

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

DATE: April 08, 2014
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Howard Walker
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Kimberly Rivenbark, Planning Technician
Rebekah Roth, Planning Administrator
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Kristin Wells, Deputy Town Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Andy Pettigrew – The Pender Post
Stephanie Bowens, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Mulligan asked if there were any requests to amend the agenda. Mayor Mulligan requested removal of item 14 (Discussion Item – Filling of reserve WWTP tanks) from the agenda. There being no further requests for amendments, Commissioner Rooks made a motion to approve the agenda as amended. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Approval of Consent Agenda

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

- A. Approval of Minutes of February 19, 2014 special meeting (CIP) and approval of minutes of March 11, 2014 regular meeting
- B. Resolution 2014-08 Declaring Spring Festival Day in Burgaw

**RESOLUTION 2014-08
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 plant; and **NOW THEREFORE BE IT RESOLVED** by the Town of Burgaw Board of Commissioners that Saturday, May 3, 2014 shall be declared “Spring Festival Day” and that the following changes and directives shall be placed in effect during Spring Festival events only:

- Dickerson Street shall be closed between Wilmington Street and Courthouse Avenue during the street dance on Friday, May 2, 2014 between the hours of 6:00 PM and 10:00 PM only.
- Wright Street shall be closed between Fremont Street and Wilmington Street and Fremont Street shall be closed between Walker Street and Wright Street during the Spring Festival on Saturday, May 3, 2014 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 Saturday, May 3, 2014 between the hours of 6:00 AM and 4:00 PM only.

Adopted this 8th day of April, 2014.

- C. Resolution 2014-09 Approving a Contract with TA Loving for Repairs to Fire Hydrant at Bridgers and Smith Street

**RESOLUTION 2014-09
Resolution Approving a Contract with T.A. Loving Co. for Repairs
to the Fire Hydrant at Bridgers and Smith Street**

WHEREAS, several months ago a fire hydrant at the intersection of Bridgers and Smith Street was hit by a vehicle and sustained significant damage, and

WHEREAS, the Town of Burgaw solicited bids for the work associated with the emergency repair to the above referenced hydrant and received the following bids;

1. T.A. Loving - \$10,302.50
2. Skipper's - \$9,483.00
3. DSA - \$13,973.80

WHEREAS, based on the bids received as well as the contractor's ability to start and complete the emergency work in a prompt manner, T.A. Loving Co. was determined to be the preferred bidder to complete the required work, and

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:
Section 1: A contract with T.A. Loving for \$10,302.50 for the improvements associated with the emergency repairs to the fire hydrant at the intersection of Bridgers and Smith Street is approved.

SECTION 2. The Board hereby authorizes the Mayor or Town Manager to execute the necessary contracts in regard to the above referenced work.

WITNESS my hand and seal of said Town of Burgaw this eighth day of April, 2014.

SPECIAL PRESENTATIONS

Recognition of Winners of the Winter 2014 Trailblazer Team Challenge

Mayor Mulligan advised the Burgaw Trailblazers Program is a community-wide walking program that promotes and recognizes high levels of physical activity. He advised the top teams in each category will be recognized. Mayor Mulligan recognized Team Hot Trotts who walked a total of 1307 miles with an average of 326 miles per person. Team Hot Trotts was comprised of Team Captain Amanda Barbee and team members Becky Bell, Patty Glunt and Ana Aguilar. Mayor Mulligan also recognized Team Unique with a team mileage total of 887 miles and an average of 177 miles per team member. Team Unique was comprised of Team Captain Roy Lee Dudley and team members Jacquelyn Hicks, Arthur Hicks, Roberto Guerrero, Sr. and Etta High.

Recognition of Burgaw Trailblazer Participants reaching 100 mile, 200 mile and 300 mile Distance Milestones

The following participants were recognized for reaching the 100 mile, 200 mile and 300 mile distance milestones:

Courtney Donathon 134.44 miles, Mitzi Maynard 157 miles, Chad McEwen 167 miles, Rebekah Roth 194.6 miles, Pete Summers 105.24 miles, Jo Anne Casey Summers 229.03 miles, Louis Hesse 281.71 miles, Allen Wilson 297.21 miles, Kim Rivenbark 318.39 miles

DEPARTMENTAL ITEMS

Fire Department

Request for Approval of Civil Penalty Form for all Town of Burgaw Code Violations

Allen Wilson, Fire Administrator advised in an attempt to streamline the way fire code violations are handled and documented, the need of a civil penalty form was recognized. He advised he set out to develop a generic form that could be used by any town department who needs to assess a civil penalty for town code violations. The form that was presented to the Board was established through research of how other counties and municipalities assess similar penalties. The form will allow authorized town officials to cite code violations with penalties and give the town a way to track those events. He advised the form being presented will be numbered and printed with five carbon copies to facilitate better tracking and filing. Mr. Wilson advised he has received approval of the form from the Town Manager and the Town Attorney.

There being no discussion, Commissioner Dawson made a motion to approve the Civil Penalty Form as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. (Form on file in clerk's office)

Planning Department

Authorization of Mayor to sign application for NCDOT driveway permit for Walmart project on behalf of Town of Burgaw

Rebekah Roth, Planning Administrator advised at the March 18, 2014 conditional use permit public hearing for the proposed Walmart planned building group, the Board of Commissioners included a condition to the permit that required that "the Board of Commissioners shall be the administrative approval authority on behalf of the town for the NCDOT driveway permit." By signing the permit application, the board would be indicating that the plans being submitted to NCDOT meet with the town's requirements.

After a brief discussion, Commissioner Rooks made a motion to authorize the Mayor to sign the application for the NCDOT driveway permit for the Walmart project on behalf of the Town of Burgaw. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Police Department

Resolution 2014-10 Authorizing Disposal of Surplus Holsters

Jason Godwin, Police Captain advised the Police Department is requesting to Surplus 10 Safariland Duty Holsters for the Sig Sauer handguns which were surplused in September, 2013. He advised the 10 Duty Holsters do not fit the new Glock handguns currently carried as the police issue duty sidearm. Captain Godwin said approval of Resolution 2014-10 will clear the items from the inventory we now have.

After a brief discussion, Commissioner Tyson made a motion to approve Resolution 2014-10 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2014-10 AUTHORIZING DISPOSAL OF SURPLUS HOLSTERS

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of (10) holsters which were used as police service equipment; and
WHEREAS, said holsters have been used in service with the Sig Sauer pistols that have been decommissioned by the board and
WHEREAS, upon purchase of holsters the ten (10) current handgun holsters will no longer be used by the Police Department and should be declared surplus equipment of the Town of Burgaw; and
WHEREAS, the Chief of Police certifies that these items are not necessary or useful as evidence in a criminal trial; and
WHEREAS, North Carolina General Statutes 160A-270 allows municipalities to dispose of property by public auction by adopting a resolution; and
WHEREAS, the holsters are valued at less than \$ 500.00; and
WHEREAS, the following regulations are designed to secure for the Town of Burgaw the fair market value for the holsters and to accomplish the disposal efficiently and economically.
NOW, THEREFORE, BE IT RESOLVED by the Town of Burgaw Board of Commissioners that:

1. *The Board of Commissioners does hereby decommission the ten (10) holsters above issued to the Police Department and does hereby declare them to be surplus police equipment;*

2. *In accordance with GS 160A-270 said holsters shall be advertised electronically on www.govdeals.com for public sale.*

ADOPTED this eighth day of April, 2014.

ITEMS FROM ATTORNEY

Discussion – Regarding the status of the Interlocal Agreement between the Town of Burgaw and The Town of Wallace in regards to the sewer force main

Attorney Kenan reviewed the changes that have been made to the Interlocal Agreement between Wallace and Burgaw. He advised he has no problems with any of the changes that Wallace has made to the agreement. After a very lengthy discussion, it was the consensus of the Board to delay any action on the agreement until they have time to review the document more thoroughly. Attorney Kenan advised that they could consider recessing this meeting (at the end instead of adjourning) until April 22 at which time there is a special meeting already scheduled and this meeting could continue after the special meeting is completed. It was the consensus of the Board to delay action on this item until reconvening this meeting on April 22, 2014.

ITEMS FROM MANAGER

Discussion Item – Regarding creation of a Business Improvement District for Downtown Burgaw Pursuant to GS 160A-535 through 160A-544

Mr. McEwen advised that several months ago the issue of a Municipal Service District (MSD) (also known as a Business Improvement District (BID)) was discussed with the Board of Commissioners as part of a plan to assist with the revitalization and redevelopment of downtown Burgaw. Although rarely used as a tool for economic development, particularly the revitalization of a downtown area, a BID would provide the Town with the ability to incentivize private sector investment in properties located in the downtown area, as defined by a map. Mr. McEwen said implementation and use of a BID as governed by GS 160A-535 through 160A-544 must be for a defined purpose. He said the purpose the BID for downtown Burgaw is proposed for is “downtown revitalization project”, as defined in GS 160A-536 (b). These “downtown revitalization projects”, “are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area.”

Mr. McEwen informed the Board there are two options for the Board to consider regarding the Business Improvement District. After reviewing the options, he advised if the BID is approved, these grants would be provided on a “reimbursement basis only” and would be based on the applicant (business owner or property owner within the BID) reaching predetermined benchmarks as outlined by a performance agreement. He advised these grants would be provided from the Town’s General Fund Fund Balance and would be available for predefined expenses as outlined in the performance agreement. Any water and sewer impact fees would involve the transfer of applicable fees from the Town’s General Fund Fund Balance to the Water and Sewer Fund. Reimbursements related to construction cost and/or labor expenses would be made directly to the vendor or contractor upon proper inspection of the related improvements. He said it is recommended that applicable inspection fees would not be reimbursed as part of an incentive package.

During discussion there were many concerns voiced by the Board including but not limited to costs incurred by the Town, creation of a special class, unfairness to businesses outside the downtown area, concerns about businesses that have already paid impact fees, etc.

Commissioner Rooks said he is not in favor of the BID because it is not fair to other businesses and he does not favor grants of any kind. Commissioner Tyson commented it is not fair for the businesses that have already paid their impact fees. Commissioner Robbins was interested in whether or not revenues from Walmart could be used for downtown revitalization. Commissioner Robbins also stated that he is in favor of trying to do something for economic stimulus for downtown and feels that it will be a good step for revitalization of downtown.

After much discussion, Mr. McEwen reviewed the timeline of the process if the Board approves the establishment of a BID.

There being no further discussion, Commissioner Robbins made a motion to approve the creation of a Business Improvement District for Downtown Burgaw pursuant to GS 160-535-160A-544 as modified to option 2 with no restriction on types of uses that would be eligible. The motion was seconded by Commissioner Dawson. Commissioners Robbins, Dawson and Tyson voted "aye". Commissioners Rooks and Walker voted "nay". The motion carried with three in favor and two opposed.

ITEMS FROM MAYOR

Discussion Item - Partnerships with local community organizations to help develop recreational programs for the town

Mayor Mulligan advised an opportunity has arisen for the Town in cooperation with El Puente, a local non-profit to provide Zumba and nutrition classes free of charge to the town once per week in our community house. In addition to this class he advised he would like to take advantage of this opportunity to offer yoga classes once per week at 6:30 in the evening for a trial period of two months. He advised the responsibility for the classes will be assumed by a local non-profit and further expansion will be discussed by our Parks and Recreation committee and cleared through the Board of Commissioners in the future. Mayor Mulligan introduced Irene Edwards who was present to speak on behalf of El Puente.

Irene Edwards, Executive Director of El Puente gave a brief overview of her non-profit organization. She advised one of the missions of El Puente is preventive health care and keeping our communities healthy. She presented information regarding obesity, diabetes and poverty rates in Pender County and in Burgaw. Ms. Edwards advised they are proposing to utilize the Community House to offer nutrition and exercise classes for the community with a goal of positive healthy life styles. She commented there are other exercise classes in the area but no one is offering the nutrition component. Ms. Edwards advised they are collaborating with UNCW and BCBS Obesity Prevention Program. She briefly reviewed the program that will be offered which is geared toward teaching the woman of the house healthy life styles.

Ms. Edwards introduced Dr. Alex Daniels who is a retired research scientist in the field of metabolic diseases which included obesity and diabetes. Dr. Daniels advised he is very concerned about obesity and diabetes rates in North Carolina and the United States. He encouraged the Board to consider the proposed program and pointed out the positive outcome they hope to achieve.

Ms. Edwards advised there are currently no yoga classes available in the evening in this area. She said the nutrition and Zumba classes will be held in the mornings and are geared toward the stay at home moms. She advised the class is free of charge.

Mayor Mulligan advised the yoga classes will probably be offered once per week for a period of two months to determine if there is interest in the program. He informed the Board this class will require a town sponsorship of \$30 per week to pay the instructor as well as donation of the use of the building. He also said El Puente will be responsible for managing the classes as well as cleanup of the building afterward.

Commissioner Robbins asked Ms. Edwards if the class she is currently holding at St. Joseph's Church will be incorporated into the Burgaw class. She advised it is her goal to hold all classes in Burgaw and make it a town project.

Commissioner Rooks asked if the \$30 is for the teacher and if the town would be donating the building as well. Ms. Edwards advised that is correct.

Attorney Kenan asked if the town has a Parks and Recreation line item in the budget to pay the teacher. Mr. McEwen advised the funding would come from contracted services for the Community House.

Commissioner Tyson asked what happens when the floor begins to wear out from the activity. Mayor Mulligan commented that wear and tear on our Community House shows that it is being used.

Commissioner Robbins commented that he is in favor of the program and he has expressed interest in other programs as well that could be held after hours related to fitness.

Commissioner Robbins made a motion to proceed with the program as presented. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Nomination of seven members of Parks and Recreation Committee

Mayor Mulligan announced the following nominees for members of the Parks and Recreation Committee: Dayna Corcoran, Noah Harrell, Kourtnie Jeffcoat, Wilbert King, Brooks Murphrey, Michael Pearsall and Pete Summers. Commissioner Robbins made a motion to approve the nominations as presented. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Nomination of seven members of Promotions and Special Events Committee

Mayor Mulligan announced the following nominees for members of the Promotions and Special Events Committee: Gerald Collins, James Fouche, Paula Williams James, Monique Kirby, Ben Murphrey, Trisha Newton and Meg Smith. Commissioner Dawson made a motion to approve the nominations as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Set term limits for newly appointed members of the Parks and Recreation Committee and the Promotions and Special Events Committee

The following term limits were set for newly appointed member of the Parks and Recreation Committee and the Promotions and Special Events Committee:

<u>Parks and Recreation Committee</u>		<u>Promotions and Special Events Committee</u>	
Dayna Corcoran	3 yr. term	Gerald Collins	3 yr. term
Noah Harrell	3 yr. term	James Fouche	2 yr. term
Kourtnie Jeffcoat	3 yr. term	Paula Williams James	2 yr. term
Wilbert King	2 yr. term	Monique Kirby	2 yr. term
Brooks Murphrey	2 yr. term	Ben Murphrey	2 yr. term
Michael Pearsall	2 yr. term	Trisha Newton	3 yr. term
Pete Summers	2 yr. term	Meg Smith	3 yr. term

Commissioner Dawson made a motion to approve the terms as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Commissioner Walker inquired about how attendance at the committee meetings would be addressed if there are problems. After much discussion, it was suggested that we wait and see if there is a problem with attendance and address adding an attendance policy at a later date if it becomes necessary.

BREAK (5:00 or thereafter)

Mayor Mulligan called for a break at 5:25PM. The meeting reconvened at 5:35.

Other Items from the Mayor

Mayor Mulligan complimented the Public Works for a good job done during the harsh winter that we have experienced. He also complimented Jackie’s Nursery and the Board for sponsoring her work. He advised the flowers planted downtown (especially the tulips) are beautiful. Mayor Mulligan also thanked Mr. McEwen and Ms. Roth for the great job done for the Arbor Day tree giveaway.

Mayor Mulligan commented that he would like to see a new policy implemented by the Police Department in which at least thirty minutes per day (day shift) is dedicated to the officers being out of the car and walking the streets and visiting with citizens and businesses.

Mayor Mulligan also commented there is a problem with police officers traversing the town at a higher rate of speed than necessary. He said he doesn't believe it is necessary for a police officer to be exceeding the speed limit for any reason in a town this size.

Commissioner Walker commented that sometimes the officers leave town when there is a major emergency in the general area just outside the city limits. He said it leaves the town unprotected. Mr. McEwen advised that problem has been addressed recently and the officers should stay in their jurisdiction.

Mayor Mulligan also commented there is a problem with multiple officers showing up when one officer has stopped someone for a violation, etc. He advised when the second officer goes to the scene it is usually at a higher than necessary rate of speed and it is possible it could endanger others on the streets.

Mr. McEwen asked the Board how they want to have these issues addressed.

Commissioner Rooks said we need to have a meeting with the police chief. He commented that he hears more complaints about the police department than any other department. Commissioner Rooks requested to schedule time on our next agenda to address some of these concerns.

PUBLIC FORUM

Johnny Griffin with the Wilmington Regional Film Commission appeared before the Board to request that they consider reviewing their policy for charges for the use of police vehicles during film events. Mr. Griffin advised currently the Town of Burgaw charges \$30.00 per hour for the use of police cars during filming. He reviewed the charges used by other surrounding departments which range from no charge to a \$50 flat fee per day. He advised that over time these charges add up and he is hoping the Board will reconsider this policy in the future. Mr. McEwen advised the hourly rate could be amended to a lesser amount or they could use a flat fee for the first four hours and after four hours pay for a full day. After much discussion, the Board requested that the manager bring back some recommendations at the next meeting.

ITEMS FROM BOARD OF COMMISSIONERS

Commissioner Robbins asked if there have been any updates on the proposed sidewalk to the senior center on Walker Street. Mr. McEwen advised Beau Memory has not responded to the most recent emails he sent, although he knows the engineers are still working on the encroachments. Mr. McEwen advised he will call Senator Rabon about the issue.

Commissioner Dawson asked when Wilmington Street repairs will be completed. Mr. Fay said at this time he is reluctant to say because of the previous delays. He advised he is very frustrated with the situation. He said they are making progress albeit very slow. Mr. McEwen advised the last projected completion date he heard was sometime near the end of May. There was much discussion regarding this project.

Commissioner Rooks advised there is a temporary patch on Smith Street that needs to be taken care of before the rehab project is finished. Mr. Fay advised that issue is on the list to be taken care of.

Commissioner Tyson questioned whether or not we need to keep the town car (Taurus) or do we need to surplus it and allow staff to drive their personal cars and be reimbursed. She commented that if we are not going to use it, get rid of it so we don't have pay insurance and upkeep on it. After a lengthy discussion, it was the consensus of the Board to surplus the Taurus and pay town employees for travel at the IRS rate.

Commissioner Tyson stated there have been several discussions about the old EMS building but no action is ever taken. She said she would like to see the Board move on that and she would like to see it torn down. She said the building looks bad and it does not complement the recently renovated old jail and community house. Commissioner Rooks commented there has been discussion regarding needing more space for offices and asked if the EMS building could be renovated for use by the police department. Mr. Hesse reviewed some recent informal bids he had received regarding the renovation of the building. After much discussion regarding what to do with the building, Commissioner Tyson made a motion to surplus the old EMS building. The motion was seconded by Commissioner Dawson. Commissioner Rooks called for more discussion. He said we have already talked about getting money for the building and not tearing it down at our expense. Mr. McEwen advised we could do sealed bids and put a minimum bid of one dollar on the building and then list everything that needs to be done including demolition, removal of concrete, backfill on grade etc. After more discussion, it was suggested to try selling the building on Govdeals for a starting price of \$5000 plus conditions and if it doesn't sell, we will go back to the sealed bid format with a minimum bid of one dollar. There being no further discussion, Commissioners Tyson, Dawson, Robbins and Walker voted "aye". Commissioner Rooks voted "nay". The motion carried four to one.

Mayor Mulligan requested that letters of thank you be sent to members of the boards that were abolished by ordinance recently. Mr. McEwen advised he would take care of that.

PUBLIC HEARING

Public Hearing – To obtain citizen input into the identification of community needs and desired Community Development Block Grant activities

Mayor Mulligan declared the public hearing open at 6:24PM. He advised there were no citizens signed in to speak at this hearing.

Mr. McEwen advised this item involves an application for a grant to supplement the zero percent twenty year loan on the water rehabilitation project. Mr. McEwen read a lengthy statement regarding the requirements for the grant. He advised the Town of Burgaw's project will provide greater than fifty percent benefit to low or moderate income persons which meets the criteria for the grant. He advised that having read the statement provided by the NC Department of Commerce/CDBG program, the Town has met requirements to move forward with the next step which is hold two public hearings on April 22, 2014 at 9:00AM to formally approve the application. There was no action required by the Board at this time. Mayor Mulligan closed the public hearing at 6:27PM.

BREAK - Mayor Mulligan called for a five minute break at 6:30PM.

CLOSED SESSION

Mayor Mulligan opened the closed session at 6:35PM pursuant to GS 143-318.11 Paragraph (a) items (5) contract and (6) personnel.

OPEN SESSION RECONVENED

Mayor Mulligan declared the open session reconvened at 7:25PM.

Commissioner Dawson made a motion to amend the agenda to add agenda item 26 to amend the agreement between the Town of Burgaw and the Burgaw Area Chamber of Commerce regarding office space and leasing obligations related to the Historic Burgaw Depot. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

MEETING RECESSED

Commissioner Tyson made a motion to recess this meeting until the adjournment of the special meeting on April 22, 2014. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The meeting recessed at 7:30PM.

BOC MINUTES
APRIL 08, 2014

MEETING RECONVENED

Mayor Mulligan reconvened the April 08, 2014 meeting at 9:15AM on Tuesday, April 22, 2014.

PUBLIC FORUM RE-OPENED

At the request of two citizens, the Board agreed to re-open the public forum session and allow them to address the Board.

Rick Beacham whose house backs up to the Osgood Canal presented pictures of the canal bank to the Board. Mr. Beacham advised the recent work that was done to shore up the bank has begun to wash away and he has concerns that the bank will continue to decay. Bill Fay, Public Works Director advised he has made contact with the company that did the original work on the town right of way and has asked them to come back and look at it to see if there is anything that can be done. Mr. Beacham also expressed concerns about his side of the bank not being stable. Mr. McEwen advised he has had a call from another property owner that wants the town to work on the bank by his business. Mr. McEwen reminded the Board and Mr. Beacham that the town is confined to work in areas in which the town has an easement and we cannot work on private property. After much discussion, Mr. McEwen advised he and Mr. Fay will continue to look into the situation to find a solution.

Justin Rojas, 119 E Woodbine Terrance advised he appeared before the Board a few months ago regarding the issues with the developer and the homeowners association at Teal Briar. Mr. Rojas said the developer (JTV) somewhat turned over the HOA to the residents. Mr. Rojas said the residents have concerns about the streets and infrastructure in the development. He advised they have no money to makes repairs if anything breaks and he is concerned that they are still unable to come to terms with the developer regarding several situations. He said negotiations with the developer have been next to impossible and he is asking the Board if they can do anything to help the HOA deal with the issues in the development. Mr. Rojas advised the roads are degrading every day and there is no money to deal with the problems. He said they would love to turn it over to the town but they don't want to give the town a shoddy project.

Mr. McEwen advised this issue has been going on ever since he has been working with the town and there has been no solution to the situation. He said communication with the developer has been difficult and almost nonexistent at times. He said he is frustrated with the situation and doesn't have an answer. Mr. McEwen said before considering the town taking over the roads it would be necessary to hire an engineer to look at the situation to see what we are getting into. After a very lengthy discussion, it was the consensus of the Board to have Attorney Kenan draft a letter to the developer addressing the situation.

Continuation of Discussion – Regarding the status of the Interlocal Agreement between the Town of Burgaw and The Town of Wallace in regards to the sewer force main

Attorney Robert Kenan advised on April 08 the Board requested more time to review the Interlocal Agreement between the Town of Burgaw and the Town of Wallace before making any approval of the document. Attorney Kenan briefly reviewed the background related to the color coded changes in the document. Commissioner Rooks directed their attention to section 2.6.6. Commissioner Rooks stated that this section references that Burgaw will issue permits to all industrial users but the last sentence reads “no permit will be issued if Wallace objects”. Commissioner Rooks asked if we are complying with state guidelines, why Wallace has the right to object. Mr. McEwen said if there is a problem at our pretreatment site, Wallace will hold the town and the user responsible. Commissioner Rooks said it appears to him that this gives Wallace complete right of refusal in the event we have a new business that wants to locate here but Wallace can say no, we don't want that business. After much discussion, Attorney Kenan advised the sentence needs to be reworked to state that “their objections must be based on some reasonable standards and is in compliance with State permit guidelines and is in compliance with the Town of Burgaw's pretreatment ordinance; and if it is within the guidelines an objection cannot be raised”.

Commissioner Rooks questioned section 4.0 which references support of land application of wastewater and other bio-solids. After a brief discussion, it was the consensus of the Board to remove that section because it is not

relevant to this project. Attorney Kenan advised he doesn't feel this section is needed and if Wallace objects to the removal of section 4.0, then the Board can reconsider that amendment.

There being no further discussion, Mayor Mulligan called for a motion on the interlocal agreement with Wallace.

Commissioner Tyson made a motion to forward the proposed amendments to the interlocal agreement between the Town of Wallace and the Town of Burgaw regarding the sanitary sewer force main based upon the amendments that are highlighted in blue, red and green within the agreement as well the proposed amendments discussed during the Town of Burgaw Board of Commissioners meeting on April 22, 2014 and to forward such interlocal agreement to the Town of Wallace for their consideration and report back to the Town of Burgaw of their acceptance, denial or modifications of their amendments. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Discussion – Regarding Agreement with Burgaw Area Chamber of Commerce

Mr. McEwen advised based on a previous conversation regarding the leasing arrangement with the Chamber of Commerce, the agreement has been revised to reflect that the Chamber will no longer be responsible for leasing of the event space. He said the leasing will be handled in house by existing town staff. He advised he has gone through the agreement and deleted the relevant portions related to the leasing obligation.

Attorney Kenan expressed concern about the building being open and accessible. Mr. McEwen advised the building is open and accessible when the executive director of the chamber is in her office but the director has fluctuating hours.

Commissioner Dawson asked how many people have keys to the depot. Mr. McEwen replied other than town employees; at least two entities have keys to the depot. Commissioner Dawson expressed concern about how many keys are going out to individuals through the Chamber. Mr. McEwen said there shouldn't be any keys being passed around because there is a lock box at the depot where the keys should remain at all times. Commissioner Dawson expressed concern about having a presence in the building in the event someone is in need of information about the depot. After much discussion, Mr. McEwen advised he will work out something to make sure that information is available in order for the proper town staff member to be contacted.

Commissioner Tyson made a motion to approve the amended agreement between the Town and the Chamber of Commerce as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Adjournment

There being no further business, Commissioner Dawson made a motion to adjourn. The motion was seconded by Commissioner Tyson and carried by unanimous vote. The meeting adjourned at 10:25AM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk