuring that all members of the community have access to diverse and enriching recreational amenities.

APPENDIX B

North Carolina Guidelines on Water Recreation Attractions

North Carolina Department of Health and Human Services

Rules Governing Public Swimming Pools

15A NCAC 18A .2543 Water Recreation Attractions

(a) Upon written request and approval by the Department, water recreation attractions including water slides, wave pools, rapid rides, lazy rivers, artificial swimming lagoons, and other similar features may deviate from the requirements of this Section with respect to pool profile, depth, freeboard, flow dynamics and surface skimming systems. The Department shall approve the request upon a showing that such deviation performs in a manner equally to or more protective of public health than the requirements of this Section based upon design plans and technical specifications by the designing engineer or equipment manufacturer. Water recreation attractions shall meet all other requirements of this Section.

(b) Water slide landing pools with a capacity of less than 60,000 gallons shall have a circulation and filtration system capable of turning over the entire pool capacity every two hours. Where automatic chemical controllers are used the turnover time shall be no more than three hours. Landing pool dimensions shall be consistent with the slide manufacturer's recommendation.

(c) When waterfalls are incorporated in water recreation attractions, they shall be constructed with no handholds or footholds to a height of four feet to discourage climbing.

(d) Interactive play attractions shall be constructed and operated in accordance with the rules of this Section and shall comply with the following:

(1) The recirculation system shall contain a water capacity equal to at least three minutes of maximum flow of all feature pumps and filter circulation pumps combined and shall not be less than 1,000 gallons. Where the water capacity exceeds 10,000 gallons, the minimum capacity shall be based on the lesser of three minutes of maximum feature flow or 7.5 gallons per square foot of splash zone watershed drained to the surge container.

(2) Access shall be provided to the surge water container.

(3) A filter circulation system shall be provided and shall be separate from the feature pump system except that both systems can draw water from a common drain pipe if the drain and pipe are sized to handle the flow of all pumps without exceeding the flow velocities specified in Rule .2518 of this Section.

(4) The filter circulation system shall draw water from the surge container through a variable height surface skimmer and a bottom drain located no more than 6 inches from the bottom of the container.

(5) The filter circulation system shall filter and return the entire water capacity in no more than 30 minutes and shall operate 24 hours a day.

- (6) Automatic chemical controllers shall be provided to monitor and adjust the disinfectant residual and pH of the water contained in the system.
- (7) The disinfectant residual in interactive play attractions shall be maintained at a level of at least two parts per million of free chlorine. Chlorine feeders shall be capable of producing 12 parts per million of free chlorine in the filter circulation piping.
- (8) Valves shall be provided to control water flow to the features in accordance with the manufacturers' specifications.
- (9) Splash zones shall be sloped to drains sized and located to remove all feature water to the surge tank without water accumulating on the surface.
- (10) Deck or walkway space is not required outside the splash zone.
- (11) Dressing and sanitary facilities shall not be required.
- (12) Interactive play features shall not be required to have a fence except the wading pool fence requirements shall apply to interactive play features located inside a swimming pool enclosure.
- (13) The safety provisions of Rule .2530 of this Section shall not apply except a sign shall be posted prohibiting pets and glass containers.
- (14) Interactive play attractions built prior to April 1, 2004, that do not comply with these design and construction requirements shall be permitted to operate as built if no water quality or safety violations occur under Rules .2535 and .2537 of this Section.

APPENDIX C

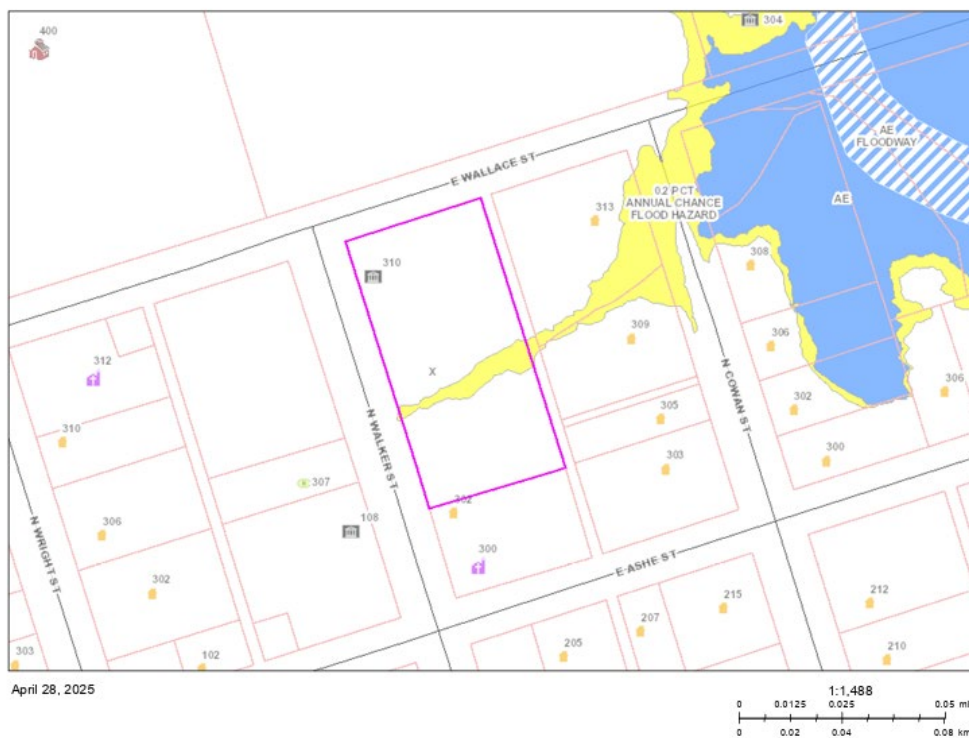
Bishop Rayford Hankins Splash Pad Concept



APPENDIX D

Flood Risk

Splash Pad Site



Splash Pad Site



APPENDIX E

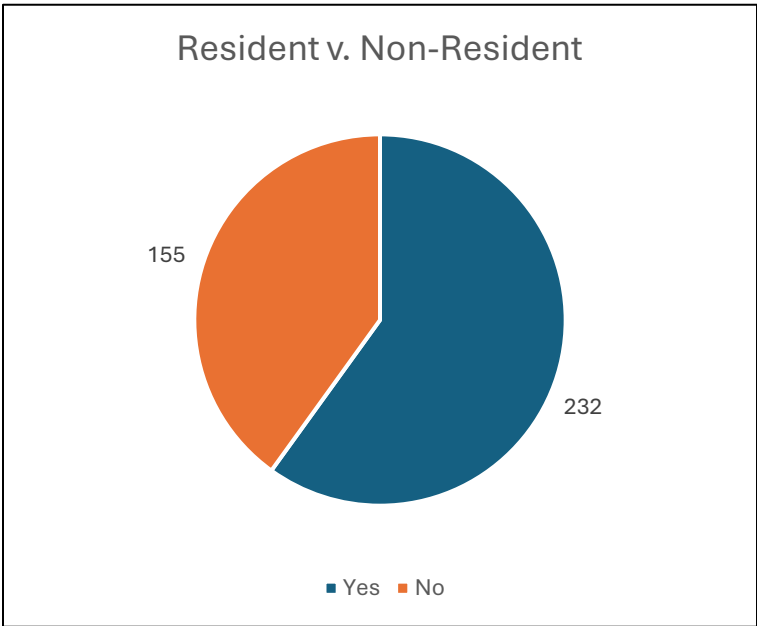
2024 Parks and Recreation Comprehensive Master Plan Complete Survey

Community Survey - Results

From September 2023 to July 2024, the Parks and Recreation Master Plan Survey was distributed to the residents and visitors of Burgaw, North Carolina. The survey was available electronically and in paper form at the Town Hall facility. Two public meetings were also held on September 25th and October 5th 2023. All advertisement for the survey was conducted on the Town website, social media, signage, town newsletter, emails, newspaper ads, and local television stations. Information was used to gauge residents' facility needs, recreational preferences, and support for parks and recreation activities. This document outlines the findings of this survey, which are discussed and analyzed in the plan's Needs Assessment.

Response Rate

Four hundred and eighty-two (482) responses were returned representing one thousand five hundred and ninety-six (1,596) individuals. Two hundred and thirty-two (232) respondents indicated that they lived within the corporate limits of the Town, and one hundred and fifty-five (155) indicated that they did not live within the corporate limits. Ninety-five (95) individuals did not respond to these questions, leaving a total response rate of three hundred and eighty-seven (387).



Demographics

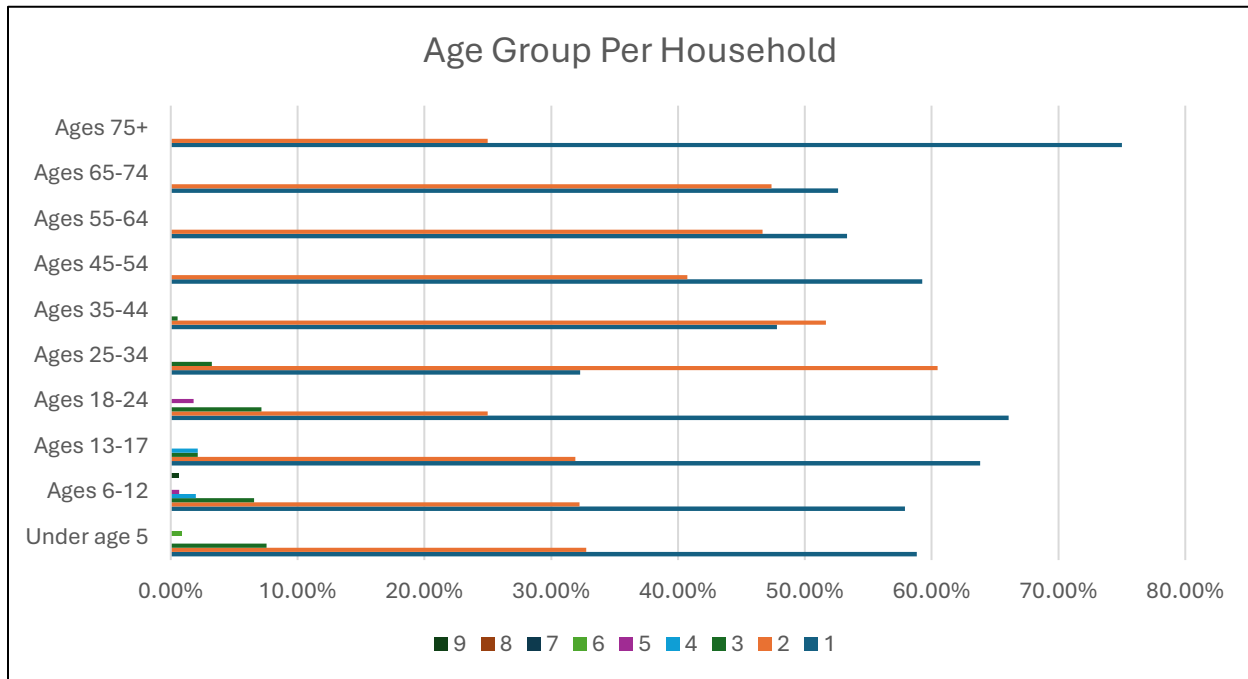
Demographic information was included as part of the survey primarily to determine whether the respondents were representative of the entire community. Because there were questions regarding the spending of property taxes, respondents were also asked whether they were property owners. Around two hundred and twenty-three (223) respondents owned property within the Town of Burgaw, making up 57.62% of the response rate. The average family size per resident was around two (2) people per household. 2020 census data reports 2.4 persons per 1,078 households in Burgaw, NC. The ethnic background of survey respondents was less representative of the population, in comparison with census findings. According to the 2022 census, the town's population was 52% Caucasian and 36% African American. However, 91.7% of survey respondents were Caucasian, and only 3.10% were African American. In both the census and the survey, the number of people of other backgrounds was small enough as to not be statistically significant. Survey responses were filtered by ethnic background to determine where responses may be affected by the undercounting of the African American population, and those

discrepancies are noted in this document and the Needs Assessment. Ninety-five (95) individuals skipped the question altogether. Based on gender, 82.17% of the survey respondents were Female and 16.54% were Male. Ninety-five (95) respondents elected to skip this question together and 1.29% indicated their gender as “Other”.

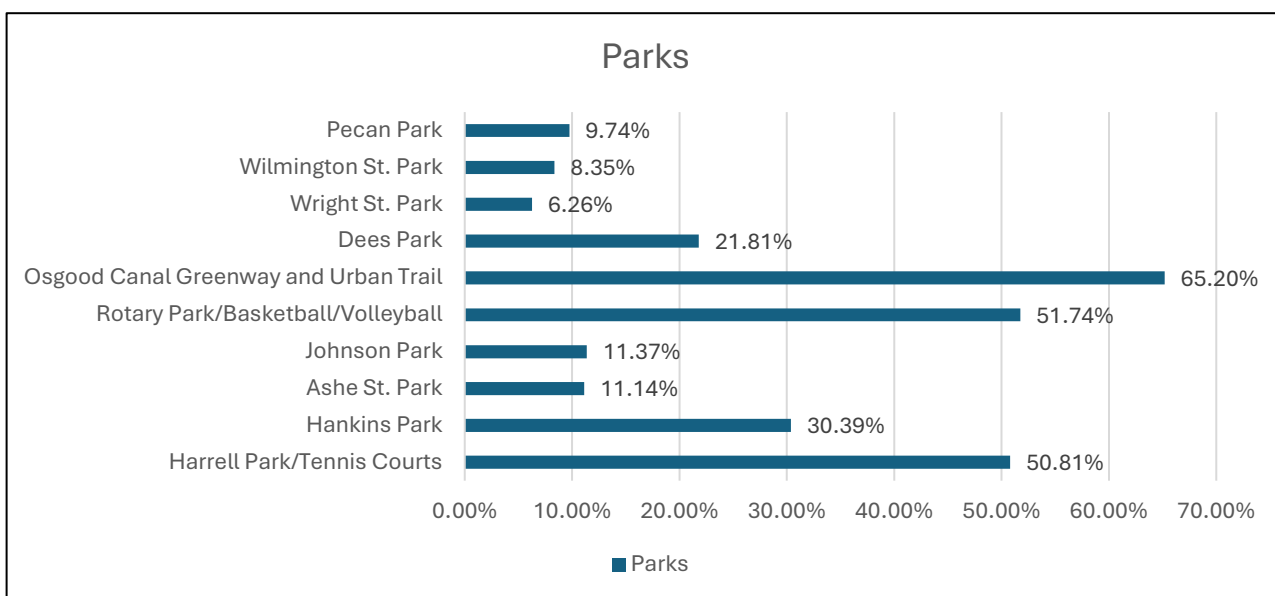
Survey respondents were also asked about their household income levels. Survey responses were filtered by income to determine where responses may be affected by the undercounting. Discrepancies are noted in this document and the Needs Assessment. 27.65% of responses indicated that their average household income was greater than \$100,000. Ninety-five (95) individuals skipped the questions altogether and 11.11% of individuals preferred not to share this information.



Respondents were also requested to indicate the number of people in each group in their households. All four hundred and eighty-two respondents participated in this portion of the survey. The largest age groups reported were the age 35-44 and 6-12 years of age groups. The 35-44 (182 responses) age group reported an average of two (2) individuals (51.65%) per household within this age bracket and the 6-12 (152 responses) age group reported at least one (1) individual (57.89%) with this age bracket.



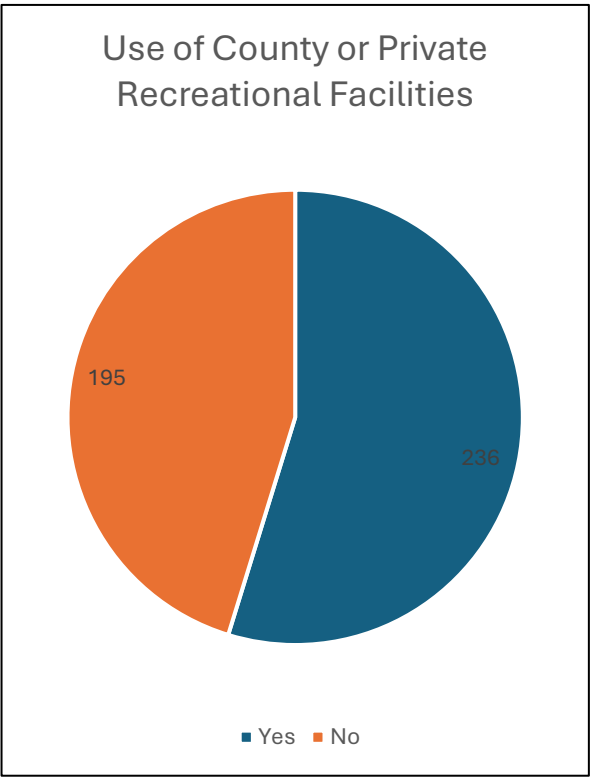
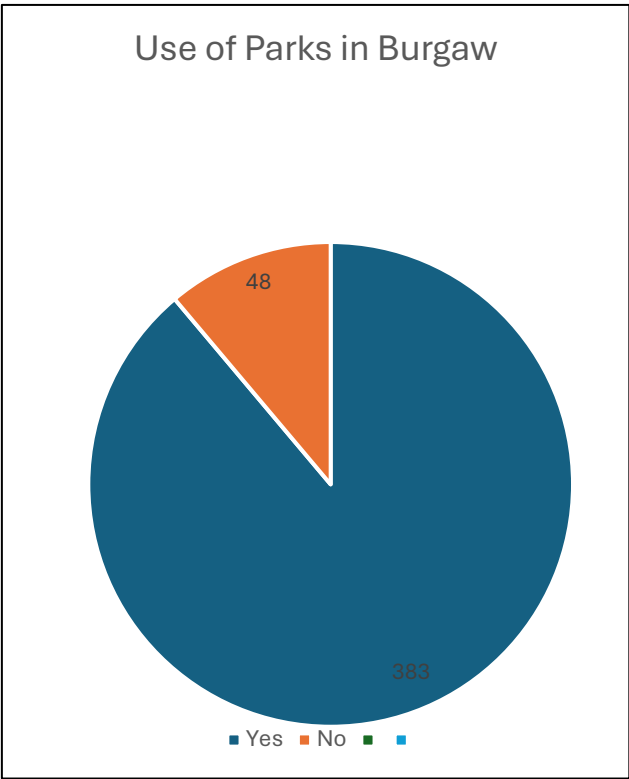
Current Use of Facilities and Parks



Respondents were asked about their current use of town parks and recreation offerings. Three hundred and eighty-three (383) participants indicated that they use recreational facilities and parks in Burgaw. Forty-eight (48) indicated they do use parks in Burgaw and fifty-one (51) participants skipped the questions altogether.

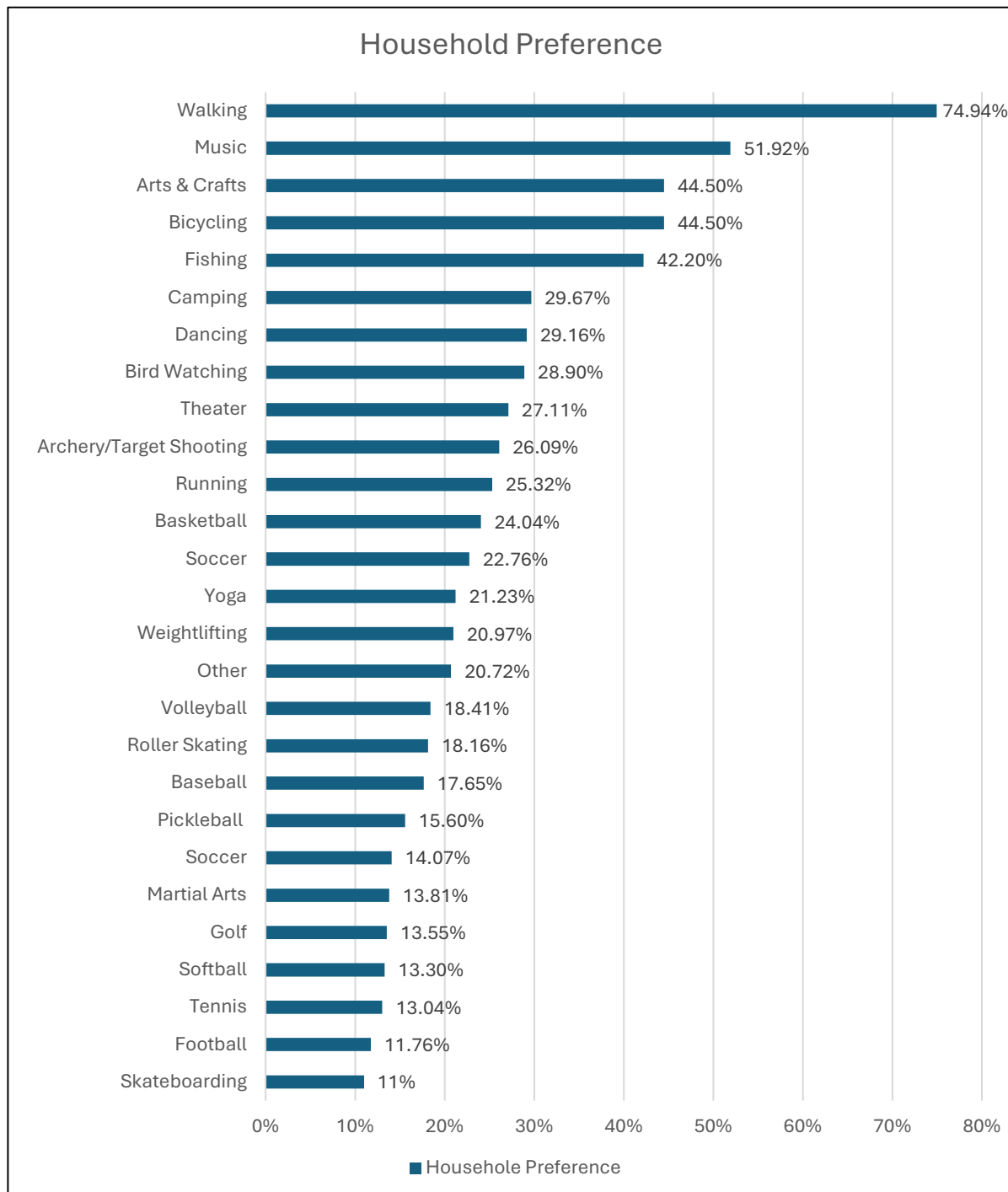
Participants were then asked which facilities and parks their families had visited in the past fiscal year. Four hundred and thirty-one (431) participants indicated that they have visited at least one parks and recreation facility. Fifty-one (51) participants chose to skip this question.

The most popular current parks being used included the Osgood Canal Greenway & Urban Trail (65.20%), Rotary Park/Basketball/Volleyball Facility (51.74%), and W. Ross Harrell Memorial Park/Tennis Courts (50.81%). The least used or visited parks included Wilmington Street Park (8.35%) and Wright Street Pocket Park (6.26%). Respondents did note that they did not use some parks and offerings because they were not aware of them. This reason was frequently given for the parks with unspecified functions: Ashe Street Park, Johnson Park, Dees Park, and Pecan Park. Respondents were also asked if their family had used any County or privately owned recreational facilities in Burgaw during the most recent fiscal year. Two hundred and thirty-six (236) participants indicated that they had used a County or private facility and one hundred and ninety-five (195) indicated that they had not used this type of facility. Examples of these facilities included county-owned parks, martial arts centers, private gyms, and senior centers.



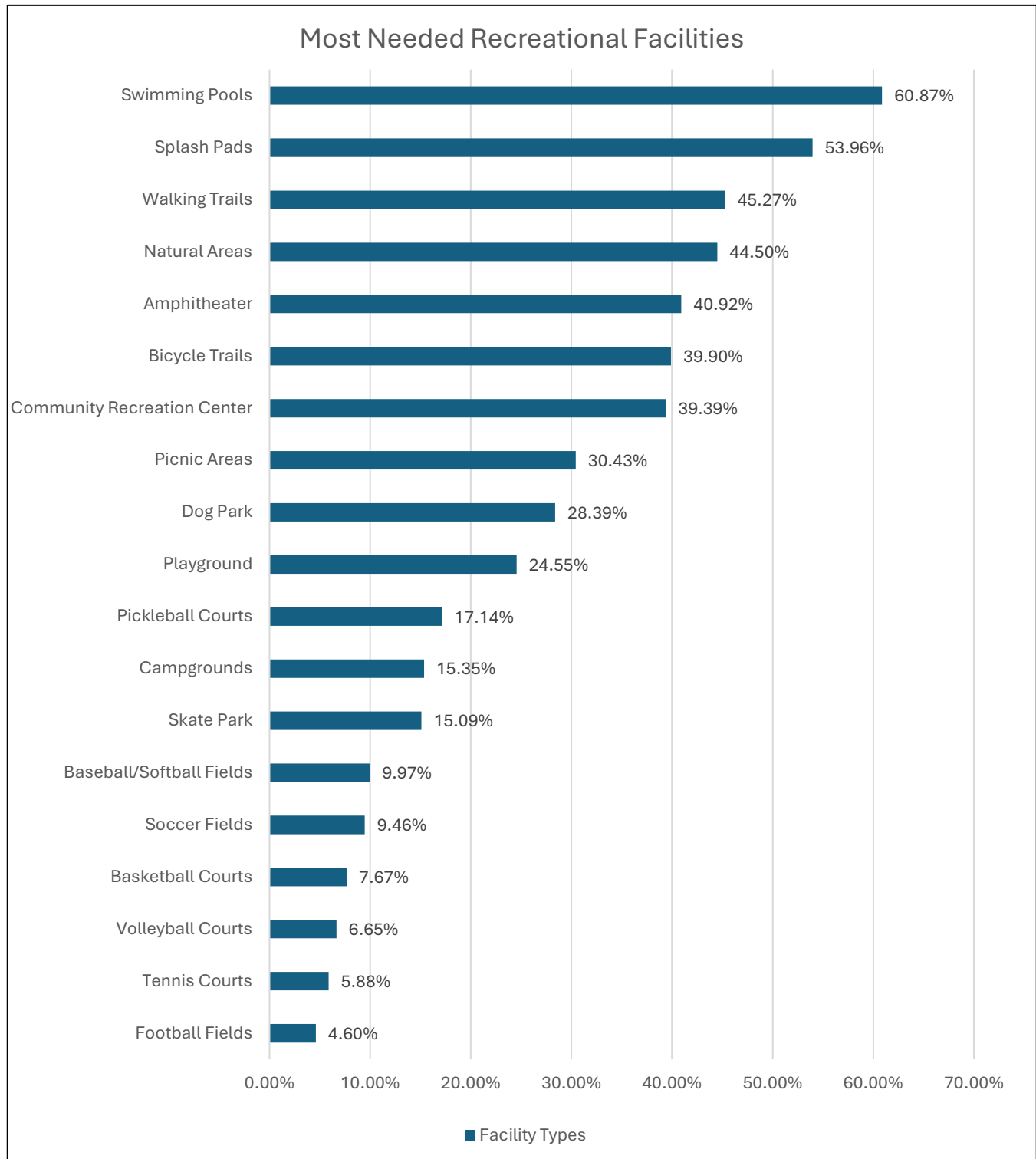
Preferred Recreation Activities

The most popular activities included walking, music, arts and crafts, bicycling, and fishing. The activities most likely to have been undercounted included swimming, pickleball, hiking, and dog walking.



Most Needed Recreational Facilities

The top ten facilities noted were needed including swimming pools, splash pads, walking trails, natural areas, amphitheater, bicycle trails, community recreation centers, picnic areas, dog parks, and playgrounds.



Most Important Purposes for Parks and Recreation

Survey respondents were asked to rate whether specified parks and recreation purposes were essential, very valuable, somewhat valuable, or not at all valuable. When these ratings were weighted, the most important functions of parks and recreation cited were:

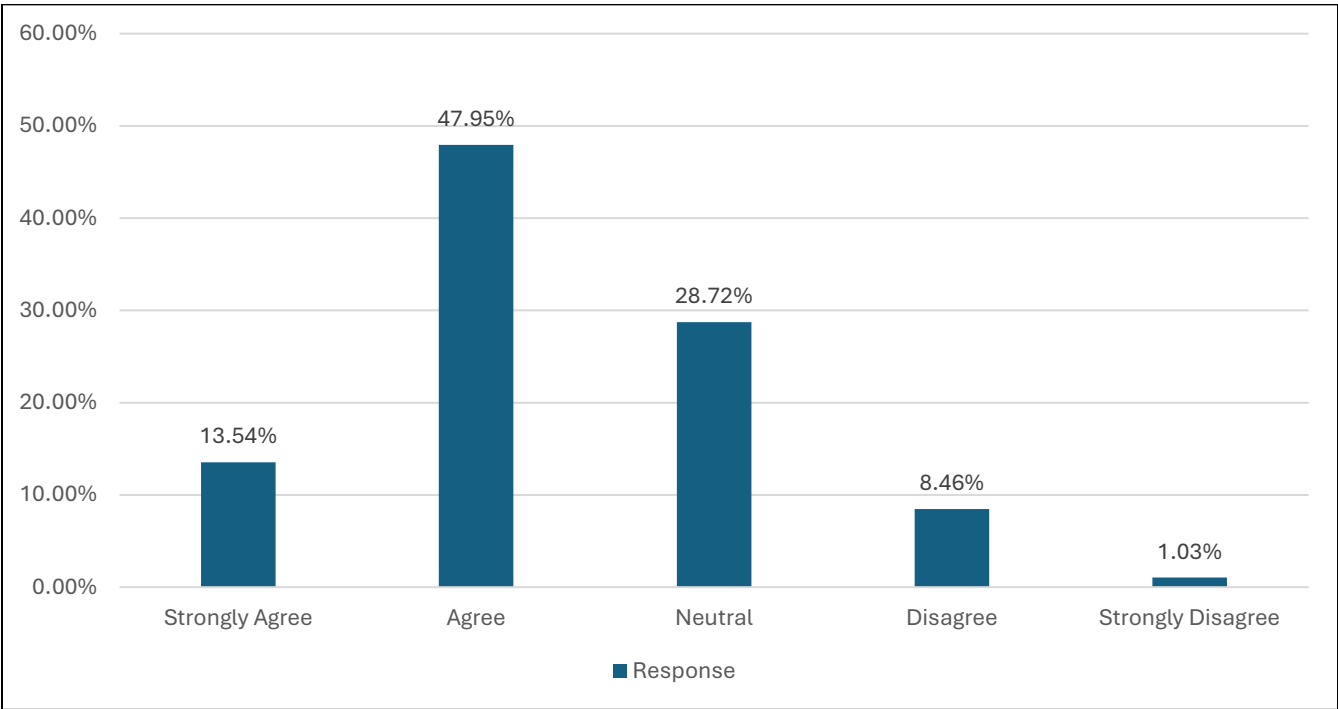
- ❖ Providing recreational opportunities for adults.
- ❖ Providing recreational opportunities for Seniors.
- ❖ Protecting and preserving wildlife and natural areas.

Level of Community Support

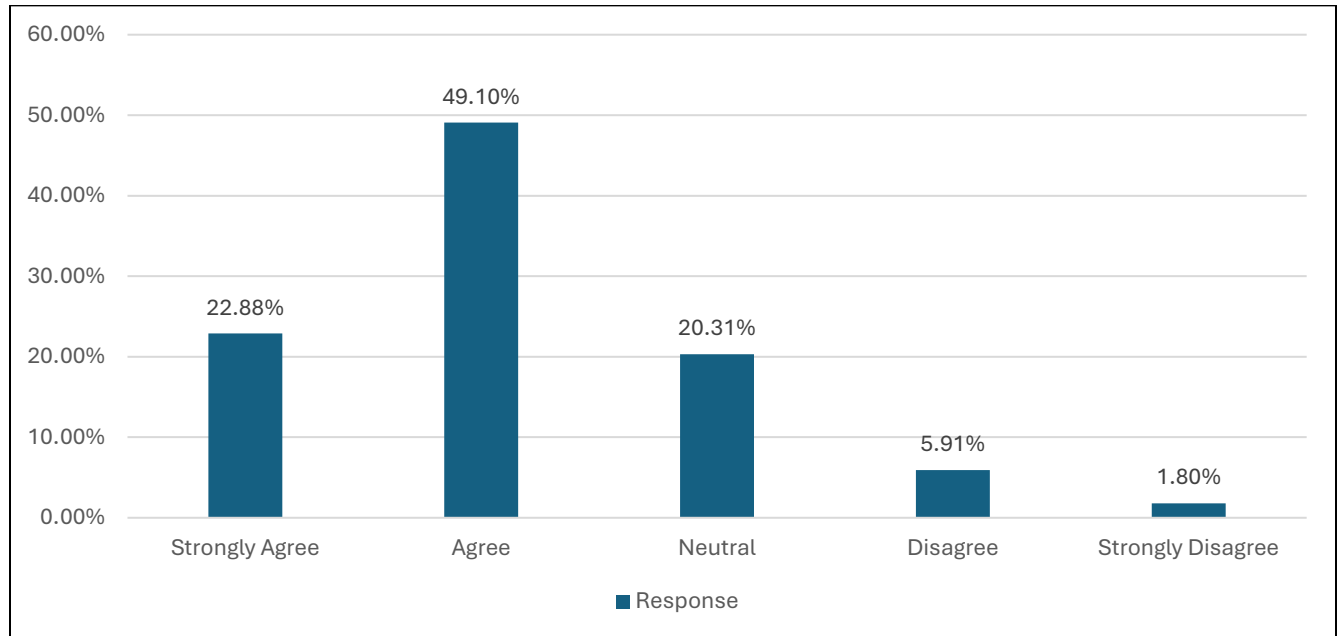
The survey respondents were supportive of parks and recreation programming in general, the town’s current parks and maintenance activities, and strongly supportive of the development of new parks and facilities. Respondents are supportive of paying additional taxes to pay for parks and facilities.

Respondents were asked to answer the following questions that best represent the opinion of each statement.

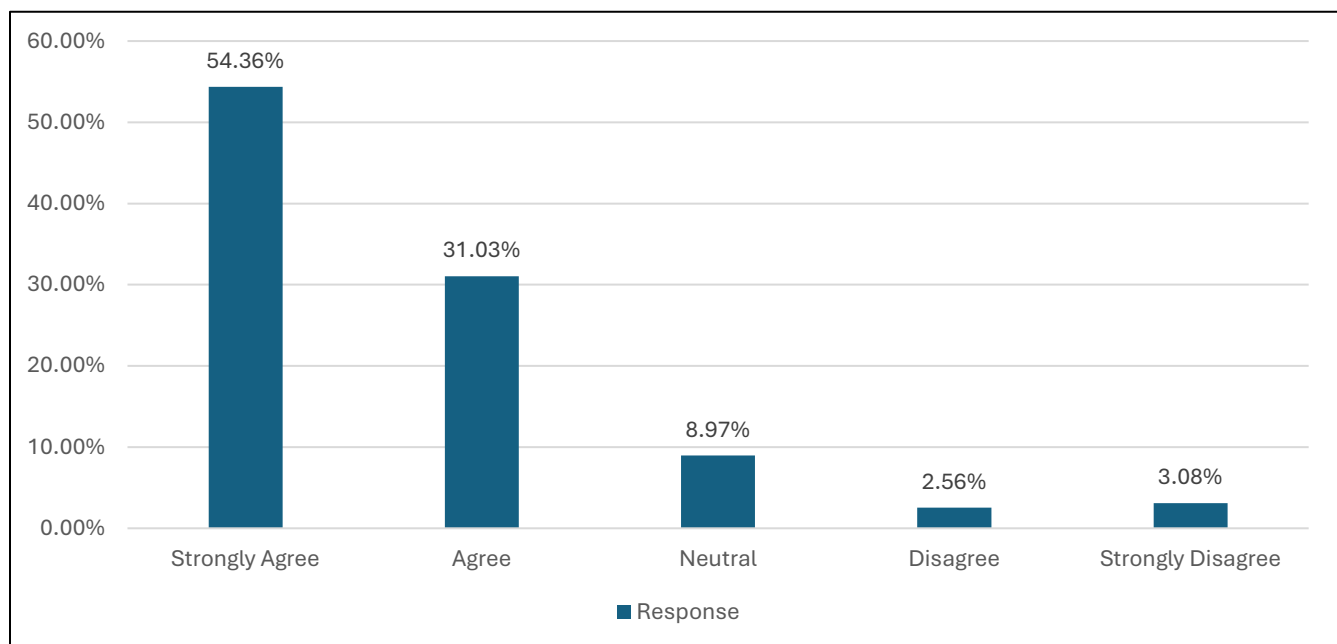
The Town of Burgaw offers excellent parks and facilities.



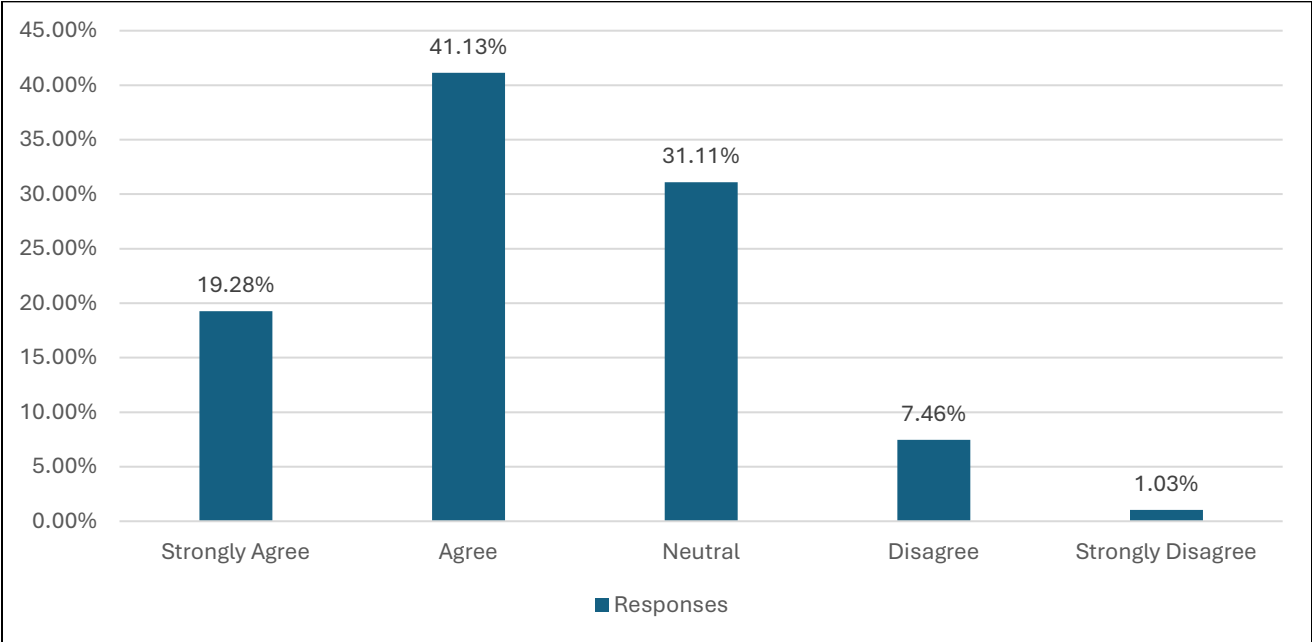
Burgaw does an excellent job of maintaining its parks and facilities.



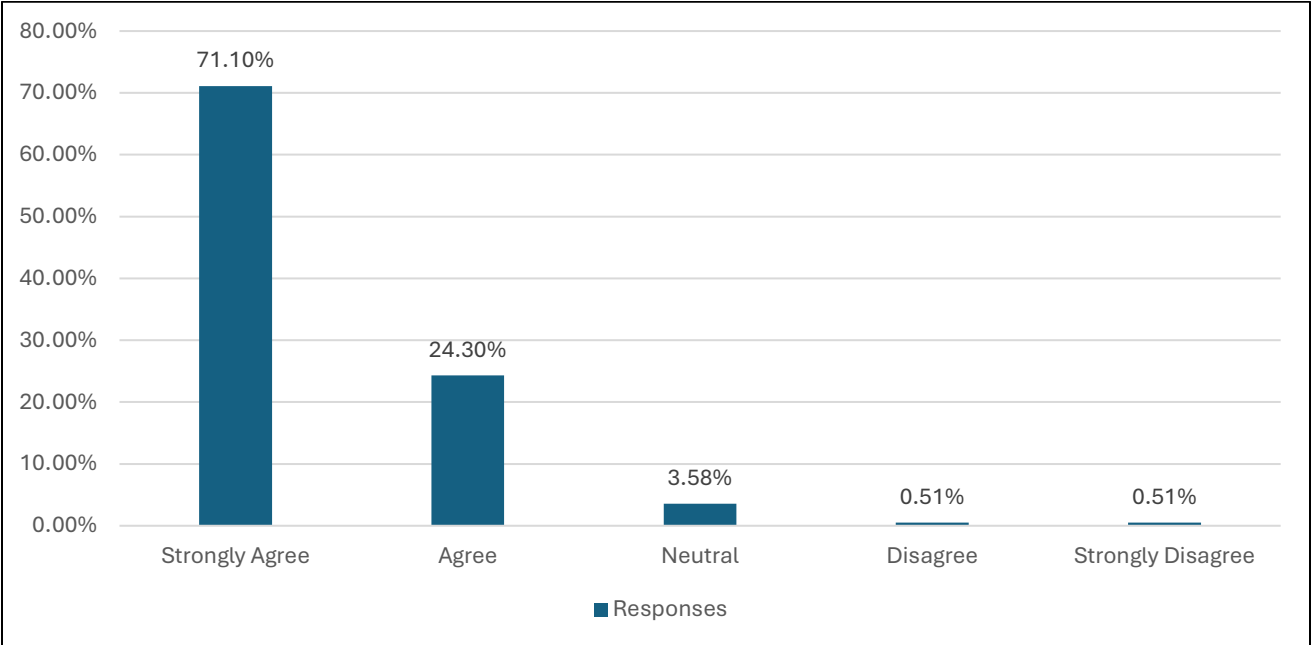
In addition to the current parks, Burgaw should develop additional facilities and parks.



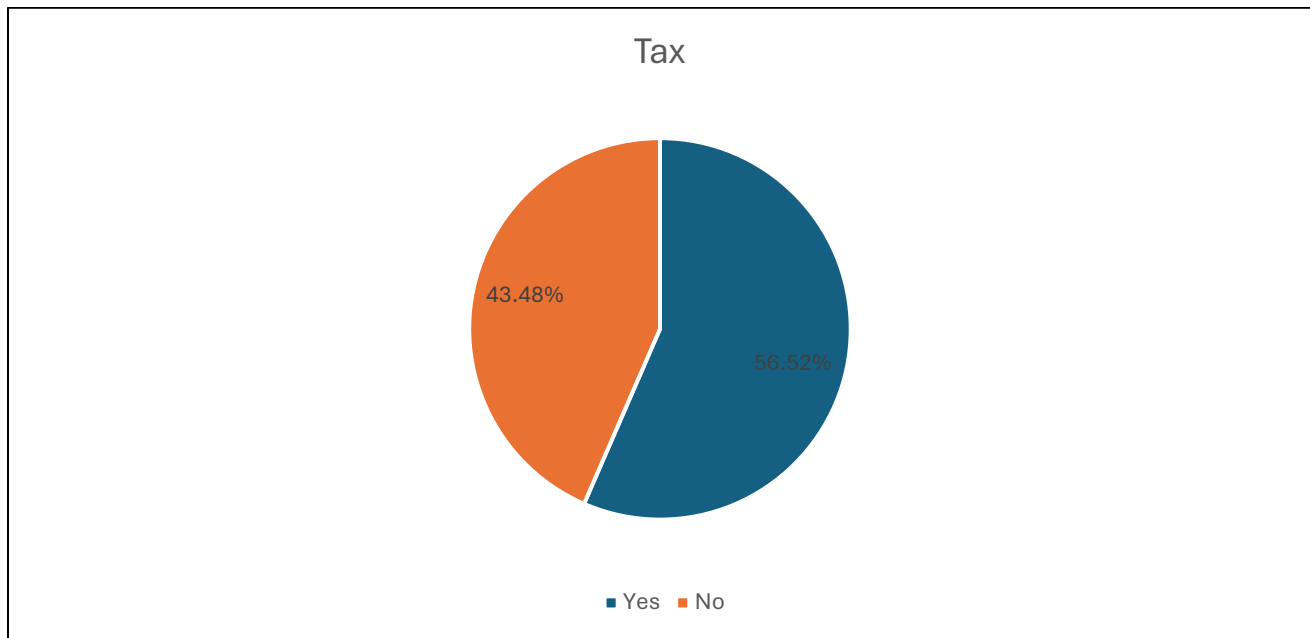
Burgaw’s top priority should be to maintain its existing parks and facilities.



Parks, facilities, and recreation are an important part of the town’s quality of life.



I would support creating a recreation tax for purchasing and developing Town parks and recreation facilities and would further support this tax being presented on an electoral ballot in an upcoming election.



Burgaw Town Parks

Park reservation application must be filed with Parks, Recreation & Tourism department no less than three (3) days prior to scheduled event.

Payment must be made on day the reservation is made. Reservation fees are non-refundable.

Every effort will be made to schedule an alternate date should a cancellation be necessary.

In case of inclement weather, the renter has two business days to call and schedule an alternate date.

All Park reservations have a three (3) hour minimum.

Applicant's driver's license ~~will~~ **may** be required as proof of residency.

If host is holding an event open to the public, a special event permit application must be filled out with the Burgaw Parks, Recreation, and Tourism Department for approval.

	Town Resident	Non-resident
Hankins Park Reservation Fee	\$15.00 / hour	\$25.00 / hour
Rotary Park Reservation Fee	\$10.00 \$15.00 / hour	\$20.00 \$25.00 / hour
Harrell Park Reservation Fee	\$10.00 \$15.00 / hour	\$15.00 \$25.00 / hour
Dees Park Reservation Fee	\$15.00 per hour	\$25.00 / hour

Burgaw Incubator Kitchen

Entrepreneur Tenant Operating Agreement

This person or organizations joins this Agreement as Tenant of Burgaw Incubator Kitchen facility.	
Full Legal Name of Business:	Legal Status of Tenant (check one): Individual ____ Partnership ____ Corporation ____ LLC ____ Other _____(specify)
Name of Authorized Representative:	Title (e.g. sole proprietor, partner, president, manager):
Mailing Address:	Email Address:
Phone Number:	Fax Number:

THIS AGREEMENT, is made and entered into by and between the TENANT (identified above) and TOWN OF BURGAW, a North Carolina municipal corporation, (hereinafter referred to as the “Burgaw Incubator Kitchen” or “BIK”).

WITNESSETH:

WHEREAS, BIK owns and operates a commercial kitchen located within the Historic Town of Burgaw Train Depot; and

WHEREAS, BIK operates an incubator kitchen in accordance with applicable federal and North Carolina law, rules, and regulations; and

WHEREAS, BIK is desirous of wanting to lease its commercial kitchen in accordance with the terms and provisions as hereinafter set forth within this Agreement;

NOW, THEREFORE in consideration of the agreement and covenants as hereinafter set forth to be done and performed by Tenant Company and the payment of the rental fees in accordance with the attached Fee Schedule, BIK does hereby let and lease unto Tenant

Company the non-exclusive use of BIK's kitchen facilities located within the Historic Town of Burgaw Train Depot located in the town of Burgaw, State of North Carolina subject to the following terms and conditions as hereinafter set forth.

TERMS OF AGREEMENT

This agreement shall commence on the date submitted and approved by the Burgaw Incubator Kitchen.

1. FACILITY AND SERVICES

BIK agrees to provide Tenant Company access to and nonexclusive use of the kitchen facility. Facilities and services provided shall include, but not be limited to, use of stoves, sinks, refrigerators, freezers, counters, and other services described in the Fee Schedule, attached and marked as Attachment 1, and incorporated herein by reference. Tenant Company may utilize the equipment located with BIK's kitchen facilities during its tenancy; however, it may use and provide its specialized equipment so long as such specialized equipment is approved and inspected by BIK. BIK shall maintain the kitchen in a sanitary and orderly state and ensure that all equipment it makes available to Tenant Company operates to all applicable health and safety standards.

- I. Culinary Classes – Only approved tenants/members of BIK may conduct public or private culinary classes in the facility (No exceptions for private business or individuals). Permission must be granted ahead of time by the BIK administrator. The approved tenant must enforce the rules of BIK while hosting and must ensure proper cleaning, sanitizing, and personal hygiene is being practiced. ServSafe is recommended for culinary classes by not required.

2. FOOD PRODUCTS

Tenant Company must obtain specific authorization from BIK for each food product prior to production. All approved uses and food products shall be listed in Attachment 3 of this Agreement.

3. OPERATING SCHEDULE

Because the kitchen is a shared-use facility, BIK shall control the times and manner of all Tenant Companies' access to and use of the kitchen. Tenant Company shall request use of the kitchen in advance, in accordance with all kitchen policies and procedures.

- a. **FAILURE TO USE.** Any tenant who fails to actively utilize the kitchen facility for six (6) consecutive months, regardless of rent payment or financial standing, will be subject to termination of tenancy. This policy is intended to prioritize access for entrepreneurs and businesses that are actively engaged in food production and in need of the facility.

Exceptions may be considered on a case-by-case basis at the discretion of management, but consistent and active use remains a core requirement for continued tenancy.

4. RENT

- b. FEE SCHEDULE. The fees for various uses of the kitchen and/or equipment are set out in the Fee Schedule, Attachment 1 of this Agreement. BIK reserves the right to amend the Fee Schedule in its discretion and with such amended Fee Schedule to take effect upon giving Tenant Company at least thirty (30) days advance written notice. All previously scheduled kitchen use time will be subject to the fees listed when time was reserved.
- c. PAYMENT TERMS. BIK will bill Tenant Company for facility and storage use at the end of each calendar month. Payment is due within fifteen days. If Tenant Company pays any bill late, BIK may require them to pay as they go. A five percent (5%) fee may be charged for payments made more than 30 days after the date of the invoice.

5. DEPOSIT

Upon execution of this agreement, Tenant Company shall deposit sums as outlined by Fee Schedule as a security/cleaning deposit with BIK. The security/cleaning deposit shall be retained by BIK and may be applied by BIK, to the extent necessary, to pay and recover any loss, cost, damage or expense, including attorney's fees sustained by BIK by reason of the failure of Tenant Company to comply with any provision, covenant, or agreement of Tenant Company contained in this agreement. To the extent not necessary to cover such loss, damage, or expense, the security/cleaning deposit shall be returned to Tenant Company within sixty (60) days after expiration of this agreement or as may be otherwise provided by law. The security/cleaning deposit shall not be considered as an advance payment of rent or as a measure of the loss, cost, damage, or expense which is or may be sustained by BIK. In the event all or any portion of the security/cleaning deposit is applied by BIK to pay any such loss, cost, damage, or expense, or in the case that additional sums be required due to a change in Fee Schedule, Tenant Company shall, promptly upon demand, deposit with BIK such amounts as may be necessary to replenish the security/cleaning deposit to amount stated on fee schedule. Tenant Company will not be able to use or schedule kitchen facility until the security/cleaning deposit as stated on the Fee Schedule is paid to BIK.

6. USER DUTIES

- a. RENTAL AND USE POLICIES. Tenant Company acknowledges that Tenant Company has received and read the *Burgaw Incubator Kitchen Standard Operating Procedures* and policies, a copy of which is attached and marked as Attachment 2. BIK reserves the right to amend the kitchen standard operating procedures or policies at any time upon written notice to the Tenant Company. If Tenant Company violates these, BIK may impose a \$50 fine upon Tenant Company and upon repeated violation BIK may in its discretion terminate Agreement. Tenant Company agrees to comply with all of the rules and obligations set for in the *Burgaw Incubator Kitchen Standard Operating Procedures* and policies as currently stated and as modified at any time in the future.
- b. CONTACT INFORMATION. Tenant Company affirms that the identification, address, and contact information stated at the beginning of this document are current and correct. Tenant Company agrees to keep BIK informed of any changes in Tenant Company's legal identify, address, or other contact information.
- c. SECURITY. Tenant Company may be provided with keys and/or pass codes for access to the kitchen facility and agrees to use kitchen facility in accordance with kitchen schedule only. No keys or pass codes provided for authorized use by the Tenant Company shall be copied or shared. No equipment or items owned by BIK shall ever leave the premises, unless authorized in advance by kitchen administrator. Any violation of these provisions may result in termination of this Agreement and of charges for the cost of changing facility locks and pass codes.
- d. ASSIGNMENT. Except for Tenant Company's authorized employees, Tenant Company may not transfer or assign any privileges under this Agreement to any third party. This includes the disclosure of the Tenant Company's security pass code. The Tenant Company shall not grant access or allow a third party to operate in the kitchen at any time. Violation of this duty is grounds for immediate termination of the Agreement and the immediate discharge of the Tenant Company from the kitchen facility.
- e. SIGNS AND ADVERTISING. No signs or advertising matter shall be painted or attached in any way on the BIK premises.

7. HEALTH AND SAFETY RESPONSIBILITIES.

To ensure the safety of all persons associated with the BIK facility, Tenant Company shall also comply with the following:

Housekeeping Policies. User policies include but are not limited to the following: 1) Users will provide their own cleaning towels, cooking items, sheet pans, ingredients, utensils, small wares and other special items necessary to their specific production needs. 2) No equipment or items owned by BRFV shall ever leave the premises. 3) Users will strictly follow the SOP's and Equipment Cleaning Guidelines provided by BRFV before, during and after each use of the facility. 4) If User fails to leave the facility in the proper condition, User may receive a warning and be responsible to pay the actual cost of cleaning the facility as determined by BRFV. Upon a

second such failure, User shall pay a fine (set out in the Rental and Use Policies) and actual cleaning costs. Upon a third such failure, this Agreement shall be terminated.

HOUSEKEEPING POLICIES.

WORKER SAFETY. Tenant Company is exclusively responsible to ensure that Tenant Company users and employees observe proper safety procedures while using the kitchen facility. All Tenant Company employees must be authorized by kitchen administrator by completing Emergency Contact Form. No children under 16 are allowed in the kitchen, unless pre-approved by the kitchen administrator as students in a culinary class.

RIGHT OF INSPECTION. The staff of BIK retains the right to enter and inspect operation at any time during use. The Pender County Health Department, North Carolina Department of Agriculture and Consumer Services, Food and Drug Administration, and any other regulatory agency shall have the rights to inspect without prior notice at any time deemed necessary by their organization. Tenant Company agrees to cooperate with inspectors from all aforementioned agencies. In the event that Tenant Company fails to cooperate with said departments during any inspection, Tenant Company shall be in default of the terms of this Agreement, and BIK may terminate Tenant Company's tenancy in accordance with the provisions of this Agreement.

LIABILITY INSURANCE. Tenant Company shall maintain product liability insurance and general liability insurance policies as follows:

- i. Culinary Classes: general liability insurance
- ii. Catering for Depot Event Center (food preparation): product liability insurance with the Town of Burgaw named as additional insured
- iii. Catering for Depot Event Center (plating only): product liability insurance
- iv. Off-Site Catering: product liability insurance with the Town of Burgaw named as additional insured
- v. Food Processing Businesses: product liability insurance

Proof of such insurance must be provided to the BIK before any use of the facility by Tenant Company will be permitted. BIK reserves the right to require Tenant Company to show proof of the required insurance at any time during its tenancy.

8. IMPROVEMENTS AND GENERAL ADMINISTRATION

BIK reserves the right to make improvements at any time to the kitchen facility that may include, but not be limited to, making changes in rules of operation, accessibility, Tenant Company identification, security procedures, and support services.

9. EXCUSABLE DELAYS

BIK shall not be liable for any failure of performance of this agreement in accordance with its terms, even if such failure arises out of causes beyond BIK's control or discretion or without fault or negligence of BIK.

10. SURRENDER OF PREMISES

Tenant Company shall promptly surrender to BIK possession of kitchen premises at the termination of this lease. In the event that BIK is required to bring any action for the enforcement of any of the terms of this Agreement, and is successful in such action, Tenant Company, in addition to all other payments required herein, shall pay all costs and reasonable attorney's fees for any actions brought by BIK.

11. LIMITATION OF LIABILITY.

Tenant Company agrees that any and all claims involving BIK are strictly subject to the following limitations:

- a. INDEMNITY CLAUSE. Tenant Company will further indemnify and hold BIK harmless from and against any and all liabilities, claims, demands, suits, losses, damages, costs, attorney's fees and expenses for bodily injury to, or death of any person, or damage to or destruction of any property, caused by any negligent or intentional act or omission on the part of Tenant Company, its officer, employees or former employees.
- b. LIABILITY. BIK shall not be liable for any damage to either person or property sustained by the tenant or any third party arising in any way out of Tenant Company's use, operation, occupancy of BIK premises, or sale or distributing of any product manufactured on the premises. Tenant Company covenants and agrees to indemnify, defend, and hold harmless BIK and its employees from all claims, costs, and liability arising from or in connection with damages, injuries to persons (including death), or property in, upon, or about the BIK premises, or any portions thereof, or resulting from the sale, distribution, and use of any product manufactured by Tenant Company on the BIK premises.
- c. EMPLOYEES. Tenant Company shall be solely responsible for its employees' safety and the actions of employees, and it agrees to indemnify and hold harmless BIK from any and all causes of actions arising from the actions and negligence of Tenant Company's employees.

12. LICENSES/SALES TAX LICENSE/PROFESSIONAL/BUSINESS LICENSE

Tenant Company will maintain at all times a current North Carolina Sales Tax License, and any other licensure required by any local, state, or federal government. Tenant Company agrees to provide to BIK, at its request, sufficient proof of any licensure that is required by any local, state, or federal government. Additionally, Tenant Company shall comply with all federal, state, and local laws, ordinances, rules, and regulations during its tenancy. In the event that Tenant Company fails to comply with any federal, state, or

local law, ordinance, rules, or regulation, Tenant Company shall be in default of the terms of this Agreement, and BIK may terminate Tenant Company's tenancy in accordance with the provisions of this Agreement.

13. UNLAWFUL USE

Tenant Company shall not use or permit kitchen facility premises or any parts thereof to be used by any person in violation of any municipal, county, state, or federal ordinance or law, or in any manner disruptive to BIK or its tenants. Such behavior shall include, but not be limited to, theft, fighting, consumption of alcohol on the premises, and use of any illegal narcotics or drugs.

14. DEFAULT

Tenant Company will have three (3) days after receipt of a written notice from BIK to remedy any violation, breach, or failure to keep or perform any conditions of BIK policy of this Agreement. If Tenant Company fails to correct or cure the problem within three (3) days, BIK may terminate the rights of the Tenant Company under this agreement. In addition, BIK may remove the Tenant Company's property from the facility and charge a reasonable fee for storage. Notwithstanding the foregoing, if the violation, breach, or failure to keep or perform any conditions of BIK policy or this agreement constitutes a health or safety hazard in the option of BIK, the Tenant Company must act immediately to correct the problem upon receipt of notice thereof, which notice may be oral or written. If Tenant Company fails to commence immediate corrective action, BIK may also terminate the rights of the Tenant Company under this agreement. The remedies set forth herein for default shall be in addition to other remedies available to BIK.

The failure or delay of BIK to enforce strict performance by Tenant of any term, covenant, or condition of this Lease, or to exercise any right or remedy herein, whether in whole or in part, shall not be deemed a waiver of such term, covenant, condition, right, or remedy. No waiver by BIK of any breach of any term, covenant, or condition of this Lease shall be deemed to be a waiver of any other or subsequent breach of this Lease. Any waiver by BIK must be in writing and signed by Landlord. The parties further expressly agree that BIK's acceptance of late or partial payment of rent or other fees (whether in whole or in part) shall not be deemed a waiver of any of BIK's rights under this Agreement.

15. SURVEYS AND REPORTS

Tenant Company will provide BIK with annual survey data regarding employees, income levels, and other statistical data as required for program evaluation and grant requirements.

16. PUBLIC RECORDS

All of BIK documents and records are subject to the North Carolina Public Records law, and any records provided to BIK by Tenant Company in accordance with the terms of this Agreement may be subject to the North Carolina Public Records Law.

17. GENERAL

- a. The laws of the State of North Carolina shall govern this agreement.
- b. Any disputes regarding this Agreement shall be resolved in the courts of Pender County, North Carolina, and according to the laws of North Carolina.
- c. BIK makes no representations, warranties, or guarantees, express or implied, including, without limitation, any warranties for the merchantability or fitness for the intended use of the incubator kitchen facilities, other than those contained in this agreement.
- d. Tenant Company acknowledges that it has read this agreement, understands it, and agrees to be bound by its terms. Further, Tenant Company agrees that this agreement constitutes the entire agreement between the parties and supersedes all proposals, oral and written, and all negotiations, conversation, or discussion had between the Tenant Company and BIK related to the subject matter of this agreement.
- e. Tenant Company further acknowledges that it has inspected the premises and accepts them "as is" for the purposes of the Tenant Company's use during the term of its lease. If at any time, the facility is no longer sufficient for the requirements of the Tenant Company, this agreement may be terminated upon written notice to BIK.
- f. This agreement may be terminated without cause by agreement of the parties.
- g. This agreement may also be terminated for cause if either party fails to conform to the covenant of this agreement.
- h. This Agreement shall not be construed to form a partnership or any other business association between the Parties other than independent parties to contract. Tenant Company, its officers, agents and employees are not employees or agents of BIK.
- i. BIK and the Historic Town of Burgaw Train Depot is a unique facility that is meant to be used and enjoyed by its users. Tenant Company agrees to respect the rights and property of any other users of the kitchen facility or any other facilities located within the Historic Town of Burgaw Train Depot.

18. AMENDMENTS

This agreement may be amended by mutual consent of BIK and Tenant Company with such amendment being made in writing and signed by each of the respective parties.

19. NOTICES

All written notices, which may be required under this Agreement, shall be delivered personally, by email, or sent by regular mail, postage prepaid, addressed as indicated on this document.

Written notices and communications from Tenant Company to BIK should be delivered by email to csuggs@burgawnc.gov or mailed or delivered as follows:

Burgaw Incubator Kitchen
c/o Town of Burgaw
109 N. Walker St.
Burgaw, NC 28425

Notices delivered personally shall be effective when delivered. Notices sent by mail shall be effective when delivered or three (3) calendar days after mailing, whichever occurs first.

Any informal communications between BIK and Tenant Company for the scheduling of the kitchen facilities or any matter unrelated to this Agreement may be made pursuant any oral or written communication between the parties.

IN TESTIMONY WHEREOF, the parties have executed this Agreement in duplicate originals, one of which is retained by each of the parties, the day and year first above written.

TENANT COMPANY

Signature of Authorized Representative

Name of Authorized Representative (please print)

Tenant Company Name

BURGAU INCUBATOR KITCHEN

By: _____
Kitchen Administrator

RESOLUTION 2025-14

Resolution In Opposition to Legislative Preemption of Local Government Planning and Zoning

WHEREAS, multiple bills have been introduced in the 2025 session of the North Carolina General Assembly, that undermine the fundamental authority for local planning and zoning and the ability of local elected officials to manage community growth as expressed by the Town of Burgaw's Commissioners, residents, Unified Development Ordinance, and Comprehensive Land Use Plan; and

WHEREAS, these bills have been introduced without consultation with municipal elected officials, planning staff or local constituents on the negative impact they will have on community growth, property values, preserving community character and sound community planning; and

WHEREAS, these bills usurp current town planning and zoning ordinances that promote the health, safety, and general welfare of the residents of the Town of Burgaw through its thoughtful and deliberate approach to manage growth as expressed in a number of our local planning documents including the town's comprehensive land use plan and Unified Development Ordinance; and

WHEREAS, this legislation would largely undo years of thoughtful and consistent local land-use planning and regulation, remove necessary local regulatory standards and in many cases allow unregulated development inconsistent with current local planning and zoning ordinances; and

WHEREAS, this legislation imposes inflexible rules statewide without regard to the differences between North Carolina's small towns and larger cities and how these rules will affect each community differently, often with negative consequences; and

WHEREAS, proposed changes in the local planning and zoning approval process will severely restrict or destroy the ability for residents to participate in the planning and zoning process; and

WHEREAS, provisions in this legislation will subject local elected and appointed officials to the threat of legal retribution having a chilling effect of discouraging well-intentioned individuals from serving in public office.

NOW, THEREFORE, BE IT RESOLVED THAT, the Town of Burgaw Board of Commissioners hereby strongly urge the sponsors of this legislation to reconsider 5B495, 5B497, 5B499, 5B688 and HB765 and to consult with local municipalities to develop meaningful and appropriate solutions that do not usurp local authority and to respect the interest of the residents they represent.

BE IT FURTHER RESOLVED, the Town of Burgaw Board of Commissioners call upon local elected officials and residents across the state to voice their concerns to the North Carolina General Assembly and advocate for the preservation of local planning and zoning authority that align with local community values and sound long-term development goals.

Adopted this 13th day of May 2025.

Attest: _____
Kristin J. Wells, Town Clerk

Signed: _____
G. Olivia Dawson, Mayor



**Town of Burgaw
ITEM REPORT**

Item: 12A

DATE OF MEETING: May 13, 2025 DEPARTMENT OF ORIGIN: Parks, Recreation, & Tourism	DATE SUBMITTED: 05/07/2025 SUBMITTED BY: Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Consideration of reappointing Parks & Recreation Advisory Committee Members	
SUMMARY STATEMENT: The following Parks & Recreation Advisory Committee members' terms have expired and would like to be considered for reappointment: • Jennifer Matthews • Daniel Price • Emmaline Kozak • Jennifer Buttery	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): None	