

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

DATE: May 12, 2015
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Howard Walker (arrived at 4:05PM)
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Utility & Compliance Specialist/ORC
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Rebekah Roth, Planning Administrator
Wayne Briley, Interim Chief of Police
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Bill Walsh, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

Approval of Agenda

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

Approval of Consent Agenda

Commissioner Rooks requested to remove the approval of the closed session minutes from the consent agenda to be discussed in closed session and to remove Resolution 2015-19 from the consent agenda to be discussed during items from the manager. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

- A. Approval of minutes of the April 14, 2015 regular and (closed session removed)**
- B. Resolution 2015-19 Declaring Blueberry Festival Day in Burgaw (removed)**
- C. Resolution 2015-20 Making Recommendation to the Pender County Board of Commissioners Regarding the ETJ Seat on the Town of Burgaw Planning and Zoning Board**

RESOLUTION 2015-20
A RESOLUTION MAKING A RECOMMENDATION TO THE PENDER COUNTY BOARD OF COMMISSIONERS
REGARDING THE ETJ SEAT ON THE TOWN OF BURGAW PLANNING AND ZONING BOARD

WHEREAS, the Town of Burgaw Planning and Zoning Board has one vacant seat that can be filled by a representative of the extraterritorial jurisdiction; and
WHEREAS, the Town of Burgaw Board of Commissioners voted at their April 14, 2015 regular meeting to recommend the appointment of William Smith, a resident of the town's extraterritorial jurisdiction; and
WHEREAS, pursuant to NCGS 160A-362, extraterritorial representatives on a municipal planning board shall be appointed by the board of county commissioners with jurisdiction over the area;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:
The Town of Burgaw Board of Commissioners recommends the Pender County Board of Commissioners appoint William Smith to fill the vacant seat on the Town of Burgaw Planning and Zoning Board to represent the town's extraterritorial jurisdiction.

ADOPTED this the 12th day of May 2015.

DEPARTMENTAL ITEMS

Fire Department/Safety/Emergency Mgt. – Allen Wilson, Fire Administrator

Approval of Safety Policy amendments as recommended by the Policy/Finance Board

Mr. Wilson advised he is presenting an updated draft of the safety policy including some additions in the form of addendums behind the safety policy. Commissioner Rooks was concerned that the safety policy is too burdensome for the employees. Commissioner Tyson also had some concerns about size of the policy. After some discussion, Mr. Wilson advised the safety policy marked as draft is the current policy and has been enforced for quite some time. He advised the addendums are required by the State and those are the only major changes in the policy.

There being no further discussion, Commissioner Dawson made a motion to approve the Safety Policy and the amendments as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. (Due to the volume of the documents the Safety Policy and amendments are on file in the clerk’s office.)

Personnel – Kristin Wells, Deputy Clerk/Personnel Technician

Approval of Personnel Policy amendments as recommended by the Policy/Finance Board

Ms. Wells advised the amendments to the job descriptions and organizational chart are items that have been reviewed and discussed recently. She also commented that the shared leave policy which was approved last month will be incorporated into the personnel policy if the amendments are approved.

There being no discussion, Commissioner Dawson made a motion to approve the personnel policy amendments as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. (Due to the volume of the documents, copies of the Personnel Policy amendments are on file in the clerk’s office.)

Planning – Rebekah Roth, Planning Administrator

Approval of the Depot Dock Policy change as recommended by the Policy/Finance Board

Ms. Roth advised since most large events and weddings are planned 6-12 months in advance, staff has proposed changing the policy for rental of the dock-only and open space portions of the Event Center, limiting reservations to no more than 90 days in advance. This policy change was reviewed by the Policy & Finance Board in March, and they recommended making the proposed change.

There being no discussion, Commissioner Robbins made a motion to approve the depot dock policy change as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote. (Policy on file in the clerk’s office.)

Approval of the Incubator Kitchen Policy Update as recommended by the Policy/Finance Board

Ms. Roth advised the policy handbook was revised to reflect changes to the town’s boards and committees, the state approval process, tenant standard operating procedures (formerly rules and policies), insurance requirements, and certification requirements for tenants. She advised these requests have been reviewed and approved by the Policy/Finance Board.

There being no discussion, Commissioner Tyson made a motion to approve the incubator kitchen policy update as recommended by the Policy/Finance Board. The motion was seconded by Commissioner Dawson and carried by unanimous vote. (Due to the volume of the documents, copies are on file in the clerk’s office.)

ITEMS FROM ATTORNEY – Robert Kenan

None.

ITEMS FROM MANAGER – Chad McEwen

Resolution 2015-21 Amending Personnel Policy regarding the Major and Captain Positions

Mr. McEwen advised that due to the recent re-organization in the police department, the job descriptions for the Major and Captain positions should be eliminated from the personnel policy to reflect the recent reduction in force. He advised this change will also be reflected on the organizational chart.

There being no discussion, Commissioner Tyson made a motion to approve Resolution 2015-21 as presented. The motion was seconded by Commissioner Walker and carried by unanimous vote.

**RESOLUTION 2015-21
AMENDING THE CURRENT PERSONNEL POLICY**

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 Manager and Board of Commissioners approved a reduction in force in the Police Department for the positions of Police Major and Police Captain, which have been eliminated effective May 4, 2015; and

WHEREAS, the Town of Burgaw Personnel Policy shall be amended to reflect the reduction in force by eliminating the job descriptions for said positions and removing said positions from Section XIV, Organizational Chart.

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 stated above.

Adopted this 12th day of May 2015.

Resolution 2015-22 Approving Prequalification Process Related to Water Distribution System Advanced Metering Infrastructure (AMI) Conversion Project

Mr. McEwen advised he has presented an amended copy of the Prequalification Process to each board member. He advised he has sought the ability to do sole source purchase direct from the vendor that we have selected. He said we would like to have the install of these meters prequalified because unless we prequalify anyone can install a meter and since this is a highly technical system that must be integrated with our software we must be able to insure that everything is communicating properly. Mr. McEwen advised that DENR and McGill & Associates are in agreement with our logic that meter installs should be a prequalified process. He advised all guidelines will be in the bid specs and the contractors will know going into the project what the expectations are.

After a brief discussion, Commissioner Rooks made a motion to approve Resolution 2015-22 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

**RESOLUTION 2015-22
Resolution Approving a Prequalification Process Pursuant to North Carolina General Statute 143-135.8 as Related to Town of Burgaw Water Distribution System Advanced Metering Infrastructure (AMI) Conversion Project**

WHEREAS, the Town of Burgaw established an objective general prequalification policy on January 13, 2015, and

WHEREAS, the policy was established in accordance with SESSION LAW 2014-42, HOUSE BILL 1043 and NCGS 143-135.8, and

WHEREAS, as provided by NCGS 143-135.8, the Town of Burgaw wishes to develop project specific prequalification guidelines pursuant to 143-135.8 (b); and

WHEREAS, the attached prequalification policy and guidelines establish an objective means for evaluating the competency of prospective bidders for the AMI conversion project; and

WHEREAS, if approved the prequalification requirement will only pertain to prospective bidders for the AMI conversion portion of the larger Water Distribution System Rehabilitation Project, and

WHEREAS, the attached policy will help insure the Town has the mechanisms in place to eliminate prospective bidders who have a documented history of less than acceptable technical qualifications related to the proposed project, circumstances that are cause for

questions regarding the financial aptitude of the contractor to complete the proposed project, unacceptable safety records, and/or litigation experience related to the inability to complete the contractual obligations of a project, and

WHEREAS, the attached policy will help insure the Town has the mechanisms in place to eliminate prospective bidders who don't demonstrate an acceptable level of competency related to the AMI conversion project. (*Policy on file in clerk's office*)

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

SECTION 1. The Town of Burgaw Board of Commissioners hereby approves the attached prequalification guidelines for the AMI conversion portion of the larger Water Distribution System Rehabilitation Project.

ADOPTED this the twelfth day of May, 2015.

Discussion Item – Proposed amendment to the Code of Ordinances regarding parking vehicles in residential districts

Mr. McEwen advised this came about due to complaints about trucks driving through, parking and blocking sight triangles in residential neighborhoods. He advised this is a discussion item and it will require a public hearing if the Board desires to make this a part of the Code. He said this has been reviewed by both the Policy/Finance Board and the Infrastructure Board.

Commissioner Rooks expressed concern about the limits imposed on the vehicles. Mr. McEwen reviewed several incidences that have occurred in the town and said this ordinance would require some common sense application when being enforced. Mayor Mulligan asked if it would be illegal for someone to park a large truck on their own property; Mr. McEwen said it would be illegal for them to park on the right of way. Rebekah Roth added that in regards to planning/zoning regulations that instead of saying this parking would not be allowed in the residential zoning districts, it also wouldn't be allowed in any development that is approved as a solely residential use by the Board of Commissioners such as residential areas that are in a mixed use district or a PUD. There was much discussion regarding different scenarios within the town that may be affected by this proposed ordinance.

Attorney Kenan recommended striking the sentence that refers to "and other activities to and from such vehicle" because that could limit enforcement of the ordinance. It was also requested that a one hour time limit be put on the parking time.

Upon completion of discussion, Commissioner Tyson made a motion to approve holding a public on the proposed parking ordinance at the June 9th Board of Commissioners meeting. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Discussion – Street Light Conversion

Mr. McEwen advised that the cost of conversion of the street lights to LED lights is \$5400 with the estimated annual savings to be \$6863. He advised it will pay for itself in a year. He advised the LED lights will be much brighter. After discussion with the realization that funds are already budgeted for cost of street lights and that the light conversion will pay for itself the Board was in agreement to move forward with the project.

Commissioner Tyson made a motion to instruct Louis Hesse to move forward with the street light conversion project as discussed. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Surplus Furniture in the Fire Department

Mr. McEwen advised the Fire Department has purchased new furniture and would like to surplus the old furniture to be sold by private sale with a minimum bid of \$500. After some discussion, Mr. Wilson was directed to bring back a resolution at the June 9th Board of Commissioners meeting to surplus the furniture by private sale with a minimum bid of \$500.

Resolution 2015-19 Declaring Blueberry Festival Day in Burgaw (this item was removed from the consent agenda)

Mr. McEwen advised there were some errors in the Blueberry Festival resolution that was in the packet. He presented an amended resolution to the Board for review. There was a lengthy discussion regarding the impact on the businesses if Fremont Street is closed between Wright and Dickerson Streets.

After much discussion, Commissioner Tyson made a motion to approve Resolution 2015-19 as amended (amended Resolution 2015-49 printed below). The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2015-19
DECLARING NC BLUEBERRY FESTIVAL DAY IN BURGAW**

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

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

WHEREAS, the twelfth annual N. C. Blueberry Festival is planned for June 19th-20th, 2015 in Burgaw; and

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

NOW THEREFORE BE IT RESOLVED by the Town of Burgaw Board of Commissioners that June 20th, 2015 be declared “North Carolina Blueberry Festival Day” in Burgaw; and

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

- All peddlers, privilege licenses, and zoning permits for vendors, exhibitors, and participants properly approved by the festival are waived for the day of the festival
- Fremont Street between Wright Street and Walker Street is closed from 11 am on June 19, 2015 through noon on June 21, 2015
- Fremont Street between Wright Street and Dudley Street is closed from 6 pm on June 19, 2015 through midnight on June 20, 2015.
- Fremont Street between Walker Street and Cowan Street is closed from 3 am on June 20, 2015 through midnight on June 20, 2015
- Wright Street between Satchwell Street and Wilmington Street is closed from 6 pm on June 19, 2015 through noon on June 21, 2015
- Walker Street between Fremont Street and Wilmington Street is closed from 6 pm on June 19, 2015 through midnight on June 20, 2015
- Dickerson Street between Satchwell and Wilmington Street is closed from 6 pm on June 19, 2015 through noon on June 21, 2015
- Courthouse Avenue between Wright Street and Dickerson Street is closed from 6 pm on June 19, 2015 through noon on June 21, 2015

Witness my hand and the corporate seal of said Town of Burgaw this the twelfth day of May, 2015.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Dawson asked Ms. Roth if the signs for the trail could have a white halo put around them in order to make them easier to see. Ms. Roth advised she will check on this.

Commissioner Dawson also advised there are live oaks on the trail and they are not designated on the sign. After discussion, it was decided to wait on designating live oaks on a sign until a later date.

Commissioner Tyson asked if El Puente is still using the Community House for yoga and Zumba classes. Mayor Mulligan advised “yes”. Commissioner Tyson said there is a bunch of accessories stored in the Community House for those classes that takes up more room than allowed in the agreement. Commissioner Tyson asked for confirmation of the classes and schedule for the use by El Puente.

Commissioner Tyson stated that the Board has not received minutes of the April 6th meeting of the Promotions and Special Events Committee and she would like for the Board to receive copies of the minutes of that meeting and all meetings of the committee. Commissioner Tyson also said the committee needs to be reminded that although their ideas are great, they must remember that anything they plan must be brought before the Board of Commissioners for approval before any action is taken on an event. She is concerned about misinformation that may lead the public to

believe the Town is endorsing an event that the Board of Commissioners has no knowledge of. The clerk advised numerous attempts have been made to get the minutes from the meeting with no success. Commissioner Rooks referenced the fact that they are required to take minutes the same as any other public body. Commissioner Tyson asked if someone would contact the committee to see if we can get the minutes of the meeting. The clerk advised she would make contact with the committee chair to see if he could get the minutes done.

Commissioner Tyson stated that she has been fighting with Piedmont Natural Gas (PNG) for three years about getting natural gas at her house. She said that in 2004, she was told by PNG that anyone in Burgaw that wanted natural gas could get it. She said she was told two years ago that anyone within the city limits that wanted natural gas could have it within a year. She said that it has been two years. Commissioner Tyson asked if anyone can do anything to push them to provide the service that was promised. After much discussion, Mr. McEwen said he would write a letter to the local manager and if that doesn't get results he was instructed to send a formal complaint from the Town to the Utilities Commission.

Commissioner Walker advised he has a concern that he has spoken with the manager about. He asked Mr. McEwen to address the board regarding a request from the Macedonia AME Church on North Walker Street. Mr. McEwen presented a couple of photographs to the Board for reference. Mr. McEwen said one photograph shows a large sycamore tree with roots infringing on the property and the sidewalk. He said the church is asking for the tree to be removed. He advised the tree is in the Town's right of way. He also commented that the tree appears to be healthy. Mr. McEwen advised that in similar situations the Town has given permission for the property owner to remove the tree at their own expense. Mr. McEwen advised the second photograph shows a gravel parking area on Ashe Street that the church is requesting that the Town pave. Mr. McEwen and Mr. Fay have looked at the area which is estimated to require approximately 1500 square feet of asphalt to cover the area. Mr. McEwen said this area would also require approximately 150 linear feet of curbing. Mr. McEwen advised the estimated cost to do pave and curb the area as requested would be approximately \$9,000. Commissioner Rooks commented that he is not in favor of cutting down a healthy tree, but if the church wants the tree down it should be done at the church's expense. He also said he is opposed to using town funds to pave church property. Commissioners Tyson, Dawson and Robbins were in agreement with Commissioner Rooks' comments. After much discussion, it was the consensus of the Board to allow the church to take the tree down at their expense and the town is not willing to pave the parking area as requested.

Commissioner Dawson advised she has spoken with a representative from MOSCA Designs regarding discounted prices for ten five foot wreaths with bows for \$6,000.00. He advised this 35% discount will be honored through May 15. Commissioner Dawson commented that it has been recommended that Christmas decorations be placed along the Hwy 53 corridor to connect the corridor area to downtown. Commissioner Rooks asked "where do we stop putting decorations?" Commissioner Tyson asked if any consideration has been given to getting a snowman like we had in the past. Commissioner Dawson advised the request was for decorations along the Hwy 53 Corridor. Commissioner Rooks asked about the wiring for the wreaths and Mr. Hesse commented there is nothing there now and wiring would have to be added. Commissioner Robbins asked if this item would be a part of next year's budget. Mr. McEwen advised this is an unbudgeted item and would require either a fund balance appropriation or moving money from non-departmental reserves to cover the cost of the wreaths.

After much discussion, Commissioner Robbins made a motion to approve the purchase of the wreaths as requested. The motion was seconded by Commissioner Dawson. Commissioners Robbins and Dawson voted "yes"; Commissioner Walker abstained which counts as a "yes"; Commissioners Rooks and Tyson voted "no"; the motion carried three to two in favor.

After more discussion, Commissioner Dawson made a motion to use fund balance to cover the cost of the wreaths. The motion was seconded by Commissioner Robbins. Commissioners Dawson and Robbins voted "yes"; Commissioner Walker abstained which counts as a "yes"; Commissioners Rooks and Tyson voted "no"; the motion carried three to two in favor.

Break (5:25 – 5:35)

Public Forum – There were no speakers for public forum.

CLOSED SESSION – For discussion of Personnel (GS 143-318.11 (a) (6) and Attorney/Client Privilege GS 143-318.11 (a) (3))

Commissioner Tyson made a motion to go into closed session pursuant to Personnel (GS 143-318.11 (a) (6) and Attorney/Client Privilege GS 143-318.11 (a) (3)). The motion was seconded by Commissioner Dawson and carried by unanimous vote. Closed session began at 5:37 PM.

OPEN SESSION RECONVENED

Commissioner Tyson made a motion to return to open session. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Open session reconvened at 7:23PM.

Upon reconvening to open session, Commissioner Tyson made a motion approving market adjustments in salary for three existing employees in the police department and other adjustments on July 01 as part of the 2015-2016 budget; also changes to the organizational chart will come back to the June 9th Board meeting representing the reorganization of the police department and the detective's position will be added to the personnel policy. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

ADJOURNMENT

Commissioner Tyson made a motion to adjourn. The motion was seconded by Commissioner Rooks and carried by unanimous vote. The meeting adjourned at 7:27PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk