

**TOWN OF BURGAW BOARD OF COMMISSIONERS
REGULAR MEETING**

DATE: January 12, 2016
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Howard Walker
Commissioners Jan Dawson, Bill George, Vernon Harrell and Wilfred Robbins
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Assistant Director of Public Works
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Sylvia Blinson, Interim Finance Officer
Rebekah Roth, Planning Administrator
Jim Hock, Chief of Police
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Bill Walsh, Star News
Andy Pettigrew, Pender Post - Voice
INVOCATION: Commissioner Wilfred Robbins
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Eugene Mulligan at 4:00PM. Mayor Mulligan spoke briefly regarding the recent death of former Mayor Charles Harrell and the outstanding contributions made to the town during Mr. Harrell's lifetime. Commissioner Vernon Harrell thanked everyone for their support and concern in the passing of his father.

Approval of Agenda

Mayor Mulligan asked if there were any requests for amendments to the agenda. There being no requests for amendments, Commissioner Robbins made a motion to approve the agenda as presented. The motion was seconded by Commissioner Walker and carried by unanimous vote.

Approval of Consent Agenda

Mayor Mulligan asked if there were any requests for amendments to the consent agenda. There being no requests for amendments, 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 was approved as follows:

- **Minutes of December 08, 2015 regular meeting**

SPECIAL PRESENTATION/SPECIAL REQUEST

Pender County Historical Society and Museum – Consideration of request for financial assistance

Janet Rivenbark and Dayna Corcoran appeared before the Board on behalf of Pender County Historical Society to request consideration of funding for the museum. Jeanette Jones, President of Pender County Historical Society sent a letter to the Board which was included in their agenda packet for review. Ms. Corcoran reviewed the contents of the letter and gave a brief history of the museum and the historical society. (The letter is on file in the clerk's office.) Ms. Corcoran advised they have applied for a national grant but matching funds would be required for assistance. She advised the Pender County Commissioners also support the museum and have matched the support that the Town has given to them.

Mr. McEwen advised he has met with Jeanette Jones on numerous occasions regarding requests for assistance. Mr. McEwen said the list has been broken down into pieces with regards to what needs to be done now in terms of capital and stabilizing the building and then a larger picture of things needed over the next ten years. He advised there are not many resources to address these issues but one resource the town has is the Tourism Development Authority (TDA) monies. He said this would be an ideal way to appropriate some of that money towards their ongoing capital needs if that is the Board's pleasure. Mr. McEwen advised he and Ms. Jones have also discussed the fact that this is the Pender County Museum and that county dollars should be involved in this as well. He advised one of the long term plans is for the Historical Society to ask the county to match the funds given by the town. He advised that after reviewing the list of needs, it may be appropriate for the Board to discuss this in more detail at the Capital Improvement Plan (CIP) meeting since any need would meet capital requirements.

Commissioner Robbins commented that the TDA appropriated some funding last year for the museum. Mr. McEwen advised the funding given last year was for the stabilization and repairs of the blacksmith's shop in the amount of \$1500. He also advised the sign that was put on the depot marquee was paid for with TDA funds.

Ms. Rivenbark advised their net revenues are probably in the range of \$5,000 annually. Mr. McEwen said Ms. Jones advised their net revenues basically cover utility costs. He said that is the reason there are so many issues to be addressed. There was a brief discussion regarding funding possibilities from grant organizations. Commissioner Robbins requested that the TDA board meet before the CIP meeting to discuss the possibility of funding for the museum. Mayor Mulligan advised the board will take this into consideration at the CIP meeting.

The Pender Post-Voice – Request to resume weekly ad box in newspaper – *Andy Pettigrew*

Andy Pettigrew, Publisher of the Pender Post Voice appeared before the Board to request that they consider reinstating the government news advertising in the Post. He advised there are many ways to get the news out these days but most of our subscribers are senior citizens. He said using the government news feature is a valuable way to get the news out. He said that if the town reinstates the news box, he can offer free advertising for needs that will not fit in the box. He said without an advertising contract, he is not too inclined to do that. He said the town was spending about \$62.00 per week when we were using the box and if paid in advance there is a 5% discount.

Commissioner Robbins asked if this item could be discussed at the CIP meeting. He said he misses seeing the ad in the paper and would like to reinstate the ad. He said it is a way to get information out in this town. Commissioner Harrell said he feels that it will be a beneficial move and would like to reinstate the ad.

Elaine Tyson asked the clerk how much money has been saved by not purchasing the ad. Sylvia Raynor, Town Clerk advised that for the first six months of the fiscal we would have spent a little over \$1600 for the ad but by advertising on an as needed basis, the town has saved a little over \$1100 during that six month period.

After much discussion regarding the reinstatement of the government news box, Ms. Raynor requested that the board hold discussion at a later meeting to discuss what their expectations are for the use of box and if it is going to be government related or if it be for other events that occur in town. She said since the box is her responsibility she would like clear direction on what the Board would like for her to put in the box.

Mr. Pettigrew said he would be willing to give thousands of dollars in free advertising for other things such as the fire department but without a relationship with the town he could not do that.

Mayor Mulligan requested that this item be placed on the agenda of the next Policy/Finance Board meeting.

DEPARTMENTAL ITEMS

Planning

Discussion regarding the waiving of a condition to the Walmart commercial planned building group conditional use permit requiring a new traffic count – *Rebekah Roth, Planning Administrator*

Ms. Roth advised on March 18, 2014, the Board of Commissioners placed a condition on the conditional use permit for the Walmart commercial planned building group that required a new traffic count be conducted six months after the store opening to ensure the project's traffic improvements were sufficient to handle the additional traffic generated by the use. The store opened on May 20, 2015, and this traffic count was required in November. She said since the store opening, the Bojangle's across the street has also opened, so it would be difficult to determine which traffic has been generated by Walmart and which has been generated by Bojangle's. Ms. Roth also advised in addition, NCDOT received traffic count information for this past summer that includes Walmart traffic but not Bojangle's (as it had not opened at that time). This information indicates that a lead light for left turns from Hwy 53 south onto Hwy 117 is warranted based on traffic generated from the Walmart.

Ms. Roth advised the 6-month traffic count was required to ensure that no further roadway improvements were needed to accommodate the traffic generated by Walmart. Based on information NCDOT already has, the lead light is needed, so staff recommends the condition be deemed complete if and when Walmart coordinates with NCDOT to install the left turn lead light for traffic turning south from Hwy 53 onto Hwy 117. Ms. Roth also advised at the time a representative from Walmart indicated that he was 99% sure that they would be able to pay for the lead light installation in lieu of a new traffic count. However, he would need to know the details of how the process would work.

There was much discussion among the Commissioners regarding the issues with the no left turn area at the Murphy gas pumps and problems associated with not only left turns out of the property but left turns onto the property from NC Hwy. 53E. Ms. Roth advised that NCDOT is updating the signage to clarify to drivers that left turns are not warranted and that would give the police department the ability to enforce it. She said the town would have pass an ordinance stating that left turns at that area would be a moving violation and the no left turns will be enforced; drivers would be required to use the main entrance at Walmart.

Commissioner Harrell asked if the issue we are dealing with today is essentially giving Walmart the okay for us to go ahead and pursue the change in the lighting and the lights at the intersection in exchange for doing the survey that was mandated in their conditional use. He said the survey done by the state has indicated that it is needed and that relieves Walmart of the necessity of this survey.

Mayor Mulligan asked if NCDOT will put in the lead light. Ms. Roth advised they will be putting it in but they cannot require Walmart to pay for it and NCDOT advises they do not have the funds to do it themselves. She said having Walmart pay for it is the only option unless the town pays for it. Ms. Roth advised that since this survey was done before Bojangles was opened the traffic study done by NCDOT proves that the increase in traffic is attributed to Walmart. Ms. Roth said if another study is done and the information included Bojangles and Taco Bell, we would not be able to get Walmart to pay for the cost of the lead light. She said Walmart has no legal obligation to pay for the light except for this one condition in their permit that has not been met yet. Commissioner Dawson asked if Walmart is receptive to taking care of the light in exchange for not having to do another traffic study. Ms. Roth advised "yes".

There being no further discussion, Commissioner Harrell made a motion to consider the Walmart permit condition met if and when Walmart coordinates with NCDOT to install the left turn lead light for traffic turning south from Hwy 53 onto Hwy 117, as deemed warranted by the traffic count information NCDOT received for summer 2015; and to direct staff to prepare a letter to Walmart to that effect, outlining that the lead light installation should be coordinated directly with NCDOT and the condition will be considered met upon the installation of the traffic improvement. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ITEMS FROM ATTORNEY

None.

ITEMS FROM MANAGER

Resolution 2016-01 - Consideration of a Resolution Approving a Grant Application to the North Carolina Division of Water Resources for Stormwater Improvements at Pender Memorial Hospital and the Fremont Street Crossing of Osgood Canal

Mr. McEwen advised last year the Town completed and approved the Stormwater Master Plan which designated several drainage and flooding areas within the town limits and immediate area outside the town limits. In addition the Master Plan ranked these areas in terms of severity and impact to the surrounding businesses and residents. The area south of Pender Memorial Hospital and the Osgood Canal crossing at Fremont Street ranked the highest. Since the Master Plan was approved last May we have been working to obtain funding to assist with the cost of addressing the drainage and flooding issues present at these locations. In addition to recently applying for a Golden LEAF grant, we are proposing the approval of a grant application to the North Carolina Division of Water Resources for 50% of the estimated \$694,600 needed to complete the repairs at the hospital and Fremont Street.

Mr. McEwen advised in the event that the grant application is funded, Pender Memorial has stated they will pay for the net remaining amount needed to complete the repairs at the hospital. If funded the grant application would require Burgaw and the hospital to provide approximately \$125,895 each to meet the required matching obligations. He advised this amount would be a fund balance appropriation. Commissioner Robbins asked when the funds will be appropriated. Mr. McEwen said funding will be required when the grant is approved and the board signs the grant documents. He advised a capital project will be started and the funds will be obligated. Mr. McEwen advised there is a possibility that if we receive the Golden Leaf money there could be a net wash whereby there would be no money owed because we can use the Golden Leaf money towards our match and ask that the remaining Golden Leaf funds be used to address another area along Osgood Canal that needs upsizing.

There being no further discussion, Commissioner George made a motion to approve Resolution 2016-01 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2016-01

Resolution Approving a Grant Application to The Division of Water Resources for Stormwater Improvements at Pender Memorial Hospital and the Fremont Street Crossing of Osgood Canal

WHEREAS, the Town Board of Commissioners for the Town of Burgaw desires to sponsor the final design and construction of the storm drainage improvements at Pender Memorial Hospital and East Fremont Street to mitigate future flooding at these two locations. The emergency room entrance at the hospital is currently flooding one to three times per year depending on the severity of rainfall for that particular year. Flooding at the hospital is attributed to an undersized drainage system at the hospital itself along with an undersized culvert at East Fremont Street located approximately 200 feet downstream of the hospital. These drainage problems were previously identified as part of a stormwater master plan funded in 2014 through a Division of Water Resources project grant and in-kind contributions from the Town.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town Board of Commissioners requests the State of North Carolina to provide financial assistance to Town of Burgaw for the Pender Memorial Hospital and East Fremont Street Drainage Improvement Project in the amount of \$347,300 or 50 percent of project construction cost, whichever is the lesser amount;
2. The Town Board of Commissioners assumes full obligation for payment of the balance of project costs;
3. The Town Board of Commissioners will obtain all necessary State and Federal permits;
4. The Town Board of Commissioners will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
5. The Town Board of Commissioners will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
6. The Town Board of Commissioners will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
7. The Town Board of Commissioners will assure that the project is open for use by the public on an equal basis with no restrictions;
8. The Town Board of Commissioners will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;

9. The Town Board of Commissioners accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Board of Commissioners for the Town of Burgaw this the 12th day of January 2016.

Blueberry Festival request for use of depot

Mr. McEwen referred the Board to a memo received yesterday from the Blueberry Festival Committee requesting Board approval use of the depot for the train expo, the antique vendors and the antique appraiser during the festival. They are requesting use of the depot at no charge. He advised they have already booked and paid for use of the community house so they are not asking for free use of that facility.

Commissioner Harrell made a motion to allow the Blueberry Festival use of the depot at no charge for the train expo, the antique vendors and the antique appraiser during the Blueberry Festival. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Discussion regarding upcoming meetings

Mr. McEwen advised staff needs more detail regarding what the Board envisions for the joint meeting scheduled on February 2nd with the advisory boards. He asked if the Board desired to hold a meeting with the full boards of each group or representatives of each board. He advised the reason for asking this is to be explained by Attorney Kenan. Attorney Kenan advised if the Board of Commissioners has a meeting with all the advisory boards there will be a quorum requirement for each board. He advised whoever takes minutes for each board represented will be required to write minutes for their respective board. He advised each board would have to have an advertisement in conjunction with the Board of Commissioners meeting. Attorney Kenan said we have about three weeks to get this together and we will have to meet the proper advertising requirements.

Mayor Mulligan said if the boards select representatives from each board the full board may attend if they desire because this is a public meeting. Mayor Mulligan said his idea for this meeting is to have conversation between the boards but not to make any decisions. Attorney Kenan said we need a consensus of the Board as to what direction to go for this meeting; whether to have representatives from each board or full boards to meet. Mayor Mulligan polled the board members for their opinion with A being the representative option or B being the whole board. Commissioners Walker, Dawson and Harrell were in favor of representatives of each board attending; Commissioners Robbins and George were in favor of the whole board being in attendance. Mayor Mulligan advised it will be representatives from each board but emphasized that all board members are welcome to attend.

Attorney Kenan suggested that each board chair appoint a couple of representatives from each board. The meeting was scheduled for 6:30PM on Tuesday, February 2nd. Commissioner George advised due to a family medical situation he will not be in attendance.

Mr. McEwen advised we need to schedule the Capital Improvement Plan (CIP) meeting which is normally held in late February. He said he is proposing February 23rd. After discussion, the CIP meeting was scheduled for 8:30AM with breakfast being served at 8:00AM.

Mr. McEwen advised the Board mentioned at the last meeting about having quarterly or set meetings for the sub-boards of the Commissioners. He advised we need to have a Buildings and Grounds and an Infrastructure meeting. Mayor Mulligan suggested having set times for all three boards to meet once per month for the near future because there is a lot of business to be taken care of. Commissioner Dawson said she is more inclined to hold quarterly meetings especially for Buildings and Grounds because she doesn't feel there is enough business to require monthly meetings. Commissioner Robbins said he doesn't mind a once per month meeting for infrastructure but once we have a couple of meetings, the monthly requirement will fall off. Commissioner Robbins advised that he and Commissioner Harrell will talk and come up with a day and time for an infrastructure meeting and get back with the manager.

Commissioner Harrell commented that we do have Policy/Finance issues coming up; and we should schedule a meeting within the next month. He said it may take a couple of meetings. He asked Commissioner Walker if he is

willing to meet possibly two times regarding Policy/Finance issues. Commissioner Harrell said he prefers evenings because that is after work for him. After discussion, Commissioners Harrell and Walker decided to meet at 4:00PM on Tuesday, January 26th.

Teal Briar discussion

Mr. McEwen advised that he and Attorney Kenan have met with John Vincent regarding the town's proposal regarding taking over the infrastructure as discussed at the last meeting. He advised Mr. Vincent is agreeable to turning over the infrastructure to the town. Mr. Vincent advised he will draft a letter to Mr. Kenan in regards to that issue. Mr. McEwen advised we are now waiting for the letter to arrive before moving forward. Attorney Kenan advised when the letter is received the taking over of the infrastructure will be placed on the Board's agenda for review and approval.

Mayor Mulligan stated that the infrastructure board should meet and discuss this issue before it goes to the agenda. Commissioner Harrell stated that he is not convinced that we should take over the streets, although he has no problems with taking over the water and sewer. He advised if this is going to go before the infrastructure board then we could discuss the issue further at that time. Commissioner Robbins said that he and Commissioner Harrell would get together and set a date for an infrastructure board meeting before the next regular board of commissioners meeting.

Commissioner Robbins asked Attorney Kenan if he is satisfied with the results of the meeting with Mr. Vincent. Attorney Kenan advised Mr. Vincent responded in a timely manner and they were very receptive to the request. Commissioner Robbins asked if without the ownership of the streets if the town would have the legal right to go into the development and work on the water and sewer. Attorney Kenan advised it would be legal if Mr. Vincent gives us an easement. Commissioner Robbins said that takes us back to square one. Attorney Kenan said the town would have to accept it all or none of it. He said if we don't take over the streets, they will continue to deteriorate and the residents will continue to come back to the town for requests for repairs. Commissioner Harrell said he feels that the residents are part of the problem. He said he doesn't want to leave them in a bad situation, but at the same time we are taking on someone else's problem. Attorney Kenan said when that subdivision was setup it wasn't set up in a good way in regards to the homeowners association taking care of the infrastructure and now we are being forced to take care of it for them. Mayor Mulligan said the ditches and drains are the responsibility of the homeowners; if the homeowners no longer have responsibility for maintaining the roads what motivation are they going to have for taking care of the ditches and drains. He then asked if the town would have the responsibility of taking over all ditches and drains as well. Attorney Kenan advised the homeowners association is responsible for the stormwater permit and they will continue to be responsible because the town is not in the business of maintaining the stormwater system of any subdivision in the town. He suggested that the town could use its leverage to consider accepting the water, sewer and streets if the homeowners association would make it necessary for its members to participate in maintenance of the stormwater system by basically having a management company come and manage their stormwater system by having a contract with a contractor that goes out and maintains the ditches and the retention pond so that the system is being kept up. Attorney Kenan said this would require the homeowners to contribute more in monthly dues in order to maintain those issues. He advised that will assure us that the system is being maintained on a monthly basis. Commissioner Harrell said he feels that the drainage is the major issue and if we are going to take over the streets it should be contingent upon the HOA having a maintenance contract signed and paid for and keeping the contract in effect for a certain period of time.

John O'Hara (member of the Teal Briar HOA) advised he feels the HOA members would be amenable to the idea of a contract for stormwater maintenance. Mayor Mulligan asked Mr. O'Hara to speak with members and encourage them to attend the Infrastructure Board meeting.

Appreciation of Four County EMC

Mr. McEwen said he would like for the Board to consider presenting a plaque of appreciation to Four County Electric Membership for the assistance they have provided to the town over the years such as hanging Christmas decorations, electrical work, assistance with the Blueberry Festival and various other items. Commissioner Robbins made a motion to have the town manager order a plaque of appreciation to Four County EMC and to have it

presented at the February meeting. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Announcement of new staff members

Mr. McEwen advised we have a new finance officer, Wendy Pope, starting on January 19th and a new public works administrative assistant, JoAnn Pekar who will start on January 13th.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Mayor Mulligan advised he has been reviewing the budgets and audits and he feels that we are very heavy in regards to our tax collections. He said we seem to have a lot of money falling out and going into our reserve fund which is at an all-time high of eighty percent. He advised he would like for the policy/finance board to look into the possibility of a tax rate reduction.

Mayor Mulligan asked if the crosswalks requested by the hospital will be on the infrastructure agenda. Mr. McEwen advised this item is on the agenda.

Commissioner Robbins advised that he would like to point out that we have a new attorney in town and that his mother Janet Rivenbark is in the audience. He advised that her son, Zachary Rivenbark, has recently completed law school and has set up his practice in Burgaw. He said we are very proud of Zachary.

Commissioner Dawson requested that due to the large number of children in the audience that we move item 15 to be handled now in order to prevent this large group from waiting for a longer period of time.

Promotions/Special Events Committee – *Meg Smith*

Meg Smith advised she is presenting a proposal from the Promotions/Special Events Committee backed by the Parks/Recreation Committee regarding the construction of a splash pad to be located at the Rotary Park. She presented detailed handouts to each board member for review. Ms. Smith said there is not a water feature within twenty miles of here and they would like to see a splash pad constructed for summer entertainment for the children in the area. She advised this is a great alternative to a pool which comes with more liability and maintenance issues. Ms. Smith advised the quotes for the splash pad come in between 100k and 180k. She advised costs will depend on donations received and the amount of work that can be done in house by the town. She said they have no interest in pursuing a grant or going into debt for this project.

Ms. Smith's presentation was detailed and informative. There was much discussion and many questions asked regarding the proposed splash pad. (Due to the detail of the project, the hand out presented is on file in the clerk's office.)

Ms. Smith advised they have a total of 25k that people are interested in donating to the project and she advised there are lots of other contacts out there that have not yet committed. Mayor Mulligan advised this project is something that the Board of Commissioners will have to discuss during the capital improvement plan meeting. He said we have plenty of information to review and will have to take some time to review it all.

For clarification, Mayor Mulligan asked Ms. Smith if she is recommending the 2300 square foot splash pad; Ms. Smith said nothing less.

Commissioner Harrell made a motion to voice the Board's support for the splash pad. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

BREAK

Mayor Mulligan called for a 15 minute break at 5:35PM. He advised he would like to hold items 12, 13 and 14 until after the public forum. He advised the meeting will reconvene at 5:50PM.

Consideration of appointment of Parks and Recreation member

Mayor Mulligan advised we have received an application from Jacob Arthur for the Parks and Recreation Committee. Commissioner Robbins advised he asked Mr. Arthur to consider applying for the vacant position on the Parks and Recreation Committee. Commissioner Robbins stated that Mr. Arthur has extensive experience in the parks/recreation field and has expressed an interest in serving on the committee. Mayor Mulligan nominated Mr. Arthur to the Parks and Recreation Committee. All Commissioners voted in favor of Mr. Arthur's appointment.

Discussion Item – Results of Policy/Finance meeting regarding salary and pay scale policy

Commissioner Harrell advised the Policy/Finance Board meeting did not resolve the issue of the conflict in between the two different directives in the ordinances. He said the issue comes down to which is more of a directive; whether it is the limits and the brackets placed upon the pay of the staff or the necessity of allowing the town manager to offer pay packages that attract qualified help. He said the two issues conflict. It seems that the brackets are being pushed and part of that is the COLA and part of it is regular raises. He said at this point there are several staff members bumping up against the pay brackets. He said this is something that the Board needs to consider. He asked if there is one that overrides the other. He said that the Policy Finance Board did not come up with any recommendations.

Commissioner Dawson said our personnel policy is very similar to Pender County's personnel policy. She said the county manager that prepared the county's policy also help prepare the town's policy. She advised there is a lot of information that is very similar. Commissioner Dawson said she doesn't see that this policy has been violated in any way. She said there are so many sections that you have to read and they all have to be combined together and not just pick a portion of it here and there. She said merit and COLA increases are considered completely different and on the county level as well. Commissioner Dawson advised that rarely is anyone at the county level hired into a supervisory position at the lowest pay in the scale. She advised the town's pay scale differences run at about 40% difference as opposed to the county which runs 50% to 60% difference between minimums and maximums. So there is leeway whether it is for a town manager or a county manager to have that flexibility that if someone comes and they have institutional knowledge or practical knowledge from years of experience in a previous job; he has that leeway to hire that person in between that minimum and maximum amount. She said they don't consider the COLAs and merits at that point, they are hiring them at the amount of what they think that employee has to offer. Commissioner Dawson said it is her opinion that the town's personnel policy was not violated. We have given the town manager the leeway to make that decision as to whom he feels is most qualified for that position. She said there is some verbage that could clarify things but the two policies are so very similar and she knows what the practices have been in the county for the last 25 years.

Commissioner Harrell said what he sees is whether the brackets that have been established are a sign post that we are paying as much as we can pay within the confines of our budget. He advised his father described the town as being essentially the stepping stone. There comes a point that people of experience are worth more and yet at the same time because we have a limited town tax base, we are not going to be able to afford to pay them. So that to me is what the crux of the issue is here. At what point do we have to say, you deserve more but we can't? That's to me what the brackets are about.

Commissioner Dawson said we are very fortunate that we have had very loyal employees and that means a lot. She said she feels they have stayed with us because the pay is comparable to what they can find elsewhere. Commissioner Harrell said the pay that we are offering now is comparable and the real question is if there is a limit so how do we establish what that limit is. It is hard to do it on an individual basis which is what the brackets intend to do and so the way I look at is more of a compilation of all the salaries as a percentage of the salaries of our total budget. That is why I am not prepared. I have not had the time or the wherewithal to do my homework on this. He said he feels that is something we need to consider. Commissioner Robbins said we just need to take another look at those ranges but we want to keep valuable employees so maybe we need to raise the range on some or lower the range on some but we need to take a look. Commissioner Dawson commented that in the past during budget time we have requested that the manager look at area town's salaries to see where we fall within that so we can make an educated decision as to what our minimum/maximum ranges should be. Commissioner Robbins said it is not as easy as some think to get employees that we want here in town. He said it is harder than you may think especially in a

good economy and a good job market to get employees that we feel will fit in here. Commissioner Harrell said we have limits but one more increase is going to put them over the top and so we need to do something. Commissioner Dawson said it is adjusted just like on the county level and they are doing the same thing. Commissioner Walker said it is not a big problem; we just need to be sure they don't top out. Commissioner Harrell asked Commissioner Walker if he feels we don't need to hold a policy finance meeting to discuss this further. Is that the case sir? Commissioner Walker said he made that statement before we got to the point of people topping out. If somebody is going to top out we need to make arrangements before they get to that point but yet it is not a big problem because we don't have that many people topping out. Commissioner Harrell said we do have some employees that are topping out and perhaps you and I should get together for another policy and finance board meeting. Commissioner Walker agreed. The town manager was directed to get a list of those employees at the top of their range for the next policy finance meeting.

Mayor Mulligan said the actual categories should be reviewed in regards to what the appropriate top level is for an employee to be at and for specific positions. He said if an employee gets to a point that a COLA or merit increase pushes above their bracket do we suspend that COLA to where it does not apply to them once they are above their bracket or do we move the actual top of the bracket. Attorney Kenan said you would have to move the top of the bracket because the actual COLA is applied to all personnel subject to the personnel policy. Mayor Mulligan asked if we need to revisit the policy as to whether we allow the COLA to change the bracket or is the top of the bracket the top of the bracket and the COLA does not apply to those individuals anymore. Do we get make that policy or is it already law? Attorney Kenan said when you are applying COLA you're applying to all personnel so if you deny one person from getting the COLA you have discriminated against that individual and have violated the fourteenth amendment protections based on the equal protection clause. Attorney Kenan said in response to that, if the employee is pushed beyond their pay bracket, you will have to adjust your bracket. Mayor Mulligan said while we are looking at this we need to seriously consider changing the merit increase as a salary increase to a merit supplement. Attorney Kenan said what you are saying is that the merit is not factored into the salary to push up the salary towards the maximum. Mayor Mulligan said it would be one-time bonus every year as opposed to a salary increase. Mr. McEwen advised instead of a bonus the proper term is a merit supplement pay system.

PUBLIC FORUM

Elaine Tyson, 609 South Bickett advised she is present to speak on two issues. She said she would like to show support of our Town Manager Chad McEwen who has been a valuable asset to our town and we are fortunate to have him. I know he has the support of the Board of Commissioners and many of the citizens of Burgaw. Mr. McEwen does his job exceedingly well and his door is always open. Ms. Tyson said she is expecting Mayor Mulligan to apologize to Mr. McEwen for the remarks he made regarding Mr. McEwen's violation of policy in the December meeting. The allegations toward him were unfounded and were proven so in the policy/finance meeting. It is only right that after accusing Mr. McEwen in a public meeting that he should receive a public apology.

Ms. Tyson also said according to Town of Burgaw ordinances the Mayor is to conduct public meetings by Roberts Rules of Order. On one or more occasions she was told by the Mayor that was not the way he was going to conduct his meetings. She said unless the Town Board gives the Mayor other duties that is his sole responsibility. The respect you desire is not honored by going into offices and slamming your fists or papers on the desk, telling town staff they will do the work the way you want it done or creating a hostile work environment. This is not and does not demand respect from the staff or citizens of Burgaw. We have heard from one or more of our citizens that if as an elected official we should respect the Mayor, this is a two way street. She advised she would like to see the mayor pay the staff the respect that they also deserve and in doing so hopefully he can gain the respect he is seeking. We are all working for the Town of Burgaw and we all need to be in unison.

Introduction of new officer

Chief Hock introduced Keitrich Turner as our most recently hired patrol officer. Chief Hock advised Officer Turner makes our roster complete as we are fully staffed. Officer Turner was welcomed by all.

CLOSED SESSION – Pursuant to GS 143-318.11 (a) (3) Attorney/Client Privilege (6:25PM)

Commissioner Dawson made a motion to go into closed session pursuant to GS 143-318.11 (a) (3) Attorney Client Privilege. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

OPEN SESSION RECONVENED – (7:15PM)

Commissioner Dawson made a motion to reconvene to open session. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mr. McEwen advised he had handed out the bid tab for the water project. He said he forgot to mention this during his items. He said he would like for the board to consider holding a special meeting for January 26th for us to consider awarding these contracts and authorizing the purchase of the meters. He advised we have about a 4-6 week lead time on these items being ordered and arriving here. He briefly reviewed the bids. He advised we are within budget. He said for time purposes he really needs for the Board to schedule a special meeting to approve the award of these contracts. After discussion, the Board was in agreement to schedule a special meeting on Tuesday, January 26, 2016 at 2PM at the community house since the board room is scheduled for fire training for that day.

The policy/finance board also scheduled a meeting for Tuesday, January 26th at 4PM to be held at the community house.

Mayor Mulligan said in regards to Ms. Tyson’s comments that Roberts Rules would require him to be more stringent in regards to who speaks and when. He said that one of the main objections she has is that he allows too much comment from the floor. He said it is up to you guys as to whether you want to go hard down the line of Roberts Rules of Order or whether you think the manner in which I have been running the meetings over the last two years is too casual or not. He said the way I run the meeting is that I try to get as much information as possible as long as they don’t repeat themselves too much and get as many people in the audience involved as possible. It is certainly less structured than Roberts Rules but it is your decision. It’s not mandated by the state. It is mandated by each governing body. Do you want me to adhere more to Roberts Rules or are you satisfied with the manner in which I run the meetings now?

Commissioner Robbins said we have always allowed people to speak up and I think we probably always do. We do follow Roberts Rules of Order but there is a little give and take. Commissioner Robbins said it is not good to restrict some issues because of the information that we can receive. Commissioner Dawson said we have to be mindful when we are holding a public hearing because speakers must be sworn in to speak and we need to make sure that no one speaks that is not sworn. Commissioner Robbins said the Mayor ought to be very responsible in regards to the fact that people should have the manners to raise their hand. He said if they talk too long and they are too much a part of the conversation they need to be reminded they are not elected officials and are not here to make decisions; we are here to make decisions. It’s left up to the mayor. Mayor Mulligan asked Commissioner Robbins if he is satisfied with the way it’s going so far. Commissioner Robbins said he would like to see people raise their hand instead of interjecting. He said if they do interject they should be told to sit down and be quiet. Mayor Mulligan said that’s fair enough. Commissioner George said that is what that gavel is for, use it.

ADJOURNMENT

There being no further business, Commissioner Robbins made a motion to adjourn. The motion was seconded by Commissioner Harrell and carried by unanimous vote. The meeting adjourned at 7:30PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk