AGENDA | BOARD OF COMMISSIONERS
REGULAR MEETING

October 14, 2025 at 4:30 PM

Burgaw Town Center
108 E Wilmington St

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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 September 9, 2025 Regular Meeting Minutes

   B. Approval of the September 9, 2025 Closed Session Minutes

   C. North Carolina Department of Transportation Deed for Highway Right of Way

6. **Special Requests/Presentations**

   A. Employee Recognitions

7. **Departmental Items**

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

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

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

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

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

I. Ordinance 2025-21 Amending the Town of Burgaw Code of Ordinances, Chapter 21 Parks and Recreation, by adding Article III, Town of Burgaw Bark Park Rules and Regulations

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

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

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

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

J. **Police Department**
James Rowell, Police Chief

I. Resolution 2025-22 Authorizing the retirement of Police K-9 "Kane" and approval of adoption by handler Sgt. Thomas Padgett

8. Public Forum

9. Items from Manager

A. Updates on current projects

10. Items from Attorney

11. Items from Mayor and Board of Commissioners

A. Consideration of approval of the Scouting America Facilities Use & Indemnity Agreement between the Town of Burgaw and the Cape Fear Council of the Boy Scouts of America

12. Closed Session

A. Pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege and NC GS 143-318.11(a)(6) Personnel

13. Adjournment

TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	September 9, 2025
TIME:	4:30 PM
PLACE:	Burgaw Town Center, 108 E. Wilmington Street
BOARD MEMBERS PRESENT:	Mayor Olivia Dawson, Mayor Pro-tem James Malloy, Commissioners Jan Dawson, Bill George, William Rivenbark and Michael Pearsall

Call to Order

Mayor Dawson called the meeting order at 4:30 PM.

Invocation

Mayor Pro-tem Malloy led the invocation.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Approval of Agenda

Mayor Dawson requested the addition of Resolution 2025-19 under Special Presentations as item 6B.

> Commissioner Malloy made a motion to approve the agenda as amended. The motion was seconded by Commissioner George and carried by unanimous vote.

Approval of Consent Agenda

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

Special Requests/Presentations

Employee Recognitions

Kimberly Rivenbark, HR Director/Deputy Town Clerk, recognized several employee promotions and accomplishments:

Promotions:

- Lee Williams: Promoted to Captain and Assistant Police Chief with 12 years of service in Burgaw
- Thomas Padgett: Promoted to Detective Sergeant with 10 years of service

- William Farren: Promoted to Detective Corporal with 8 years of service
- Kelly Fox: Promoted to Deputy Finance Director after 9 years of service
- Adela Matthews: Moved to a new position as Finance and Development Services Coordinator after 6.5 years of service
- Christina Abbood: Promoted to Public Services Operations and Asset Coordinator after 8 years of service

Professional Development Recognitions:

- Public Works: Ramiro Castaneda is completing C-Well certification; Jeffrey Coenen is completing C-Distribution certification
- Fire Department: MaryBeth Kratovel became a certified Fire and Explosives Investigator; Matthew Wheeler and Joseph Williams Jr. became Child Passenger Safety Seat Technicians; Nicole Carlisle completed the firefighter task book to become an interior firefighter; Joseph Smith Jr. attended SAFR conference for advanced training; Joseph Williams Jr., Cameron Moniack, and Jonathan Paluck completed EMT basic course; Chief Prevatte attended SAFR conference and began MPA program at UNCW

MaryBeth Kratovel, Fire Marshal, provided additional information about the car seat technician program, noting they have seven certified technicians in the department. The fire department is part of Safe Kids for Pender County, which allows them to apply for grants. They recently received 46 car seats through a grant and provided four to families during the Police Department's Cram the Cruiser event. The department will host a car seat event from 4-7 PM on September 26, 2025, at the fire department during National Child Safety Passenger Seat Awareness Week.

Ms. Rivenbark also announced that Kristin Wells was recognized by the North Carolina Association for Municipal Clerks for her service on statewide committees, and that town leadership has committed to the North Carolina League of Municipalities' Commit to Civility program.

Mayor Dawson expressed appreciation for the employees' commitment to advancement and service to Burgaw.

Resolution 2025-19

Police Chief James Rowell presented Resolution 2025-19 to declare a Glock model 22 handgun surplus and award it to retired Police Chief James T. Hock in recognition of his service. Chief Rowell detailed Hock's 28-year law enforcement career, including his service as Burgaw Police Chief from 2015 until his recent retirement.

> Commissioner Rivenbark made a motion to approve Resolution 2025-19 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Departmental Items

Information Technology Department

Dustin McCullen, IT Director, reported:

- Approximately 30 IT support requests were completed in August

- Network equipment and internet setup is ready for the Parks, Recreation & Tourism Department's relocation to the Old Jail
- The laptop replacement project has begun with one laptop issued to patrol, four in queue for setup, two being prepared for the detectives division, and one for the planning department
- The police department camera project's video evidence migration has been completed, with all historical video evidence from body cameras and in-car cameras migrated to the newer system

Public Works Department

Alan Moore, Public Works Director, reported:

- Installation of water lines and sewer mains for the new jail are ongoing; Lift station installation will start around the first of October
- Paving on South Vann Street and Bodenheimer Street is finished
- Wright Street and Fremont Street paving will begin as night work around the first week of October
- Current projects include addressing water leaks, drainage issues, and line of sight issues, plus replacing street signs

Commissioner Pearsall inquired about the street sweeper. Mr. Moore indicated the town's street sweeper needs repairs. Mayor Pro-tem Malloy confirmed the current sweeper is in poor condition and only capable of collecting leaves. Mr. Gantt noted they haven't received new information since the budget process regarding a replacement, but will investigate the issues.

Commissioner Pearsall commented on a complaint received from a resident regarding yard debris being placed across the street from where it originated. Mr. Gantt indicated staff would look into addressing this issue.

Fire Department

Johnathan Prevatte, Fire Chief, reported:

- The department completed 605 hours of training in August
- Lieutenant Crisafulli led in-house training on crew resource management
- Community risk reduction efforts included 8 events reaching approximately 165 individuals
- The department responded to 42 calls last month, including one in-district working structure fire where personnel demonstrated excellent performance and teamwork
- New equipment for capital improvement projects is arriving, including large diameter hose and nozzles

Facilities & Grounds Department

Damon Stanley, Facilities & Grounds Director, reported:

- The police department painting project has been completed
- Carpet cleaning in all facilities is scheduled to be done soon
- Issues at the train depot have been resolved, including buckling in some locations
- The old jail renovation project has begun with windows ordered
- The department is preparing the facility for Parks, Recreation & Tourism Department to move in

Parks, Recreation & Tourism Department

Cody Suggs, Parks & Recreation Director, reported:

- The dog park opened last week and is seeing good use; water access will be installed soon
- The tennis court lighting project will begin soon with an expected two-day completion timeline
- The fitness equipment installation at Rotary Park is nearly complete, awaiting the final piece that should arrive next week
- The trail project is progressing with the contractor ordering materials; construction is expected to begin the first week of October starting from the railroad bed near Bridgers Street and Dudley Street and working toward Pender Memorial Park. Mr. Suggs advised a letter has been sent to all affected property owners. There was brief discussion about a few residents that are close to the street and the concern of sidewalks being installed. Mr. Suggs said he is working with the Town Attorney on these areas, but does not foresee any issues.
- GAF has scheduled a workday to assist with projects at Rotary Park
- The department is helping support the return of Special Olympics to Pender County
- The golf tournament fundraiser is sold out with 28 teams and over $20,000 raised so far

There was discussion about the dog park, including concerns with flea/tick/fire ants, as well as requirements of vaccinations. Mr. Suggs said our landscape contractor has sprayed treatment at the dog park to help with fleas, ticks and fire ants. Mr. Suggs also said the current rules for the dog park do not specifically require rabies tags but mentioned they could add this requirement. Mr. Gantt noted that state law requires rabies vaccinations for dogs. Staff will bring back recommendations on making sure this requirement is included in the dog park rules and regulations.

Commissioner Rivenbark requested two banners celebrating Pender High School's 50th anniversary be installed in town to show its support. The board agreed to approve the expense, aiming to have the banners in place by the upcoming Pender High School Homecoming Parade to be held on October 3, 2025.

Consideration of amending the Historic Burgaw Train Depot Usage Policy

Jayna Augst, Recreation Supervisor, requested a change to the Historic Burgaw Train Depot Usage Policy to eliminate the $400 deposit requirement and instead require the full payment 30 days prior to the rental. She explained this would be more flexible for renters and easier to manage with their new software system.

Mayor Pro-tem Malloy made a motion to approve the amendments as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Planning Department

Ron Meredith, Planning Director, reported:

- Several zoning violations are in the queue, with 206 S. Satchwell Street being a high priority.
- Site plans for commercial developments are progressing, including Sea Breeze Dental and QuickMed at the Highway 53/117 intersection
- The UDO amendments are on-going and will be presented to the board in the coming months
- Phase 4 of the RCCP (rain garden grant) is moving forward; the resolution in the consent agenda triggers the contract that will be presented next month

Building Inspections Department

Louis Hesse, Building Code Administrator, reported:

- The department issued 18 new permits and conducted over 200 inspections in August
- Adela Matthews is being trained on the permitting process as part of her new position
- Minimum housing cases have been reduced to 8, with good progress being made on active cases

Commissioner Rivenbark requested that 301 S. Wright Street be added back to the minimum housing list due to its poor condition.

Finance Department

Tiffany Byrd, Finance Officer, reported:

- Training is ongoing for Adela Matthews and Kelly Fox in their new positions
- The Customer Service Representative/Utility Billing Technician position has been filled
- Auditors were on site last week, and the audit is on schedule to be completed well before the December 31st deadline; Commissioner Dawson thanked Ms. Byrd for her on-going work to have this completed in a timely manner.

Human Resources Department

Kimberly Rivenbark, HR Director/Deputy Town Clerk, reported:

- The town was awarded a 50/50 grant for rewriting the personnel policy through the North Carolina League of Municipalities
- New hires include volunteer firefighter Ellen Williams and equipment operator Michael Krebs, who brings 20 years of municipal experience from Pennsylvania

- A new Customer Service Representative/Utility Billing Technician has been hired from a pool of 20 applicants and will start September 23, 2025
- Current open positions include an internal posting for Detective, a Patrol Officer position, an Equipment Operator, and the Public Services Director position

Police Department

James Rowell, Police Chief, reported:

- ALICE (Alert, Lockdown, Inform, Counter, Evacuate) training and CPR training have been completed for all town staff
- Two officers assisted UNCW with move-in as part of a mutual aid agreement
- The department met with a representative from the North Carolina League of Municipalities to review law enforcement-specific training opportunities
- The book bag giveaway program distributed 144 bags total, with 98 given through a drive-through event
- The department has three certified car seat technicians
- K-9 Kane is set to retire at the end of October, with a new K-9, Omen, coming on board; a retirement/swearing-in ceremony is planned for October 30, 2025
- The department will participate in a touch-a-truck event at Seven Oaks Apartments on October 25, 2025 from 11 AM to 2 PM, in conjunction with the Burgaw Fire Department

Public Forum

Prior to the Public Forum, Mayor Dawson called for a break between 5:24 PM and 5:37 PM.

John Westbrook, 410 E. Fremont Street, addressed the board regarding stormwater management. He proposed several ideas:

- A stormwater management pond near the dog park
- Reorienting the Osgood Canal culvert to prevent flooding
- Enlarging the culvert under a proposed roundabout near the area of Highway 53, East Ashe Street, and Bridgers Street
- Creating a new trail extending from Bridgers Street toward the bypass

Mr. Westbrook requested his proposals be forwarded to those conducting the stormwater management survey.

Public Hearing

Consideration of a proposed Conditional R-7 District rezoning request

Mayor Dawson declared the public hearing open at 5:42 PM.

Ron Meredith, Planning Director, presented a conditional district rezoning request from Andrew Smith with Grand Visions Investment LLC for approximately 3.4 acres located at Worth Beverage Drive and Progress Drive. The request sought to rezone from O&I (Office and Institutional) to a conditional R-7 residential district to develop a duplex neighborhood.

The application proposed 11 duplex structures totaling 22 residential units, accessed by a newly proposed internal public road with a density of approximately 6.5 units per acre (the R-7 zone allows up to 12 units per acre). A 15-foot undisturbed buffer was proposed around the perimeter, exceeding the required 10-foot buffer.

Mr. Meredith noted the proposal aligned with the town's future land use classification of mixed-use transition and would serve as an appropriate buffer between institutional and residential areas. The site does not fall within a flood zone, and the applicant conducted two community meetings where nearby residents expressed interest in ensuring adequate vegetative buffers.

Key conditions included:

- Development must comply with the town's UDO and all applicable laws
- Streets must meet NCDOT and town standards and be dedicated as public streets
- All utilities will be placed within proposed street rights-of-way
- A 15-foot undisturbed buffer with existing vegetation must be preserved
- Although not required for sites under 10 acres, the applicant agreed to a payment in lieu of $57,000 for open space

Tom Harvey, representing the developer, confirmed they had taken community feedback into account, particularly regarding buffering, and had agreed to all conditions presented. Commissioner Dawson questioned the set backs for lots 1 and 2. Mr. Meredith said the requirement is 10 feet. Mr. Harvey said the developer will have a minimum of 15 feet set back, but has a goal of 20-25 feet.

Commissioner Dawson expressed appreciation for the larger lot sizes on lots 3, 4, and 5, which provide substantial rear setbacks.

Mayor Dawson declared the public hearing closed at 5:58 PM.

> Commissioner Goerge made a motion to approve Resolution 2025-20 as presented, with conditions. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.
>
> Commissioner Malloy made a motion to approve Ordinance 2025-20 as presented, with conditions. The motion was seconded by Commissioner George and carried by unanimous vote.

Items from Manager

James Gantt, Town Manager, provided the following updates:

- The bill to transfer the land at the prison/water tower was approved by both the House and Senate; the town will work with the state to finalize property boundaries

- The Duke Energy project downtown is progressing with the finalization of easements; the town has sent half its payment towards the project
- The Stormwater Master Plan draft CIP has been received and will be reviewed by Mr. Gantt; the goal is for the engineers to present to the board in October
- The Water and Sewer Master Plan is moving forward with ongoing assessment work
- Duke Energy is preparing a proposal for additional lighting at the ramp areas at I-40
- Mr. Gantt will be attending a capital finance course hosted by the UNC School of Government, as part of the budget officer certification program

Items from Attorney

No items were presented.

Items from Mayor and Board of Commissioners

Consideration of appointing one (1) ETJ Planning Board Member

The board reviewed an application for the ETJ Planning Board position that had been vacant for some time.

> Commissioner Rivenbark made a motion to appoint Amy Jones to fill the ETJ position on the Planning Board. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Resolution 2025-21 Pledging to Practice and Promote Civility in the Town of Burgaw

As mentioned during employee recognitions, 75% of the board recently participated in the "Commit to Civility" training through the League of Municipalities.

> Commissioner Malloy made a motion to approve Resolution 2025-21 as presented. The motion was seconded by Commissioner Pearsall and carried by unanimous vote.

Mayor Dawson noted all board members would need to sign the resolution and the pledge for Ms. Wells to submit to the NC League of Municipalities.

Additional items discussed:

On behalf of the Beautification Committee, Mayor Dawson requested the board to consider adding the maintenance of Blueberry Row to the town's landscaping agreement. The board agreed; Mr. Suggs will get additional costs to add this to their contract and bring more information back to the board.

On behalf of Burgaw Baptist Church, Mayor Dawson requested the board to approve the reoccurring closure of Bridgers Street between Walker Street and Wright Street on October 31 each year from 4:30-8:00 PM, for the annual trunk-or-treat event hosted by Burgaw Baptist Church and Burgaw Methodist Church. The board voiced no concerns with the closure of the street, but discussed additional safety measures for the area on the evening of the event, particularly the sun setting and creating visibility issues for drivers on Bridgers Street; Mr. Gantt indicated they would use water-filled barricades and lighting for safety.

Mayor Pro-tem Malloy made a motion to approve the street closure as requested and include this closure on the town's reoccurring street closure list. The motion was seconded by Commissioner Rivenbark and carried by unanimous vote.

Commissioner Pearsall stated he had items for Closed Session.

Mayor Pro-tem Malloy expressed concern about grass clippings being blown into streets; staff indicated this is against town ordinance and will enforce the issue.

Commissioner Rivenbark mentioned issues with erosion at a ditch near Hankins Park; the manager indicated they plan to install sod when cooler weather arrives.

Commissioner Rivenbark commented on the overgrown ball fields at Pender Memorial Park. There was brief discussion that the two overgrown fields are not owned by the county, and the property owner has been notified in the past. Because there are structures located on the property, according to the town ordinance, the property must be maintained. Mr. Stanley and Mr. Meredith will follow up and send a letter to the property owner.

Mayor Dawson mentioned the North Carolina Fall Litter Sweep campaign is September 13-27 this year. She would like to see the town encourage citizens and business owners to keep their properties clean and dispose of any unwanted items, debris and trash.

The fall Shred & E-Recycle event is scheduled for October 10, 2025 from 11 AM to 1 PM.

Mayor Dawson reminded the public about the upcoming Patriot Day Ceremony on September 11th at 5:30 PM at the Depot.

Closed Session

Commissioner Rivenbark made a motion at 6:18 PM to go into closed session pursuant to NC GS 143-318.11(a)(3) Attorney/Client Privilege. The motion was seconded by Mayor Pro-tem Malloy and carried by unanimous vote.

Commissioner Rivenbark made a motion at 7:02 PM to go back into open session. The motion was seconded by Mayor Pro-tem Malloy and carried by unanimous vote.

Adjournment

Mayor Pro-tem Malloy made a motion at 7:02 PM to adjourn the meeting. The motion was seconded by Commissioner George and carried by unanimous vote.

Attest: ____________________________________ Signed: ____________________________
Kristin J. Wells, Town Clerk G. Olivia Dawson, Mayor

Revenue Stamps $ 32.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Ben Sox CHECKED BY Mark T. Smith

The hereinafter described property ☐ Does ☒ Does not include the primary residence of the Grantor

RETURN TO: NCDOT Division 3 Right of Way
ATTN: Ben Sox
5501 Barbados Blvd.
Castle Hayne, North Carolina 28429

NORTH CAROLINA
COUNTY OF Pender
TAX PARCEL 3229-33-4557-0000

TIP/PARCEL NUMBER: R-5701 004
WBS ELEMENT: 46373.2.1
ROUTE: US 117 Bus and NC 53

THIS FEE SIMPLE DEED, made and entered into this the ______ day of ______________ 20 25 by and between Town of Burgaw, a North Carolina municipal corporation,
109 N. Walker St. Burgaw, NC 28425

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of $ 15,675.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Burgaw Township, Pender County, North Carolina, which is particularly described as follows:

Point of beginning being N 26^45'19.1" E, 111.961 feet from -L- Sta. 15+00 thence to a point on a bearing of S 34^31'42.5" W 63.649 feet thence to a point on a bearing of S 63^40'14.5" W 69.876 feet thence to a point on a bearing of N 72^20'3.4" E 119.032 feet thence to a point on a bearing of N 17^16'37.4" W 49.543 feet returning to the point and place of beginning. Having an area of 1865.594 Sqr feet being approximately 0.043 acres.

FRM7-A
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IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement described as follows:

Area One:

Point of beginning being N 71^5'31.2" W, 51.057 feet from -L- Sta. 15+00 thence to a point on a bearing of N 63^40'14.5" E 69.876 feet thence to a point on a bearing of N 34^31'42.5" E 13.020 feet thence to a point on a bearing of S 64^32'23.9" W 80.032 feet thence to a point on a bearing of S 17^6'53.5" E 7.653 feet returning to the point and place of beginning. Having an area of 524.535 Sqr feet being approximately 0.012 acres.

Area Two:

Point of beginning being N 26^45'19.1" E, 111.961 feet from -L- Sta. 15+00 thence to a point on a bearing of N 17^16'37.4" W 70.098 feet thence to a point on a bearing of S 4^34'52.0" W 15.202 feet thence to a point on a bearing of S 15^32'32.7" E 61.945 feet thence to a point on a bearing of N 34^31'42.5" E 9.588 feet returning to the point and place of beginning. Having an area of 426.096 Sqr feet being approximately 0.010 acres.

It is understood and agreed that the DEPARTMENT shall have the right to construct and maintain the cut and/or fill slopes in the above-described area(s) until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes are no longer needed. Any additional construction areas lying beyond the right of way limits and beyond any permanent easement areas will terminate upon completion of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the DEPARTMENT, obstruct or materially impair the actual use of the easement area(s) by the DEPARTMENT, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

None.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Pender County Registry in Deed Book 3978 Page 131 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 46373.2.1 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 46373.2.1 , Pender County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: Restrictive covenants and easements of record, government regulations and the lien of property taxes for the current year.

IN WITNESS WHEREOF, the GRANTOR, pursuant to a resolution dated ____________________ Has caused this instrument to be signed in its corporate name by its TOWN MANAGER OF THE TOWN OF BURGAW, its corporate seal hereto affixed, and attested by the CLERK OF THE TOWN OF BURGAW BOARD OF COMMISSIONERS, by order of the TOWN OF BURGAW COMMISSIONERS, this the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

Town of Burgaw

(CORPORATE SEAL) BY: ____________________________________

James H. Gantt
Town Manager
Town of Burgaw

ATTEST: ____________________________________

Kristin J. Wells
Clerk of Town of Burgaw
Board of Commissioners

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: ________________________________

(Official Seal)	North Carolina, Pender County I, ________________________, a Notary Public for ____________________ County, North Carolina, certify that Kristin J. Wells personally came before me this day and acknowledged that he/she is the CLERK of the Town of Burgaw Board of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by James H. Gantt, its TOWN MANAGER of the TOWN OF BURGAW, sealed with its corporate seal, and attested by Kristin J. Wells as its CLERK. Witness my hand and official seal this the _______ day of ______________________, 20 25 . ________________________________ Notary Public My commission expires: ________________

ORDINANCE 2025-21

AMENDING THE TOWN OF BURGAW CODE OF ORDINANCES, CHAPTER 21, PARKS AND RECREATION, BY ADDING ARTICLE III, TOWN OF BURGAW BARK PARK RULES AND REGULATIONS

WHEREAS, the Town of Burgaw Board of Commissioners has previously adopted the Town of Burgaw Code of Ordinances, Chapter 21, Parks and Recreation; and

WHEREAS, the Town of Burgaw Board of Commissioners has recently approved the installation of a public dog park, known as Burgaw Bark Park, located at 312 East Ashe Street; and

WHEREAS, the Town of Burgaw Board of Commissioners wishes to adopt rules and regulations for the Burgaw Bark Park, as described below, to be added as Article III under Chapter 21 of the Town of Burgaw Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT THE FOLLOWING AMENDMENTS BE ADOPTED:

CHAPTER 21 – PARKS AND RECREATION

ARTICLE III. – TOWN OF BURGAW BARK PARK RULES AND REGULATIONS

1. No animals other than dogs may be brought into the fenced area.
2. Dogs shall have on a collar with rabies vaccination information at all times while in the Park.
3. Dogs must be leashed while entering and exiting the park.
4. Owners must be within the dog park and supervise their dog with a leash readily available.
5. Dog handlers under the age of 13 must be accompanied by an adult and always supervised.
6. Aggressive dogs and female dogs in heat are not allowed. Owners must immediately leash and remove dogs from the Park at the first sign of aggressive, hostile, or combative behavior. Any dog found to have bitten another dog/person will lose all Dog Park privileges.
7. Dogs should be under voice control.
8. Dog waste must be cleaned by their owners IMMEDIATELY.
9. Sick or injured dogs are not allowed. Owners of dogs with a known sickness/injury or displaying sick or injured behavior will be required to remove their dog immediately.
10. Use the park at your own risk. The Town of Burgaw shall not be liable for any property, physical, or pet damage or injury occurring within the off-leash area. In addition, by using the Dog Park, you acknowledge and accept responsibility for the actions of your dog and yourself.
11. Owners are always legally responsible for the behavior of their dog(s). Prevent injuries by always supervising your dog. Never leave your dog unattended. If your dog inflicts an injury, please give your name and telephone number to the other dog owner before leaving. You are at all times solely responsible for your dog's behavior and any damage your dog may cause.
12. No person shall use, consume, or possess any alcoholic beverages or controlled substances within the park.
13. No person shall engage in any loud or disruptive behavior that threatens the safety or welfare of other patrons of the park. No loud profanity.

14. The off-leash dog area is for dogs, their handlers, and those accompanying them. No other use is allowed. These areas are designated for canine activities. It is not intended for any other purpose.
15. North Carolina State Law requires that all dog bites be reported to the Burgaw Police Department (910) 259-4924. In addition, owners are required to assist in the investigation of incidents of aggression or biting by providing appropriate identification and information to the Police Department, Parks and Recreation Department officials, and to other dog owners who are involved with the incident under investigation. Failure to provide assistance and identification as requested will result in immediate revocation of all Dog Park privileges. Owners are liable for any injury or damage caused by their dogs and are fully responsible for their dog's actions.

Adopted this the 14th day of October 2025.

Signed: ______________________________
G. Olivia Dawson, Mayor

Attest: ______________________________
Kristin J. Wells, Town Clerk

RESOLUTION 2025-22

RESOLUTION AUTHORIZING THE RETIREMENT OF POLICE K-9 "KANE" AND APPROVAL OF ADOPTION BY HANDLER SGT. THOMAS PADGETT

WHEREAS, the Town of Burgaw Police Department currently owns and operates Police K-9 "Kane," a trained law enforcement service animal assigned to Sgt. Thomas Padgett; and

WHEREAS, K-9 Kane has faithfully served the Town of Burgaw and its citizens through his years of dedicated service in narcotics detection, suspect apprehension, tracking, and community engagement; and

WHEREAS, due to age and/or medical considerations, K-9 Kane is no longer able to perform the full range of duties required of an active police service animal; and

WHEREAS, the Town of Burgaw Board of Commissioners wishes to recognize and commend K-9 Kane for his loyal and honorable service to the Town and its Police Department; and

WHEREAS, Sgt. Thomas Padgett, Kane's handler, has expressed a desire to adopt K-9 Kane upon his retirement, providing him with a safe and caring home; and

WHEREAS, the Town of Burgaw deems it in the best interest of the Town, the Police Department, and the welfare of K-9 Kane to allow his retirement from active duty and to authorize his adoption by Sgt. Padgett; and

WHEREAS, pursuant to N.C.G.S. §160A-266 and related provisions, the Town may dispose of personal property, including police animals, by private sale when deemed appropriate and in the public interest.

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

1. K-9 Kane is hereby officially retired from active duty with the Burgaw Police Department effective October 30, 2025.
2. The ownership of K-9 Kane is hereby transferred to Sgt. Thomas Padgett, who shall assume all future responsibility for the care, maintenance, and medical needs of the animal.
3. The adoption of K-9 Kane by Sgt. Padgett shall be conducted without monetary exchange, in recognition of his years of faithful service to the Town and community.
4. The Town of Burgaw expresses its gratitude and commendation to K-9 Kane and Sgt. Padgett for their distinguished service and contributions to public safety.
5. This Resolution shall become effective upon adoption.

ADOPTED this the 14th day of October, 2025.

Attest: ______________________________
Kristin J. Wells, Town Clerk

Signed: ______________________________
G. Olivia Dawson, Mayor

Town of Burgaw
ITEM REPORT

Item: 11A

DATE OF MEETING: October 14, 2025 **DEPARTMENT OF ORIGIN:** Administration	**DATE SUBMITTED:** 10/07/2025 **SUBMITTED BY:** Kristin Wells, Town Clerk
AGENDA ITEM DESCRIPTION: Consideration of approval of the Scouting America Facilities Use & Indemnity Agreement between the Town of Burgaw and the Cape Fear Council of the Boy Scouts of America	
SUMMARY STATEMENT: The attached agreement was received from Attorney Zachary Rivenbark on behalf of Commissioner Rivenbark to be considered by the Board of Commissioners. Attorney Rivenbark stated via email, "This is merely an updated agreement between the Council and Town regarding the Scout Hut Building and is intended to be an updated agreement of the 1961 version of the agreement which I believe we can all agree; should be updated."	
STAFF RECOMMENDATION AND REQUESTED ACTION:	
FINANCIAL IMPACT INCLUDING FUNDING SOURCE:	
FINANCE DIRECTOR COMMENTS:	
ATTACHMENTS (IF ANY): Boy Scouts Agreement	

Scouting America

FACILITIES USE & INDEMNITY AGREEMENT AMONG:

Town of Burgaw

(the "Organization")

Cape Fear Council

"Local Council" of the Boy Scouts of America, a congressionally chartered nonprofit corporation d/b/a Scouting America ("Scouting America"),

and Pack 247 and/or Troop 242 (the "Scouting Unit" or "Unit")

THIS FACILITIES USE & INDEMNITY AGREEMENT ("Agreement") is entered into as of ________________(date) by and among the Organization, Scouting America, and the Scouting Unit for a term of one year, beginning Oct 02, 2025, and ending Oct 01, 2026. For good and valuable consideration, including the covenants set forth herein, the Organization, Scouting America, and Scouting Unit agree as follows:

I. Use of Facilities:

A. The Organization agrees to provide appropriate facilities (the "Facilities"), described below, and does hereby grant permission for the Scouting Unit, its members, volunteers, personnel, guests, and invitees to use said Facilities during its regular meetings.

Facilities Address: 208 South Smith Street, Burgaw, N.C.

Facilities Description: Cinder block building with meeting room, office, storage rooms and a restroom

Available Days/Times: Meetings and scout activities as needed. The facilities will be used to store supplies and equipment.

To the extent that the Organization property includes spaces for parking motor vehicles, the Organization agrees that, and hereby grants permission for, the Scouting Unit, its members, volunteers, personnel, guests, and invitees to make use of such parking spaces as are not already occupied at the time of the Unit's meetings.

B. The Organization agrees to allow the Scouting Unit a reasonable amount of storage space for materials and equipment, which may, in the unfettered discretion of the Organization, include one or more trailers.

Storage Description: the storage rooms in the facility will be for the exclusive use of the scouts to store materials and equipment

C. The Scouting Unit acknowledges and agrees that the Scouting Activities are not required to be, and may not be, sponsored, conducted, supervised, or monitored by the Organization or its directors, officers, trustees, elders, employees, agents, representatives, or volunteers, and that the Organization is merely making the Facilities available for the Scouting Unit's use in connection with its Scouting Activities. The Scouting Unit further acknowledges and understands that the Organization may not, and has no obligation to, make available any personnel or volunteers in or around the Facilities for the benefit of the Scouting Unit or the Scouting Activities.

D. The Scouting Unit agrees to return the Facilities to their original condition at the end of all Scouting Activities in"broom clean" condition and with any garbage/waste deposited in appropriate receptacles. The Scouting Unit acknowledges and agrees that if the Scouting Unit damages the Facilities, the Scouting Unit will be responsible for any repair costs within ten (10) days or within a reasonable time-frame after the Organization provides written documentation of such costs.

E. The Scouting Unit agrees to take reasonable care of the Facilities and to abide by all rules and policies applicable to the Facilities and their use. A copy of all such rules and policies are attached hereto and incorporated herein by reference. The Scouting Unit acknowledges and agrees, however, that the following are always prohibited anywhere within the Facilities or elsewhere on the Organization's property, whether indoors or outside, regardless of whether the Organization has formally adopted a written policy to the same effect: smoking, tobacco use of any nature, possession or consumption of alcohol, and the possession or use of illegal substances.

Scouting America

F. The Scouting Unit acknowledges and understands that there are risks associated with use of the Facilities. The Scouting Unit acknowledges and agrees that it has inspected the Facilities and accepts them for use in their present condition, with all faults, if any, and agrees that the Organization makes no representation or warranty with respect to the Facilities, including their condition or their suitability and fitness for the Scouting Unit's intended use. Due to the nature of the Facilities, they may not accommodate persons with certain disabilities. The Scouting Unit agrees that it is responsible for providing all disability accommodations necessary to meet the needs of the Unit's members, volunteers, personnel, guests, and invitees. The Scouting Unit agrees that its use of the Facilities will comply with all applicable local, state, and federal laws and regulations.

II. Insurance:

Scouting America agrees to provide Commercial General Liability (GL) insurance that includes excess auto liability to cover losses or claims asserted or sustained by any Scouting Unit, member, visitor, volunteer, or any other person, arising out of or in any way connected, directly or indirectly, with Scouting. This insurance covers the Charter Organization, along with its Officers, Directors, Trustees, Employees, or Charter Organization Representatives (collectively, "Protected Parties"). At a minimum, such insurance:

A. GL coverage shall be written on an occurrence basis, with limits of $7,500,000 each occurrence and $20,000,000 annual aggregate for the policy year ending March 1, 2026. Scouting America provides additional excess GL coverage above the primary and first excess policies. GL coverage limits are subject to change upon renewal.
B. The GL policy shall provide auto liability (AL) as excess of: (a) the vehicle driver's personal AL policy; (b) the Charter Organization's primary AL insurance, if any (if vehicles are owned, hired, or leased by the Charter Organization); and (c) any other excess insurance available from other sources. The GL policy provided by Scouting America is excess of $1 million.
C. As set forth in the GL policy, shall provide coverage for:
   1. Bodily injury, sickness or disease including illness or death of any person.
   2. Bodily injury, with no exclusion for physical or sexual abuse, misconduct, or molestation
   3. Personal or advertising injury.
   4. Damages caused by physical damage or destruction of tangible property.
   5. Contractual liability covering Scouting America's obligation to defend, indemnify, and hold harmless the Protected Parties.
   6. Punitive or Exemplary Damages coverage equal to that which is provided to Scouting America entities.
D. Certificate of Insurance shall name the Protected Parties as Additional Insureds on all primary and excess policies.
E. Shall include a Waiver of Subrogation in favor of the Protected Parties.

SCOUTING UNIT: Pack 247 and/or Troop 242

By: William H. Pearsall, Sr.
Signature

William H. Pearsall, SR.
Printed Name
Title: Unit Committee Chair

Bethany Frazer

LOCAL COUNCIL: Cape Fear Council

By: Levi Mullis
Signature

Levi Mullis
Printed Name

District Executive
Title: Scout Executive or Designee

ORGANIZATION: Town of Burgaw

By: ______________________
Signature

____
Printed Name

____
Title

Scouting America

ATTACHMENT OF ORGANIZATION'S POLICIES AND RULES GOVERNING THE USE OF THE FACILITIES AS REFERENCED IN ¶ I.E OF THE FACILITIES USE AND INDEMNITY AGREEMENT

1. This agreement shall be renewable on an annual basis unless terminated by either party.
2. The local scout unit(s) in Burgaw shall be responsible for the general maintenance and upkeep of the building.
3. In consideration of the agreement to undertake general maintenance and upkeep of the building and the indemnification provisions contained in this agreement, the local scout unit(s) shall have the exclusive use of the building during the term of this agreement.