

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

**DATE:** March 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  
Karen Dunn, Planning Administrator  
Louis Hesse, Building Inspector  
Jim Hock, Chief of Police  
Wendy Pope, Finance Officer  
Kim Rivenbark, Permitting Technician  
Kristin Wells, Deputy Clerk  
Allen Wilson, Fire Administrator  
**MEDIA PRESENT:** None  
**INVOCATION:** Nick Smith, Chaplain  
**PLEDGE OF ALLEGIANCE:** All

The meeting was called to order at 4:00PM by Mayor Eugene Mulligan.

**Approval of Agenda**

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

**Approval of Consent Agenda**

Commissioner Harrell advised he has a problem with item C on the consent agenda regarding Resolution 2017-04 Declaring Blueberry Festival Day in Burgaw. He said he has some questions about that item and would like to have it removed from the consent agenda. Commissioner Robbins made a motion to approve the consent agenda with the removal of item C for further discussion. The motion was seconded by Commissioner Harrell and carried by unanimous vote. The consent agenda and the following items were approved:

- **Approval of Minutes of the February 14, 2017 regular and closed sessions**
- **Resolution 2017-03 Declaring Spring Festival Day in Burgaw**

**RESOLUTION 2017-03  
DECLARING SPRING FESTIVAL DAY IN BURGAW**

**WHEREAS**, it has become “tradition” for the first Saturday in May to be set aside for the Pender County Spring Fest; and

**WHEREAS**, this festival will bring together the citizens of the Town of Burgaw and Pender County to celebrate the cultural heritage of the area; and

**WHEREAS**, many talented and skilled Pender County citizens will display and sell their handmade crafts, homemade foods and homegrown plants.

**NOW THEREFORE BE IT RESOLVED** by the Town of Burgaw Board of Commissioners that Saturday, May 6, 2017 shall be declared “Spring Festival Day” and that the following changes and directives shall be placed in effect during Spring Festival events only:

- Wright Street between Fremont Street and Wilmington Street shall be closed on Friday, May 5, 2017 between the hours of 6:00PM and 9:00PM for the street dance.
- Wright Street shall be closed between Fremont Street and Wilmington Street and Fremont Street shall be closed between Walker Street and Wright Street (keeping the intersection of Fremont and Wright open to turning traffic) during the Spring Festival on Saturday, May 6, 2017 between the hours of 6:00 AM and 4:00 PM only.
- In addition the street closure related to Wright Street will also result in Courthouse Avenue being closed on Friday, May 5, 2017 between the hours of 6:00PM and 9:00PM and Saturday, May 6, 2017 between the hours of 6:00 AM and 4:00 PM.

**Adopted this 14th day of March, 2017.**

- **Resolution 2017-05 Opposing Moving Election Years to Even Numbered Years**

**RESOLUTION 2017-05**

**RESOLUTION TO OPPOSE MOVING TOWN OF BURGAW MUNICIPAL ELECTIONS FROM ODD NUMBERED TO EVEN NUMBERED YEARS**

**WHEREAS**, North Carolina House of Representatives Bill No. 64 filed on February 8, 2017, proposes the moving of municipal elections from odd numbered to even numbered years and affects the terms of municipal board members commencing with terms in 2017; and

**WHEREAS**, the Town’s Corporate Charter, as amended and adopted by the North Carolina General Assembly on June 26, 2001 as Session Law 2001-247 provides that the Town’s municipal elections are held in odd numbered years; and

**WHEREAS**, the separation of the Town’s municipal elections from the elections conducted during the even numbered years allows the voters and citizens within the Town of Burgaw to focus on the issues that affect them within the Town as well as on the candidates who are running for election to the Town’s governing body; and

**WHEREAS**, in the event that Town’s municipal elections were held in even numbered years along with the races for federal, state and county offices, the citizens and voters of the Town of Burgaw would be less likely to focus on the issues that affect the Town and the candidates who are running for election to the Town’s governing body; and

**WHEREAS**, it is not in the best interest of the citizens of the Town of Burgaw to have the Town’s Municipal Elections moved from odd numbered to even numbered years; and

- **NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners opposes North Carolina House of Representatives Bill No. 64 and requests the Town’s delegation to the North Carolina General Assembly to oppose the afore-referenced bill or any subsequent legislation that could be filed during the 2017-2018 Session of the North Carolina General Assembly that would move the Town’s municipal elections from odd numbered to even numbered years and that a copy of this Resolution be provided to North Carolina House of Representative Chris Millis and North Carolina Senator Bill Rabon.

**Adopted on this the 14<sup>th</sup> day of March, 2017.**

***\*Item C – Resolution 2017-04 Declaring Blueberry Festival Day in Burgaw (removed from Consent Agenda)***

Commissioner Harrell questioned the Blueberry Festival street closures especially Fremont Street between Walker Street and Cowan Street being closed as of 12AM on June 16<sup>th</sup> assuming that means essentially as of the time Friday begins the street is closed which affects two businesses. After much discussion and finding no definitive answer, Commissioner Robbins made a motion to table this item until the next board meeting. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Mr. McEwen advised this item will be looked into further to determine the intent of the resolution.

**SPECIAL PRESENTATIONS/REQUESTS**

**Arbor Day Proclamation – Mayor Mulligan**

The following Arbor Day Proclamation was read by the town clerk.

**Arbor Day Proclamation**

*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE,** I, Eugene Mulligan, Mayor of the Town of Burgaw, do hereby proclaim March 17, 2017 as **Arbor Day** in the Town of Burgaw, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

*Dated:* This fourteenth day of March in the year 2017.

*Eugene Mulligan, Mayor*

**Daughters of the American Revolution (DAR) – A DAR representative will be present to request complimentary use of the depot dock for the November 11 Veteran’s Day Ceremony**

Margaret Williams and Jackie Davis appeared before the Board on behalf of the Daughters of the American Revolution to request use of the depot dock at no cost for one hour beginning at 11AM on Saturday, November 11, 2017 for the Veteran’s Day Ceremony.

Commissioner Harrell made a motion to allow the DAR to use the shelter end of the depot with no fee involved. The motion was seconded by Commissioner George and carried by unanimous vote.

**Resolution 2017-06 Coastal Crescent Trail – Tammy Proctor, Pender County Tourism**

Tammy Proctor advised for those that are not aware, the Mountains to Sea Trail comes through Burgaw. She said the Coastal Crescent has always been an alternative part of the Mountains to Sea Trail and this is perfect timing because today State Senator Jackson submitted a bill to make the Coastal Crescent a permanent part of the trail. She said we are asking that our communities that are impacted by the Mountains to Sea Trail to pass a resolution of support for the Coastal Crescent being officially recognized by the State as part of the Mountains to Sea Trail.

Commissioner Harrell made a motion to approve Resolution 2017-06. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION #2017-06  
TOWN OF BURGAW  
RESOLUTION IN SUPPORT  
FOR THE MOUNTAINS-TO-SEA TRAIL ROUTE  
WITH REQUEST TO ADD THE COASTAL CRESCENT TRAIL  
TO THE MOUNTAINS-TO-SEA STATE PARK**

**WHEREAS,** the Town of Burgaw is a residential community that values parks and recreation; and

**WHEREAS,** the Town of Burgaw is part of “Land of History” section of the Coastal Crescent Trail which is being used at this time by hikers seeking to complete the Mountains-to-Sea Trail across North Carolina; and

**WHEREAS**, the Mountains-to-Sea Trail runs 1150 miles from the Great Smoky Mountains to the Outer Banks to showcase North Carolina's natural, rural, cultural and historic features for the enjoyment, health, and economic benefit of its citizens and visitors; and

**WHEREAS**, North Carolina's Mountains-to-Sea Trail is a unit of the State Park System created and maintained in partnership with local, state and federal governments and citizen groups; and

**WHEREAS**, the North Carolina Division of Parks and Recreation designates official sections of the Mountains-to-Sea Trail but has not yet designated any miles of trail along the Coastal Crescent route as part of the Mountains-to-Sea Trail; and

**WHEREAS**, Senator Brent Jackson plans to introduce a bill in the 2017 Session of the North Carolina General Assembly to direct the North Carolina Division of Parks and Recreation to make the Coastal Crescent Trail an official part of the Mountains-to-Sea Trail; and

**WHEREAS**, the Town of Burgaw is interested in having the Coastal Crescent Trail permanently designated as a route of the Mountains-to-Sea Trail.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of Commissioners of the Town of Burgaw will encourage its Legislative Delegation to support any bills introduced in the North Carolina General Assembly to designate the Coastal Crescent Trail as part of the Mountains-to-Sea Trail.

**Adopted this the 14th day of March, 2017.**

## **DEPARTMENTAL ITEMS**

### **Finance – Wendy Pope, Finance Officer**

#### **Ordinance 2017-04 Amending the FY 16-17 budget to provide funding for purchase of old Bank of America building**

Ms. Pope advised the Town of Burgaw purchased the old Bank of America building on November 15, 2016. At the time of closing, the monies were wired to First American Title Insurance Company from non-departmental reserve. A formal fund balance appropriation was not made prior to the purchase therefore this Budget Amendment Ordinance shall serve as the formal request of the funds to purchase. Ms. Pope advised the recommendation is the approval of the ordinance authorizing the General Fund fund balance appropriation of \$109,856.74 to cover the purchase of the property at 104 East Fremont Street.

Commissioner Robbins made a motion to approve Ordinance 2017-04. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

#### **ORDINANCE 2017-04 AMENDING FISCAL YEAR 2016-2017 ANNUAL BUDGET Increasing Revenues and Expenditures**

**WHEREAS**, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2016-2017 on June 14, 2016; and

**WHEREAS**, the Town of Burgaw has purchased the property at 104 East Fremont Street, formerly known as Bank of America, in the total amount \$109,856.74; and

**WHEREAS**, a General Fund fund balance appropriation is necessary to replenish the funds advanced from Non-departmental reserve account in fiscal year 2016-2017.

**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**

<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
<b>10-3900-00-900</b>	<b>Fund Balance Appropriated</b>	<b>\$109,857</b>

**INCREASE BUDGETED EXPENDITURE**

<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
<b>10-6000-00-590</b>	<b>Non-Departmental Reserve</b>	<b>\$109,857</b>

Approved this the 14<sup>th</sup> day of March, 2017.S

**Ordinance 2017-05 Approving the Capital Project Ordinance for the Pender Memorial Hospital and Osgood Canal Flooding and Stormwater Mitigation Project**

Ms. Pope advised the Town of Burgaw has received acknowledgment and agreement from the Golden LEAF Foundation, the Division of Water Resources, and Pender Memorial Hospital to proceed with solutions to remedy the stormwater infrastructure problems in critical areas around Pender Memorial Hospital. Currently, during heavy rain events, flooding can limit access to the hospital by patients and emergency vehicles. The stormwater issues also inhibit development of surrounding properties and expansion of services at the hospital. The estimated cost of the proposed stormwater improvements is \$1,004,100. The Town has received grants in the amounts of \$478,000 and \$347,000 from the Golden LEAF Foundation and from the Division of Water Resources, respectively.

Ms. Pope advised the recommendation is the approval of the capital project ordinance to recognize all revenues we anticipate receiving, as well as cover all expenditures needed to complete the capital project.

Commissioner Dawson made a motion to approve Ordinance 2017-05. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**ORDINANCE 2017-05  
ADOPTION OF CAPITAL PROJECT ORDINANCE  
For**

***Pender Memorial Hospital and Osgood Canal Flooding and Stormwater Mitigation Project***

**BE IT ORDAINED** by the Town of Burgaw Board of Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1.** The project authorized is to remedy stormwater infrastructure problems in critical areas around Pender Memorial Hospital to be funded by a grant from the Golden LEAF Foundation, the Town of Burgaw, Pender Memorial Hospital and a grant by the Department of Environmental Quality

**Section 2.** The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget contained herein.

**Section 3.** The following amounts are appropriated for the project:

Engineering, permitting, construction administration & observation, bid services	\$ 214,200
Legal & Administrative	\$ 17,510
Construction – Contract	\$ 643,660
Contingency	<u>\$ 128,730</u>
Total	<u>\$ 1,004,100</u>

**Section 4.** The following revenues are anticipated to be available to complete this project:

Golden LEAF Foundation Grant	\$ 478,000
Department of Environmental Quality Grant	\$ 347,000
Pender Memorial Hospital Funding	\$ 132,100
Town of Burgaw Funding	<u>\$ 47,000</u>
Total	<u>\$1,004,100</u>

**Section 5.** The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements and state regulations.

**Section 6.** Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

**Section 7.** The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

**Section 8.** The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

**Section 9.** Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

**Adopted this fourteenth day of March, 2017.**

**Ordinance 2017-06 Amending the FY 16-17 budget to provide funding for payoff to BB&T**

Ms. Pope advised during the talks & considerations of last year’s budget process, we inquired with BB&T Governmental Finance regarding the possibility of paying off various loans. For consideration, she is presenting the payoff on the Water & Sewer Bond originally refinanced on April 30, 2013 with BB&T. She advised the total payoff amount of this loan is \$499,927.29. This amount was not included in current fiscal year budget. Included in current fiscal year budget is an amount equal to annual principal and interest payment of \$38,578.91 However, in June 2016, the Board approved the closing of the Wastewater System Improvement Capital Project Fund allowing \$473,057 of unspent funds to become available for use in the Water & Sewer Fund Balance.

Ms. Pope advised the recommendation is the approval of the ordinance authorizing the water & sewer fund balance appropriation of \$461,348.37 to cover the additional expense attributable to the payoff amount to BB&T.

Commissioner Robbins made a motion to approve Ordinance 2017-06. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**ORDINANCE 2017-06**  
**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,** included in current fiscal year annual budget is an amount equal to current year’s principal and interest payment for this contract in the amount of \$38,578.91; and

**WHEREAS,** the Town of Burgaw would like to pay off the outstanding balance to BB&T Governmental Finance with respect to Contract # 9933000572-00005, Water & Sewer Bonds, in the amount of \$499,927.29; and

**WHEREAS,** a Water/Sewer Fund fund balance appropriation is necessary to cover the additional expense attributable to the remaining principal balance in fiscal year 2016-2017.

**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:

<b>INCREASE BUDGETED REVENUE</b>		
<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
31-3900-91-900	Fund Balance Appropriated	\$230,674.18
32-3900-91-900	Fund Balance Appropriated	\$230,674.18
<b>INCREASE BUDGETED EXPENDITURE</b>		
<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
31-8140-91-940	Cap Proj 64 Annexation	\$230,674.18
32-8200-91-940	Cap Proj 64 Annexation	\$230,674.18

**Approved this the 14<sup>th</sup> day of March, 2017**

**Resolution 2017-07 Authorizing the Pender County Tax Collector to advertise tax liens**

Ms. Pope advised pursuant to General Statute 105-369(a), the Tax Collector must notify the governing body of the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receipt of the Tax Collector’s report, the governing body must order the tax collector to advertise the tax liens. She advised the

recommendation is the approval of the resolution authorizing the Pender County Tax collector to advertise the outstanding 2016 taxes on real property as liens on these properties.

Commissioner Dawson made a motion to approve Resolution 2017-07. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2017-07  
REPORT OF UNPAID TAXES**

**WHEREAS**, the Pender County Tax Collector has reported outstanding Town of Burgaw taxes of \$82,255.63 which are a lien on real property as reported on January 20, 2016; and

**WHEREAS**, the Town of Burgaw Board of Commissioners wishes the tax collector to advertise the tax liens pursuant to the General Statute 105-369 (a).

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the Pender County Tax Collector is ordered to advertise the tax liens for the outstanding 2016 taxes pursuant to General Statute 105-369(a).

Approved this 14<sup>th</sup> day of March, 2017.

**Public Works** – *Anthony Colon, Director of Public Works*

**Resolution 2017- 08 Approving Local Water Supply Plan**

Mr. Colon advised the Local Water Supply Plan provides information about the yearly production and use of water from all four wells in Burgaw as well as the analysis of the sewage sent to the Town of Wallace and any other source of water purchase or emergency interconnection. This report also provides much needed information to help plan for future water and sewer related projects. This report is required by the North Carolina General Statute 143-355(I). Mr. Colon briefly reviewed the highlights of the report. He also advised we are currently looking at the addition of another well in the future but we have plenty of time for planning as we are currently in good shape with the water supply.

Commissioner Harrell made a motion to approve Resolution 2017-08. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**RESOLUTION 2017- 08  
APPROVING LOCAL WATER SUPPLY PLAN**

**WHEREAS**, North Carolina General Statute 143-355(I) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

**WHEREAS**, as required by the statute and in the interest of sound local planning, a Local Water Supply Plan for the Town of Burgaw, has been developed and submitted to the Board of Commissioners for approval; and

**WHEREAS**, the Board of Commissioners finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(I) and that it will provide appropriate guidance for the future management of water supplies for the Town of Burgaw, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Burgaw that the Water Supply Report entitled, Town of Burgaw Local Water Supply Plan for the year 2015, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Approved this fourteenth day of March, 2017.

**ITEMS FROM ATTORNEY** – *Robert Kenan, Attorney*

None.

**ITEMS FROM MANAGER – Chad McEwen, Town Manager**

**Resolution 2017-09 Consideration of the Approval of a Contract with All About Silt Fence Related to the extension of the Storm Drain Pipe Under South Dudley Street in the Area South of the Williams Street Intersection**

Mr. McEwen advised this item is regarding consideration of a contract with All About Silt Fence which involves the extension of the existing pipe under South Dudley Street in the area between Clark and Williams Streets. He reminded the Board that this project was a CIP priority this year and involves adding a 12' section to the existing 60" pipe on the east side of Dudley Street. This project is necessary due to the bank deterioration at the headwall of the existing pipe and the fact that the current conditions are threatening to affect Dudley Street.

Mr. McEwen advised the Town has received a \$2400 grant towards the completion of this project from Pender County Soil and Water Conservation. In order to receive these funds the Town had to allow the State to design the work proposed to be done. The engineered design has been completed and was used as the basis for the bids received. The Town has purchased the necessary pipe and coupling that will be used for the project and had planned on completing the work in house using Public Works personnel and equipment. However, due to the complexity of the engineered design we have chosen to solicit bids related to the construction aspects of the project. The bids received are as follows:

- 1) All About Silt Fence- \$7,440
- 2) Hutcheson Landscaping, Inc.- \$10,860

Mr. McEwen said based on the bids received we are requesting the Board award a contract to All About Silt Fence in an amount not to exceed \$8,556 (base bid plus a 15% contingency). The contingency is requested in order to cover incidental material or labor costs that aren't covered in the base bid. He advised the recommendation is the approval of the contract with All About Silt Fence (documents on file in clerk's office).

Commissioner Harrell requested that the debris be removed from the site by All About Silt. He said it was not included in the bid but wanted assurance that they would remove the debris. Mr. McEwen advised he will take care of that issue with the contractor.

Commissioner Robbins made a motion to approve Resolution 2017-09. The motion was seconded by Commissioner George and carried by unanimous vote.

**RESOLUTION 2017-09**

**Consideration of the Approval of a Contract with All About Silt Fence Related to the extension of the Storm Drain Pipe Under South Dudley Street in the Area South of the Williams Street Intersection**

**WHEREAS**, the Town wishes to extend the existing 60" culvert under South Dudley Street in the area of the Williams Street intersection; and

**WHEREAS**, the current length of the pipe on the east side of South Dudley Street presents a hazard to the traveling public and threatens to undermine the existing road structure , and

**WHEREAS**, the Town has solicited bids from qualified contractors and received the following quotes;

- 1) All About Silt Fence- \$7,440
- 2) Hutcheson Landscaping, Inc.- \$10,860, and

**WHEREAS**, it is recommended that a contract with All About Silt Fence be awarded and include a 15% contingency.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** they hereby approve a contract with All About Silt Fence in an amount not to exceed \$8556.00 for the above listed services.

**Adopted this 14<sup>th</sup> day of March 2017.**



**Resolution 2017-10 Consideration of the Approval of a Contract with the NC Department of Transportation Rail Division Regarding the Annual Maintenance of the Abandoned Railroad Right of Way**

Mr. McEwen advised the proposed contract with the NC Department of Transportation Rail Division covers the annual maintenance of the railroad right of way provided by the Town. This maintenance primarily involves mowing the area between Drane Street and Clark Street. He advised for several months we have been requesting DOT renegotiate the terms and pay related to the contract. The new terms involve an increase from \$7,500 to \$12,000 annually for the Town, insuring that DOT understands that our responsibility is limited to mowing (not drainage work), and amending the contract date to coincide with our fiscal year (July 1- June 30). Mr. McEwen said in exchange DOT has requested quarterly rather than annual invoicing for these services and a five year contract as opposed to the standard three year contract that is currently in place.

Mr. McEwen advised input from Attorney Kenan involves the state’s request for the Town to indemnify and hold them harmless from claims and/or damages that occur. He said he voiced some concerns to Mr. Isaac regarding the proposed language and he suggested we propose alternative language for DOT to review. Mr. McEwen advised the alternative language is included in the revised draft. (Contract documents are on file in the clerk’s office.)

Commissioner Harrell made a motion to approve Resolution 2017-10. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2017-10**

**Consideration of the Approval of a Contract with the NC Department of Transportation Rail Division Regarding the Annual Maintenance of the Abandoned Railroad Right of Way**

**WHEREAS**, the Town of Burgaw has had a contract with NCDOT for several years for the maintenance and mowing of the former Wilmington to Weldon Railroad right of way that traverses downtown Burgaw; and

**WHEREAS**, this contract involves the NCDOT reimbursing the Town for the services rendered pursuant to the maintenance contract, and

**WHEREAS**, the Town has requested NCDOT increase the annual reimbursement from \$7,500 to \$12,000 and that the term dates of the contract coincide with the Town’s fiscal year of July 1 to June 30, and

**WHEREAS**, NCDOT has agreed to these requests, and

**WHEREAS**, in exchange NCDOT has requested a five year contract and quarterly invoicing for services rendered, and

**WHEREAS**, the Town staff have reviewed the proposed contract and agree with the terms as presented.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** they hereby approve an annual contract with the Department of Transportation Rail Division in the amount of \$12,000 a year based on the terms of the attached contract.

**Adopted this 14<sup>th</sup> day of March 2017.**

**ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS**

**Miscellaneous Items from Mayor and Board**

**Commissioner George:** None

**Commissioner Harrell** commented that according to Chris Rhodes at NCDOT the sidewalk in question at Cripple Creek Dance Studio is actually beyond the state of right of way by about a foot and a half. He asked if that makes it the town’s responsibility to deal with the accident situation that occurred recently. Mr. McEwen said he has never seen anything such as a survey map or marker etc. that says that sidewalk is in the town right of way. He further advised there is no town right of way over there; it is either on private property or in the state right of way. He said the state has pushed the responsibility of the accident off on the town and has essentially denied the claim. He said we are working with our provider to determine whether or not the town has any liability related to it. He said he cannot get into the specific details regarding the claimant but it is working through the process. After a lengthy

discussion, Commissioner George said we need to establish where the Cripple Creek property line is. Commissioner Dawson commented that all that area was surveyed when the roundabout work was being done. Mr. McEwen said he is getting his information from those roundabout survey maps that were recently done by NCDOT and according to those maps the building is really close to that right of way.

**Commissioner Harrell** asked if there is any policy in place that allows someone that is applying for a job with the town to be given preference for hiring if they are residents of Burgaw. Mr. McEwen deferred this question to Attorney Kenan. Attorney Kenan advised he would have to get back with them on that question. After a brief discussion, Mayor Mulligan asked Attorney Kenan to bring back an answer regarding this question.

**Commissioner Dawson** asked if the no parking areas on each end of the Fremont Street area in front of the Sheriff's department will be striped to indicate there should be no parking in those areas. Mr. McEwen advised the contractor is planning to come back and take care of that but he has another big job in Wilmington that he is trying to finish up.

**Commissioner Robbins** asked if we have a policy that allows a customer to have their water turned off during an extended trip. Ms. Pope advised that we don't have many situations like that but recently if a customer wants to turn the water off for an extended trip, they continue to pay the minimum bill or otherwise it would be counted as a closed account and the service would be terminated, the final bill would be done and the deposit would be applied or refunded. At that point when the customer comes back they would have to start a new service. She said there is no written policy but that is the way it has been handled. She said we can physically turn the water off for them but they would continue to pay a minimum monthly bill in order to keep an active account.

**Commissioner Murphy:** None.

**Mayor Mulligan:** None.

### **Committee Appointments**

Mayor Mulligan advised terms for two Parks/Recreation committee members and one Promotions/Special Events member will be expiring on April 08, 2017. The following terms will be expiring:

- Term is expiring for Meg Smith on the Promotions and Special Events Committee.
- Terms are expiring for Noah Harrell and Dayna Corcoran on the Parks and Recreation Committee.

He advised all committee members have been contacted and desire to be reappointed to their respective committees. If approved by the Board, all the above mentioned members will serve a three year term ending on April 8, 2020.

The following motions were made:

Commissioner Dawson made a motion to reappoint Meg Smith to the Promotions and Special Events Committee. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Robbins made a motion to reappoint Noah Harrell to the Parks and Recreation Committee. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Harrell made a motion to reappoint Dayna Corcoran to the Parks and Recreation Committee. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**BREAK 4:55PM – 5:30PM**

### **PUBLIC INFORMATION MEETING - SPLASH PAD DISCUSSION**

#### **Speakers:**

**Dr. Joseph Davis** advised he owns an office building at 206 S Wright Street. He advised this is his thirtieth year as a chiropractor in Burgaw. He said he is here mainly to gain information and to voice his opinion. He said he

understands that the town has acquired the former Bank of America building and the back parking lot is being considered for a splash pad. Dr. Davis advised he renovated the building that he purchased for his office and created a respectable business in downtown Burgaw and he is concerned that a water park next to his office will cause a lack of parking. He said it is not a good fit for the area; it could bring in possible undesirables that would be attracted to that area; he has already had to deal with vandalism at his building and is concerned about what this would bring. He said there will be a liability with water everywhere with people running all over the place contributing to liability for the town. He said he is giving the board his “no” vote that he doesn’t want it next to his business.

**Angela Hammers**, 318 E Wallace Street, advised she is concerned about the cost of the splash pad. She said her taxes increased last year and she cannot take another tax increase. She said that she is also concerned about liability with children running and playing on wet hard surfaces. She said we the taxpayer pay for that too. Ms. Hammers said she has concerns about supervision. She said she would supervise her child but doesn’t feel that is the case for everyone that may use the splash pad. She said she knows a lot of parents and they don’t attend any of their children’s functions and she feels that would be the case with the splash pad. She said it seems there could be a better appropriation of this money so it benefits the entire community.

**Charles Rooks**, 105 N Bennett Street, advised he was here two months ago and presented a petition basically opposing the splash pad project and the amount of money that was proposed to be spent. He said he understands that last month there was a discussion about moving the splash pad from Courthouse Avenue to the lot behind the bank building that Dr. Davis referred to. Mr. Rooks said he still stands with the opposition to the splash pad because of the amount of money that has been proposed and he has not heard of any changes in cost of construction. He said he has not heard of any cost numbers for operation for this facility. Mr. Rooks told the Board that he appreciates them having this meeting which is what he had requested. He said he would like for the Board to have more complete details on what this overall cost to include building cost as well as cost to run and maintain the facility. He asked the Board if any numbers have been determined. Mayor Mulligan advised the examples he has been given came from a study done by a university. He briefly reviewed some of the statistics quoted in the study.

Mr. Rooks said in the free enterprise system if this was a good business the people would put it in to make money and the public would not be spending tax dollars for a small percentage of the public. He said he still requests that the Board consider the money for streets and infrastructure instead of spending money on a splash pad.

**Charles White**, 601 Lee Drive, advised he cannot understand the expense of something that would be used only four months out of the year. He said he also cannot understand turning the parking lot of a building for a splash pad when you may need the parking lot for a business that goes in the building. He asked if the Board has spoken with the county about putting the splash pad at the ball park. He said this will be used by people in the county not just in Burgaw. Commissioner Dawson said the county manager has approached her and asked if Burgaw would consider partnering with the county to do some expansion to the park. She advised the county is currently working on a master plan for Pender Memorial Park. She said this has just been brought to our attention. She said both could partner together for a PARTF grant which would be of great benefit. Mr. White asked if someone could tell him what the cost of just putting in the splash pad. He said he was approached last year and asked if he would donate to the cause, he was told that it was about \$180,000 for just the pad (not including land cost etc.). Mayor Mulligan said that was the cost for just the pad (2400 sq. ft.) that was presented to the Board. Mr. White said he is totally opposed to whatever the Board decides to do regarding the splash pad.

**Pete Cowan** advised his message has not changed since two months ago in that he still has the same concerns. He said the individuals that have spoken to him regarding the splash pad have asked about the location and where are the kids coming from. Mr. Cowan said the majority of the kids in town are in five apartment complexes. He said we want whatever facility is decided upon to serve all the kids. He thinks location is one of the most important aspects of building a project. He said the cost is the second matter. He said we shared concerns two months ago that the \$772,000 which included re-working Courthouse Avenue was a number that no one could buy into. Another issue is maintenance and liability insurance. Mr. Cowan asked if other alternatives for recreation have been considered as an alternative to the splash pad. Mayor Mulligan said we have attempted for the last year and a half to get a location for a basketball court to no avail and we have looked at all sorts of places for this splash pad. Mayor Mulligan gave a lengthy review of steps that have been taken to find a location for the splash pad. Mr. Cowan said there is no question that the bank parcel is probably the focal point in our town but he hopes that parcel would have a higher

and greater use than a splash pad. He urged the Board to seek out grants to take the burden off the taxpayer. Mayor Mulligan said at this point before we go after grants we have to decide on a location and have a commitment from the Board to move forward with this project.

**Meg Smith** advised she is a part of the promotions/special events committee as well as a mom's group. She said we have done surveys in town and there is an interest in having some kind of water feature in Burgaw. She advised initially there was conversation with Dee Turner with Pender County and Ms. Turner helped them gather the information regarding numbers, cost, liability, etc. She said they felt this splash pad in the downtown area would help the economy as well as create something for the kids. She said this was presented to help the town, not just for people that wanted to come and play with their kids. She there has been twenty months of research and gathering of information. She advised they are more than happy to continue to work on this and support the town.

**Antron Hayes** advised he owns a flower shop at 112 W Courthouse Avenue. He expressed concern about parking if the splash pad is put on Courthouse Avenue. He said we already have a problem with parking. He said he feels the splash pad is a waste of money and what Burgaw really needs is an event center because he sends a lot of business to Duplin County and New Hanover due to a lack of venues in Burgaw that seats at least 300 to 400 people. He said you need something that will make the town some money. Mr. Hayes also advised he is currently in training for a learning alternative center to help children bring their test scores up and he feels that is a greater need than a splash pad.

**Karen Harding**, 318 S Walker Street said it's a park, a water park and it is for everyone in town; young or old, if you want to go to a park you can go. She said many sites have been looked at and due diligence has been done by lots of people and it is time to make a decision to either do it or not do it. She said there is a group of business people that are opposed to it but there is a group of business people downtown that are in favor of the splash pad. She said we need to think of this as a community that works for everyone, not just for individuals. She is concerned about people that are saying we don't want undesirables or project kids there, we don't want irresponsible moms. She said these are all people in our community. She said we should have things available for people in our community. She said there are people here that think it won't work for them but there are lots of people that it would work for and she hopes they take it into consideration that this is for an entire community. She said there is more parking at the bank than any place and it is shovel ready. She urged the Board to make a decision so that people that are willing to participate and fund raise can start to do that. Ms. Harding commented that the town's population is growing older and we need something to bring the young families here so they will stay and there will be activities for them.

**Charles Rooks** commented that Ms. Harding touched on several things that cause concern for him. He said she implied that we don't want things for young people. Mr. Rooks said the petition he brought in two months ago was not an aged petition; it was a petition from a cross section of residents of Burgaw and it was signed by approximately sixty people, but he said he doesn't see sixty people in here today supporting the project. Mr. Rooks said he thinks the Board should proceed with making a decision based on good information regarding wise spending of tax dollars. He said when he was growing up, his parents furnished activities and entertainment and he did the same for his children. He said society has reached a point that we think the government should provide us with more entertainment but at some point in time somebody's got to realize that maybe tax dollars are not for providing unnecessary things but for providing necessary needed things. He said he is asking the Board to consider those things.

**Charles White** said during the one year time frame that he was first approached about the splash pad he has had no favorable comments with the exception of two people. He said we need to be cautious in how we spend tax dollars because we are squeezing people bring jobs to this town.

**Pete Cowan** said he didn't know who referred to any undesirables but every kid in this town is important and we should make no distinction against any of them, where they live, where they work, race, creed or national origin.

**Charles White** said he is not opposed to a splash pad if it is done by private citizens raising the money to do it; I am opposed to tax payers doing it.

**Commissioner Harrell** said he has heard a lot of opinions for and against. The majority against the splash pad seem to be concerned about the amount of money that we are spending on what has been termed an entertainment for young people. We have spent quite a bit of money on what is considered entertainment for old people in our walking trail; we have spent a lot of money in various ways that have turned out to be positive assets for the community. He mentioned the depot and the community building renovations that have turned out to be positive for the community. Commissioner Harrell said he feels the splash pad is a potentially positive thing for the community; it is a sizeable expenditure but it's inordinate because the amount of return for our investment and building the community is worth the expense.

**Commissioner George** said he has received phone calls and the petition and it is not very favorable.

**Commissioner Dawson** said she feels we need to look into availability of partnering with the county because there are grants out there and maybe people would be more favorable towards that location. She said we need to take a little time because they are working on a master plan.

**Commissioner Robbins** said he has had as many people for it as against approach him. He said he has always been a proponent of doing things to move the town forward whether it is downtown or on the edge of the city limits; anything we can do to help keep people here or make people come here is money well spent. He said we are talking about \$180,000 when we just spent \$400,000 on a stormwater project at the hospital that no one complained about not to mention the millions that have been spent on water and sewer improvements that no one has said anything about. There was talk about frugality and being careful about how we spend our money when we have a fund balance that we are a little bit ashamed of because we are in such good financial shape that we can do things. He said he has mixed emotions about this splash pad and thinks if the perfect place had been found a year ago this splash pad would have already been built. He said he thinks it is money well spent if it is in the right place and if we can partner with the county and make it a bigger park that will bring more people to Burgaw he is all in favor of it. He said we probably need to wait and see which the county wants to go and that may be the perfect place for it.

**Commissioner Murphy** advised he pretty much agrees with the others and thinks it would be good if we could get the county to help with funding and work with us.

**Meg Smith** commented that she isn't sure that we can put the splash pad at the county facility because there is a lot of low spots and water on the fields during rains and doesn't think the health department will approve the tank and water features on that land. She said she thinks it is a great idea to go with the county but she doesn't know that it will work at that site. She advised they have looked into this in the past.

**Commissioner Dawson** advised that Pender County is not looking only at the existing park but they are looking at securing additional land to expand the park.

**Mayor Mulligan** said we live in a society not an economy. He said there are less young people and less children in this town. They leave because we don't have the facilities. He said we have built several parks and the walking trail and even though there is no financial benefit to the parks they are what makes the town what it is. He said \$180,000 in the scheme of things is a small price to pay for the facility that we provide. He said the question for the Board today is are we committed to building a splash pad; are we willing to commit \$180,000 for the splash pad. Does it benefit the town and do we think that behind the bank is a good location?

**Charles Rooks** said his concern is that initially the cost was \$180,000 and two months ago from the minutes that were approved that day the discussion was \$500,000. How can the Board make a decision without some better numbers or guidelines? Mayor Mulligan said we took your comments into consideration and looked for another site that would cost less. We found an alternative site which would reduce the cost and we know that the cost of the 24 square foot splash pad is \$180,000. The cost for the pad will be the same wherever we put it; it is the other items that will add to the cost which included demolition of a building, adding a pavilion, building walls etc. He said if the splash pad downtown we need to put public restrooms there as well but the cost of the splash pad itself is \$180,000.

**Dr. Joseph Davis** advised he visited the Pender Memorial Park today and I don't understand why that is not under serious consideration. There is lots of parking there as well as restrooms. Why would not look at that when you already have a serious shortage of parking downtown. He said he spent several thousand dollars to buy extra space from the neighboring property for employee parking so his patients could park close to his office. He said people in pain do not want to walk two blocks to get to the office. He said he has looked at all the parks in Burgaw and feels that Pender Memorial Park is the ideal place as opposed to squeezing it in downtown. He said you could turn that bank parking lot into a pay parking lot if you wanted to benefit the people that don't have enough parking here and sell annual passes for people that need the parking spaces. He said the people in the neighborhood by the Pender Memorial Park are already accustomed to the noise and the traffic; it is an ideal place for the splash pad and it makes sense to put it there because all of the other required amenities are there already.

**Commissioner Harrell** made a motion for the town to make a formal commitment to proceeding with plans for a splash pad with the thought of partnering with the county but proceeding with the splash pad whether that partnership works out or not. Motion died for lack of a second.

Commissioner Robbins said at this point he feels we need to instruct our town manager (since we have been contacted by the county through a board member) to meet with the county manager quickly and find out what their intent is. He said he thinks it is our intent to go along with a splash pad and maybe work with the county.

**Commissioner Harrell** said he wants to know if there are three votes on this board to support a splash pad.

**Commissioner Robbins** said he will go along with a splash pad or splash park but he wants to know where it will be, the size and other variables before he can say let's do it.

**Commissioner Dawson** asked if the Board will give her the opportunity to get with the county to see how quickly they are going to put that information together and bring it back before the Board. She commented that she didn't go to the county they came to her which says they are really serious about this project.

**Commissioner Harrell** said he is formally withdrawing his motion.

## **OTHER ITEMS**

### **Further Discussion regarding item C on the consent agenda Resolution 2017-04 Declaring Blueberry Festival Day in Burgaw**

Commissioner Robbins asked Mayor Mulligan if the board can revisit the item regarding the Blueberry Festival resolution that was tabled. He said Mr. Cowan is here and he thinks maybe we can get that taken care of now. Commissioner Harrell said he expressed his concern to Mr. Cowan regarding the closing of Fremont Street between Walker and Cowan at midnight on Thursday and Mr. Cowan agreed that it should have read midnight on Friday until midnight on Saturday. Commissioner Harrell also had another concern about closing Fremont between Wright and Dudley at 6PM on Friday. He asked if that could be changed closing the street at midnight because the early closing will affect two businesses severely. Mr. Cowan said he will have to go back to the Blueberry Festival Board because we have vendors that wish to set up there. He said we could certainly try to work around that because he thinks they did that last year. Mayor Mulligan said they closed up as far as Mr. Boney's tax office. Mr. Cowan said he will get back to the Board by the next meeting.

Commissioner Dawson made a motion to adopt Resolution 2017-04 without the Wright Street/Dudley Street closing and amend the closing of Fremont Street between Walker and Cowan to 12AM June 17<sup>th</sup> until 12AM on June 18<sup>th</sup>. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

#### **RESOLUTION 2017-04 DECLARING NC BLUEBERRY FESTIVAL DAY IN BURGAW**

**WHEREAS**, the first annual N. C. Blueberry Festival was held in Burgaw on June 26<sup>th</sup>, 2004; and

**WHEREAS**, that festival has become a tradition enjoyed by thousands of people; and

**WHEREAS**, the fourteenth annual N. C. Blueberry Festival is planned for June 16th-17th, 2017 in Burgaw; and

**WHEREAS**, the Board of Commissioners desires to make certain accommodations regarding the festival; and

**NOW THEREFORE BE IT RESOLVED** by the Town of Burgaw Board of Commissioners that June 17th, 2017 be declared "North Carolina Blueberry Festival Day" in Burgaw; and

**SECTION 1.** In order to accommodate the needs of the North Carolina Blueberry Festival, the following conditions and road closures are placed in effect:

- All peddlers, privilege licenses, and zoning permits for vendors, exhibitors, and participants properly approved by the festival are waived for the day of the festival
- Fremont Street between Walker Street and Cowan Street is closed from 12:00 am on June 17, 2017 through 12:00 am on June 18, 2017
- Fremont Street between Wright Street and Walker Street is closed from 11 am on June 16, 2017 through 12:00 pm on June 18, 2017
- Wright Street between Satchwell Street and Wilmington Street is closed from 6 pm on June 16, 2017 through 12:00 pm on June 18, 2017
- Walker Street between Fremont Street and Wilmington Street is closed from 6 pm on June 16, 2017 through 12:00 am on June 18, 2017
- Dickerson Street between Satchwell and Wilmington Street is closed from 6 pm on June 16, 2017 through 12:00 pm on June 18, 2017
- Courthouse Avenue between Wright Street and Dickerson Street is closed from 6 pm on June 16, 2017 through 12:00 pm on June 18, 2017

*Witness my hand and the corporate seal of said Town of Burgaw this the fourteenth day of March, 2017.*

## **PUBLIC FORUM**

**Charles Rooks** commented that NC Hwy 53 from the railroad bed to Lanier's Do It Best is wide enough for a center turn lane if you do away with some street parking in front of the Family Dollar. He said there is significant traffic on that street and there are numerous violations from drivers illegally passing drivers that are attempting to turn into the different businesses and streets along that stretch of street. He said he is asking that the town consider putting in a request for a center turn lane from the railroad tracks to the intersection of Smith Street. He said it is a hazard for people that are turning, clogging up traffic and making illegal passes. He also mentioned the Wilmington Street and 117 intersections, the Fremont Street and 117 intersections and the South Walker and 117 intersections as possible locations for turn lanes. He said he is asking to help traffic flow.

## **PUBLIC HEARING – Karen Dunn, Planning Administrator**

### **Consideration of an application for a text change amendment to add 'office, general' to the Table of Permitted Uses. (Opened at 6:42PM)**

Ms. Karen Dunn presented the following background information:

**Applicant:** Town of Burgaw Staff  
**Type of Request:** Text Change Amendment

#### **Meeting Dates**

Planning Board on February 16, 2017  
Board of Commissioners on March 14, 2017

#### **Background**

Everett Durham has discussed, with staff, the possibility of moving his marketing firm to a building on Cowan Street (this property is zoned O&I). Upon researching, it was discovered that Marketing is not a use that is listed in the Table of Permitted Uses. If Mr. Durham decides that he would like to move his business to the building on Cowan Street, his business would not be permitted.

Since the Table of Permitted Uses is extremely "use specific", staff is requesting the addition of Office, General use. This will capture other similar businesses that would generally be allowed in these districts, but a specific use is not listed. This will also avoid repeated text change amendments in the future.

Lists of the permitted and conditional uses for B-1, B-2, and O&I are attached.

**Section 6-2: Definitions of Basic Terms**

**Office, General:** An establishment primarily engaged in the day-to-day administrative or clerical services for businesses or other organizations, with little to no walk-in traffic from the general public.

**Section 8-2: Table of Permitted Uses**

Uses <sup>9</sup>	NAICS	RA	R-20	R-12	R-7	R-7MH	PUD <sup>2</sup>	O&I	B-1	B-2	I-1	I-2	C/P
<i>Office, General</i>								X	X	X			

**Planning Board Recommendations**

At their February 16, 2017 meeting, the planning board voted 4-0 to recommend that the Board of Commissioners approve and adopt the proposed text amendments to Section 6-2: Definitions of Basic Terms and Section 8-2: Table of Permitted Uses regarding the addition of Office, General in the B-1, B-2, and O&I zoning districts.

The Town of Burgaw Planning and Zoning Board recommended approval of the following statements at their February 16, 2017 regular meeting:

**Consistency Statement**

The board finds that the proposed text change amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan because allowing Office, General as a permitted use will support existing businesses and attract new businesses that will enhance the economic health and livability of the town.

**Recommendation Statement**

The Town of Burgaw Planning and Zoning Board recommends approval of the proposed text change amendment.

**Discussion**

Mayor Mulligan asked if any consideration has been given as to whether there will be an off street parking requirement for staff etc. at a business in these districts. Ms. Dunn advised she has not delved into off street parking yet and she will need to look at the UDO for an answer. While Ms. Dunn was searching for an answer to the Mayor’s question, Mayor Mulligan asked if this issue is imminent for Mr. Durham or can it wait. Ms. Dunn said she believes that Mr. Durham inquired about this in January and she doesn’t know if this is imminent.

Mayor Mulligan said we should table this item until next month because we have to see where all the particular zones are and we will need some sort of map so we know what is being discussed. Ms. Dunn said she can bring back all the different zoning areas and some recommendations on parking.

Mayor Mulligan closed the public hearing at 6:53PM.

Commissioner Robbins made a motion to table this public hearing until the April 11<sup>th</sup> Board meeting. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**OTHER ITEMS**

**Discussion – Results of Policy Finance Board Meeting**

**1. Re-examine the ordinance allowing living space behind retail space in the B1 business district to set a specific percentage or amount of area required for retail use.**

Commissioner Harrell advised there was concern that allowing domestic use of B1 areas on the ground floor essentially competes for business space. He said we need to establish a minimum amount of either square footage or percentage of the downstairs space that would be used for the businesses that are allowed under B1 designation. Commissioner Harrell said the committee recommends that 50% of a building that is 1500 square feet or smaller would be reserved for B1 use or 30% of a building larger than 1500 square feet.

Karen Dunn, Planning Administrator advised her department has begun to look into this and currently there are requirements for a conditional use to have either accessory apartments or residential but not in B1. She said by looking at those standards they have a definition that it is clearly subordinate to the principal use; she said that



would be interpreted less than 50% subordinate. Ms. Dunn said there is an ordinance that was approved in 2014 that describes the ability to have residential on ground level in B1 but it is a little confusing when you read it. She advised that item will be going to the planning board at their next meeting and they will look at that ordinance. She said she had read the minutes from the Policy/Finance Board meeting and this item will be brought to the Planning Board for discussion. She said they also need to discuss limiting the size of accessory apartments in RA, R20 and also B1 because currently there are no restrictions on those.

**2. Assess the directive from the Board of Commissioners to the Town Attorney to provide a written opinion prior to Conditional Use Permit hearings.**

Commissioner Harrell advised the board discussed written opinions provided by the town attorney before conditional use hearings are fulfilling their desired results. He said the discussion was centered around whether the opinions are a duplication of efforts or whether it is desirable to continue to have this or to discontinue the written opinions. Commissioner Harrell advised the decision was to discontinue the opinions.

After a brief discussion, Commissioner Harrell made a motion to suspend the attorney's written opinions on conditional use permit hearings. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**3. Consideration of a policy to identify capital projects adopted by the Board of Commissioners as part of the annual budget that are not completed by the end of the fiscal year with the intent of reassessing the priority, scope and budget of all unfinished projects.**

Commissioner Harrell advised the discussion regarding the identification of capital projects adopted by the board as part of the annual budget that are not completed by the end of the fiscal year indicated that we do not need to take any action on this subject at all.

**4. Consideration of our current salary policy and brackets.**

Mayor Mulligan said we have gone round and round on this. He said at some stage the Board of Commissioners made a decision to limit the size of a raise given to someone who is getting a promotion to 6% or to the bottom of the bracket to which they are being promoted. He advised further on in our policy it gave limited discretion to the town manager limited to the fact that the person is not willing to accept the job, it will be hard to find qualified candidates etc. We had this discussion and halfway through we stopped and said we would raise the percentage to ten percent and then that discussion was suspended. Right now it is a case of town policy is that the town manager has the discretion to pay anybody in his employ anything that he deems fit. Commissioner Dawson interjected that she remembers that we discussed this, made a decision and modified the personnel policy. Staff verified that the motion was made and the policy was changed. Mayor Mulligan said we eliminated the wording that limited his discretion to 6% or 10% and made the change in the personnel policy. Mayor Mulligan then asked Commissioner Harrell if he has any conclusion at the Policy/Finance meeting. Commissioner Harrell said "no". Mayor Mulligan said we leave it as is.

**Discussion – Results of Infrastructure Board meeting**

Mayor Mulligan advised there was discussion regarding expansion of water and sewer lines on Clark Street between Dudley and Smith streets.

Mr. McEwen advised this is an un-serviced area within the town limits. He said a builder is requesting permits to build along Smith Street and eventually turn onto Clark Street and build several houses. Mr. McEwen advised we have met with Tony Boahn and the infrastructure board and the recommendation is to move forward with engineering. He advised the cost for engineering is \$33,600 which will cover design, permitting, bid services, construction oversight, administration, project closeout and survey and easement maps. He also advised this project could require a capital project ordinance since it may span two fiscal years.

There was a lengthy discussion regarding the time line for installing the water/sewer lines as well as the subdivision regulations that will be required for the Clark Street area.

Commissioner Harrell made a motion to approve \$33,600 from water/sewer fund fund balance for engineering costs related to the expansion of water and sewer along Clark Street and to enter into a contract with McKim and Creed for said engineering. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ADJOURNMENT**

There being no further business, Commissioner Harrell made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

The meeting adjourned at 7:12PM.

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Eugene Mulligan, Mayor

Attest: \_\_\_\_\_  
Sylvia W. Raynor, Town Clerk