

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

DATE: February 13, 2018
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth Cowan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT: Joseph Pierce, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Alan Moore, Director of Public Works
Jim Hock, Chief of Police
Jim Taylor, Fire Chief
Wendy Pope, Finance Officer
Karen Dunn, Planning Administrator
Kimberly Rivenbark, Community Development Coordinator
Kristin Wells, Deputy Clerk
Zachary White, Parks/Recreation Coordinator
MEDIA PRESENT: None

The meeting was called to order by Mayor Kenneth Cowan at 4:00PM. The invocation was delivered by Chaplain Nick Smith. The Pledge of Allegiance was said by all.

Approval of Agenda

Mayor Cowan requested to strike Item 6 regarding a presentation by NCDOT from the agenda and to add a closed session at the end of the meeting. Mayor Cowan advised NCDOT has rescheduled their presentation for the March meeting. Commissioner Robbins made a motion to approve the agenda as amended. The motion was seconded by Commissioner George. Motion carried.

Approval of Consent Agenda

Commissioner George made a motion to approve the consent agenda. The motion was seconded by Commissioner Dawson. Motion carried. The following item was approved:

- Minutes of the January 09, 2018 regular meeting

DISCUSSION ITEMS

Lee Grissom, CPA, CFE from S. Preston Douglas and Associates, LLP will present the FY 2016-2017 Audit

Mr. Grissom presented a brief summary of the FY 2016-2017 Audit. He reviewed some of the issues that were of concern but advised overall the audit is good and that the town has done a great job of staying within budget. He also commented that the reason the audit was being presented this late is because there was a lot of cleaning up to do but all in all the town is in good financial standing. A copy of the audit is available in the clerk's office.

DEPARTMENTAL ITEMS

Parks and Recreation – Zachary White, Parks and Recreation Coordinator

Discussion Items:

Skate Park Proposal – Jen Buttery

Ms. Buttery appeared before the Board to request consideration of putting a skate park in Burgaw in the future. She presented a PowerPoint presentation and spoke at length regarding why she thinks it is important to have a skate park. Ms. Buttery also presented for the record a petition signed by numerous individuals that have expressed interest in having a skate park in this area. The petition and a copy of the PowerPoint are on file in the clerk's office.

Summer on the Square Update

Zachary White presented the music lineup for the Summer on the Square events. He advised for this year he has planned something for the third Friday of each month beginning in May. He also advised he is seeking support from the Town of Burgaw TDA, Pender County TDA and the NC Blueberry Festival to help with financing the entertainment. After a review of his plans, he requested a \$1,000 appropriation from the Promotions and Special Events Committee budget line item which would cover one month of entertainment, portable toilets, promotions and marketing materials. Commissioner Robbins made a motion to approve Mr. White's request for \$1,000 from the Promotions and Special Events line item for the Summer on the Square events. The motion was seconded by Commissioner George and carried by unanimous vote.

Portable Stage Kit Update

Mr. White advised he was asked to bring back more information regarding the stage he spoke about in January. He said he is still looking at a 12 by 24 foot stage that stands 16 inches off the ground at a cost of \$6,000. He advised the stage comes with a guard rail, skirting and hardware. There was also much discussion regarding uses of the stage and creating a policy for use of the stage and warranty. Commissioner Robbins made a motion to approve a \$6,000 appropriation from fund balance for the purchase of the stage as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Depot Approval – Request use of Depot for Santa's Workshop

Mr. White advised he is requesting the use of the inside of the depot and the dock for a Santa's Workshop event on Saturday, December 8, 2018. He explained Santa will be there before the parade as well as the gingerbread house competition and cookies and hot chocolate will be provided in conjunction with one of the local churches that usually participates on Christmas parade day. Commissioner Dawson made a motion for Mr. White to use the inside of the depot and the dock for the Santa's Workshop event on December 8, 2018. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Discussion regarding reorganization of Parks/Recreation and Promotions/Special Events Committee

Commissioner Robbins commented to Mr. White that he is doing a good job with planning and carrying through the events and that he appreciates all the work that has been done. He said Mr. White was brought on board to do this and he is doing a good job. Mayor Cowan commented that Mr. White is doing an outstanding job and said he wants make sure that Mr. White can work with committees if they are needed. Mayor Cowan stated that we had talked about restructuring these committees and asked Mr. White where he stands on a recommendation for that. Mr. White advised he and Mr. Pierce have discussed this matter. Mr. Pierce was asked to speak about his discussions with Mr. White regarding the best way to handle the situation in reference to the current citizens committees which consists of the Parks and Recreation Committee and the Promotions and Special Events Committee and how to consolidate and simplify the process. Mr. Pierce said currently everything is backwards because Mr. White has no authority over anything including the decisions or the budget expenditures of these two committees. Mr. Pierce advised he and Mr. White envision a board (by whatever name the Board decides to use) that will function like the Planning Board in that Mr. White will attend the meetings, take the minutes, present the requests to the Board of Commissioners and manage the budget for said board. Mayor Cowan suggested that the committees could be reorganized and give those currently serving as well as others the opportunity to apply for a position on the new committee or board. He also said the committee should be reflective of the entire community. Mayor Cowan said to thank the individuals that have served, reorganize the committees and take applications for interested parties that would like to serve to

include those that are currently serving if they are interested. Mr. Pierce advised that he and Mr. White will work together on a draft ordinance to be presented to the Board for editing and approval before going to the public hearing stage. Commissioner Harrell commented that he doesn't want to discourage citizens from serving and would like to keep as many as possible that are currently serving.

Arbor Day Celebration

Mr. White advised the Arbor Day Celebration will be held on Friday, March 16 at 10:00 AM at Pecan Park. He advised he will send out a flyer this week and it will be in the newspaper for two weeks.

Planning Department – *Karen Dunn, Planning Administrator*

Review and approval of Clark Street Subdivision preliminary/final plat

Ms. Dunn advised the applicant, Joe Keech with Capital Growth Properties, LLC, has submitted an application and combined preliminary/final plat for the Clark Street Subdivision. The plat outlines a proposal to subdivide an existing 4.4 acre parcel located on the south side of West Clark Street at the intersection of South Smith Street into eight lots. All proposed lots will have access from existing roads and will be served by Town of Burgaw water and sewer. Joe Keech was present to answer questions regarding his request. Upon a thorough review and a question and answer session with the Board, Mayor Cowan called for a vote on the proposed subdivision. Commissioner Robbins made a motion to approve the Clark Street subdivision as presented in the staff report. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The staff report is incorporated by reference and hereby made a part of these minutes. (Staff report is on file in the clerk's office.)

ITEMS FROM ATTORNEY - *Robert Kenan, Attorney*

Attorney Kenan advised the Board needs to talk about the easement issue regarding the hospital drainage project. He advised he has all easements except for the Corcorans and needs guidance from the Board regarding this matter. Attorney Kenan reminded the Board that the project cannot move forward without the easement and there is a timeline to be met with regards to the funding for the project. He said if this project is to move forward we have to have a signed easement or move to the eminent domain process for the taking of the property needed for the easement.

Mayor Cowan asked Karen Dunn for a review of the most recent meeting with the Corcorans and the engineer regarding the easement issue. Ms. Dunn spoke at length regarding the walk along the canal and the discussion with the Corcorans. She said there were no decisions made at the end of the walk regarding the Corcorans and the signing of the easement.

Commissioner Harrell asked to hear from the Corcorans about this matter. John Corcoran spoke about the walk along the canal and expressed his concerns and dissatisfaction with the project and the effect that he believes it will have on his property. Mr. Corcoran said they cannot sign the easement as it is and would like to sit down with the attorney and rewrite the easement to save their trees. Commissioner Harrell, who was present at the meeting between the Corcorans and the engineer, commented that the engineer said he could do some re-design on the project to make it more appealing to the Corcorans. Ms. Dunn advised the engineer suggested a gabion wall that could be placed along the bank that would not impact the trees as much as just sloping the bank. Mayor Cowan wanted to know how much this re-design was going to cost and where the money was going to come from. Ms. Dunn suggested that she make contact with the engineer and come up with an alternative based on our discussion at the site instead of Attorney Kenan having to try and rewrite the easement based on the engineer's comments. Attorney Kenan agreed with Ms. Dunn that she will coordinate with the engineer and then the engineer can contact him when they have a plan. Attorney Kenan also advised Mr. Corcoran to have his attorney contact him. It was the consensus of the Board to expedite this issue due to the timeline on the project.

BREAK 5:25PM – 5:32PM

PUBLIC FORUM

Speakers:

Karen Harding 318 S Walker Street advised she is here to address the Notice of Violation at her property at 318 S Walker Street. She said it has been discovered that fill has been placed in both the flood way and AE flood zone. She said she tried to arrange a meeting with the town manager and the administrator and that didn't happen so she is here for the record to say that the fill noted in the Notice of Violation was there prior to their owning the property.

Jim Hock advised he is speaking on behalf of Relay for Life regarding their event downtown on April 21. He informed the Board that he has received a special events permit with a request for street closure for the event. He advised they are requesting to close Fremont Street from Walker Street to Wright Street. He said half of the courthouse square will be used for the walk and the team set-up. He said the time frame is from 12:00 noon until 11:30PM but he thinks it will shut down by 9:00PM. Commissioner Dawson made a motion to approve the request to close Fremont Street from Walker Street to Wright Street for Relay for Life. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ITEMS FROM MANAGER - *Joseph Pierce, Town Manager*

Mr. Pierce advised in this year's sewer fund there is \$208,000 earmarked for a bar screen that was not purchased and according to Mr. Moore is not completely necessary at this time. He said Mr. Moore has advised there are several items that he does need such as the sewer camera at a cost of \$75,000, \$19,000 for a slope mower and about \$700 for a fuel transfer tank. Mr. Pierce advised the total cost for these items comes to \$94,700 and he is asking the Board to consider reallocating a portion of the earmarked funds for the purchase of those items. He advised the bar screen can be revisited at a later date. Mayor Cowan asked Mr. Pierce if he plans to revisit the possible use of the remaining funds to be expended before the end of this fiscal year. Mr. Pierce advised he will ask Mr. Moore to assess his equipment further and determine if he needs to replace a vehicle or if equipment improvements need to be made then we need to go ahead and use those funds that are allocated. Commissioner George made a motion to approve use of the \$94,700 for Mr. Moore's current request and to allow the remaining \$113,000 to be used for other purchases after Mr. Moore and the Town Manager assess the needs and determine the best use for the remaining funds before the end of the fiscal year. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mr. Pierce advised the burgundy Dodge Charger police car has complete engine failure. He asked Chief Hock to explain the situation further. Chief Hock advised this is a 2010 model that most likely will need an engine replacement. He advised he has received three quotes, one at Performance Dodge for \$6300; one at close to \$6300 from a local mechanic (not a Dodge mechanic but does engine replacement) and one for \$7400 from the Dodge dealership in Wilmington. He said there was also a quote for replacement with a used engine for \$4,000. Mr. Pierce advised the recommendation is to go ahead and act upon the chief's five year plan for replacement of vehicles and go ahead and replace this vehicle which will be the first replacement for the next year plan and a little bit ahead of schedule. He said it would have to be funded out of fund balance. He said his recommendation is not to put a used engine in the car because it would be asking for more trouble. There was discussion regarding which type of vehicle to purchase as to whether it would be a Dodge Charger (\$35,000), a Dodge Durango (\$40,000) or a Dodge Ram 1500 pursuit rated pickup truck (\$37,000). Commissioner George made a motion to stay with the current vehicle replacement plan and go ahead and purchase a truck to replace the broken down car and to also check prices with local dealers to see what they can offer. Commissioner Robbins seconded the motion. Commissioners George, Robbins, Dawson and Murphy voted "aye". Commissioner Harrell voted "nay". Motion carried four to one.

Mr. Pierce advised he would like to establish a date for a budget retreat. He said he doesn't have a location yet but would like for the Board to select a date. After discussion the Board was in agreement to set the meeting for Thursday, March 1 beginning at 9:00 AM and to be located somewhere in town.

Mr. Pierce said there are several steps in the budget process and that includes engaging the Policy/Finance Board. He said the Policy/Finance Board handles the finance, budget, ethics and safety. He said there are eight steps in the budget process and one of those steps is engaging the Policy/Finance Board after the manager meets with department heads and after we have established the revenue estimates etc. He said at that time the Policy Finance

Board makes amendments and then it goes back to the department heads to make amendments. After that is done we have the budget workshop with the full board and then it may be changed again. Then it could go back to Policy/Finance if necessary. Mayor Cowan said we have talked about eliminating some of that process due to the redundancy. Mr. Pierce commented that he sees the potential for redundancy and he would like to streamline the process because ultimately the Board is going to see the budget, have the opportunity to make amendments and then approve the budget when all amendments are finalized and the budget is presented at the budget hearing in June. Mayor Cowan said in the essence of time he favors eliminating the Policy/Finance Board review of the budget. Mayor Cowan advised it has been done this way for many years but he sees the process as redundant and is in favor of changing it. Commissioner Dawson commented that Mayor Cowan did not appoint committees at the organizational meeting. Mayor Cowan said he is in favor of eliminating that process of committee appointments. Commissioner Robbins said it has been a long, drawn out process with two commissioners spending two days talking to department heads after the manager has already been through that process.

Mr. Pierce said his request is to eliminate that process as he has recommended. Attorney Kenan advised as far as this current budget process is concerned eliminating the Policy/Finance Board meeting with department heads can be done by a vote, but if they want to completely eliminate those committees there is an ordinance that governs those committees thereby creating a need to amend the Code of Ordinances to remove those committees. Mr. Pierce said if the Board is willing to hold public a hearing to make these changes, he will draft an ordinance to present for the hearing. After discussion, Commissioner Dawson made a motion to hold a public hearing in March to consider removing the sub-committees of the Board of Commissioners. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mr. Pierce asked Ms. Pope to speak to the Board about the financing of the new fire truck. Ms. Pope said we need to look for financing for the truck. She said at this time the Board needs to make a firm commitment to enter into a contract with C. W. Williams and to give the Mayor or Manager the ability to sign the contract to purchase the new truck for the amount provided in the quote which is \$608,768. She also needs the authority to send out RFP's for financing. Commissioner Robbins made a motion to give the Mayor, the Manager and the Finance Officer the authority to negotiate a contract. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Items from Mayor and Board of Commissioners

Commissioner Robbins inquired about the paving and when it will be done and what will be done first. Mr. Moore said they are waiting on the weather. He asked the Board what their preference is and most agreed to West Satchwell by Durham Village Apartments being paved first.

Commissioner Dawson expressed appreciation the two police officers that are unfortunately are leaving us. She wanted to acknowledge the good work they have done.

Commissioner Harrell said that obviously the amount of money that we are paying was not enough to keep them here and although he knows we cannot mandate where police officers live, they don't stay here because they can get employment where they live.

Commissioner Harrell asked Mr. White about the how planning for the Pender Memorial Park is going; specifically the splash pad. Mr. White advised they are waiting for the county commissioners to bring back decisions regarding which parcels of land will be purchased. He also advised the building of a splash pad depends on what the surveys and the public meeting input results are. He said that is the best answer he has at this time.

Commissioner Harrell advised he would like to move forward with the demolition of the old doctor's office on Courthouse Avenue. Commissioner Harrell made a motion to proceed with the demolition of the building. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. White advised he will work on getting a current price for asbestos abatement and demolition of the building.

Discussion Item - Request for use of Fire Bay for Cub Scout Event – Allen Wilson, Cub Master

Mayor Cowan recognized Allen Wilson who was present on the behalf of the cub scouts to request use of the fire bay for the pinewood derby. He advised the school is now charging for use of the gym and he would like to be able to use the fire bay as he has in the past. He said he has spoken with Chief Taylor and he approves of the requested use on Sunday, March 4th. Commissioner Robbins made a motion to approve Mr. Wilson's request to use the fire bay for the Cub Scout pinewood derby on Sunday, March 4th. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Discussion Item - Request for use of Depot – Daughters of the American Revolution by Margaret Williams, Regent

Mayor Cowan advised Margaret Williams has requested the use of the depot dock for the annual Veteran's Day ceremony on Monday, November 12, 2018. He also requested that he Board consider allowing use of the inside if the weather is bad or extremely cold as it was this past year. Commissioner George made a motion to allow the Daughters of the American Revolution to use the depot dock or inside (depending on weather conditions) at no charge on Monday, November 12, 2018. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Comments from the Mayor

Mayor Cowan advised the south end of the depot doesn't get cleaned very often. He said we get a lot of outside traffic and would like to be sensitive to keeping that area clean. He said he doesn't have a problem with going to the Chamber of Commerce and Feast Down East and ask them to put up some funding to have those areas cleaned every two weeks if the town would agree to add one cleaning per month also. After discussion, Mayor Cowan said he will approach the Chamber and Feast Down East regarding this issue and report his findings back to the Board.

Mayor Cowan reminded those present of the Blueberry Pancake Breakfast on February 24th.

Mayor Cowan stated that he would like for the Board to consider and recommend that we change the time of the Board meetings back to 9:00 or 9:30AM. Commissioner Harrell said he prefers the evening meeting just for his own benefit and he thinks evening meetings are more accessible to the public. Mayor Cowan commented that morning meetings are accessible as well. He said most people could take a few minutes away from work to be here if it is necessary. He also commented about the imposition on staff to have to work all day and then have to stay over until sometimes late at night. Commissioner George favored morning meetings. Commissioner Dawson advised she could do either time. Commissioner Robbins said he could go either way but prefers 9:30AM or later. Commissioner Murphy said he can go either way but feels the public should have a say. Mayor Cowan said we had morning meetings from the beginning until recently and he sees no change in attendance either way. He said if an individual has an agenda item or there is an item that will affect certain individuals they will be here regardless of time. Mr. Pierce commented that a daytime meeting would be beneficial to the staff in order to be able to take action on things that come from the meeting on that day potentially as opposed to going home late at night and coming back in the next day and getting restarted again. He advised that is a benefit he sees from having a daytime meeting from a staff standpoint. Commissioner George made a motion to change the meeting times to begin at 9:30AM. The motion died for lack of a second. Commissioner Robbins said he would like to have a little time to think about this before making any changes.

CLOSED SESSION 6:40PM

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 (a) (6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION RECONVENED 7:27PM

Commissioner Robbins made a motion to hire an engineer to observe the work done at the Agnes Scruggs house. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ADJOURNMENT

Commissioner Robbins made a motion to adjourn. The motion was seconded by Commissioner Harrell. Motion carried. The meeting adjourned at 7:30PM.

Attest: _____
Sylvia W. Raynor, Town Clerk

Kenneth T. Cowan, Mayor