TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING

DATE:	December 13, 2016
TIME:	4:00 PM
PLACE:	Burgaw Municipal Building
BOARD MEMBERS PRESENT:	Mayor Eugene Mulligan
	Mayor Pro-tem Wilfred Robbins
	Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT:	Chad McEwen, Town Manager
	Sylvia W. Raynor, Town Clerk
	Robert Kenan, Town Attorney
	Anthony Colon, Director of Public Works
	Louis Hesse, Building Inspector
	Jim Hock, Chief of Police
	Wendy Pope, Finance Officer
	Kim Rivenbark, Interim Planning Administrator
	Kristin Wells, Deputy Clerk
	Allen Wilson, Fire Administrator
MEDIA PRESENT:	None
INVOCATION:	Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE:	All

The meeting was called to order by Mayor Eugene Mulligan at 4PM.

Approval of Agenda

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

Approval of Consent Agenda

Commissioner Dawson made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The consent agenda and the following items were approved:

A. Minutes of the November 8, 2016 Regular Session
B. Resolution 2016-48 Approving Meeting Schedule for 2017

RESOLUTION 2016-48
ADOPTING THE REGULAR MEETING SCHEDULE
OF THE BURGAW TOWN BOARD OF COMMISSIONERS FOR 2017

WHEREAS, General Statute 160A-71 allows a board to fix a time and place for regular meetings; and
WHEREAS, General Statute 143-318.12 (a) requires the Board of Commissioners schedule of regular meetings to be kept on file with the Town Clerk.
NOW, THEREFORE, BE IT RESOLVED that the following meeting schedule for the calendar year of 2017 is hereby adopted by the Town of Burgaw Board of Commissioners:

Tuesday	January 10, 2017	4:00 PM
Tuesday	February 14, 2017	4:00 PM
Tuesday	March 14, 2017	4:00 PM
Tuesday	April 11, 2017	4:00 PM
Tuesday	May 9, 2017	4:00 PM
Tuesday	June 13, 2017	4:00 PM
Tuesday	July 11, 2017	4:00 PM
Tuesday	August 8, 2017	4:00 PM
Tuesday	September 12, 2017	4:00 PM
Tuesday	October 10, 2017	4:00 PM
Tuesday	November 14, 2017	4:00 PM
Tuesday	December 12, 2017	4:00 PM

BE IT FURTHER RESOLVED THAT all meetings shall be held in the meeting room of the Burgaw Municipal Building unless otherwise posted.

Adopted: December 13, 2016

SPECIAL REQUESTS

NC Blueberry Festival – Pete Cowan

Pete Cowan gave a brief overview of the 2016 Blueberry Festival and the economic impact that the festival has on the town. Mr. Cowan informed the Board that the committee is considering a two day festival for the 2017 season. He asked the Board if they would consider allowing the festival to open on Friday, June 17th at 1:00PM. He said that all vendors, sponsors and exhibits would be open at that time. He advised starting the festival early will include street closures that may have an impact on downtown businesses. He said they would essentially be changing the street closing to Thursday night instead of the usual Friday closing. Mr. Cowan also requested waiver or reduction of the $600 fee for use of the community house on festival day and waiver or reduction of the $3,000 lease of the Blueberry Festival office in the old jail.

There was a lengthy discussion regarding the street closing and the effects that the closing would have on downtown businesses that are open during those hours. The main concern of the Board is the Chinese restaurant and the bar because those two businesses rely on evening sales. Mr. Cowan advised if they proceed with this plan, the festival committee will have something in writing with the businesses as to whether they want to participate in the early street closing or if they desire to keep the streets open. He said after those decisions are received they will move forward accordingly with the Board's wishes. Commissioner Harrell made a motion to allow the festival to expand into a second day (Friday) to include closing the streets on Thursday as requested. The motion was seconded by Commissioner George. Commissioner Robbins said he will go along with it but wants to make sure that we are not just going to close off those streets on our businesses without getting their input. After discussion Commissioner Harrell withdrew his motion. Mayor Mulligan asked to delay this decision until the January meeting to allow the Blueberry Festival Committee to make contact with the downtown businesses to determine their thoughts on the early street closing. Commissioner Robbins made a motion to table this item until the January meeting. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

In regards to the waiver of fees for the rental fee for the community house, Commissioner George made a motion to allow the Blueberry Festival to use the Community House free of charge. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

In regards to the request to reduce or eliminate fees for the rent of the office space in the old jail by the Blueberry Festival, Commissioner Robbins made a motion to waive the $3,000 rental fee for the use of the Blueberry Festival office. The motion was seconded by Commissioner George and carried by unanimous vote.

Burgaw Yoga – Alison Boyce

Alison Boyce appeared before the Board on behalf of Burgaw Yoga to request funding for the purchase of bolsters to be used as aids in the yoga program. Also present was Beth Lewis who demonstrated some yoga moves to clarify the use of the requested equipment. Ms. Boyce advised having props in the yoga classes allows a wider range of participants to be able to enroll in the classes. Upon completion of the yoga demonstration, Ms. Boyce advised the yoga bolsters are about $30.00 each and there are approximately 8-15 people in class which would cost $400 - $600 for the bolsters.

After much discussion regarding cost, cleaning, storing and use of the bolsters, Commissioner Robbins made a motion to purchase eight bolsters at a cost of $240.00. The motion was seconded by Commissioner Harrell. All voted "aye" with the exception of Commissioner Dawson who voted "nay". Motion carried.

Pender County Tourism – Tammy Proctor

Tammy Proctor appeared before the Board to request use of the depot for the ghost walk planned for October, 2017. Ms. Proctor said they plan to hold the ghost walk on October 13 and 14 and they would like to have use of the depot at the non-profit rate for two nights. She briefly reviewed the first ghost walk and the success of the event and since they sold 400 hundred tickets for one night they would like to hold a ghost walk for two nights to accommodate more people. Ms. Proctor advised they would like to have use of the depot, dock and walkway for the event.

Mayor Mulligan recommended waiving the fees for the use of the depot for the ghost walk. Commissioner Harrell made a motion to allow the use of the depot for the ghost walk for that weekend and to waive the fees with the stipulation that there is an exhibit set up to display for advertisement the rental of the depot for weddings etc. Motion died for lack of a second. Questions were raised about the cleaning of the facility and potential damage that could occur with several hundred visitors passing through the building. Commissioner Harrell made a motion to allow the use of the depot for the ghost walk for that weekend with the stipulation that there is an exhibit set up to display for advertisement the rental of the depot for events and to waive the rental fee but to charge the deposit and cleaning fee for the depot. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

DEPARTMENTAL ITEMS

FINANCE – *Wendy Pope*

Ordinance 2016-21 Amending the FY 16-17 budget to provide funding for FY 15-16 Body Camera computer equipment purchase invoices

Ms. Pope advised in April 2016, the Board of Commissioners approved the purchase of Police Body Cameras and associated computer equipment. After such, a purchase order was created and the equipment was ordered. Although the intention was to receive all items and make payments prior to end of the 2015-2016 fiscal year, we did not and the invoice from SHI is still outstanding. She advised she has confirmed with Erik Harvey that the equipment is up and running in the Police Department and that the invoice is due and payable.

Ms. Pope advised since the original purchase order was closed at the change of the fiscal year a general fund fund balance appropriation is needed to pay this outstanding invoice.

Commissioner Harrell made a motion to approve Ordinance 2016-22 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2016-21
AMENDING FISCAL YEAR 2016-2017 ANNUAL BUDGET
Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2016-2017 on June 14, 2016; and
WHEREAS, the Town of Burgaw Board of Commissioner approved the purchase of Police Body Cameras and associated computer hardware and storage in April 2016; and
WHEREAS, a purchase order was created and equipment ordered in FY 15-16, however items not received until FY 16-17 after purchase order was closed; and
WHEREAS, a general fund fund balance appropriation is needed for payment of the invoice from SHI.
NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

Section 1: The FY 2016-2017 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	$3,445.38

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5100-10-740	Capital Outlay	$3,445.38

Adopted this the 13TH day of December 2016.

Ordinance 2016-22 Closing the Capital Project Ordinance for the Town of Burgaw Osgood Canal Greenway

Ms. Pope advised the Town of Burgaw Board of Commissioners approved an original Capital Project Budget for the construction of the Osgood Canal Greenway. This fund was used to account for the Town's cost of land acquisitions, construction of sidewalks and project incidentals. Through various amendments and changes in costs and grant amounts, the Capital Project Fund began with a total budget of $847,008. The following reflects actual revenues and expenditures from inception through the fiscal year ended June 30, 2016:

	Actual		
	Prior Years	**2015/2016**	**as of 6/30/16**
Total Revenues	527,119	-	527,119
Total Expenditures	674,537	-	674,537
	(147,418)	-	(147,418)
Other Financing Sources:			
Transfer from General Fund	186,360		186,360
Total other financing sources	186,360	-	186,360
Revenues and other sources over (under) expenditures	**$ 38,942**	**$ -**	**$ 38,942**

Ms. Pope advised as shown in the table above, $38,942 remains unspent in the Capital Project Fund as of June 30, 2016. By closing out this Capital Project Ordinance, any unspent proceeds accumulated in the Project Fund will become available for use in the General Fund Fund Balance.

Commissioner Dawson made a motion to approve Ordinance 2016-22 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ORDINANCE 2016-22
CLOSING OF CAPITAL PROJECT ORDINANCE 2009-08
For Town of Burgaw Osgood Canal Greenway

WHEREAS, the Town of Burgaw Board of Commissioners began a capital project in 2009 for construction of greenway and urban trail; and
WHEREAS, the project was financed by NC Parks and Recreation Trust Fund and local funds; and
WHEREAS, the project has been completed and the engineers on the project have submitted their certificates of completion; and
WHEREAS, the officers of this unit completed the capital project within the terms of the grant documents and the budget contained herein; and
WHEREAS, the following amounts were expended for the project:

Construction	641,581
Contingency	32,956
	$674,537

WHEREAS, the following revenues and other financing sources were received for the project:

NC Parks and Recreation Trust Fund Grant	$472,289
Town Matching Funds	46,729
Other	8,101
Transfer from General Fund	186,360
	$713,479

WHEREAS, there is a surplus of revenues over expenditures remaining in the Capital Project Fund in the amount of $38,942, all of which should be unappropriated and made readily available in the Town of Burgaw's General Fund Fund Balance; and

NOW, THEREFORE, BE IT ORDAINED by the Town of Burgaw Board of Commissioners that the Town of Burgaw Osgood Canal Greenway Capital Project is complete, the Project Ordinance is closed out and all remaining balances are transferred accordingly.

ADOPTED this thirteenth day of December, 2016.

Consideration of a change to the provider of telephone and internet service for Town Hall

Ms. Pope advised the telephone service contract with AT&T for phone service at Town Hall has expired. She said this would be a good time to research all available options and look to what our needs will be in the future. She advised she has been given proposals from both AT&T and Time Warner/Charter providing at least three different options to choose from. Both companies offer a PRI channel option for voice service over internet rather than over analog lines. The differences between the proposals are summarized below:

			Monthly Charges		
Service Location			TWC/Charter (option 1)	TWC/Charter (option 2)	AT&T
Town Hall	20M dedicated Internet access (Fiber)		700		
	10M Ethernet - EPL (point to point)		730		
	PRI Telephone service for 16 channels		370	345	
	Direct Dial block for 20 numbers		9	9	
	3,000 free long distance minutes		-	-	
Town Hall	35M x 5M Internet access			205	
Public Works	10M Ethernet - EPL (point to point)		-		
Public Works	50M x 5M			245	245
	Business Class Phone Service			141	141
Town Hall	20M dedicated Internet access (Fiber)				873
	PRI Telephone service for 12 channels plus 50 seats cloud web security				-
	Direct Dial block for 20 numbers				-
	3,600 free long distance minutes				-
	1 analog line for router and fax				55
			1,809	945	1,314

Ms. Pope advised Erik Harvey has reviewed the proposals and has insight as to best, better and good options. She advised Mr. Harvey was planning to be present but has not yet arrived. After a brief presentation by Ms. Pope the Board decided without Mr. Harvey's input on this item it would be best to table this item until January.

PLANNING – *Kimberly Rivenbark*

Consideration of a major subdivision preliminary plat application for Hardison Subdivision

Ms. Rivenbark advised the applicant has made several revisions based on the comments that were received at the November board meeting. One of the largest concerns expressed by the board involved drainage and stormwater. The applicant has made the addition of three detention ponds; one is located at the bottom of phase 2, one is located in the middle of phase 3 and one is located on the rear of phase 4. In doing so the applicant has stated on the preliminary plat that this will require two separate stormwater permits. There will be one permit required for phase 1 and one required for phases 2, 3 and 4. The addition of these detention ponds will remove the drainage swale that was located in phase 3 which was of major concern because it was located on private property. By removing that drainage swale and placing a detention pond in this area the concern about easements and who will take care of those easements has been eliminated in phase 3. All the detention ponds are located in limited common area storm water which has also been removed from the open space calculation.

Ms. Rivenbark advised another concern included sidewalks and cul-de-sacs. The cul-de-sac previously located on Hawkins has been removed. That change has been approved by the Fire Administrator. Sidewalks now extend around all cul-de-sacs to provide access to every lot. Valley curb and sidewalks are proposed throughout the subdivision with the exception of that 700 foot section of Linda Lane that travels from the entrance at Hwy 117 to the first culvert. The applicant has made the addition of a five foot wide asphalt multi-use lane to allow access to Hwy 117.

Ms. Rivenbark advised in regards to trees, the applicant has stated that the initial clearing shall be limited to what is required for roads, utilities and drainage and that lot clearing will be done on an individual basis to prevent clear cutting of large plots of land that was of concern. The applicant has added to the preliminary plat that lots shall be cleared individually as required for home construction; trees on lots shall be retained to the greatest extent possible.

Ms. Rivenbark advised the open space revisions include the removal of the mulch walking trails; the applicant has identified three areas that will be suitable for an active use area such as a playground or picnic area that will be determined by the developer. She advised those areas are labeled on the revised plan as gathering space. The open space requirement of 15% has been met and exceeded and they are currently at the 20% mark.

Ms. Rivenbark commented that some possible discussion items that the board may want to consider may be renaming the entry road which was initially required to be changed to Linda Lane because it lined up with that street on the west side of Hwy 117. She advised according to our UDO any roads that are in obvious alignment with existing streets shall be given the same name but that is subject to the approval of the Board. She said she has learned that Russell Drive is on the Pender County street name reserve list so that name will also have to be changed. Ms. Rivenbark advised the Board may desire to discuss the proposed modified valley curb and gutter which is throughout the subdivision with the exception of the 700 feet from the first culvert at Hwy 117. Also mentioned was possible discussion regarding the gathering space.

Ms. Rivenbark presented an email to the Board regarding bus transportation by Pender County Schools. She advised she contacted Pender County Schools because she is aware that school buses are not allowed to travel on private roads. She asked if these roads are to be dedicated and listed on the site plan to be dedicated to the town if the school buses would travel on these roads. She was advised that if the road is not in the town's ownership, they are not supposed to drive on them because they will be considered a private road. She said if the developer or the HOA writes a letter to the Pender County Schools requesting that they have bus service then they will be able to provide bus service inside that neighborhood. Otherwise, the children will have to meet the school bus at Hwy 117.

Upon completion of her presentation, Ms. Rivenbark opened the floor for questions.

Commissioner Robbins asked where the majority of the water is going to go once all the houses are built. Mr. Luke Menius, Engineer advised the stormwater drains from south to north; there is Little Burgaw Creek that crosses the property and that separates Phase 1 from Phase 2; to the east of that there is an unnamed tributary that also drains from south to north and drains through the wetland and goes to a pond that was part of the golf course and continues to drain through that pond and off to the north in that same unnamed tributary. Mr. Menius advised the pond is located between phases 3 & 4 in the eastern central part of the project. He advised those two drainage features provide good positive drainage through that property and that is where all the drainage features are directed to.

Commissioner Harrell questioned the gathering spaces; one that borders on an area that is constantly wet area (the Little Burgaw Creek area near the entrance) and the other two are relatively small. Mr. Menius commented that the largest area near the creek is a relatively dry area even though the creek is nearby. He advised drainage in that spot is probably the least challenging because of the positive outfall. He said that is the most appropriate area for a playground type amenity. Commissioner Harrell asked if it would be possible to divert flow to expand that gathering area. Mr. Menius advised that realigning that creek would probably be frowned upon by the regulatory agencies. He also said the other spaces are larger than they look and are comparable to parks that he has seen around town.

Commissioner Dawson said Ms. Rivenbark had mentioned something about five feet from Hwy 117 and on the map it shows a six foot shoulder. Mr. Menius advised on one side it is the typical road with a six foot shoulder and the on the other side it is a five foot walkway with a six foot shoulder beyond that. Mr. Menius presented some examples of similar roads/walkways via PowerPoint that he has seen in other areas. Mayor Mulligan stressed the importance of having separation from the driver on the street and the pedestrians/bikers on the trail.

Commissioner Dawson advised she would like to see the name changed from Linda Lane to something else since there is a major highway separating the two.

Commissioner Robbins asked why the cul-de-sac was removed from phase 4. Mr. Menius said the fire code does not require a cul-de-sac if the road is less than 150 feet. He said he believes that cul-de-sac is a leftover from an older plan and we kept it on this one but then it poses a problem with the sidewalk and utility alignment and is a little awkward as well as the water mains. He advised in this situation being that it is shorter than the maximum allowed by fire code it made the most sense to just eliminate that cul-de-sac and build it as a stub road.

Commissioner Dawson inquired about the distance off the road of the mail kiosk. Mr. Menius advised it is ten feet off the road.

Commissioner Harrell asked how the gathering spaces will be denoted. Mr. Menius advised it is all in open space or common areas. Commissioner Harrell wanted to know if it will be physically segregated off. Mr. Menius advised it will not be fenced in, it will be maintained as natural.

Mayor Mulligan said to Mr. Dean Hardison, Developer since it is written into the presentation that the gathering spaces will be planned at the discretion of the developer and we actually have no commitment as to what will be on these spaces in regards to equipment, facilities etc. can you give us an idea as to the plans for these spaces. Mr. Hardison said the amenities will sell the homes and his intent is to put a nice playground in the front and put a gazebo, picnic table, park benches and possibly an outdoor fireplace or fire pit. Mayor Mulligan asked Mr. Hardison if he is prepared to give us a commitment on that. Mr. Hardison advised he will make a commitment. Mayor Mulligan wanted those conditions put in the plan for the vote today, but Mr. Hardison advised that at this time he does not have a plan for that but he can get a plan for it. Commissioner Robbins advised he would like to see the plan before approving the plan.

Commissioner Robbins made a motion to table this item until we see the plans on the gathering places put forth by Mr. Hardison, the developer. The motion was seconded by Commissioner George and carried by unanimous vote.

BREAK – 5:52PM – 605PM

PUBLIC FORUM

Molly Rousey, Director, Feast Down East appeared before the Board to request use of the depot dock for a second day of each week. Ms. Rousey advised she would like for the Board to consider making an amendment for their tenant agreement. She advised they currently use the dock on Thursday but would like to use the dock on Tuesdays as well. She said this would help increase business and distribution of fresh produce. She also advised they have received a donation of a 25 foot refrigerated truck which has allowed for this potential expansion to happen.

There was a brief discussion regarding scheduling and use of the parking area as well as how many farmers participate in the program.

Commissioner Robbins made a motion to amend the agreement with Feast Down East to allow use of the depot dock on Tuesdays and if there is a rent conflict that Feast Down East is subservient to that rent conflict. The motion was seconded by Commissioner George and carried by unanimous vote. Mr. McEwen said for clarification that Thursday is a standing rental day but on Tuesday if there is a town event it will take precedence over the use of the dock for that day.

Douglas Krynicki/Dr. Ben Akiwumi appeared before the Board to ask the Board for extension of time to use the office building recently purchased by the town until he can make reasonable accommodation at another location. Currently the Board has requested that the doctor vacate the building by January 31, 2017 (the eviction letter was sent on November 1, 2016). Dr. Akiwumi advised he does not have a place to move to now and it will take quite a while to make the changes necessary to meet standards for Medicare, Medicaid and insurance companies. He advised he is asking for more time to find a place and would like for the Board to consider giving him six months to find another place for his medical practice.
Mayor Mulligan said to Dr. Akiwumi that "you have had five weeks and you have found nothing". Dr. Akiwumi advised he has found nothing suitable. He advised he must have a handicap restroom and other amenities suitable for medical patients. Commissioner Harrell said he would hate to lose Dr. Akiwumi's services in town because what he offers is a valuable asset but at the same time we have certain deadlines that we are trying to meet as well.

Mr. Krynicki advised he is helping the doctor to find a place with one handicap restroom and a second restroom (required) as well as something that will not take a lot of renovations. He said he is trying to find something in Burgaw because he doesn't want to see Dr. Akiwumi leave Burgaw.

Mayor Mulligan asked Dr. Akiwumi to define six months; do you mean six months from date of notification or six months from now? Dr. Akiwumi said six months from the date of notification is fair. He said all of this has come about in short period of time and he has had little time to prepare for a move. He said he was not involved in the process and all he is asking for is a little more time.

After discussion, Mayor Mulligan suggested tabling this item until the January 10th meeting to give the doctor more time and to see where the town stands with plans for the splash pad.

ITEMS FROM ATTORNEY – ***Robert Kenan***

None.

ITEMS FROM MANAGER – ***Chad McEwen***

Resolution 2016-49 Consideration of the Approval of a Contract with American Property Experts Related to Grinding the Town's Vegetative Debris Site

Mr. McEwen advised the current year's budget included $15,000 for vegetative grinding at the debris site off Piney Woods Road. This amount covered grinding 6000 cubic yards at $2.50 per. Following debris collection related to Hurricane Matthew we estimated approximately 18,000 cubic yards of material are present at the debris site. We have two quotes for grinding this material. The first quote is from DRC Services and is $2.66 a cubic yard while American Property Experts is $2.65 a cubic yard. Mr. McEwen advised American Property Experts provided grinding services for the Town in 2013 and did an excellent job. He said if approved American Property Experts plan to grind our site before the end of the year.

Commissioner Robbins made a motion to approve Resolution 2016-49 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

RESOLUTION 2016-49
Consideration of the Approval of a Contract with American Property Experts
Related to Grinding the Town's Vegetative Debris Site

WHEREAS, the Town owns and maintains a vegetative debris collections site off Piney Woods Road for the purposes of storing all vegetative debris collected curbside from residences in the Town of Burgaw; and

WHEREAS, following the debris collection related to Hurricane Matthew the vegetative debris site has reached its capacity and is in need of grinding, and

WHEREAS, the Town has two quotes for grinding service based on 18,000 cubic yards of material, and

WHEREAS, these quotes are as follows:

1) DRC Services- $2.66 cubic yard
2) American Property Experts- $2.65 cubic yard

WHEREAS, the recommendation is the approval of a contract with American Property Experts in the amount of $47,700 for the associated grinding services.
NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby approves a contract with American Property Experts in the amount of $47,700.

Adopted this 13th day of December 2016.

Community House Painting

Mr. McEwen advised the Community House painting estimate came in higher than anticipated. He said we had budgeted $3500 but the quote came in at $6500 because the paint on the building has deteriorated quite a bit since it was evaluated at budget time. He advised the decision was made to take money from non-departmental reserve to cover the extra cost and to do what needed to be done.

Update on Condominiums

Mr. Hesse advised a time line was set for the new owner to have the burned condominium building demolished but the owner has failed to meet all requirements that have been set. He said currently the owner is asking for two more weeks but there has been nothing but excuses. Mr. Hesse said he advised the owner that we are at a point to take legal action. Attorney Kenan asked if we give him two more weeks where that will put the deadline. Mr. Hesse advised it will be December 31st. Mr. Hesse said at this point he has seen no action to begin the demolition of the building. Attorney Kenan said he will look into the ordinance and get back with Mr. Hesse on this issue.

Senior Center Sidewalk

Mr. McEwen advised he feels we have reached an impasse with NCDOT regarding the sidewalk to the senior center and he needs some guidance from the Board. He said we asked them to contribute some money towards the required stormwater and drainage and they don’t have any money to contribute to it. He said he would like the Board’s permission to set up a meeting with Senator Rabon and ask him for his assistance in freeing up some money from NCDOT or leaning on NCDOT to remove those obligations for us to have to upgrade the drainage and stormwater system on Walker.

Commissioner Robbins said he thinks we need to make a decision as to whether we are going to do this or not and what the amount is going to be and what we will have to come up with to do it. He said this has been an ongoing project for seven years. He said he thinks we just need to bite the bullet and get it done one way or another. Mr. McEwen advised we are about $205,000 short to cover this project. Much of this is due to the time and construction costs over three years of nothing happening and all the added stormwater improvements that DOT added after we submitted to the General Assembly for the request. He said the other option is to ask Senator Rabon if we can use that money for another project along a non DOT road. Commissioner Robbins said after seven years, he thinks we need to go ahead and pull the money out of fund balance and build a sidewalk if this board is willing.

After discussion, it was the consensus of the board to have Mr. McEwen set up a meeting with Senator Rabon and to make contact with the county to see if they would be willing to fund the portion of the sidewalk that will run by their properties.

Depot update

Mr. McEwen advised the Board that the depot has been paid off.

Art’s Council Wall for Mural

Having learned that the cost of creating a smooth surface to paint the mural on the wall at the Arts Council will be $6000, the Board discussed seeking other alternatives before going ahead with this project because the town’s cost has escalated to over $8,000. The Board will discuss this further at a later date.

MAYOR AND BOARD OF COMMISSIONERS

Items from Mayor and Board of Commissioners

Commissioner Robbins asked about the trash cans being removed from the court house square. Mr. McEwen advised the county wants the town to maintain the trash cans for them. He advised the county that we are doing all we can to keep up with our own. He said we cannot take on anymore and certainly not on county property. He advised he had that conversation with Pat Simmons a couple of weeks ago and shortly thereafter the cans were emptied and removed from the square. After a brief discussion, Mayor Mulligan said he will go to the county manager and have a discussion regarding this issue and hopefully have a resolution by the January meeting.

Commissioner Robbins commented that all house rentals for one week stays in residential areas should be looked into by the planning board because this could become a problem as it has in other towns.

Commissioner Robbins thanked the police department for writing warning tickets. He said we probably need to see more of them.

Commissioner Dawson thanked Meg Smith and the Promotions and Special Events Committee for all the hard work for another successful tree lighting ceremony. She also thanked all town staff that worked on this as well.

Commissioner Harrell thanked the public works department for the wonderful job on the Christmas decorations. He also thanked Chief Hock for a job well done at the living nativity.

Commissioner George thanked everyone for the nice job on the well managed Christmas parade; it was very nice.

Mayor Mulligan advised he wants to revisit the tree board idea. After discussion, Commissioner Harrell made a motion to appoint three citizens from the town to serve as a tree advisory committee to report to the Building and Grounds Board. The motion was seconded by Commissioner Robbins. All voted in the affirmative except for Commissioner George who voted no. Motion carried four to one.

Discussion – Splash Pad and Court House Avenue Streetscaping

Mr. McEwen presented two conceptual plans for the splash pad. (Documents are on file in the clerk's office.) He advised it is time for the Board to finalize the site plan for the splash pad.

Mr. McEwen presented two plans; one with the pavilion at the western side of the pad and another with the pavilion at the south side of the pad. He also presented a rough draft estimated budget for the park. There was much discussion regarding the location of the pavilion, tree wells, sidewalks, parallel parking, underground utilities, landscaping and cost estimates. Mr. McEwen pointed out that the preliminary estimate for the splash pad is $511,738 which includes a twenty percent contingency. He also advised the preliminary estimate for the Court House Avenue streetscaping is $272,400 which includes a twenty percent contingency.

Mr. McEwen advised at this point the Board needs to narrow down some details regarding the layout of the park and the Board's desires. He said the physical layout of the splash pad area needs to be decided as to whether the pavilion should be located on the west side or south side of the splash pad. He advised the decision regarding angle over parallel parking must be made as well.

After much discussion it was the consensus of the Board to place the pavilion on the west side with the restrooms to be located on the end near Court House Avenue; to pursue underground utilities based on further cost detail and to pursue parallel parking on Court House Avenue.

CLOSED SESSION

Commissioner Harrell made a motion to go into closed session pursuant to GS 143-318.11 (a) (3) Attorney/Client Privilege and GS 143-318.11 paragraph (a) item (6) personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote. (Time: 8:06PM)

OPEN SESSION RECONVENED

Commissioner Harrell made a motion to into open session. The motion was seconded by Commissioner Dawson and carried by unanimous vote. (Time: 8:25PM)

ACTION FROM CLOSED SESSION: Commissioner George made a motion to table the personnel matter from this closed session until the January closed session. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ADJOURNMENT

Commissioner George made a motion to adjourn. The motion was seconded by Commissioner Harrell and carried by unanimous vote. The meeting adjourned at 8:27 PM.

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Eugene Mulligan, Mayor

Attest: ______________________________________
Sylvia W. Raynor, Town Clerk