

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

DATE: May 09, 2017
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Director of Public Works
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Wendy Pope, Finance Officer
Karen Dunn, Planning Administrator
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: None
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

Approval of Agenda

Commissioner Harrell made a motion to approve the agenda as presented. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

Approval of Consent Agenda

A. Approval of Minutes of regular session and closed session of April 11, 2017; approval of minutes of April 20, 2017 special meeting

Amended Motion Request for Item A: Mayor Mulligan requested to have Commissioner Dawson amend her motion regarding the increase in police pay because he felt there was ambiguity in the motion as stated in the April 11, 2017 regular session minutes.

New Motion: Commissioner Dawson made a motion to approve a \$4500 increase for each of the officers with the money coming out of the hire lag from the police department. The motion was seconded by Commissioner George. Commissioners Dawson, George, Robbins and Murphy voted "aye". Commissioner Harrell voted "nay". Motion carried.

B. Ordinance 2017-08 Budget Ordinance Amendment FEMA Funds

ORDINANCE 2017-08
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 received reimbursement from FEMA for expenses associated with Hurricane Matthew; and

WHEREAS, the Town of Burgaw has incurred expenditures for debris removal and disposal, emergency protective measures and road repair, additional revenue and expenditure must be recognized.

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

Section 1: The FY 2016-2017 budget be altered to reflect the following changes:

<u>INCREASE BUDGETED REVENUE</u>		
<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-3760-00-200	FEMA – Natural Disaster Reimb	\$78,384.04

<u>INCREASE BUDGETED EXPENDITURE</u>		
<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-6000-00-590	NON-DEPARTMENTAL Reserve	\$78,384.04

C. Ordinance 2017-09 Insurance Proceeds Fire Department 2016 Chevrolet Truck

ORDINANCE 2017-09
 AMENDING FISCAL YEAR 2016-2017 ANNUAL BUDGET
 Increasing Revenues and Expenditures

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

WHEREAS, the Fire Department experienced an accident involving the 2016 Chevrolet Silverado Pickup Truck; and

WHEREAS, a National General Insurance adjuster estimated that the total repair cost of the damage would total \$3,034.16; and

WHEREAS, the Town has received \$3,034.16 to cover the cost of the repairs to the 2016 Chevrolet Silverado Pickup Truck; and

WHEREAS, the Town of Burgaw would like to recognize \$3,034.16 from this settlement into the FY 16-17 budget, therefore, additional revenue and expenditure must be recognized.

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

Section 1: The FY 2016-2017 budget be altered to reflect the following changes:

<u>INCREASE BUDGETED REVENUE</u>		
<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-3730-00-800	Insurance Settlements	\$3,034.16

<u>INCREASE BUDGETED EXPENDITURE</u>		
<u>Account Number</u>	<u>Account Description</u>	<u>Amount</u>
10-5300-10-170	M&R Vehicles	\$3,034.16

D. Resolution 2017-16 Removing ORC Position from Organizational Chart

RESOLUTION 2017-16
 AMENDING THE PERSONNEL POLICY TO REFLECT THE REMOVAL OF THE UTILITY &
 COMPLIANCE SUPERVISOR/ORC POSITION

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

WHEREAS, the Town of Burgaw Board of Commissioners approved removal of the vacant Utility & Compliance Supervisor/ORC position from the Town of Burgaw’s Personnel Policy at the Board of Commissioners meeting on April 11, 2017; and

WHEREAS, the Town of Burgaw Board of Commissioners wishes to replace said position with an additional Maintenance Worker I position in the Town of Burgaw Public Works Department.

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 by removing the job description and title from the organizational chart as stated above.

Adopted this 9th day of May 2017.

There being no further changes, Commissioner Robbins made a motion to approve the consent agenda as amended. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

SPECIAL REQUESTS/PRESENTATIONS

Elouise Fennell – Discussion regarding Hayes Street etc.

Elouise Fennell, 726 S Dickerson Street, advised she owns property on Hayes Street near the park. She said since the park was built the ditches are clogged and the water doesn't flow as it should. Mayor Mulligan advised we are currently working on drainage and will check on that situation.

Ms. Fennell said she started putting out construction and demolition (C&D) debris in March and was told by Mr. Colon that it would be picked up. She said weeks went by and it was not picked up and she put more debris out and it still was not picked up. She advised she received a call from the Town Manager stating that the debris would not be picked up. Mr. McEwen advised it is not a matter of whether it is contractor generated or not, we don't pick up C&D material beyond a 2x4x8 which is the size of a truck bed. He said we have a limited capacity for C&D materials, we have a dumpster just like every commercial business in town and it has to be dumped and it has to be paid for. He said this is the policy the board approved two years ago. He also advised this is not the first issue with Ms. Fennell and large amounts of debris that the town does not pick up.

Ms. Fennell said this debris was not put out at one time; it piled up gradually because it was not picked up regularly. She said that she has had issues with neighbors putting their debris on top of hers. Mayor Mulligan advised Ms. Fennell that is very difficult for town employees to determine whose trash is whose when it is piled up together and not putting debris in front of the house it came from makes it more difficult. Mr. McEwen advised he doesn't remember that debris being put out piecemeal but does remember Mr. Colon and Mr. Moore bringing it to his attention about 2-3 weeks ago as to what they should do about it. Mr. McEwen advised they looked at the policy and the amounts exceeded the limits and he advised public works should not pick it up. He said Ms. Fennell called him and asked for a copy of the policy; he printed a copy of the policy for her and she picked it up at the window. He advised he has not spoken to her since.

Mayor Mulligan spoke at length to Ms. Fennell regarding the policy and how it should work and her issues with the town about the debris pickup. Mr. McEwen presented a picture of the debris to the Board for their review. After a lengthy discussion, Commissioner Robbins said this looks like a case of failure to communicate and he thinks we should go ahead and pick it up. Mayor Mulligan said he agrees that we should pick up this debris but this is an exception because of the lack of communication and the fact that Mr. Colon is no longer here to explain his side of the story. Mayor Mulligan reiterated this is an exception and hereafter the policy will be followed.

Commissioner Robbins made a motion to approve picking up the debris put out by Ms. Fennell on Hayes Street. The motion was seconded by Commissioner Murphy. Commissioners Robbins, Murphy, Dawson and Harrell voted "aye". Commissioner George voted "nay".

Ms. Fennell brought up a third complaint about a utility bill at one of her rental houses and the fact that her tenants cut the water on and lived there for two years without paying a bill. She said that when it came to her attention that water was on illegally she was told that she was going to have to pay the bill. Mr. McEwen advised that the tenants said the water was already on when they moved in. He said ironically none of this came to light until the letters regarding the new meters that would be radio read came out and it was realized that issue regarding the use of the water would come to light. Mr. McEwen advised there was a payment plan set up with the tenant to pay the back bill but he is not sure where that stands now. Ms. Fennell wanted to know what the policy is regarding water being cut on without permission. Mayor Mulligan stated that we need to address the fact that ultimately the land lord should be responsible for their property. Mr. McEwen agreed that if every property is undersigned by the land lord a lot of these issues in which the town gets stuck with large water bills would be taken care of. There was much discussion regarding policies and the fact that maybe the policy should be changed to give the responsibility of the bills to the landlord.

DEPARTMENTAL ITEMS

Finance – Wendy Pope, Finance Officer

Resolution 2017-14 Surplus of Chevrolet S-10 Truck and Bar Screen

Ms. Pope advised the Town has obsolete property that needs to be included in our surplus items. The Town wishes to sell the items listed below by the best possible method:

- One (1) 1996 Chevy S10
VIN# 1GCCS14X6TK122794
Odometer: 91,836
- One (1) Huber Technology Bar Screen

Mayor Mulligan requested that the Chevy S10 truck be advertised on Craig's List as well as the Burgaw Swap, Sell, Trade site due to the limited audience in the newspaper.

Commissioner Dawson made a motion to approve Resolution 2017-14 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2017-14 AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of (1) 1996 Chevrolet S10 and (1) Huber Technology Bar Screen; and

WHEREAS, said vehicle has been in service for several years but, due to high mileage and wear and tear, it has been deemed obsolete; and

WHEREAS, the Bar Screen was in operation at the wastewater plant closed in 2012, at which time it became obsolete; 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 each of these items retain 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) 1996 Chevrolet S10 and one (1) Huber Technology Bar Screen and does hereby declare them to be surplus property;*
2. *The Town of Burgaw will accept sealed bids for the 1996 Chevrolet S10 until 3:00 PM, Thursday June 9, 2017, at which time all bids shall be opened in public and the amount of each bid recorded;*
3. *The Town of Burgaw will submit specifications of the Huber Technology Bar Screen to GovDeals.com for sale at on-line auction.*

ADOPTED this ninth day of May, 2017.

Planning – Karen Dunn, Planning Administrator

Discussion Item – Quasi-judicial Procedures Training Opportunity

Ms. Dunn reminded the Board that the UNC School of Government will be holding its 2017 Spring Planning and Development Regulation workshop in Wilmington at Thalian Hall/City Hall, 102 North 3rd St. at Chestnut St. on

June 1, 2017. She advised the topic for the half day workshop is Quasi-judicial Procedures from 1pm-430pm. These trainings are excellent and highly recommend for all Boards making or advising on land development regulation decisions, including governing boards, planning boards, boards of adjustment, and preservation commissions, as well as planning and zoning staff.

Fire Department, Allen Wilson, Fire Administrator

Discussion Item – St. Helena Fire Tax

Mr. Wilson advised he has presented information regarding tax revenues for the Village of St. Helena. He presented the following background information.

Revenue options for 2017-2108 CIP

The purpose of this letter is to outline the fire department's revenue stream for 2017-2018. Currently the fire department budget is \$523,312, which includes all 2016-2017 appropriations. The department receives funding from several sources to make up its revenue each year, they are listed below.

Pender Central Fire Tax - \$296,260 (\$0.09)

St. Helena Fire Contract - \$22,300 (\$0.07)

State of NC Fire Protection Contract - \$7,000

Town of Burgaw - \$179,080 (\$0.66) (remaining balance minus insurance and fund raising proceeds)

Pender Central Fire District is currently at \$0.09 per hundred. There is one district currently at \$0.11, one district at \$0.10, and several at \$0.9 and \$0.07. A rate increase of \$0.01 could generate an additional \$31,000. Pender Central Fire District Tax was increased \$0.02 back in 2014.

The Village of St. Helena pays a contract price of \$22,300, which was based on an estimate of \$0.07 per hundred on property values. I am not sure when this fee was negotiated, but I know it has not been re-negotiated since 2006. A rate increase of \$0.01 could generate \$3,200.00 in additional funding.

The State of North Carolina Contract is a flat rate payment made by the state for protection of state owned property. This is not negotiated revenue.

The Town of Burgaw currently fills in the remaining balance of the fire department budget. This past year that equates to \$0.66.

It is important for all tax districts to share equally the costs of maintaining fire protection.

Commissioner Robbins stated that realistically the Village of St. Helena is virtually the same as Pender Central in regards to terrain etc. and they have not had a fire tax increase in about twelve years when everyone across the county has had increases. Commissioner Robbins asked if we need to make a decision tonight. Mr. Wilson and Mr. McEwen both advised this is a time sensitive matter due to budget planning in process for both St. Helena and Pender County. Commissioner Robbins said Pender Central is pretty much the same as everyone else in Pender County but he feels that the St. Helena tax needs to go up two cents. Commissioner Harrell said he agrees with that.

Commissioner Robbins made a motion to propose to increase St. Helena fire tax from .07 to .09. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

There was much discussion regarding whether or not there should be an increase in the Pender Central fire tax. Commissioner Robbins asked why we need an increase for Pender Central. Mr. Wilson advised the overall cost of providing service has increased and about two thirds of our calls are in Pender Central and mutual aid calls for other departments. There was a lengthy discussion regarding how fire tax is divided up and if enough revenue is coming in to cover the required expenses. There was also discussion about the time sensitivity of requesting a change in the Pender Central fire tax and submitting that request to Pender County in time for their budget purposes.

Commissioner Harrell made a motion to request the Pender County Board of Commissioners to approve a one cent increase for the Pender Central Fire District. The motion was seconded by Commissioner Dawson. Commissioners Harrell, Dawson, George and Murphy voted "aye". Commissioner Robbins voted "nay".

ITEMS FROM ATTORNEY – Robert Kenan, Attorney

BOC MINUTES

MAY 9, 2017

5

None.

ITEMS FROM MANAGER – Chad McEwen, Town Manager

Resolution 2017-15 Consideration of the Approval of a Contract with Carolina Management Team (CMT) to Address Sewer Collections Systems Inflow and Infiltration (I&I) at Several Locations

Mr. McEwen advised based on field research and inspections from the public works department several areas of significant I&I have been identified. He said the areas included under this work represent the worst areas that have been located to date. He also advised these areas involve both manhole relining and vault repairs. He reminded the Board that the FY 16-17 budget includes \$10,000 for I&I repairs. Due to the specialized nature of the repair only one quote was obtained. Mr. McEwen said the recommendation is the approval of the proposal from Carolina Management Team in the amount of \$9,771.

Commissioner Robbins made a motion to approve Resolution 2017-15 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2017-15
Consideration of the Approval of a Contract with Carolina Management Team to Address Sewer Collections Systems Inflow and Infiltration (I&I) at Several Locations**

WHEREAS, the Town wishes to address several sources of stormwater inflow and infiltration (I&I) into the Town's sewer collections system; and

WHEREAS, through examining lift station run times during rain events and field inspections the Public Works Department has identified several critical locations where I&I is present, and

WHEREAS, the Town has solicited a proposal from Carolina Management Team who is an established company in the area of I&I remediation, and

WHEREAS, Carolina Management Team has provided a quote in the amount of \$9,771 to address these critical sources of I&I.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby approves a contract with Carolina Management Team in an amount not to exceed \$9,771 for the above referenced project.

Adopted this 9th day of May 2017.

Discussion Item - Consideration of Purchasing FY 2017-2018 CIP and Departmental Priorities with Current Year Revenues

Mr. McEwen advised based on the anticipated revenues next year it will not be possible to fund all Board and departmental priorities requested for next year. He said one way to help insure that all CIP and departmental requests are covered is to use unencumbered FY 16-17 revenues and non-departmental reserve funds to purchase items prior to July 1. The list below outlines the method in which these items would be purchased and the source of the funds to be used. He advised the recommendation is that all items listed below are approved for purchase and all necessary purchase orders are secured prior to May 15th. Mr. McEwen said without purchasing these items in the current year, many of these items will not be included in the budget for next year.

FY 17-18 Capital and Departmental Priorities-Proposed for Purchase in 16-17

General Fund

Approximately \$79,000 (Unencumbered) is currently in Non-Departmental Reserve. I would propose spending all of the ND Reserve at this time in order to accommodate the 5 cent tax decrease requested by the Board and to provide funding for all CIP and departmental priorities. The itemized list is included below:*

Active Shooter Vests- \$6,000

Speed Trailer- \$8,000

Automatic Transfer Switch- \$11,000

MDT Computers- \$5,000

Police Pak Server- \$3,000

Shotgun/Rifle Mounts- \$6,000

Unmarked Police SUV- \$38,500

Fence/Dumpster Enclosure behind PD, FD, TH- \$4,100

BOC MINUTES

MAY 9, 2017

6

Security Plus Camera for Town Hall- \$700
Undercover Camera- \$2,000
Radar- \$1,600
Subtotal = \$85,900**
*Mower for 17-18 purchased on 4/14 via ND Reserve (number above reflects purchase)
** Difference will come from other PD line items with surplus funds within FY 16-17

Please note the dump truck that was prioritized is not included in this list but has a government contract price of \$60,650 from Fairway Ford that is expiring in mid-May. The price will likely go up after that date. I would propose using the FEMA reimbursement from Hurricane Matthew to purchase the truck in FY 16-17. The total reimbursement from FEMA was \$78,384. If you will recall an appropriation for the expenses related to the storm was not made (other than debris grinding) so these expenses were absorbed by each departmental budget.

Sanitation and Drainage

Contracted Services appears to have around \$13,000 in surplus in FY 16-17. I suggest we use this money to purchase the mosquito sprayer that was a CIP priority with these funds. The estimated cost of the sprayer is \$13,000.

Water and Sewer Fund

Sewer Reserve has approximately \$17,728 in surplus in FY 16-17 I suggest we use \$9,000 of this to purchase the sewer camera that was a CIP priority.

Mayor Mulligan asked if it is critical that this be decided today because he would like to wait until the budget workshop to discuss this. Mr. McEwen advised that some items are critical especially the dump truck because the price is only good until next week and is subject to change. Mayor Mulligan said he has no problem with the dump truck. Mayor Mulligan said he would like to have further discussion on the SUV for the police department. Mr. McEwen said the only other time sensitive item is the mosquito sprayer which they would like to get before July 1 in order to get ahead of the mosquito problems. Commissioner Robbins said many of these items are safety related for our police officers and our citizens. He said we need to go ahead and choose the ones we need now and hold off on until the budget workshop.

Commissioner Robbins made a motion to pull the Police SUV from the list and approve the purchase of all the remaining items on the list. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Discussion Item - Consideration of Combining the Job Description for the Fire Administrator's Position with the Duties and Responsibilities of the Fire Chief's Position within the Burgaw Fire Department

Mr. McEwen advised this in an effort to combine the Fire Administrator's administrative responsibilities as a town employee with the volunteer fire chief's responsibilities from an operational standpoint into a single position that is essentially a town employee but also the chief of the volunteer fire department. He advised this has been discussed with the volunteer membership and they were receptive to the idea and they recommended that this occur. Mr. McEwen said having the two different and distinct positions creates operational issues. He said it is the consensus of the volunteer membership that this is the best course of action to consolidate those two positions into a single hired position by the town.

Allen Wilson, Fire Administrator advised consolidation of the two positions makes the requirements much easier to follow. He advised per general statues the Fire Chief has the legal responsibility of the fire department but the way the system is here in Burgaw, the town hires an administrator with all the authority of the fire department, the two cannot really act without each other. The person that has the legal responsibility doesn't really have the authority to do anything and vice versa for the fire administrator. It makes it much easier for one person to be in charge. He also said the fire chief's position will bring in better qualified candidates.

Mayor Mulligan said he feels that the Fire Chief should be required to live within the corporate limits (which has been struck through in the job description). Mr. Wilson advised the job description reads that the fire chief must reside in the Pender Central Fire District. Mr. McEwen advised there has been a personnel policy re-write from the time that Mr. Wilson was hired and that Mr. Wilson was required to live in the fire district. Mayor Mulligan said we have strayed away from requiring employees to live in town and we should get back to that. Commissioner Harrell agreed and said this was something that he was planning to bring up at a later date and that he would like to include it as a preference, not as a requirement, but to have preference for people living in the Town of Burgaw or willing to move to the Town of Burgaw should be included. Commissioner George asked if he means "make the fire chief live

in Burgaw”? Commissioner Harrell said not make him but prefer when we are hiring that we give preference to having a fire chief that lives in Burgaw. Commissioner Robbins said you can prefer it but he doesn’t think it can be required because that has been contested in court in other places. Attorney Kenan said you can prefer it but you cannot require it.

After much discussion, Commissioner Harrell made a motion to accept the consolidation of the two positions with the addition of preference for a Burgaw resident or someone willing to move to Burgaw corporate limits. The motion was seconded by Commissioner Robbins. Commissioners Harrell, Robbins, Dawson and Murphy voted “aye”. Commissioner George voted “nay”. The motion carried four to one.

Discussion Item – Request from Dr. Joseph Davis regarding purchase of real property from Town of Burgaw

Mr. McEwen advised Dr. Joseph Davis has written a letter requesting that the town sell him the grass strip at the edge of the parking lot between his building and the old bank building. He said the piece of property is about 12 to 15 feet wide. He advised Dr. Davis wants a buffer between his property and the bank property. Mr. McEwen said Dr. Davis advised he would like to proceed with a survey to purchase.

Mayor Mulligan said he thinks it is premature to go parceling off bits of the property before we decide what we are going to do with the property. Commissioner Harrell said he understands that when the town purchased the property there was some discrepancy about where the property line is. Attorney Kenan advised there was a survey done that shows that Dr. Davis’ property encroaches over onto the bank property by at least a foot. Commissioner Harrell said this might be an opportunity to set this straight. Mayor Mulligan said to “give him a foot”? Commissioner Harrell said I didn’t say ‘give’ it, just leave it under consideration. After much discussion, Mr. McEwen was directed to bring back a map for the Board to review and have them decide if they want to give or sell to Dr. Davis the piece of property over which his building is encroaching upon.

Discussion Item – Tennis Court Resurfacing Contract

Mr. McEwen advised he needs some direction regarding the tennis court quote that he put in a recent weekly update. He advised the resurfacing has been budgeted and he has received two quotes, one quote from Outer Banks and one quote from Court One. He advised the quote from Outer Banks is the preferred quote. He said at the end of the year this money will fall back into the general fund unless we move forward. He said \$60,000 was budgeted for this current fiscal year for the tennis court resurfacing. He said the Outer Banks quote is \$68,000, is all inclusive and has a five year warranty. He advised the extra \$8,000 could be taken from non-departmental reserve or appropriated from fund balance. Mr. McEwen said Ms. Dunn is currently working on a grant for the work on the tennis courts and if the Board desires to do the project they can encumber the money and hold it until October to let this grant go through. He said the risk we run by waiting on the grant is that the asphalt and contractor prices may go up but if we get the grant it may be worth the fluctuation in asphalt prices.

Commissioner Robbins made a motion to encumber \$60,000 from parks and \$8,346.83 from non-departmental funds. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Discussion Item – Evaluation for Underground Utilities

Mr. McEwen reminded the Board that they need to decide if they are going to continue to pursue underground utilities or not. Commissioner Robbins requested to have this item added to the agenda for the budget workshop next week.

BREAK 5:25PM – 5:40PM

PUBLIC FORUM

Rochelle Whiteside, 315 W Bridgers Street, spoke at length about growing up and living in Burgaw. She said she is an art person and she has tried to express her love for her community through the arts. She also spoke about the beginnings of spring fest and the support of spring fest by the town. She thanked the Board for their support by

providing the arts council with a building to use and for working with them to bring the mural that was recently painted on their wall to Burgaw. She said she understands that there is a lot of talk about the mural but she feels that the artist took the stories that she was told by the citizens and painted a mural that reflected what she heard. She thanked the Board for all they had done to support this project.

Hugo Rojas, Ivanhoe, said he disagrees with the negative comments he has seen on social media about the mural. He said he thinks it is a great thing to have in Burgaw because it makes us stand out as a small town. He said when tourists come to town they will find the painting uplifting and bright and may want to spend more time and money here.

Cheryl Holt, 309 Lake Leamon Road, Wallace, said she was very excited about the mural and impressed with the support of the town and the fact that the children were allowed to participate. She thanked the town for the support.

Elizabeth Pepper, 201 Albermarle Road, Wilmington, said she was invited to come and help with the mural project and she has met a lot of great people. She said she feels the artist captured everything she was told. She said it is sure to draw people in and she is grateful for the time that she had to work on the project with the arts council and the artist.

Doris Carlton said the mural is beautiful and vibrant and has brought a lot of excitement to the town. She thanked the Board for their support.

Barry Klingel, 504 S. Walker Street, thanked the Board for their support of this project. He said public art is an essential component of revitalization, art strengthens communities and drives tourism and fosters an environment of creativity and innovation. He said there are spaces available for art downtown and maybe that is what we need to help revitalize.

Jackie Newton, Shiloh Road and 101 W Fremont Street, thanked the Board for such a wonderful project. She said this project will greatly add to the rich tapestry of Burgaw for many years and thank you for making it happen.

Roxy Moore, 2171 Malpass Corner Road, thanked the Board for having this talented artist come and listen to our stories and to create this mural. She commented about the people that stopped and asked about the artist and the mural. She said there are plans for other murals in this town and she hopes that everyone sees that we have put Burgaw on the map.

Harold Pollock, 404 S Bickett Street, said he sees many things in the mural that represents Burgaw and Pender County and spoke at length of the many things he sees. He said we need security cameras to secure the mural and landscaping to make that corner even more welcoming. He said this is a wonderful addition to our little town.

Sadie Pollock, 404 S Bickett Street, said she came here to thank and commend the town board for having the openness and the vision to support that mural. She said in the beginning she did not understand the mural but after having learned more it is the most amazing thing she has ever seen. She said people are going to come to Burgaw to see that mural and hopefully while they are here they will spend money in town to help the local economy. She said it would be helpful to have flyers to explain what the mural represents. She said is so proud of the arts council for coming up with this idea and the town board for their support.

Noah Harrell, 411 West Bridgers Street, commented about a discussion he had with his high school students and their analogy that we all live in a bubble and it takes something like this mural to make those bubbles bounce into each other and there we see the boundaries between ourselves and others. He said the role of art is to take us out of our bubbles and become involved in our community. He thanked the Board for making that happen.

Shelby Credle, 540 Old River Acres Drive, said she helped paint the mural. She said this mural brought a bunch of teens together to help engage their minds which is something they need nowadays what with all the social media. She said she also said it will help with tourism.

Elaine Tyson, 609 South Bickett Street, said she is obviously in the minority here, not because of the artist because she did a wonderful job, but there are so many more recognizable landmarks that could have been depicted. She named over a list of items that could have been painted but she said it is done and obvious that a majority of the citizens are happy with it. She told Commissioner George that she appreciates him for standing up for his principles regarding the project.

Robert Simpson said he lives in Rocky Point but pastors a church here in Burgaw. He thanked the Board for the job they do. He said when he looked at the mural he expected to see something about Burgaw, but he sees overtones such as Hinduism and other nonspiritual things that do not portray Burgaw. He said the things that he sees in the painting do not stand for good.

Rebekah Wrye, 211 W Fremont Street, said Burgaw is a brave little town that is not afraid to start a big festival or a little one, or to invite Hollywood in and we are not afraid to make art that stands out, speaks up and calls your attention, good or bad it starts a conversation. She said it sets a model for other small towns. She thanked the town for allowing this to happen.

Denise Burke, 1704 Hwy 210, she said she works for a design company and actually does murals for the Azalea Festival and when she saw this mural she was shocked and humbled when she saw it because Wilmington doesn't even have one like this. She said if we continue to do things like this it will bring people here. She said the artist worked really hard, she poured her heart into it. She said she also respects those that don't agree with the mural for speaking up because we all have a right to an opinion.

Leeann Sanchez, lives in Burgaw, thanked the Board for allowing the amazing project. She said her three year old daughter was a part of the project and worked on the rainbow and was so excited about the project. She said every time they drive by the mural her little girl can say "Mommy, I painted that" and that is powerful for them.

Audria Simmons, 110 N McNeil Street, said her children painted on the mural and when she first saw it she wondered about spiritual overtones because where she came from that was a big thing. She said after talking to the artist she understands her symbolism. She said art makes you feel like a part so thank you for your project.

Samantha Worrell, 1282 McCrary Road, said art keeps kids interested in being interested in things other than drugs. We need things for kids to do not only art but other recreational things. She said this is amazing to her and she feels this will bring people here. She thanked everyone for coming out and for the support.

Kathleen Hudson advised she has a non-profit church corporation on Smith Street and she lives at 8981 Hwy 421 in Currie. She said as a child she watched art move into her community in St. Augustine. She said a lot of what represents art is also a front for witchcraft and you have to be very careful about what you represent. She said she is a minister of the gospel and she respects everyone but she would ask what is the true meaning of the mural because she saw something behind it and as a child she saw art bring drugs into her neighborhood because a lot of those artist brought things in the quiet behind the pictures. She asked the Board that when you approve these things to find out what it represents completely. She said be careful what you are drawing.

Mayor Mulligan announced that this is the end of the public forum and asked if the Commissioners have any comments to make.

Commissioner Harrell said he thinks the mural is a positive addition to our community and something to be proud of.

Mayor Mulligan said he needs a motion to approve reimbursement to the arts council to close out the finishing of the mural.

Motion: Commissioner Robbins made a motion to approve \$2000 for reimbursement to the Pender Arts Council for the mural project. The motion was seconded by Commissioner Harrell. Commissioners Robbins, Harrell and Murphy voted "aye". Commissioner George voted "nay". Commissioner Dawson abstained. Motion carried.

PUBLIC HEARINGS

Public Hearing 1. The purpose of the hearing is to receive public comment regarding consideration of an application to amend the Town of Burgaw Official Zoning Map. Applicant, Monty's Home/Barbara Rabb is requesting the conditional rezoning of a 4.24 acre tract located at 2025 Henry Brown Rd. from R-20 (Low-Density Residential) to PD-CZ (Planned Development District) to build a structure for 10 indoor kennels, a training area, and storage for supplies.

Mayor Mulligan declared the public hearing open at 6:29PM.

Karen Dunn, Planning Administrator presented the following background information:

This is a request to rezone the subject property from R-20 to PD - CZ to build a structure for 10 indoor dog kennels, a training area, and storage for supplies for Monty's Home. The property is currently vacant, has access from Henry Brown Road, and is adjacent to Monty's Home, a 501c3 non-profit animal welfare organization. The plan for the property is to expand its existing program of rescuing and training shelter dogs.

The proposed PD-CZ district covers both parcels which have been combined for a total of 4.24 acres. The purpose of the PD-CZ zoning district is to allow innovative land use and design for unified non-residential developments that would not otherwise be permitted under this Ordinance. This district encourages innovation by allowing flexibility in permitted use, design, and layout requirements in accordance with a Master Development Plan.

- PD-CZ districts may include no more than one tract, and recombination of multiple tracts may be required for final zoning approval. Uses that may be considered for a PD-CZ zoning district may not include those listed in Section 8-2 as being allowed only in the I-1 and/or I-2 zoning districts or Intensive Livestock Production.
- Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

Community Meetings

Two community meetings were held on January 18, 2017 at 4 PM and 6 PM at Monty's Home office, 2025 Henry Brown Road, Burgaw, NC. The attached packet includes all information on notice sent and comments made at the meeting.

Conformity with Burgaw 2030 Comprehensive Land Use Plan and Other Adopted Plans

The only current planning document applicable to this property is the Burgaw 2030 Comprehensive Land Use Plan. The following analysis reviews the goals, policies, and actions of the plan applicable to this proposed rezoning.

Land Use

Land Use Goal 2, Policy 1: Promote the set-aside of environmentally sensitive areas, including riparian buffers and stream corridors, wetlands, and floodplains, within new developments

This property does include some delineated wetlands, all of which are to remain undisturbed as shown on the site plan.

Environmental Protection

Environmental Protection Goal 4, To preserve and enhance the town's tree canopy; Policy: Promote the reforestation of tree coverage that is typically lost during urban and suburban development through tree conservation, targeted tree plantings, urban forestry, and street tree plantings.

The lot is fully wooded and the applicant has stated that all surrounding brush and trees outside of the project area will remain.

The subject property is designated as Rural Character on the Burgaw 2030 Future Land Use Map. Properties in this land use category are intended to remain rural in nature, with low density and a primarily agricultural character. They are not adjacent to a major highway and may have environmental concerns.

Recommended Land Uses: low-density residential, agriculture, forestry, recreational amenities.

Staff Recommendation

Staff recommends approval of the proposed PD-CZ Planned Development District rezoning to build a structure for 10 indoor dog kennels, a training area, and storage for supplies for Monty's Home with the following conditions:

- *Kennels shall not be used for commercial purposes.*
- *The wetlands and all surrounding brush and trees outside of the building and site plan footprint shall remain undisturbed.*
- *Dogs shall not be housed in outside runs.*
- *The building will be cement block for sound-proofing and climate control.*
- *Zoning approval is for 10 indoor kennels, a training area, and storage for supplies as shown on the site plan and stated in the application.*

- *Off street parking requirements for kennel operations: one (1) space per 400 square feet but no fewer than four (4) spaces.*
- *The project will be constructed adhering to Department of Agriculture codes and inspections.*
- *Applicant shall comply with Burgaw UDO Section 8-5, Regulations for Conditional Uses – Animal Shelters and Boarding Operations (see below)*

Detailed Regulations

1. *All open exercise, boarding, training, or similar areas shall be designed to effectively buffer noise audible to surrounding properties and be enclosed by a fence or wall no less than six (6) feet in height.*
2. *A type I or II buffer shall be required along any lot lines adjoining a residentially zoned or used lot. The lot is fully wooded and existing trees and vegetation shall remain along the perimeter with the exception of the project footprint.*
3. *Outdoor exercise and confinement yards shall be set back a minimum of fifty (50) feet from any property line and one hundred (100) feet from any residentially used lot.*
4. *Any building housing animals shall be located a minimum of twenty-five (25) feet away from any residentially zoned or developed property.*
5. *A sign clearly visible from the ground shall be posted at the main entrance of the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contracted at any hour of the day or night. The sign shall comply with dimensional requirements set forth in this ordinance. Incidental sign and sign(s) permitted in Section 10-7 B. Residential Districts (Non-residential uses)*
6. *Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters. All animal wastes shall be removed daily.*
7. *Operator of facility must hold a valid Boarding Kennel Operator license through the North Carolina Department of Agriculture and Consumer Services Veterinary Division (if required by NC Department of Agriculture).*

Additional Required Information for Application

8. *In addition to the general requirements, the site plan must also include the size and location of outdoor exercise areas*
9. *Lighting plan shall show all outdoor fixtures, type, and wattage. Exterior lighting shall be located and refracted so as to not direct or reflect light upon adjoining properties.*
10. *Waste treatment plan. Waste shall be commercially removed.*
11. *Plans and specifications for buffers and fences/walls.*
12. *Copy of the operator's Boarding Kennel Operator license (if required by NC Department of Agriculture).*

Supplemental Standards for Evaluation

13. *The site is of adequate size and the facility is constructed, designed, and located on the site to minimize noise, odor, and other impacts of neighboring properties.*
14. *Adequate waste disposal is provided to maintain sanitary conditions and control of odor.*
 - *The applicant shall comply with all requirements established for obtaining all required permits including but not limited to NCDOT driveway permit, Pender County Health Department, Burgaw Building and Inspections. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property.*
 - *Any conflict between the approved plan and federal, state, and local regulations will not require changes to the property zoning and will be resolved during the review process.*
 - *Applicant is required to make progress toward developing the property in accordance with the approved petition three (3) years after the date of approval of the petition.*
 - *Proposed hours of operation: Approximately 7 AM – 12 noon and 4 PM – 9 PM daily.*

Planning Board Recommendations

At their April 20, 2017 meeting, the Town of Burgaw Planning and Zoning Board voted 5-0 to recommend approval of an amendment to the Town of Burgaw Official Zoning Map to rezone a 4.24 acre tract located at 2025 Henry Brown Road from R-20 (Low-Density Residential) to PD-CZ (Planned Development District) with proposed conditions as described in the staff report and site plans submitted with the application.

The Town of Burgaw Planning and Zoning Board recommended approval of the following statements at their April 20, 2017 regular meeting:

Consistency Statement

The board finds that the proposed conditional rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it sets aside environmentally sensitive areas and the subject property is designated as Rural Character on the Burgaw 2030 Future Land Use Map. Properties in this land use category are intended to remain rural in nature, with low density and a primarily agricultural character. The PD-CZ zoning district allows innovative land use and design for unified non-residential developments that would not otherwise be permitted under this Ordinance.

Recommendation Statement

The Town of Burgaw Planning and Zoning Board recommends approval of the proposed PD-CZ Planned Development District conditional rezoning with proposed conditions as described in the staff report and site plans submitted with the application.

Mayor Mulligan asked Ms. Dunn to explain the difference between PD-CZ and spot zoning. Ms. Dunn said it is not spot zoning because conditional zoning has been found to be permitted in many communities. She said it is allowance for particular projects that are voluntary, specific to a particular project. Attorney Kenan said conditional zoning is permitted by law whereby spot zoning is illegal. Attorney Kenan explained the differences in detail.

BOC MINUTES

MAY 9, 2017

12

Commissioner Dawson asked if there are inspections by the health department. Jewell Horton, manager of the Pender County Animal Shelter advised they are subject to random inspections and no less than twice yearly routine inspections. They also investigate all complaints.

Commissioner Robbins asked if it is possible for this type of zoning to take place downtown. Ms. Dunn said it could, it would depend upon what the project would be, and it could really take place anywhere. She said it must be voluntary, specific to whatever the conditions are, a master site plan, those are all required. She said she also specifically wrote into this recommendation 'non-commercial kennels' because these zonings go with the property, not the property owner.

Barbara Raab, owner, operator of Monty's Home spoke regarding her non-profit and her plans for the property in question. Ms. Raab advised Monty's Home is a non-profit 501c-3 organization and is almost ten years old. She advised they take dogs directly from the Pender County shelter and put them in the Pender County Correctional Institution. She said the dogs are then trained by the inmates for eight weeks in basic household manners, to walk on a leash etc. The dogs are then adopted out into the community as pets. She said the prison only has five kennels and they can only take five dogs at a time. She said per NC Department of Corrections they can only take twenty dogs per year. She advised that currently they have applications for fifty dogs and they don't have them. She advised the shelter has fifty dogs and they are euthanizing half of them. She said if she can get this project approved she can take more dogs with fewer restrictions. She said the state restricts to eight weeks but they can have them trained in four. Ms. Raab said this would take a lot more dogs out of the shelter and find them homes. She advised they have a one hundred percent adoption rate for their graduates. Ms. Raab advised this organization is run by 40 – 45 volunteers and approval of this request will open a lot more homes with happy pets and happy owners. She advised all funding comes from grants, fundraisers and donations.

Diane Browning advised she lives next door to Ms. Raab. She said although she has no problem with the kennels and loves dogs she does have some concerns about the possibility of a noise factor from the kennels. She is in favor of what they are doing but wants some protection from the noise. Jewell Horton advised the county building is cinder block and she hears no barking when outside the building. She said Ms. Raab will have a cinder block building and there will be no noise from the kennels.

Ms. Dunn advised there will not be any outdoor runs only an outdoor training area. She said all dogs will be kept in the building except for training and outdoor activities. She reviewed the setbacks, what will be cleared and any buffer that will be left on the Raab property.

Brad Beachemin lives at 2085 Henry Brown Road. He advised he came to show support for the Monty's Home project.

Jewell Horton, Pender County Animal Shelter advised this project will support the animal shelter. It will save lives and the families that adopt these dogs that have been through Monty's Home will get a good, properly trained pet.

Commissioner Robbins was concerned about the wooded area that would cover the kennels. Ms. Raab advised there are no plans to clear out the brush and woods between her property and the neighbors. Ms. Dunn advised if this project was on a cleared lot there would be a required buffer but it is heavily wooded and buffered.

The public hearing was closed at 7:01PM.

Resolution 2017-17 Adopting a Statement Regarding the Consistency of the Monty's Home/Barbara Raab Rezoning Request with the Burgaw 2030 Comprehensive Land Use Plan

Commissioner Dawson made a motion to approve Resolution 2017-17 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**RESOLUTION 2017-17
ADOPTING A STATEMENT REGARDING THE CONSISTENCY OF THE MONTY'S HOME/BARBARA
RAAB REZONING REQUEST WITH THE BURGAW 2030 COMPREHENSIVE LAND USE PLAN**

WHEREAS, applicant Monty's Home and Barbara Raab are requesting the rezoning and combining of a 1 acre tract (PIN 3219-21-8757-0000) and a 3.24 acre tract (PIN 3219-31-1865-0000) together totaling 4.24 acres located off Henry Brown Road from R-20 to PD-CZ to build a structure for 10 indoor dog kennels, a training area, and storage for supplies for Monty's Home; and

WHEREAS, Town of Burgaw planning staff have reviewed the proposed rezoning for consistency with the Burgaw 2030 Comprehensive Land Use Plan and presented their findings to the Town of Burgaw Planning Board and Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their April 20, 2017 meeting to recommend the adoption of a draft consistency statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their May 9, 2017 meeting and find the requested rezoning with proposed conditions to be consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed conditional rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it sets aside environmentally sensitive areas and the subject property is designated as Rural Character on the Burgaw 2030 Future Land Use Map. Properties in this land use category are intended to remain rural in nature, with low density and a primarily agricultural character. The PD-CZ zoning district allows innovative land use and design for unified non-residential developments that would not otherwise be permitted under this Ordinance.

Adopted this 9th day of May, 2017.

Ordinance 2017-10 Approving an Amendment to the Town of Burgaw Zoning Map Rezoning and Combining a 1 Acre Tract (PIN 3219-21-8757-0000) and a 3.24 Acre Tract (PIN 3219-31-1865-0000) located off Henry Brown Road from R-20 to PD-CZ

Commissioner Dawson made a motion to approve Ordinance 2017-10 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**ORDINANCE 2017-10
APPROVING AN AMENDMENT TO THE TOWN OF BURGAW ZONING MAP REZONING AND COMBINING A 1 ACRE TRACT (PIN 3219-21-8757-0000) AND A 3.24 ACRE TRACT (PIN 3219-31-1865-0000) LOCATED OFF HENRY BROWN ROAD FROM R-20 TO PD-CZ**

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and official zoning map on December 12, 2000; and

WHEREAS, applicant Monty's Home and Barbara Raab are requesting the rezoning and combining of a 1 acre tract (PIN 3219-21-8757-0000) and a 3.24 acre tract (PIN 3219-31-1865-0000) located off Henry Brown Road from R-20 to PD-CZ to build a structure for 10 indoor dog kennels, a training area, and storage for supplies for Monty's Home; and

WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their April 20, 2017 meeting to recommend the requested rezoning subject to certain conditions; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it sets aside environmentally sensitive areas and the subject property is designated as Rural Character on the Burgaw 2030 Future Land Use Map. Properties in this land use category are intended to remain rural in nature, with low density and a primarily agricultural character. The PD-CZ zoning district allows innovative land use and design for unified non-residential developments that would not otherwise be permitted under this Ordinance; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the proposed rezoning is reasonable and in the public interest because Monty's Home, a 501c3 non-profit volunteer-based animal welfare organization, is dedicated to the rescuing, training, and adoption of Pender County Shelter dogs. The expansion of Monty's Home programs helps develop and strengthen partnerships with community organizations, public agencies, and other jurisdictions.

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

SECTION 1: The Town of Burgaw Official Zoning Map be amended and the parcels referenced above is hereby rezoned to PD-CZ1 as described in the attached zoning district description and approve site plans and subject to the following conditions:

- Kennels shall not be used for commercial purposes.
- The wetlands and all surrounding brush and trees outside of the building and site plan footprint shall remain undisturbed.
- Dogs shall not be housed in outside runs.

- The building will be cement block for sound-proofing and climate control.
- Zoning approval is for 10 indoor kennels, a training area, and storage for supplies as shown on the site plan and stated in the application.
- Off street parking requirements for kennel operations: one (1) space per 400 square feet but no fewer than four (4) spaces.
- The project will be constructed adhering to Department of Agriculture codes and inspections
- Applicant shall comply with Burgaw UDO Section 8-5, Regulations for Conditional Uses – Animal Shelters and Boarding Operations (see below)

Detailed Regulations

1. All open exercise, boarding, training, or similar areas shall be designed to effectively buffer noise audible to surrounding properties and be enclosed by a fence or wall no less than six (6) feet in height.
2. A type I or II buffer shall be required along any lot lines adjoining a residentially zoned or used lot. The lot is fully wooded and existing trees and vegetation shall remain along the perimeter with the exception of the project footprint.
3. Outdoor exercise and confinement yards shall be set back a minimum of fifty (50) feet from any property line and one hundred (100) feet from any residentially used lot.
4. Any building housing animals shall be located a minimum of twenty-five (25) feet away from any residentially zoned or developed property.
5. A sign clearly visible from the ground shall be posted at the main entrance of the facility and shall contain the names, addresses, and telephone numbers where persons responsible for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements set forth in this ordinance. Incidental sign and sign(s) permitted in Section 10-7 B. Residential Districts (Non-residential uses)
6. Animal wastes shall not be store any closer than fifty (50) feet from any property line or surface waters. All animal wastes shall be removed daily.
7. Operator of facility must hold a valid Boarding Kennel Operator license through the North Carolina Department of Agriculture and Consumer Services Veterinary Division (if required by NC Department of Agriculture).

Additional Required Information for Application

8. In addition to the general requirements, the site plan must also include the size and location of outdoor exercise areas.
9. Lighting plan shall show all outdoor fixtures, type, and wattage. Exterior lighting shall be located and refracted so as to not direct or reflect light upon adjoining properties.
10. Waste treatment plan. Waste shall be commercially removed.
11. Plans and specifications for buffers and fences/walls.
12. Copy of the operator's Boarding Kennel Operator license (if required by NC Department of Agriculture).

Supplemental Standards for Evaluation

13. The site is of adequate size and the facility is constructed, designed, and located on the site to minimize noise, odor, and other impacts of neighboring properties.
14. Adequate waste disposal shall be provided to maintain sanitary conditions and control of odor.
 - The applicant shall comply with all requirements established for obtaining all required permits including but not limited to NCDOT driveway permit, Pender County Health Department, Burgaw Building and Inspections. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property.
 - Any conflict between the approved plan and federal, state, and local regulations will not require changes to the property zoning and will be resolved during the review process.
 - Application is required to make progress toward developing the property in accordance with the approved petition three (3) years after the date of approval of the petition.
 - Proposed hours of operation: Approximately 7 AM – 12 noon and 4 PM – 9 PM daily.

SECTION 2: This amendment to the Town of Burgaw Official Zoning Map becomes effectively immediately upon adoption of this ordinance on this, the 9th day of May, 2017.

Public Hearing 2. The purpose of the hearing is to receive public comment regarding a proposed text change amendment to Burgaw Unified Development Ordinance Article 9, Off-Street Parking and Loading, Section 9-1: Exemptions. Applicant, Town of Burgaw Staff, is requesting a text change to designate the boundaries of the Off-Street Parking and Off-Street Loading Exemption Area to be the Central Fire District.

The public hearing was opened at 7:03PM.

Karen Dunn, Planning Administrator presented the following background information:

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

Meeting Dates:
 Planning Board: April 20, 2017
 Board of Commissioners on May 9, 2017

Background:

While reviewing off street parking and loading requirements for general and professional offices in the O&I, B-1, and B-2 zoning districts, staff noticed the Official Zoning Map of the Town of Burgaw does not show the Off-Street Parking and Off-Street Loading Exemption Area as stated in Section 9-1 of the Burgaw UDO. The exemption area described above could not be found on any existing or archived "Official Zoning Map of the Town of Burgaw". Staff recommends the Off-Street Parking and Off-Street Loading Exemption Area be defined as the Central Fire District as described in Section 6-2: Definitions of Basic Terms:

Central Fire District: The area established by the following markers, as outlined in Section 6-6 of the Town of Burgaw Code of Ordinances:

Marker 1: Located in center of Walker Street approximately 207 feet from the intersection of Wilmington Street to the southern boundary of Town Hall parking lot, running westward to:

Marker 2: Located in the center of Wright Street, 207 feet, westward to:

Marker 3: Located in the center of Dickerson Street, 207 feet, westward to:

Marker 4: Located in the center of Dudley Street, 20 feet, southward to:

Marker 5: Located in the center of the intersection of Satchwell Street, eastward to:

Marker 6: Located in intersection of Walker Street, northward to:

Marker 1: The beginning.

Proposed text change amendment:

Part 3 Development Regulations

Article 9. Off-Street Parking and Loading

Section 9-1: Exemptions

The off-street parking and loading requirements shall apply to all districts with the exception of the area shown on the Official Zoning Map of the Town of Burgaw as the Off-Street Parking and Off-Street Loading Exemption Area designated as the Central Fire District.

Planning Board Recommendations

At their April 20, 2017 meeting, the planning board voted 5-0 to recommend that the Board of Commissioners approve and adopt the proposed text amendments to Article 9. Off-Street Parking and Loading, Section 9-1: Exemptions, regarding the Off-Street Parking and Off-Street Loading Exemption Area be designated as the Central Fire District as described in Section 6-2: Definitions of Basic Terms.

The Town of Burgaw Planning and Zoning Board recommended approval of the following statements at their April 20, 2017 regular meeting:

Consistency Statement

The proposed text change amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan. By specifically identifying the off street parking and loading exemption area, it will help ensure clear and efficient administrative procedures, policies, and ordinances that will attract and retain the type of enterprises necessary to achieve the town's vision. It 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.

Upon completion of Ms. Dunn's presentation, there being no discussion, the public hearing was closed at 7:06 PM.

Resolution 2017-18 Adopting a Statement of Consistency Regarding A Requested Text Change Amendment of the Town Of Burgaw Unified Development Ordinance to Designate Section 9-1, Off-Street Parking and Loading Exemption Area as the Central Fire District

Commissioner Harrell made a motion to approve Resolution 2017-18 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2017-18

ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE TO DESIGNATE SECTION 9-1, OFF-STREET PARKING AND LOADING EXEMPTION AREA AS THE CENTRAL FIRE DISTRICT

WHEREAS, applicant, Town of Burgaw Staff, has requested the town amend the Town of Burgaw Unified Development Ordinance to designate Section 9-1, Off-Street Parking and Loading Exemption Area as the Central Fire District; and

WHEREAS, planning staff has reviewed the proposed text change amendment for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board at their April 20, 2017 meeting recommend the adoption of the draft consistency statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their May 9, 2017 meeting and find the proposed text change amendment to be consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed text change amendment is consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan by specifically identifying the off street parking and loading exemption area, it will help ensure clear and efficient administrative procedures, policies, and ordinances that will attract and retain the type of enterprises necessary to achieve the town's vision. It will support existing businesses and attract new businesses that will enhance the economic health and livability of the town.

Adopted this 9th day of May 2017.

Ordinance 2017-11 Approving a Text Change Amendment to Designate the Off-Street Parking and Loading Exemption Area As the Central Fire District in the Town Of Burgaw Unified Development Ordinance

Commissioner Harrell made a motion to approve Ordinance 2017-11 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2017-11

APPROVING A TEXT CHANGE AMENDMENT TO DESIGNATE THE OFF-STREET PARKING AND LOADING EXEMPTION AREA AS THE CENTRAL FIRE DISTRICT IN THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and official zoning map on December 12, 2000; and

WHEREAS, town staff have requested to designate Section 9-1, Off-Street Parking and Loading Exemption Area as the Central Fire District; and

WHEREAS, at their April 20, 2017 meeting, the Town of Burgaw Planning and Zoning Board voted to recommend approval of designating the Off-Street and Loading Exemption Area as the Central Fire District, and

WHEREAS, the Town of Burgaw Board of Commissioners finds the proposed amendment consistent with the Burgaw 2030 Comprehensive Land Use Plan because specifically identifying the Central Fire District as the off-street parking and loading exemption area will help ensure clear and efficient administrative procedures, policies, and ordinances that will attract and retain the type of enterprises necessary to achieve the town's vision. It will support exiting businesses and attract new businesses that will enhance the economic health and livability of the town; and

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

SECTION 1. The Town of Burgaw Unified Development Ordinance is amended as follows:

Part 3. Development Regulations

Article 9. Off-Street Parking and Loading

Section 9-1: Exemptions

The off-street parking and loading requirements shall apply to all districts with the exception of the area designated as the Central Fire District.

SECTION 2. *This amendment becomes effective immediately upon adoption of this ordinance on this, the 9th day of May 2017.*

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Dawson asked about the status of the project on South Dudley Street. Mr. McEwen advised the project is well on its way to completion. He advised they did find a bulkhead that needed attention that was not known about until the project started.

Commissioner Dawson asked about the status of the sidewalk to the senior center. Mr. McEwen advised he has spoken to Chad Kimes who advised there is hope that the Board member will provide \$50,000 in discretionary funding and that the Secretary of Transportation is going to find the remaining funds. He said Mr. Kimes asked for

the Board to be patient and that this could take several more months before completion. He advised this is an NCDOT project and we are on their timeline.

Commissioner Robbins asked Alan Moore about the status of the street sweeper because he has noticed the sweeping has not been done lately. Mr. Wilson advised the street sweeper has been broken down for a couple of weeks. Commissioner Robbins requested that public works work towards street sweeping once a week.

Commissioner Robbins said the median at Timberly Lane is about to be overcome with grass and weeds and requested that Mr. Moore have someone from Public Works meet with him and he can show them a solution that will make maintenance for that area a little less time consuming.

Commissioner Murphy recommended placing spot lights on the mural for security purposes as well as enhancement for night time viewers. It was also recommended that park stops be placed in the parking lot to keep vehicles from getting too close. There was much discussion about improving the area for both security and beautification. Louis Hesse was asked to look into the lighting situation. Commissioner Murphy made a motion to appropriate \$1500 for Mr. Hesse to purchase lights and curb stops for the area where the mural is painted on the Arts Council building. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Commissioner Robbins made a motion to appropriate \$1500 from General Fund fund balance for the purpose of purchasing curb stops and lighting for the arts council building on the side where the mural is painted. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

Commissioner Harrell asked Mr. Hesse about the status of our nuisance abatement issues. Mr. Hesse advised they had a hearing with an individual today regarding a derelict property. He advised they seem to be making progress and the subject was given a time frame to either demolish or remodel the residence. He said at this point they are not ready for legal action.

Commissioner Harrell said he would like to be able to allow public parking in the parking lot at the old bank building. He said there are about twenty spaces that could be used on court days. He said he is asking to have signs posted to allow parking on the property. Mr. McEwen advised he will have public works to purchase signs for the entrances to the parking area.

Commissioner Harrell asked Mr. McEwen to speak with the clerk of court regarding assigning jury parking to the annex parking lot to alleviate parking issues downtown. Attorney Kenan spoke at length about the court system and the fact that neither the clerk of court nor the judges assign parking spaces for jurors as part of their duties. Commissioner Robbins said he has mixed emotions regarding putting restrictions on juror parking because we all know there is still discussion regarding moving the court system out of town and we don't want to do anything to encourage the county to do so because it would be catastrophic for downtown. He said he has no problem with asking the clerk if she has any thoughts about this matter.

Commissioner Harrell said he would like to add to all job descriptions for future use that we prefer residents of Burgaw or those willing to relocate to Burgaw for all job descriptions. Commissioner Harrell said he feels that if someone is living here and they apply for a job they should get a preference over someone who is not living here. There was much discussion and some opposition to this idea. Commissioner Harrell said he will drop this issue for now.

Commissioner Harrell said he would like for us to start thinking about stormwater impoundments in all available spaces that are low lying areas and he is speaking specifically about the property that we just purchased at the intersection of Wallace Street and Cowan Street. He said he wanted to allow for a place for the water to go instead of going into nearby yards.

Commissioner Harrell said the Hwy 53 Bypass has come back up for discussion at the NCDOT level. He said if that is something the Board wants to look at he just wanted the Board to know in case they are interested.

Commissioner Harrell reminded Alan Moore that the doctor's office on Courthouse Avenue and the vacant lot on the railroad right of way next to J&J Resale Shop is now the town's responsibility for maintenance.

Commissioner George commented about the flooding issue on Lloyd Street and that he has had a complaint about it.

Mayor Mulligan advised a citizen is complaining about a large truck coming through the no through trucks zone about five or six in the morning. Mr. McEwen advised this has been checked on before and that individual has been given a permit for that route by NCDOT. He said the driver was not in the wrong, it was NCDOT. He said we have since spoken with NCDOT about this. Chief Hock said he will look into the situation.

Mayor Mulligan asked if we have any legal recourse if Creekside does not build the sidewalks. There was much discussion regarding the stipulations required at the time of the original plat, the sale to another owner and other situations. Attorney Kenan advised he will check into this.

Mayor Mulligan stated that according to information provided by the fire chief the Town is not contributing their percentage portion of monies towards the Pender Central fire district. Mr. McEwen said that was certainly in there but there are things that don't show up in the fire department budget that are costs that Pender Central does not pay but the town does. Mayor Mulligan said he thought those items had been listed. Mr. McEwen advised those items are dated and the cost of the fire department have gone up every year since then. He said we can look at it and break down the cost versus the revenue. He said for example when things break it is the town that pays to fix things that break not Pender Central. Mayor Mulligan said we should show those figures in order to show the public that we are paying our part. Mr. McEwen said how many county buildings are in the city limits that we don't get tax monies from. There are millions of dollars of evaluation that we don't get anything from. Mayor Mulligan it would be best to not write down the amount that the Town spends on Pender Central if it cannot accurately reflect all the expenses for that district.

Mayor Mulligan asked Karen Dunn to explain the draft town logo that has been has worked for several months. She presented a copy to each Board member for review. The Board requested to remove what appeared to be a comma after the word "round". The Board was in agreement with this final draft. Mayor Mulligan requested that Ms. Dunn check on the cost of having vehicle tags printed with the logo.

Appointment of TDA member

Mayor Mulligan asked for a motion to approve appointment of Mukesh Shah to the Town of Burgaw Tourism Development Authority. Mr. Shah is the new owner of the Burgaw Motel and the statutorily required member for the Board. Commissioner Dawson made a motion to appoint Mukesh Shah to the Tourism Development Board. The motion was seconded by Commissioner Harrell 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 7:59PM.

Attest: _____
Sylvia W. Raynor, Town Clerk

Eugene Mulligan, Mayor