

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

DATE: April 10, 2018
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth Cowan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT: Joseph Pierce, Town Manager
Sylvia W. Raynor, Town Clerk
Zachary Rivenbark, Interim Town Attorney
Alan Moore, Director of Public Works
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Jim Taylor, Fire Chief
Wendy Pope, Finance Officer
Karen Dunn, Planning Administrator
Kimberly Rivenbark, Community Development Coordinator
Kristin Wells, Deputy Clerk
Zachary White, Parks/Recreation Coordinator
MEDIA PRESENT: None
INVOCATION: Reverend William Smith
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Commissioner Robbins advised Ms. Jeannette Jones has requested to be removed from the agenda. There being no further amendments, Commissioner Robbins made a motion to approve the agenda as amended. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Approval of Consent Agenda

Commissioner Harrell requested to remove item B from the consent agenda for discussion. There being no further requests, Commissioner Harrell made a motion to approve the consent agenda as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

- **Minutes of the March 13, 2018 regular & closed session meetings**
- **Resolution 2018-04 Authorizing Disposal of Surplus Property (John Deere Tractor)**

**RESOLUTION 2018-04
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of (1) 2004 John Deere 5303 Farm Tractor; and

WHEREAS, said tractor has been in service for several years but, due to wear and tear, it has been deemed obsolete however retains a value of at least \$5,000; and

WHEREAS, North Carolina General Statutes 160A-268 allows municipalities to surplus and dispose of property by adopting a resolution authorizing the sale; and

WHEREAS, it has been determined that this property retains value; and

WHEREAS, the following regulations are designed to secure for the Town of Burgaw the fair market value for the vehicle and to accomplish the disposal efficiently and economically.

WHEREAS, pursuant to Article V Section 231 of the Town of Burgaw Code of Ordinances, the Town Manager may dispose of personal property when the item(s) has a value of less than \$5,000, is no longer required for the conduct of public business, and the interest of the Town is best served by the proposed disposal;

NOW, THEREFORE, BE IT RESOLVED by the Town of Burgaw Board of Commissioners that:

1. *The Board of Commissioners does hereby decommission one (1) 2004 John Deere 5303 Farm Tractor and does hereby declare it to be surplus property;*
2. *The Town of Burgaw will accept trade-in value of \$5,000 toward purchase of new New Holland tractor.*

ADOPTED this tenth day of April, 2018.

INTERIM TOWN ATTORNEY SELECTED

Mayor Cowan advised at this time we will deviate from the agenda for some business that needs to be taken care before we continue the meeting. He called on Joseph Pierce, Town Manager to address the Board. Mr. Pierce advised due to the resignation of Attorney Robert Kenan the town is without legal counsel at this time. He advised after speaking to each Board member regarding an interim attorney until one is appointed by the Board, we have received a contract for legal services from Attorney Zachary Rivenbark for his services at a rate of \$150.00 per hour which is the same rate as our previous attorney. Mr. Pierce said this is a formality since the Board has previously agreed to accept Mr. Rivenbark's offer. There being no further discussion, Commissioner Harrell made a motion to accept Zachary Rivenbark as the interim town attorney. The motion was seconded by Commissioner George and carried by unanimous vote.

SPECIAL REQUESTS/PRESENTATIONS

Olivia Dawson, NC Blueberry Festival – Follow up on last month's street closing request

Ms. Dawson advised she is here to follow up on the proposed street closings for the Blueberry Festival primarily on the 100 block of West Fremont Street. She said she has spoken with the business owners as requested by the Board and the only issue is Harvey's Tavern because the owner wants the west end of Fremont Street left open for patrons to be able to drive to his business. She said in the past Fremont Street has been closed up to Harvey's Tavern with the remaining part of the street to be open. She also advised that she has ordered signs stating the downtown businesses are open during the festival activities. Commissioner Harrell said the merchants on the southbound lane of Wright Street between Wilmington Street and Courthouse Avenue have requested that lane stay open from 3PM to 6PM on Friday and the traffic could exit down Courthouse Avenue. Ms. Dawson said that would not allow for vendor set up. Mayor Cowan said the departing vehicles would have to back out and turn right and it would be a dangerous situation with vendors trying to set up and people walking in the streets. Chief Hock advised this set up would create a dangerous traffic situation in that area and it is not advisable. The Board was also reminded that the magic show for the children starts at 5PM which will create more foot traffic. Commissioner Harrell said the businesses are adamant that the street be left open for business traffic. Commissioner Robbins said he has always supported keeping a portion of Fremont Street open for the food and drink establishments but he feels this year will be different than in the past. He said he volunteers on Friday night and he feels with the magic show there will be more people coming early because there will be a lot more activity than in the past. He said he will go along with closing Fremont Street because there will be more foot traffic and if he can agree to close Fremont Street for all the businesses he thinks that Wright Street needs to be closed as well. Commissioner Robbins said he feels there will be too many people just driving through downtown sightseeing. Ms. Dawson said sightseeing drivers have been a problem in the past. Mayor Cowan asked what the pleasure of the Board is since they have heard the requests and the responses.

Commissioner Robbins made a motion to go with Ms. Dawson's original recommendation as presented. The motion was seconded by Commissioner Dawson. Commissioners Robbins, Dawson and George voted "aye". Commissioners Harrell and Murphy voted "nay". Motion carried three to two.

The following requests were approved for the Blueberry Festival events:

- *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 16, 2018 through 11:00 pm on June 16, 2018
- Fremont Street between Wright Street and Walker Street is closed from 11 am on June 15, 2018 through 11:00 pm on June 16, 2018
- Fremont Street between Wright Street and Dickerson to be closed to incoming traffic at 6pm
Fremont Street between Wright Street and Dudley Street is closed from 12:00 am on June 16, 2018 through 11:00 pm on June 16, 2018
- Wright Street between Fremont Intersection and Wilmington Street is closed to incoming traffic at 3pm and closed to all traffic at 5pm on June 15, 2017 through 11:00 pm on June 16, 2018
- Wright Street between Satchwell Street and Wilmington Street closed from 6 pm on June 15, 2018 through 11:00 pm on June 16, 2018
- Walker Street between Fremont Street and Wilmington Street is closed from 5 pm on June 15, 2018 through 12:00 am on June 16, 2018
- Dickerson Street between Satchwell and Wilmington Street is closed from 6 pm on June 15, 2018 through 11:00 pm on June 16, 2018
- Courthouse Avenue between Wright Street and Dickerson Street is closed from 6 pm on June 15, 2018 through 11:00 pm on June 16, 2018

ITEM B FROM CONSENT AGENDA

Consideration of Resolution 2018-03 Amending Article V, Section 13 of the Town of Burgaw's Personnel Policy Changing the Time Frame for Annual Performance Evaluations

Commissioner Harrell asked Mr. Pierce to explain the reason behind changing the timing of employee evaluations. Mr. Pierce advised when someone is hired they are evaluated on their anniversary date every year but then another evaluation is done prior to the merit process at the end of the fiscal year which is in June. He said essentially the employees are receiving two evaluations per year; one with nothing attached to it and the other one with a merit increase attached. Mr. Pierce said it was confusing to employees and department heads to have two evaluations per year. He advised having one evaluation per year in the month of May would simplify the process and then by June 1st after evaluations have been submitted we will have a good idea of what the merit pool will look like. He said making this change will eliminate much confusion in the process.

Commissioner Harrell made a motion to adopt Resolution 2018-03 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2018-03 CONSIDERATION OF A RESOLUTION AMENDING ARTICLE V, SECTION 13 OF THE TOWN OF BURGAW'S PERSONNEL POLICY

WHEREAS, the Town of Burgaw Board of Commissioners approved the use of the Personnel Policy on September 11, 2012; and

WHEREAS, the Board of Commissioners wishes to amend the Personnel Policy based on the attached amendments to *Article V, Section 13, Performance Evaluation*.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby amends the Personnel Policy to reflect the changes attached below:

Article V – Personnel Policy Section 13 Performance Evaluation

*The appropriate supervisor or Department Head shall annually review the performance of each employee during the month of May and the Performance Evaluation Form (Annex 1) must be received in the Town Manager's office prior to June 1st to determine if a merit based increase would be applicable on the first pay day of the fiscal year. Performance shall also be evaluated at the time of a transfer or promotion so that the entire year's work history is reflected. The supervisor shall ensure that all changes in employee duties are reviewed and incorporated into a current job description. The performance evaluation shall be placed in the employee's official personnel file in the Town Manager's Office or Personnel Department. The **Performance Evaluation Form (Annex 1)** shall be used.*

Adopted this 10th day of April 2018.

DEPARTMENTAL ITEMS

FINANCE – Wendy Pope, Finance Officer

Consideration of Resolution 2018-05 Approving a Contract with S. Preston Douglas & Associates, LLP for the Town of Burgaw’s Annual Financial Audit

Ms. Pope advised in April 2017, a three-year audit contract was awarded to S. Preston Douglas & Associates, LLP. She said she has received the contracts to sign for the fiscal year ending 6/30/2018. She also advised the Town of Burgaw audit continues at \$11,000 and the TDA audit is \$2,150. Ms. Pope advised the recommendation is the approval of the resolution approving a contract with S. Preston Douglas & Associates, LLP for the Town of Burgaw’s and TDA’s annual financial & compliance audit.

Commissioner George made a motion to approve Resolution 2018-05 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2018-05
RESOLUTION APPROVING A CONTRACT WITH S. PRESTON DOUGLAS & ASSOCIATES, LLP FOR ANNUAL AUDIT**

WHEREAS, the Town is required by the Local Government Commission (LGC) to conduct an annual financial audit; and

WHEREAS, an audit for fiscal year 2017-2018 will be due by October 31, 2018; and

WHEREAS, on April 11, 2017, the audit contract for the 2016-2019 audit and preparation of financial statements was awarded to S. Preston Douglas & Associates, LLP in the amount of \$11,000 for each Fiscal Year; and

WHEREAS, S. Preston Douglas & Associates, LLP has submitted an audit contract for the Fiscal Year 2017-2018, in the amount of \$11,000, to perform the Town’s audit, and an audit contract for Fiscal Year 2017-2018, in the amount of \$2,150, to perform the Tourism Development Authority’s audit.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

The audit contracts for the Town of Burgaw and Tourism Development Authority’s 2017-2018 audit and preparation of financial statements is awarded to S. Preston Douglas & Associates, LLP for Fiscal Year 2017/2018.

Approved April 10, 2018

PARKS AND RECREATION – Zachary White, Parks and Recreation Coordinator

Courthouse Avenue Building Demolition and Removal Bids

Mr. White advised he has received three quotes from the following contractors: Eastern Environment Inc. - \$13,600; Hutcheson Landscaping, Inc. - \$10,500; Ed Miko - \$5, 700. Mr. White advised Ed Miko is the low bidder but is currently unavailable due to health problems but could probably do the job in about four weeks.

After discussion, Commissioner Robbins made a motion to contract with Hutcheson Landscaping for \$10,500 plus a 15% contingency. The motion was seconded by Commissioner Harrell and carried by unanimous vote. The Board requested that Mr. White be mindful of the upcoming festivals and to get this demolition done before the Spring Festival if possible.

Courthouse Avenue future plans

Mr. White advised he had requested suggestions from the Board members regarding the type of amenities they would like to see at the Dees Park property once the demolition is complete and the lot is prepared for construction. He said he has received suggestions such as public rest rooms, a lawn game area, picnic area etc. He advised he would like to know if there is anything else before he begins the planning and quotes process. After a brief discussion, Mr. White was requested to start on some preliminary plans for the park amenities to bring back to the Board at the next meeting. Mayor Cowan asked if the Board wanted to pursue the possible purchase of Mr. Boney’s

adjacent property during this process. The Board was in agreement to look into purchasing the Boney property for further discussion.

4H Summer Camps

Mr. White said he and the Pender County Parks and Recreation Department and the Pender County 4H leader have discussed the possibility of holding summer camps in June, July and August. He advised there will be a culinary project, a birdhouse project and a plant project during the camps. He advised the Pender County Extension Office is booked for the entire summer and he is requesting to use the community house for these camps. He said there will be a charge for the camps but the money will be taken up by the 4H department prior to the camps being held at the community house. He advised he is asking the Board if they are willing to allow this because Community House policy states that no money can be taken up at any event held there. He said there is a fine line between taking up money ahead of time and taking it up at the door. Mr. Pierce said the Board could consider allowing this because 4H is a not for profit entity and the money will not be used for personal gain, it will be used for public service. Commissioner George made a motion to waive the fees collection policy on the Community House since 4H is a non-profit organization and this is also a Parks and Recreation event. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Harrell Park Playground

Mr. White advised Harrell Park playground equipment is due for replacement because the equipment is 22 years old. He wanted to ask the Board if they are interested in setting aside \$20,000 in the CIP budget so he can lock in an accurate quote for the equipment. He advised we would need \$20,000 this year and \$25,000 next year for replacement of the playground equipment. After discussion the Board decided to hold this item for discussion at the budget workshop meeting.

Presentation of Design for Town Parks Signs

Mr. White presented a rendering of two designs for park signs for the Board's review. He advised there will be a new sign for each park and all signs will be the same design. The Board chose sign design D for the final design.

PLANNING – Karen Dunn, Planning Administrator

Review and analysis of road and pedestrian infrastructure concerns

Ms. Dunn advised the Board of Commissioners asked staff to look at options to improve various intersections and crosswalks throughout town for vehicular, bicycle, and pedestrian travel. On January 25, 2018, Jessi Leonard, NCDOT Division 3 Traffic Engineer and Allen Hancock, Assistant Division Traffic Engineer made several site visits with staff to areas of concern identified by the Board. Several options for enhancing pedestrian safety at uncontrolled marked crosswalks and intersection improvements to more effectively move traffic during peak travel hours were reviewed. She advised she has provided in the packet a number of potential improvements that don't have any estimated cost. She said she is trying to come up with some prioritizing of some of these improvements for the CIP. Ms. Dunn advised after speaking with Mayor Cowan this presentation would probably be more appropriate for the budget workshop on May 10 with some very specific estimates for some of these projects. After some discussion, she advised she will bring back more detailed information regarding the proposed projects.

ITEMS FROM MANAGER – Joseph Pierce, Town Manager

Discussion Item – Agreement with McGill & Associates – Analysis of System Development Fee

Mr. Pierce advised there is a new law in effect called the Public Water Sewer System Development Fee Act which allows local government utilities specific authority to assess one type of charge called a system development fee. He advised effective July 1st the town can no longer assess impact fees. Mr. Pierce said there is a specific seven step process to go through in order to implement the act. He said the first step is professional analysis meaning we will need an engineer. Mr. Pierce advised we have been approached by Mr. James Bourey with McGill and Associates who has offered his services at a cost not to exceed \$7,500. Mr. Bourey said he has seen other firms that charge up

to \$20,000. He advised this company is well versed in putting this together and going through each step of the process and we need to start now. Mr. Pierce advised this is mandated and we will start with the professional analysis. He reviewed the steps that must be taken and advised the Board that he is requesting approval to enter into an agreement with McGill and Associates for a fee not to exceed \$7500 to begin this process and be compliant by July 1 which is mandated by the state.

Mayor Cowan commented that he feels we need to investigate this further before hiring a firm to start the required process. Ms. Pope advised the problem with waiting is that if we don't have something in place by July 1st we will have to refund all the impact fees collected in the past year. She explained in detail what needs to happen within the next few weeks in order to meet the deadlines. After discussion, Commissioner Dawson made a motion to enter into an agreement with McGill and Associates for an amount not to exceed \$7500.00. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Discussion Item – Process of Hiring a Permanent Town Attorney

Mr. Pierce advised there are several ways to go about the hiring of a new town attorney and he needs direction from the Board. He reviewed several methods that can be used and recommended advertising and taking resumes and having the Board review them and make a decision. He advised Zachary Rivenbark will be in place until the end of June.

Commissioner Robbins made a motion that we go with the recommendation to advertise through the League for a two week period and then the town manager will submit the resumes to the Board for review. The motion was seconded by Commissioner George and carried by unanimous vote.

Osgood Canal Condemnation – Attorney Rhett Pollock

Attorney Rhett Pollock was retained to handle the condemnation of the Corcoran property along the Osgood Canal. Attorney Pollock advised he met with Mr. Pierce and discussed the very tight timelines on the project. Attorney Pollock briefly reviewed the steps required for a condemnation process beginning with the notice to the owners. He said nothing can be done for thirty days once the notice goes out. He advised on day thirty one the Town can file a complaint at the clerk of court office to initiate the actual lawsuit. He advised at that time the town will make a deposit with the court in the amount of \$1,951.00 which is the appraised value of the land being taken and a memorandum of action will be filed with the register of deeds. He said at that moment the town's right to proceed and their interest is vested immediately upon the filing of the complaint, depositing the money and filing the notice with the register of deeds. He then advised at that time the town may go on the property and begin the necessary work on the project. He said with this process there is a 120 day period for the Corcoran's to file an answer and they may extend it for another 30 days after that. He said the only issue they can argue about is the money. He advised just compensation is the ultimate issue that can go before the clerk and through the court. He said they cannot hold the town hostage through that time period. Attorney Pollock said the Corcorans can file an injunction to stop the project but it would be a difficult process to make a good faith argument in their favor. He said the statute is very clear in cases such as this. Attorney Pollock said his plan is to get the paperwork filed and get things moving so the town can get started on the project. Attorney Pollock asked the Board about their plans for the gabion wall because that will have to be included in the paperwork that he will prepare. The Board advised they are in agreement to include the gabion wall.

Release and Indemnification Agreement with Karen Harding and Eugene Mulligan

Mr. Pierce said Attorney Kenan was given direction by the Board to draft an agreement that would release any town employee from any liability in order to go and remove the fill from the floodway. He said the release was drafted and sent to Ms. Harding and Mr. Mulligan and was returned in a hybrid format. He presented copies of the original agreement and the agreement returned by Ms. Harding and Mr. Mulligan. He advised the red lines through the original agreement are the parts that were omitted from the agreement that was signed and returned by Ms. Harding/Mr. Mulligan. Mr. Pierce said he asked Attorney Kenan if this amended document is sufficient to release any town employees from or any of the officials from any liability. Attorney Kenan said "no". Mr. Pierce advised the Board that his recommendation is to require the original agreement to be signed and agreed upon by Ms.

Harding and Mr. Mulligan or the other option is for the town to go through the notice of violation process. He said it must be one or the other because agreeing to the hybrid form that we received back is not going to release us from any future liability.

Attorney Rivenbark said he needs to review this document but in the release we need to specify as was originally done why they are in violation. He also said that he doesn't know what the objection is to calling the Town of Burgaw a North Carolina Municipal Corporation because we certainly are. He advised that in and of itself has some liability concern that needs to be addressed. He said he would be more than happy to go through this document and find out what the actual problem is.

Ms. Harding commented that she just didn't type the whole document for the sake of time. She said the section that states that she is the problem is what she disagrees with and she will not sign it as it is for that reason. She was asked to point out the section that she is opposed to. She advised that the section that reads 'Whereas, Harding-Mulligan have caused to be located within the floodway on their property certain fill material' is the only thing she objects to.

Attorney Rivenbark stated that simply indemnifying the Town of Burgaw does not specifically indemnify all of our employees or whoever might be going out there to remove the fill or release them from any liability. Attorney Rivenbark said he recommends that we continue this so he can thoroughly review the document but if they want a specific answer right now he would say no that does not indemnify the town, its elected officials and all employees. He said there also needs to be a statement as to why we are going on the property and what we are doing and that would be the line that Ms. Harding wants removed from the document. Ms. Harding commented that she did not cause the problem.

Mayor Cowan stated to the Board that you have heard the attorney's recommendation and I need a motion to continue this item. Commissioner Dawson made a motion to continue this item until the attorney can review the documents further. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Fire Department

Chief Taylor advised he wanted to let the Board know that last week the fire department responded to a call on the Shaw Highway. While there a citizen at the scene collapsed. He advised four members of the department put an AED on the individual, shocked him and brought him back. Within fifteen minutes the patient was talking to them and Pender EMS arrived shortly thereafter to transport him to the hospital. Chief Taylor said he wanted the Board to know that our members brought somebody back and he felt that was something that the Board needed to know about. There was applause all around and Chief Taylor said they are working on recognition for those firefighters that were involved.

BREAK 5:32 – 5:43

PUBLIC FORUM

No speakers.

PUBLIC HEARING - *Joseph Pierce, Town Manager*

Consideration of Rescinding Ordinance 2014-10 Parks and Recreation Committee and Promotions and Special Events Committee and creating a Parks and Recreation Advisory Board

Mayor Cowan declared the public hearing open at 5:44PM.

Mr. Pierce advised this is an amended draft of the consolidated Parks & Recreation Ordinance and the Promotions and Special Events Committee ordinance which was reviewed by the Board at last month's meeting.

Mr. Pierce advised upon review of the draft last month the Board requested to change the membership from five members to seven members and to have the committee submit to the Parks and Recreation Director a full and

complete draft of the minutes of the meeting to be presented to the town clerk to be disseminated to the Board of Commissioners. He said other than these two changes everything stands as it was at the last meeting.

Commissioner Harrell stated that he would like for the Board to be able to nominate potential members as well. Commissioner Robbins was in agreement with Commissioner Harrell's request.

There being no further discussion, Mayor Cowan closed the public hearing at 5:45PM.

Commissioner Harrell made a motion to approve Ordinance 2018-04 to include an amendment to receive nominations from the Mayor and Board of Commissioners. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2018-04
RESCINDING ORDINANCE 2014-10 PARKS AND RECREATION COMMITTEE AND PROMOTIONS AND
SPECIAL EVENTS COMMITTEE AND CREATING A PARKS AND RECREATION ADVISORY BOARD**

WHEREAS, the Town of Burgaw Board of Commissioners desires to rescind in its entirety Ordinance 2014-10 regarding the Parks and Recreation Committee and Promotions and Special Events Committee; and

WHEREAS, the Town desires to create a Parks and Recreation Advisory Board as set forth below.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:

In regards to the Parks and Recreation Committee, Division 2 Sections 2-211 through 2-215 of the Town of Burgaw Code of Ordinances are hereby rescinded and replaced with the following:

Created

There is created a board to be known as the Parks and Recreation Advisory Board.

Composition, terms, vacancies, and compensation

The Parks and Recreation Advisory Board shall be composed of a seven (7) member body consisting of residents of the Corporate Limits of the Town of Burgaw. Appointments to the Parks and Recreation Advisory Board shall be based on the following criteria;

- 1) Members shall be nominated by the Mayor and Board of Commissioners and appointed by majority vote of the Board of Commissioners
- 2) Members shall serve three year terms.
- 3) Members of the Parks and Recreation Advisory Board shall not be compensated for their participation in the Board. However, members may be reimbursed for verified expenses incurred as part of their service to the Board.
- 4) The Mayor or his/her designee and Parks and Recreation Director shall serve as a non-voting ex-officio member of the Parks and Recreation Advisory Board.

Appointment of officers and meetings

The Parks and Recreation Advisory Board shall appoint from its membership a chairman, vice chairman, and secretary. The secretary shall serve as clerk to the board and shall be responsible for taking accurate minutes in regard to meetings of the Parks and Recreation Advisory Board.

The Parks and Recreation Advisory Board shall set a regular schedule for meetings and the chairman may call a special meeting upon request of a majority of members of the board. The Parks and Recreation Advisory Board shall meet at least once every four –calendar month period. Two weeks prior to the meeting the secretary shall provide the Parks and Recreation Director and the Town Clerk with the following information pursuant the open meetings law:

- 1) An agenda for the upcoming meeting
- 2) Time and location of the scheduled meeting
- 3) Within two weeks of the Parks and Recreation Advisory Board meeting, the committee shall present to the Parks and Recreation Director a full and complete draft of the minutes of the meeting to be presented to the Town Clerk to be disseminated to the Board of Commissioners for review in the weekly update.

Powers and Duties

The Parks and Recreation Advisory Board shall only have the authority vested by this ordinance and shall serve in an advisory capacity only. This board shall have the primary responsibility of collaboration with the Parks and Recreation Director for future capital projects as well as special events related to parks and recreation. In addition, this Board shall be responsible for aiding the Parks and Recreation Director in developing and administering recreational programs for Town residents. The Parks and Recreation Advisory Board shall have no responsibility or oversight of any operational or maintenance responsibilities related to any Town park facilities. This responsibility shall fall under the oversight of the Parks and Recreation Director.

The Parks and Recreation Advisory Board shall have no authority to enter into contracts or incur or obligate any Town resources without the express approval of the Board of Commissioners.

Report to the Board of Commissioners

The Parks and Recreation Director shall make a report on the activities of the Parks and Recreation Advisory Board at the December meeting of the Board of Commissioners. The report shall include an accounting of all recreation programs administered by the department as well as any proposed parks and recreation capital needs proposed for the upcoming fiscal year.

In regards to the Promotions and Special Events Committee, Division 3 Sections 2-216 through 2-220 of the Town of Burgaw Code of Ordinances are hereby repealed.

This ordinance shall become effective immediately upon adoption on this the tenth day of April, 2018.

ITEMS FROM ATTORNEY

Attorney Zachary Rivenbark asked if he could have the Board's permission to speak with Ms. Harding and Mr. Mulligan regarding the release and indemnification agreement. The Board was in agreement for him to do so.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins asked for an update from Mr. Pierce regarding the blueberry sculpture. Mr. Pierce advised he has spoken to Craig Brown and he advised he has some finishing touches to add and then the sculpture will be powder coated and ready for inspection. Mr. Brown has advised the sculpture will be complete by the festival.

Commissioner Robbins asked the status of the street sweeper. Mr. Moore advised it is scheduled to be serviced next week. Commissioner Robbins asked Mr. Moore if there was a new street sweeper put in the budget. Mr. Moore advised the current sweeper is being repaired.

Commissioner Robbins asked if there is a possibility of getting a summer uniform for the police officers that would be more comfortable in the heat. Chief Hock said he could look into other materials but they still have to wear the vest underneath and that is the cause of some of the discomfort in the summer. Chief Hock advised since he came here he has worked toward a more uniform look for everyone. He advised they all have festival uniforms with a polo shirt and six pocket pants and he has added training uniforms to the upcoming budget which consists of six pocket pants and a polo shirt. He said the police officer's uniforms as well as the sheriff's officer's uniforms are both hot in the winter and cold in the winter but that is the nature of the beast. Chief Hock said he appreciated the concern but he likes the idea of a uniform look throughout the department. Commissioner Robbins agreed that everyone should be wearing the same thing.

Commissioner Dawson asked Alan Moore if we are still on track to start paving in the third week of April. Mr. Moore advised that was what he heard as of last week.

Commissioner Dawson asked about the meeting regarding the sidewalk along South Walker Street. Ms. Dunn advised it will be at 10:30 on Wednesday morning. Commissioner Dawson said she will be there and she will be requesting them to go to the site because she wants to point out some problem areas to the parties involved. She spoke briefly about the issues that she sees.

Mayor Cowan advised in July 11, 2017 the Board voted to grant a five foot easement to Dr. Joseph Davis whose building is encroaching onto the bank property recently purchased by the town. He said there was never any action taken by the town to provide the easement. Dr. Davis is present at the meeting and is requesting to purchase the five foot easement so he will own it free and clear. He would like to landscape the area beside his building. Dr. Davis advised he will provide the survey and pay the cost of an appraisal on the property. Dr. Davis advised the town can choose the appraiser and he will pay for it. Attorney Rivenbark advised he would like to review the map to determine if there is any liability to the town before he recommends that the town moves forward with the sale. The Board was in agreement move forward with what has been discussed.

Mayor Cowan advised if it is the pleasure of the Board he will make contact with Mr. Boney and start a dialogue regarding the purchase of his property which is adjacent to the Dees property recently purchased by the town. The Board was in agreement to move forward Mayor Cowan's request.

Mayor Cowan advised there has been a meeting regarding the sidewalk on South Walker Street. He asked Mr. Pierce to comment to the Board. Mr. Pierce advised he has received numerous complaints regarding the installation and the methods of installation. He said Alan Moore and Matt Myslow have been witness to the problems. He said Mr. Myslow has been instrumental in bringing the issues to the engineers on site and got nowhere with them. He said they made contact with Darren Howell, NCDOT project manager for this project and held a meeting to discuss the issues. He advised Mayor Cowan, Alan Moore, Matt Myslow and Tony Boahn were also present. Mr. Pierce advised there was some apprehension from the project managers about accepting the fact that there are problems with the project until Mr. Myslow and Mr. Moore presented photographic proof of some of the issues. They then acknowledged that there are some installation issues, some issues regarding tearing up personal property, issues with the drop yard etc. Trevor Carroll and Darren Howell, NCDOT engineers assured us that they would address those issues. He said there has not been any feedback from that meeting which is why he glad there will be a meeting tomorrow from which we can hopefully get some feedback on whatever resolution they came to in order to address those issues. Mr. Pierce advised there have been some negative reports regarding the contractors that are installing the project and NCDOT is not pleased with that either. He said this was the lowest bid and unfortunately this is the result of the lowest bidder doing the job. He said he looks forward to solving these issues and also wants look into how it is possible that NCDOT is installing this sidewalk in their right of way but the Town of Burgaw will responsible for it after they leave. He advised when he gets that information he will pass it on to the Board.

Mayor Cowan advised he has been contacted by Tim Denny who owns McDonald's and he has been in contact with other owners of various properties and they will come to us later in the year and request that we consider providing them with holiday decorations in that area.

There being no further discussion, Mayor Cowan called for a motion to go into closed session. Commissioner Harrell made a motion to go into closed session. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

CLOSED SESSION – Pursuant to GS 143-318.11 paragraph (a) item (6) Personnel (6:14PM)

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

OPEN SESSION RECONVENED (6:37PM)

Upon reconvening to open session, Commissioner Robbins made a motion to approve a \$5,000 retainer and other legal fees and/or settlement expenses on behalf of Louis Hesse associated with a claim. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ADJOURNMENT

Commissioner Harrell made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The meeting adjourned at 6:45PM.

Kenneth T. Cowan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk