

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

DATE: February 14, 2017
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
Karen Dunn, Planning Administrator
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: None
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

Mayor Mulligan introduced Karen Dunn who was recently hired to fill the planning administrator's position.

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 Harrell and carried by unanimous vote. The consent agenda and the following items were approved:

- **Minutes of the January 10, 2017 regular meeting and closed session**

SPECIAL PRESENTATIONS/REQUESTS

Audit Presentation – Greg Adams, Thompson, Price, Scott, Adams & Company

Greg Adams gave a brief PowerPoint presentation regarding the FY 2015-2016 audit. During his presentation, Mr. Adams advised that all audit requirements have been met and there were no material weaknesses, significant deficiencies or non-compliant materials. Mr. Adams summarized the key items of the audit report as follows:

- Cash and cash equivalents \$6,104,338
- General Fund:
 - Total Revenues (Including Operating and Non-operating) \$3,669,560
 - Total Expenditures (Including Operating and Non-operating) \$3,308,901
 - Transfers (Net) \$ (61,409)
- Net Change for year \$ 539,250
- Net position (beginning of year) \$3,444,795
- Net position (end of year) \$3,984,045
- Ad Valorem Tax Collections:
 - Total 97.98%
 - Excluding Motor Vehicle 98.25%
 - Motor Vehicle Only 96.43%
 - Statewide average for Towns of comparable size 98.12%
- Percentage of Undesignated Fund Balance 82.98%

Mr. Adams explained that the unassigned fund balance is \$3,305,893 and the percentage of the undesignated fund balance is 82.98% of the total general fund. He commented that the Local Government Commission requires a fund balance equal to 8% of the general fund expenditures; the town's unassigned fund balance as it relates to the total fund balance is almost 100% of the required general fund fund balance on the side. Mr. Adams advised the town is in good shape. (Copies of the PowerPoint presentation and the audit are on file in the clerk's office.)

Pender Arts Council - *Alison Boyce*

Alison Boyce appeared before the board on behalf of the Pender Arts Council to discuss the proposed wall mural for the Pender Arts Council building. She reminded the Board that in November they had discussed the proposed mural for the east side wall of the arts council building. She advised that since the Board did not approve the original plan to upgrade the wall for painting in the amount of \$6,000 they have solicited the help of the carpentry teacher at Pender High School. She said under the supervision of Mr. Knowles and Mr. Hesse the carpentry class will design and execute a plywood wall along the side of this building that will be easy to paint on. She advised this will reduce the cost to \$1,725. She said their goal is to include as many people from as many walks of life as possible to pull together ideas for the mural. Ms. Boyce advised they plan to unveil the mural on Saturday, May 6 during the Spring Festival.

Louis Hesse commented on the plans for the wall. He advised the first proposal (6k) was for a completely covered wall that would look like stucco but the proposal presented today would be a plywood wall that is about 66 ft. by 10ft. with about a two foot border built around it. He advised this wall would have the capability to be moved somewhere else if it becomes necessary but the mural will be much smaller.

Mayor Mulligan asked Ms. Boyce if she has solicited any funds from the county or has the Arts Council done any fund raising. Ms. Boyce advised other than coordinating with the schools "no". Mayor Mulligan asked her if they have considered other sights that would be more amenable and would require less alteration and preparation. She said using the side of the Arts Council is the purpose of the mural. She said if it came to it then we would consider something else.

Commissioner Robbins commented that in his opinion \$6,000 is a small price to pay to do something right so that it will be there for a long time. He said he doesn't think the plywood will hold up to the elements and since this is only \$4,000 more he thinks we should do it right with the full wall.

Commissioner Robbins made a motion to go with the \$6,000 and do it right and to take the money out of fund balance and get it done. The motion was seconded by Commissioner George and carried by unanimous vote.

The Board members requested to review the planned art before it is painted on the building. Mr. McEwen asked for clarification regarding how the artist's work will be invoiced. After discussion with Ms. Boyce it was determined that the Arts Council will acquire the materials and the Town will reimburse the Arts Council by invoices received.

DEPARTMENTAL ITEMS

Finance – *Wendy Pope, Finance Officer*

Ordinance 2017- 01 Ordinance amending the FY 16-17 budget to recognize revenues received from Selective Insurance to cover repairs to JCB Backhoe

In November of 2016, an accident occurred involving a Public Works truck and the JCB backhoe. No significant damage was caused to the truck; however the glass door of the backhoe was completely destroyed. The insurance adjustor estimated that the total replacement cost of the door would be \$2,855.56. After deducting the \$500 deductible, the Town received a check on 12/2/2016 in the amount of \$2,355.56 Repairs have been made to the JCB backhoe with total expenditures for the repairs in the amount of \$2,873.71. Approval of Ordinance 2017-01 will allow received revenues to be appropriated into the FY 16-17 budget to cover these expenditures.

Commissioner George made a motion to approve Ordinance 2017-01 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2017-01
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 Public Works Department experienced an accident involving the JCB backhoe; and

WHEREAS, a Selective Insurance adjuster estimated that the total replacement cost of the damage would total \$2,873.71; and

WHEREAS, the Town has received \$2,355.56 to cover the cost of the repairs to the JCB backhoe; and

WHEREAS, the Town of Burgaw would like to recognize \$2,355.56 from this settlement into the FY 16-17 budget, therefore, additional revenue and expenditure must be recognized.

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
10-3730-00-800	Insurance Settlements	\$2,355.56

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5700-20-160	M&R Equipment	\$2,355.56

Approved: February 14, 2017

Ordinance 2017-02 Ordinance amending the FY 16-17 budget to recognize revenues received from Selective Insurance to cover repairs to Pierce Ladder Truck

In October 2016, an incident occurred involving the Pierce Ladder Truck. Significant damage was caused to the truck requiring repairs to truck body, hose and ladder. Insurance proceeds have been received from Selective Insurance in the amount of \$12,481.39. Repairs have been made to the Pierce Ladder truck with total expenditures for the repairs in the amount of \$15,817. The received revenues will need to be appropriated into the FY 16-17 budget to cover these expenditures. The recommendation is the approval of the ordinance to recognize the \$12,481.39 into the FY 16-17 budget to cover the appropriate expenditures.

Commissioner Harrell made a motion to approve Ordinance 2017-02 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2017-02
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 Fire Department experienced an accident involving the Pierce Ladder Truck; and

WHEREAS, the Town has received \$12,481.39 from Selective Insurance to cover the cost of the repairs to the Pierce Ladder Truck; and

WHEREAS, the Town of Burgaw would like to recognize \$12,481.39 from this settlement into the FY 16-17 budget, therefore, additional revenue and expenditure must be recognized.

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:

<u>INCREASE BUDGETED REVENUE</u>		
Account Number	Account Description	Amount
10-3730-00-800	Insurance Settlements	\$12,481.39

<u>INCREASE BUDGETED EXPENDITURE</u>		
Account Number	Account Description	Amount
10-5300-10-170	M&R Vehicles	\$12,481.39

Approved: February 14, 2017

Ordinance 2017-03 Ordinance amending the FY 16-17 budget to approve donations agreed upon by the Burgaw Tourism Development Authority (TDA)

In March 2016, Pender County Historical Society & Museum requested the Commissioners support their needs for improvements to the museum. The first anticipated need was a HVAC system with an estimated cost of \$5,000, and other needs are to protect the house from mold and mildew. The TDA Board considered the request and proposed a donation to the museum in the amount of \$5,000, contingent upon a matching donation from Pender County. The Budget Ordinance request approved in FY 15-16 has since reverted to Fund Balance as the payment to the Museum was not made due to conditions of request not being met before the close of the fiscal year. As of December 28, 2016, the repairs have been made to the museum and matching funds have been received by the Museum.

Approval of Ordinance 2017-03 will recognize \$5,000 of the Tourism Development Authority Fund Balance into the FY 16-17 TDA budget to cover the expenditures.

Commissioner Robbins made a motion to approve Ordinance 2017-03 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ORDINANCE 2017-03
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 Burgaw Tourism Development Authority is a component unit of the Town of Burgaw, however a legally separate public authority; and

WHEREAS, the Burgaw Tourism Development Authority Board met and agreed to make a \$5,000 donation to the Pender County Historical Society & Museum; and

WHEREAS, the Pender County Historical Society & Museum has met all agreed upon terms in order to be eligible for the donation; and

WHEREAS, the Burgaw Tourism Development Authority will require a general fund fund balance appropriation to cover the donation expenditures.

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:

<u>INCREASE BUDGETED REVENUE</u>		
Account Number	Account Description	Amount
10-3905-00-900	TDA Fund Balance Appropriated	\$5,000

<u>INCREASE BUDGETED EXPENDITURE</u>		
Account Number	Account Description	Amount
10-6900-80-480	TOURISM DEVELOPMENT AUTHORITY	\$5,000

Approved: February 14, 2017

ITEMS FROM ATTORNEY – Robert Kenan

Attorney Kenan advised that Ms. Valiben Odedra is no longer the owner of the Burgaw Motel and is no longer eligible to serve on the Tourism Development Authority since the statutes requires that the owner of a business that collects the occupancy tax must serve on the TDA board. He advised the Board that they must replace that member.

Attorney Kenan also advised the Board that House Bill 64 is proposed legislation to change municipal elections beginning in 2022 to all municipal elections being held in even numbered years. He advised the Board that if they don't agree with the changes they should contact their representatives in Raleigh and ask them to not change the law.

After much discussion, Commissioner Harrell made a motion to resolve that HB 64 is not favorable to our election process. The motion was seconded by Commissioner George and carried by unanimous vote.

ITEMS FROM MANAGER – Chad McEwen

Resolution 2017- 01 Consideration of the Approval of a Contract with WK Dickson for Engineering, Permitting, and Project Management Services Related to the Pender Memorial and Osgood Canal Flooding and Stormwater Mitigation Project

Mr. McEwen presented a contract with WK Dickson that covers the required engineering, permitting, and project management services related to the Pender Memorial and Osgood Canal Flooding and Stormwater Mitigation Project. The town solicited proposals for qualifying engineering firms through a Request for Qualification (RFQ) process. Since the professional services needed were anticipated to cost over \$50,000 the RFQ process and qualification based selection was required per general statutes. Upon determining that WK Dickson was the most qualified firm based on their prior work on this project as well as their work on the Stormwater Master Plan, a price of \$214,200 was negotiated for the services listed above. This price includes \$9,850 of additional specified services that may not be required. However we are requesting their cost be included in the approved amount in the event that circumstances dictate their inclusion. The price (\$204,200) provided in the proposal by WK Dickson is lower than the original budget for engineering that was included in the Stormwater Master Plan. The amount originally budget was \$231,710.

Approval of the contract will allow the town to move forward with the final engineering and permitting submittals. Once these are complete WK Dickson will oversee bid and award of the project. When the project is awarded for construction a capital project ordinance will be submitted for the board to approve since we anticipate this project spanning more than one fiscal year.

There was much discussion regarding cost for bidding services which was explained to mean that this is usually included in projects such as this and itemizing the services is their way of keeping transparency in the documents instead of lumping it all into one line item. There was also much discussion regarding a project manager being on site. The Board was assured that the project manager for this site is very capable and thorough in his job.

Commissioner Harrell made a motion to approve Resolution 2017-01 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. (The contract is on file in the clerk's office.)

RESOLUTION 2017-01

Consideration of the Approval of a Contract with WK Dickson for Engineering, Permitting, and Project Management Services Related to the Pender Memorial and Osgood Canal Flooding and Stormwater Mitigation Project

WHEREAS, the Town of Burgaw and Pender Memorial Hospital (PMH) have partnered in effort to address flooding and stormwater management issues within the PMH campus as well as adjacent areas of Osgood Canal at Cowan Street and Fremont Street; and

WHEREAS, in 2015 the Town completed a Stormwater Master Plan which identified these areas as the most threatening areas of flooding risk in town, and

WHEREAS, the estimated cost of the proposed stormwater improvements at PMH as well as adjacent areas of Osgood Canal at Cowan Street and Fremont Street are approximately \$1,004,100, and

WHEREAS, the Town of Burgaw has received a grant in the amount of \$478,000 from the Golden Leaf Foundation for the project, and

WHEREAS, the Town of Burgaw has received a grant in the amount of \$347,000 from the Division of Water Resources for the project, and

WHEREAS, the Town submitted a Request for Qualifications (RFQ) to qualifying firms for engineering services, permitting services, and construction administration, and

WHEREAS, based on the review of the submittals received from the RFQ and the proposed negotiated fee, it is the recommendation that the proposed contract with WK Dickson be approved.

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 WK Dickson in an amount not to exceed \$214,200 for the above listed services.

Adopted this 14th day of February 2017.

Resolution 2017- 02 Consideration of the Approval of a Contract with Duke Energy related to Engineering and Cost Estimates for Underground Utilities along Courthouse Avenue and Wright Street between Wilmington and Fremont Streets.

Mr. McEwen advised we have met with Duke Energy regarding the possibility of converting the existing overhead power lines to underground. The first step of this process is for Duke Energy to engineer and design the conversion and provide the Town with an anticipated budget. In order to complete this work Duke Energy is requiring an engineering deposit of \$2,500. This deposit is an estimate of the cost related to the design and efforts to provide the town with an accurate construction budget. The actual cost of the engineering could be less which would result in an unspent portion of the deposit being applied to future conversion cost. If the actual cost exceeds the deposit the Town would be responsible for the overage. Sid Livingston (Duke Energy) feels the \$2,500 deposit will be sufficient to cover all expenses related to design and providing construction costs.

Commissioner Harrell requested to add a request for Duke Energy to add fiber optic conduit on Courthouse Avenue and Wright Street and possibly the alley. Mr. McEwen advised he will talk with Duke Energy representatives regarding the requested addition.

Commissioner Dawson made a motion to approve Resolution 2017-02. The motion was seconded by Commissioner Harrell. All voted in favor but Commissioner George advised he is voting in favor with reservations.

RESOLUTION 2017-02

Consideration of the Approval of a Contract with Duke Energy Related to Engineering and Cost Estimates for Underground Utilities along Courthouse Avenue and Wright Street between Wilmington and Fremont

WHEREAS, the Town of Burgaw wishes to explore the feasibility of underground utilities along Courthouse Avenue and Wright Street between Wilmington and Fremont Streets; and

WHEREAS, the first step of this process is contracting with Duke Energy to design and engineering the conversion as well as provide the Town with a proposed construction budget related to the conversion, and

WHEREAS, Duke Energy is requiring a \$2,500 deposit related to the design and engineering of the conversion and the development of the a construction budget related to the proposed conversion, and

WHEREAS, in the event the actual cost of engineering and design exceeds the \$2,500, the Town will be responsible for the additional cost, and

WHEREAS, in the event the actual cost are less than the \$2,500, the excess funds will be applied toward future conversion cost but forfeited after one year if construction doesn't occur, and

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 Duke Energy for an estimated amount of \$2,500 for the above listed services.

Adopted this 14th day of February 2017.

Village of St. Helena Fire Protection Contract

Mr. McEwen advised that the St. Helena Fire Contract has not been updated in since 2006. He advised the tax rate is currently set at seven cents even though rates have been increased in the county. He said that in accordance with the contract we must give a ninety day notice to St. Helena if there is to be a change in the contract. He recommended a change in rate from seven cents to nine or ten cents to help with increased costs of fire protection. After much discussion regarding the rates, the Board was agreeable to consider a nine cents fire tax rate but Mr. McEwen recommended that they leave that number open for discussion until we get further into the budget process.

Commissioner Harrell made a motion to notify St. Helena that the Board plans to evaluate the current fire contract during budget considerations and we are providing them with the required ninety day notice. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Salary Study

Mr. McEwen said he has spoken to Chris May with the Cape Fear Council of Governments regarding a possible salary study for the town. Mr. McEwen advised there has been much turnover in certain departments with some departures being blamed on salaries for the reason they are leaving and although we could probably do this study in house, he feels that a third disinterested party would be better qualified to look at it objectively. He advised the proposed cost for the salary study will be \$2500. After taking comments from each Board member it was clear that they felt it would be a good idea to pursue this study thereby giving the Board some comparison information to make clearer determinations regarding salaries.

Commissioner Harrell made a motion to ask for a third party pay and retention study in an amount not to exceed \$2500. The motion was seconded by Commissioner Murphy and carried by unanimous vote. They agreed that funding would be taken out of non-departmental reserve.

Budget Calendar

Mr. McEwen asked the Board to review the budget calendar and set times for the required meetings. The Capital Improvement Plan and Budget priorities meeting will be held on February 28th at 10:00AM. Departmental Budget meetings will be held on April 12th and 13th at 1:30PM. The budget workshop is scheduled for May 16th at 9:30AM.

Street Striping on Fremont and Cowan Streets

Mr. McEwen advised he did not get a clear consensus from the poll of the Board regarding the striping of the centerlines and parking areas on both sides of the 200 block of East Fremont Street. He advised he received a quote of \$1200 for striping of that area. After discussion, the Board favored approval of the abovementioned striping as well as angled parking striping on Cowan Street at First National Bank, striping of the 100 block of East Fremont Street and striping of the 100 block of West Fremont Street in the amount of \$4000 to be taken from fund balance.

Commissioner Dawson made a motion to approve the striping of angled parking on the First National Bank side of Cowan, striping of the 100 and 200 East blocks of Fremont and the 100 block of West Fremont Street. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Break – 5:46PM – 6:00PM

Public Forum

Speakers:

Ross Harrell, 111 N. Wright Street, appeared before the Board on behalf of the Spring Festival Committee to make requests for the 2017 Spring Festival event. Mr. Harrell advised the date of the festival is May 6 and the requests are

the same as last year to include public safety, police protection, traffic control on Friday evening May 5 for the street dance and Saturday May 6, trash collection and removal to include 12 trash carts and 5 recycling carts, public works assistance with setting up the stage, barricades and picnic tables, electricity on the square and use of the depot dock in the event of rain for the street dance on Friday night (May 5). He also asked for a \$1500 grant to offset costs of putting on the festival.

Commissioner Robbins made a motion to approve all requests including the \$1500 grant. After more discussion, since the funding is usually split between the town and the TDA, Commissioner Robbins amended his motion to approve all requests with a \$1000 grant from the town and pursuit of \$500 from the TDA as soon as TDA members can meet to approve the request. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mayor Mulligan took a moment to explain to the audience that there are plans in the near future to remove a large number of trees from the courthouse square. He advised an arborist has studied the trees and there are at least sixteen trees that will be taken down and seven that will be pruned. He advised this is being done because the trees have become a public safety issue. Mayor Mulligan said there will be new trees being planted in the fall to replace the trees that have been removed. Mayor Mulligan wanted everyone to be aware that the scheduled festivals will be affected by the lack of shade once the trees are removed. He advised this is a Pender County project with input from the town.

Karen Harding, 318 S Walker Street, advised she is here to ask for some asphalt on South Cowan Street. She advised she has asked for this before and now that there have been several patches done she would like to see this addressed in the near future.

Mr. Colon advised they are waiting for the asphalt plants to open to start working on the streets.

Nancy Aycock Rivenbark read the following letter to the Board:

*Town of Burgaw Board Meeting
February 14, 2017*

My name is Nancy Aycock Rivenbark. I live at 5041 Malpass Corner Road. My business is Cripple Creek Corner, 100 S Walker Street.

Today I am speaking for Cripple Creek. I have lived in Pender County for 40 years, and have owned and operated this business in downtown Burgaw for 35 of those years. We serve approximately two hundred families from the town and surrounding areas. A good number of those people walk in and out of the front door facing Walker Street at least four days a week. On Tuesday, January 24, Ms. Libby Likens, a caretaker for two young dance students, tripped on the sidewalk in front of the building. She fell because the sidewalk is cracked and broken in several places, making it very unsafe. In the past, others have lost footing there and several children have arrived to class with cuts and scratches from falls. However this time Ms. Likens went down face first hitting her mouth on the concrete resulting in what will cost her more than \$3,000 in dental repair.

This problem of the broken sidewalk was brought to the attention of town officials many times before this recent incident and I have made several requests for the sidewalk to be fixed. Perhaps my requests were not made by the proper procedure necessary to make sure the sidewalk is repaired. I know this is a reasonable request as I have seen other sidewalks such as those on the courthouse square, the Presbyterian Church and a private home at the corner of Cowan and Bridgers Streets all completely replaced. I would also like to request that Ms. Likens' dental bills be paid to her as soon as is possible. She is required to pay out of pocket and it is not fair for her to have to wait for lengthy insurance adjusting. I would appreciate immediate attention to these matters before someone else is hurt – possibly to an even more unfortunate outcome.

*Thank you,
Nancy Aycock Rivenbark*

Mr. McEwen advised the area being referenced is directly in front of Ms. Rivenbark's building. He said a claim has been filed with our insurance company that is in process. Mr. McEwen said because that is a state road we must wait for approval by the state. He said the Board has approved the funding for the encroachment and a survey has been started. He said because it is a state road we must submit an encroachment to be approved by the state (basically a design) and then do the construction. He advised the process has started but unfortunately Ms. Likens fell during that time but the project is moving along. He advised the town is not authorized to tear out a state sidewalk. Mr. McEwen advised the town's insurance provider is working with the state trying to find an appropriate contact for Ms. Likens to file a claim against the state not the town because it is not town property.

Ms. Rivenbark asked if the town can take out just the damaged areas and replace it without involving the remainder of the project. Mr. McEwen said we could have someone grind the sidewalk to smooth it out and eliminate the trip hazard. He said it will be difficult to replace the broken sidewalk while we are waiting on the encroachment process to be completed. He said we will do whatever the Board says to do but to work in a state right of way we must have an encroachment.

Attorney Kenan explained the legal side of this issue and advised Ms. Rivenbark of agencies that Ms. Liken will need to make contact with to help her with this claim. After a very lengthy discussion regarding the liability and responsibilities of the parties involved (Town and State) the Board decided to move to take some action to make repairs. Mayor Mulligan said this is very unfortunate and difficult to understand why the town puts in the sidewalk but the state owns it and we have to get permission to fix it. He apologized for the situation.

Commissioner Harrell made a motion to proceed with repair by replacing the broken sidewalk in front of 100 S Walker Street as expeditiously as possible with NCDOT's okay. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Commissioner Robbins commented that when Mr. McEwen gets a quote on the repairs he can poll the Board for fund appropriation.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins inquired about the reporting process for the advisory tree committee because he thought they would have to report to the Buildings and Grounds Board and the Planning Board before coming to the Town Board. At that time it was believed that the advisory tree committee reports to the Town Board. *(*Note: After researching previous minutes it was determined that a motion was made and carried to appoint three citizens to serve as an advisory tree committee and to have the advisory tree committee to report to the Building and Grounds Board which is designated as the tree board by ordinance in order to meet the requirements for the Tree City USA designation. Motion was made at the December 13, 2016 meeting.)*

Commissioner Robbins inquired about the status of the sidewalk to the senior center. Mr. McEwen advised that he has spoken with Senator Rabon. He said he has sent Senator Rabon some information and the senator will speak with NCDOT and see what he can get done. Commissioner Robbins recommended that Mr. McEwen make contact with Representative Frank Isler who is on the Transportation Board and seems willing to help.

Commissioner Robbins said there is a lot of talk about the splash pad and where it should be placed. He asked if any board members have any thoughts about it. Commissioner Harrell said he thinks it will do well behind the bank building although we made plans to put it on Courthouse Avenue, it has gotten wrapped up in a bigger ball of wax with the Courthouse Avenue rejuvenation and if we take it away from that it would be more easily accepted by the community. Commissioner Dawson said she feels it should be put in the no flood area of Rotary Park. Mayor Mulligan recommended the area behind the bank building and using the restrooms in the bank for splash pad visitors. He said the cost will be less for that area especially since we own the property. Mayor Mulligan said that in lieu of using the space on Courthouse Avenue for a splash pad we could possibly partner with the courts and use the space on Courthouse Avenue where the current medical office stands for a parking lot either for court or downtown business owners. Commissioners George and Murphy favored the bank building location. Commissioner Dawson said she doesn't think the Board needs to rush into this project and not look into everything carefully. Commissioner Robbins said he believes if the bank lot is used there should be restrooms built in order to have restrooms available for the public in the downtown area. After a lengthy discussion, it was the consensus of the Board to place this item on the March agenda for a more broad discussion regarding the splash pad.

Commissioner Dawson recommended that Commissioner Robbins be appointed to the tree committee because she feels that his expertise would be helpful with the tree projects. Commissioner Robbins said he would be willing to serve on the advisory tree board but would like for that committee to report directly to the board. Attorney Kenan advised the Board needs to make this a purely advisory committee that makes its recommendations directly to the Board of Commissioners to help them in making their decision. He said we would need to bring in a formal resolution that sets up the tree committee to start the process.

Commissioner Dawson commented that she feels we need to work on incentives to attract longevity in the police department because we are losing too many officers. Commissioner Robbins said we should looking into making the jobs more attractive with incentives and set a standard that others can follow.

Commissioner Harrell said it is time for us to start advertising for the parks and recreation, community development coordinator position. Commissioner Harrell made a motion to advertise for a Parks and Recreation/Community Development Coordinator that is already in our budget. The motion was seconded by Commissioner Robbins. Commissioners Harrell, Robbins, Dawson and Murphy voted “aye”. Commissioner George voted “nay”. Motion carried four to one.

Commissioner Harrell said it has come to his attention that there are no specific guidelines as to how much space can be used for a residence in the B1 district when there is a residence set up in the rear of a business. He said he feels there should be square footage or percentage limits for these situations. Mr. McEwen said this item would need to go to the planning board and then back to the Board of Commissioners for a public hearing because this is an ordinance in the Unified Development Ordinance. Mr. McEwen said that he and the planner would discuss this issue further.

Commissioner Harrell said he has read that funding for the Coastal Crescent Trail will be funded with a matching grant by the towns and the towns will be responsible for planning, designing and building the trail. He advised he would like to include the western part of our trail as the part to be built and perhaps get additional funding for it.

Commissioner George reminded everyone to attend the Blueberry Pancake Breakfast on Saturday.

Mayor Mulligan asked if there is a policy/finance meeting coming up. Commissioner Harrell said we do need to have a meeting. The meeting was set up for January 21st at 9:30. Mr. McEwen advised the Infrastructure board needs to meet regarding expansion of water and sewer on Clark Street. The infrastructure meeting was set for March 1st at 10:00AM.

Mayor Mulligan suggested that we have a policy regarding donated money for non-profits.

Mayor Mulligan asked where we are with impact fees. He said he knows we have suspended impact fees and are they still suspended and are we within the law or what? Attorney Kenan said the legislature has not said anything as of yet. He advised there will be a seminar for municipal attorneys in April at which this item will be discussed. Mr. McEwen advised from the manager’s list serve this item is all over the board across the state. He said he thinks we are okay because we charge based on past debt not future anticipated debt. Mayor Mulligan said by not collecting we are losing money and are we going to be penalized from when the discussion was started. He said we can pay back money but if we don’t collect it and don’t have to pay it back we will never have had that money. Mr. McEwen advised that if necessary we can make sure that our numbers are accurate or suggest what we need to do to amend them to be accurate based on past debt. He said if we do that it would be reasonable to reinstate impact fees. Mayor Mulligan suggested lifting the moratorium and go about collecting the impact fees until such time that the court case is over and settled and if we have to pay the money back that’s okay because the money will be in the bank, but if we do not collect it and something changes that makes us entitled to the impact fees we will not be able to go back and collect. He said put the fees back in place as they were and then evaluate them. After discussion, Commissioner Harrell made a motion to lift the moratorium on enforcement of the water/sewer impact fee ordinance. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Mayor Mulligan asked Louis Hesse what makes a house condemnable. Mr. Hesse advised it must have structural integrity, electricity, plumbing, running water and if it doesn’t have those we can send a letter and inform the owner as to how to fix the house. If there is no solution to the problem, the house can be condemned in accordance with our minimum housing code. He advised it is a lengthy process and at this time he does have one house that really needs attention. Mayor Mulligan said he wants to get this rolling and take care of some of these problems.

Mayor Mulligan asked to change the bathrooms so they can only be locked from the outside. He said there are privacy stalls and there is a problem with people turning the lock inside and locking the doors so no one can get in.

After discussion, it was decided that a contact number for a key holder would be posted on the wall outside the door in the event that someone cannot get in.

Mayor Mulligan asked if there has been any action on making the front doors of the town hall easier to open because elderly people are having difficulty opening the doors. Mr. Hesse advised he is checking on a solution and has found that it is a very expensive repair per door and he is searching for a less costly alternative.

Discussion: Applications for Advisory Committees

Mayor Mulligan advised he has an application for William Ross Harrell for the advisory tree committee. Commissioner Harrell made a motion to approve the request to add William Ross Harrell to the tree committee. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Mayor Mulligan advised he has an application for the promotions/special events committee from Adrian Carroll. Commissioner Harrell made a motion to approve the appointment of Adrian Carroll to the promotions/special events committee. The motion died for lack of a second. Commissioner Dawson requested that we advertise the position before making a selection.

Items from Manager continued from earlier in the meeting

Mr. McEwen advised he has met with Greg Connelly in regards to fertilizing those 47 live oaks on Dickerson Street for \$4850. He said that is assuming that we come in with a sod cutter and remove the sod and have the ground prepared for him to come in and treat each tree. Commissioner Robbins stated that the sod must be removed so mulch can be put around the trees. After discussing methods to remove the sod, it was the consensus of the board to try spraying with an herbicide to kill the grass before going to the sod removal method which will be more costly.

Commissioner Dawson made a motion to appoint Commissioner Robbins to the Advisory Tree Committee. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Commissioner Robbins advised he will accept the appointment.

Mr. McEwen advised he did not get a clear directive on the poll regarding the application of concrete at the alley way on the 200 block of East Fremont Street between the Bandana's property and the Kenan property. He advised this project will include curb and gutter on the entrance, an apron up to the sidewalk and then an apron on the back side of the sidewalk. He advised the bid he received is in the amount of \$4826 which was quoted by Freeman. Mayor Mulligan suggested that the alley be closed. Attorney Kenan advised that if that is what the town wants to do, the employees and tenants of those buildings will be required to park on the street and there would be no access to the alley way. After much discussion, Commissioner Robbins made a motion to go ahead with the repairs as presented by Mr. McEwen. The motion was seconded by Commissioner George and carried by unanimous vote. Commissioner Harrell said the hole on the back side of the sidewalk needs to be taken care of. Attorney Kenan advised since the last meeting the hole has been filled with rock. He said if the request is granted the problem will be taken care of.

CLOSED SESSION

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 Harrell and carried by unanimous vote. (Time: 7:59PM)

OPEN SESSION RECONVENED

Commissioner Dawson made a motion to reconvene to open session. The motion was seconded by Commissioner Harrell and carried by unanimous vote. (Time: 8:21PM)

MOTION:

Commissioner Harrell made a motion to terminate the lease (105 Courthouse Avenue) as of the 31st day of March. The motion was seconded by Commissioner Dawson. Commissioners Harrell, Dawson, Robbins and Murphy voted “aye”. Commissioner George voted “nay”. Motion carried four to one.

ADJOURNMENT

Commissioner Robbins made a motion to adjourn. The motion was seconded by Commissioner Harrell and carried by unanimous vote. The meeting adjourned at 8:23PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk