

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

**DATE:** May 13, 2014  
**TIME:** 4:00 PM  
**PLACE:** Burgaw Municipal Building  
**BOARD MEMBERS PRESENT:** Mayor Eugene Mulligan  
Mayor Pro-tem Howard Walker  
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson  
**STAFF PRESENT:** Chad McEwen, Town Manager  
Sylvia W. Raynor, Town Clerk  
Robert Kenan, Town Attorney  
Bill Fay, Director of Public Works  
Louis Hesse, Building Inspector  
Ashley Loftis, Finance Officer  
Rebekah Roth, Planning Administrator  
Montrina Sutton, Chief of Police  
Kristin Wells, Deputy Clerk  
Allen Wilson, Fire Administrator  
**MEDIA PRESENT:** Andy Pettigrew – The Pender Post  
Bill Walsh, Star News  
**INVOCATION:** Nick Smith, Chaplain  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

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

**Approval of Consent Agenda**

Mayor Mulligan asked if there were any requests for amendments to the consent agenda. Mayor Mulligan requested removal of item ‘G’ regarding surplus of the old EMS building to the end of the agenda for discussion, thereby becoming item 20. Motion was made by Commissioner Rooks to remove item ‘G’ to item 20 on the agenda. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Commissioner Robbins requested to remove item ‘B’ regarding Blueberry Festival streets closing to the end of the agenda thereby becoming item 21 on the agenda. Commissioner Robbins made a motion to remove item ‘B’ to item 21 on the agenda. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

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

The consent agenda and the following items were approved:

- A. Approval of Minutes of March 18, 2014 Special Meeting, Minutes of April 8, 2014 Regular and Closed Session, Minutes of April 22, 2014 Special Meeting
- B. *Resolution 2014-14 Declaring Blueberry Festival Day in Burgaw – removed from consent*
- C. Resolution 2014-15 Authorizing Disposal of Surplus Property – Storage Container

**RESOLUTION 2014-15  
AUTHORIZING DISPOSAL OF SURPLUS EQUIPMENT**

**WHEREAS**, the Town of Burgaw, North Carolina is the legal owner of (1) 8.5'L x 6.25'W x 6.75'H grey storage container with wooden shelves which was used as a storage facility for the Public Works department; and  
**WHEREAS**, said storage container had been used for the purpose of storing various lab equipment pieces for the wastewater treatment plant and has been decommissioned by the board; and  
**WHEREAS**, the Public Works department no longer has a need for said storage container; and  
**WHEREAS**, North Carolina General Statutes 160A-270 allows municipalities to dispose of property by public auction by adopting a resolution; and  
**WHEREAS**, the storage container is valued at more than \$500.00; and  
**WHEREAS**, the following regulations are designed to secure for the Town of Burgaw the fair market value for the storage container and to accomplish the disposal efficiently and economically.

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

1. *The Board of Commissioners does hereby decommission the one (1) 8.5'L x 6.25'W x 6.75'H grey storage container with wooden shelves above issued to the Public Works department and does hereby declare it to be surplus property;*
2. *In accordance with GS 160A-270 said vehicle shall be advertised electronically on [www.govdeals.com](http://www.govdeals.com) for public sale.*

**ADOPTED this thirteenth day of May, 2014.**

D. Resolution 2014-16 Authorizing Disposal of Surplus Property – 2002 Ford Taurus

**RESOLUTION 2014-16  
AUTHORIZING DISPOSAL OF SURPLUS VEHICLE**

**WHEREAS**, the Town of Burgaw, North Carolina is the legal owner of (1) 2002 Ford Taurus SES which was used as a Town vehicle by Town staff and commissioners; and  
**WHEREAS**, said vehicle has been in service for several years but rarely utilized and has been decommissioned by the board and  
**WHEREAS**, Town staff will be reimbursed for out of town travel based on the IRS standard mileage rate; and  
**WHEREAS**, North Carolina General Statutes 160A-270 allows municipalities to dispose of property by public auction by adopting a resolution; and  
**WHEREAS**, the vehicle is valued at more than \$500.00; 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.

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

1. *The Board of Commissioners does hereby decommission the one (1) 2002 Ford Taurus above issued to the Town staff and does hereby declare it to be surplus property;*
2. *In accordance with GS 160A-270 said vehicle shall be advertised electronically on [www.govdeals.com](http://www.govdeals.com) for public sale.*

**ADOPTED this thirteenth day of May, 2014.**

E. Resolution 2014-17 Authorizing Disposal of Surplus Property – Shotguns

**Resolution 2014-17  
Authorizing Surplus of Shotguns**

**WHEREAS**, the Town of Burgaw, North Carolina is the legal owner of nine(9) Mossberg 12 gauge shotguns which were used as police service equipment; and  
**WHEREAS**, said guns have been in service for fifteen years and it is recommended that shotguns be replaced at the fifteen year service point, and  
**WHEREAS**, upon purchase of twelve(12) new Remington 870 shotguns from Rocky Point Guns, the nine current shotguns will no longer be used by the Police Department and should be declared surplus equipment of the Town of Burgaw; and  
**WHEREAS**, the Chief of Police certifies that these weapons are not necessary or useful as evidence in a criminal trial; and  
**WHEREAS**, North Carolina General Statutes 160A-267 allows municipalities to dispose of property by private sale at a negotiated price by adopting a resolution; and  
**WHEREAS**, the shotguns are worth less than \$5000.00; and

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

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

1. The Board of Commissioners does hereby decommission the nine (9) Mossberg shotguns listed above issued to the Police Department and does hereby declare them to be surplus police equipment;
2. The Town of Burgaw will purchase twelve (12) Remington 870 /12 gauge shotguns to be solely used for the purpose of law enforcement duties.
3. In compliance with Federal law, the weapons may now be transferred and/or resold. The Town of Burgaw would sell the surplus shotguns by way of sealed bids. The minimum bid would start at \$125.00 this includes a \$25.00 fee for the Federal Firearms Transfer; the top nine bids would be accepted.
4. The Town Clerk is hereby directed to sell the weapons on behalf of the Town of Burgaw.
5. The Town Clerk is to verify each serial number against the list of serial numbers provided by the Chief of Police and the list of serial numbers shall be made a permanent part of this Resolution;
6. The Town Clerk shall not, in any manner, transfer ownership of any weapon until such time as the purchaser provides proof that he/she has complied with Federal Regulations. A copy of the documentation provided shall be maintained as a permanent record with this Resolution;
7. The Town Clerk shall not, in any manner, transfer ownership of any weapon until such time as a valid license or permit (including any required under G.S. § 14-402) has first been obtained by the purchaser from Tiller and Lanier Guns a Federal Firearms License Dealer. A copy of the documents shall be maintained as a permanent record with this Resolution;
8. The Town Clerk shall not, in any manner, transfer ownership of any weapon until such time as the purchaser provides a receipt paid in full from the Town of Burgaw finance office ;
9. The Town Clerk shall not, in any manner, transfer ownership of any weapon until such time as the purchaser provides a notarized written statement, under penalty of perjury, stating that the weapon is not being acquired for purposes of transfer or resale, except as permitted under State and Federal law;
10. The Town Clerk is directed to maintain a record of all property sold pursuant to this Resolution, which shall generally describe the property sold, to whom it was sold, and the sales price for each sale;
11. No published notice of the sale shall be required; and
12. The regulations herein are in lieu of the requirements of G.S. Chapter 160A, Article 12, "Sale and Disposition of Property", and are adopted pursuant to G.S. 160A – 266(c).
13. This Resolution supersedes and amends any prior Resolution on the subject matter.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of May, 2014.

F. Resolution 2014-18 Authorizing Disposal of Surplus Property – WWTP Equipment

**RESOLUTION 2014-18**

**RESOLUTION TO DISPOSE OF SURPLUS EQUIPMENT AND ASSETS (PERSONAL PROPERTY ONLY)  
FROM THE WASTEWATER TREATMENT PLANT VIA PRIVATE NEGOTIATED SALE AS PROVIDED BY  
NCGS 160A-267**

**WHEREAS**, in 2012 the Town of Burgaw closed the Town's Wastewater Treatment Plant on Wallace Street as a result of the construction of the sewer transmission line to Wallace; and

**WHEREAS**, as a result numerous pieces of equipment related to the operation of the wastewater plant and associated laboratory became obsolete; and

**WHEREAS**, it has been determined that these items retain value; and

**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; and

**WHEREAS**, the following items are proposed for surplus and disposal:

- 1) Denver Weight Set
- 2) Denver Instruments Electronic Analytical Balance Scale
- 3) Sterometer Microscope
- 4) Dessicator
- 5) Fisher Scientific Isotemp Oven
- 6) Cole Palmer Frig-a-bator
- 7) Thermolyne Furnace 1400
- 8) Fisher Scientific Isotemp 210 Water bath
- 9) Napco 8000-DSE Autoclave Sterilizer
- 10) Roger's prefabricated building (11'8"x 24")
- 11) Ysi 5000 Dissolved Oxygen Meter with Ysi 5905 DO Probe
- 12) Time Clock-Latham
- 13) Accumet PH/Ion/Conductivity Meter with Ammonia, Conductivity, PH Probes and Two Probes Stands
- 14) Fisher Scientific Incubator

- 15) Nalgene Pipette Washer
- 16) Barnstead Mega-Pure System Water Distiller
- 17) Fisher Scientific Low Temperature Incubator
- 18) Isco 3700 Sampler
- 19) Isco 2910 Sampler
- 20) Misc. pump hoses
- 21) 6 cooler (various sizes)
- 22) Misc. shop tools
- 23) Voland 220-D Milligram Scale
- 24) 4 stainless steel wenchers
- 25) Misc. pumps of various sizes (new, used, rebuilt)
- 26) Electrical supplies and equipment; and

**WHEREAS**, pursuant to Article V Section 231 of the Town of Burgaw Code of Ordinances, the Town Manager may dispose of personal property by any means he or she determines will provide the “highest attainable sale price in money or other consideration”; and

**WHEREAS**, the Town Manager has determined that private sale as provided by NCGS 160A-267 provides the Town with the possibility of obtaining the highest sale price due to the specialized nature of the above listed equipment ; and

**NOW THEREFORE BE IT RESOLVED** by the Town of Burgaw Board of Commissioners that the above listed items shall be sold via private sale as provided by NCGS 160A-267.

**SECTION 1.** All items listed above shall be sold “as is” and “where is” without warranty.

**SECTION 2.** All items must be removed within 48 hours of sale.

**SECTION 3.** All items listed above shall be sold via sealed bid submitted to the Town Manager by 5 pm on June 9, 2014.

**SECTION 4.** Proceeds generated from the sale of the above listed items will be regarded as miscellaneous revenues within the Town of Burgaw Water and Sewer Enterprise Fund.

**SECTION 5.** Pursuant to NCGS 160A-267, the Town Manager shall advertise once in a newspaper of general circulation within the Town of Burgaw a notice announcing the following:

- 1) Items to be sold and any applicable minimum bids
- 2) Date, time, and locations where items can be inspected
- 3) Terms of sale including sealed bid requirements

Witness my hand and the corporate seal of said Town of Burgaw this the thirteenth day of May, 2014.

*G. Resolution 2014-19 Authorizing Disposal of Surplus Property – Former EMS Station – removed from consent*

\*\*\*\*End of Consent Agenda\*\*\*\*

## **DEPARTMENTAL ITEMS**

### **Building Inspections – Louis Hesse, Building Inspector**

#### **Resolution 2014-20 Authorizing Amended Contract with Tommy Garriss – Building Inspections**

Mr. Hesse advised in 2003 the town contracted with Tommy Garriss (a full-time Inspector for Pender County) to provide inspections in the absence of our full-time inspector. His compensation was set at \$25 per inspection. Mr. Hesse said in the past couple of years while the economy was in a recession, we have used Mr. Garriss’ services very little. In March of 2014 Mr. Garriss notified Mr. Hesse that due to the associated expenses and the requirements of accounting, he felt it was not in his interest to continue with his contract as it is. Mr. Hesse advised Mr. Garriss’ service is invaluable to the operation of our Inspections Department and without it there would be major issues with costly delayed inspections and contractor correspondence.

Mr. Hesse advised in an effort to retain Mr. Garriss’ services, it is recommended that we amend his contract to straight on-call compensation to provide services as needed with a monthly compensation of \$150. This proposal is acceptable to Mr. Garriss who understands that with the upturn in the economy, he could be expected to provide more than 6 inspections per month on average.

After a brief discussion, Commissioner Rooks made a motion to approve Resolution 2014-20 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2014-20**  
**AUTHORIZING THE APPROVAL OF AN AMENDED CONTRACT WITH TOMMY GARRISS TO PROVIDE**  
**NECESSARY INSPECTIONS AS NEEDED IN THE ABSENCE OF OUR FULL-TIME INSPECTOR**

**WHEREAS**, the Town of Burgaw Board of Commissioners approved the current contract with Mr. Garriss; and

**WHEREAS**, it has become necessary to amend this contract in order to retain his services; and

**WHEREAS**, Mr. Garriss' services are invaluable to the operation of our Inspections Department and without it there would be major issues with costly delayed inspections and contractor correspondence without these services; and

**WHEREAS**, the proposed contract amendment is acceptable to Mr. Garriss; and

**WHEREAS**, the Town of Burgaw's new compensation for Mr. Garriss' services would become \$150.00 per month.

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

*A contract with Tommy Garriss be amended under the compensation section to reflect new monthly on-call as needed compensation to \$150.00 per month.*

**ADOPTED** this 13<sup>th</sup> day of May, 2014.

**Planning – Rebekah Roth, Planning Administrator**

**Resolution 2014-21 Adopting an Agreement to Continue Participation in the NC Small Town Main Street Program 2014-2015**

Ms. Roth advised that adopting the attached resolution will continue the town's participation in the Small Town Main Street Program for 2014-2015. She advised the town was originally chosen as a participant in this program in 2007 and has participated ever since. However, this year some changes to the program have been implemented and will require three new requirements from the town: joining the National Main Street Center as a Standard Member, attending the NC Main Street Conference, and attending the NC Main Street Basic Training. Ms. Roth reviewed a memo from Bob Murphrey which explains these new requirements. She advised she has spoken with the town manager regarding our ability to meet these requirements, and we will have funding in the budget if the resolution is adopted. Ms. Roth also said every year we are required to pass this resolution to continue our participation in the program and to provide data on our downtown to the Department of Commerce.

Commissioner Rooks asked what benefit this program is to the town. Ms. Roth stated that the main benefit is the support received from the state level. There was much discussion regarding benefits vs. expense to participate.

After discussion, Commissioner Dawson made a motion to approve Resolution 2014-21 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2014-21**  
**ADOPTING AN AGREEMENT TO CONTINUE PARTICIPATION IN THE**  
**NORTH CAROLINA SMALL TOWN MAIN STREET PROGRAM**  
**2014-2015**

**WHEREAS**; the North Carolina Department of Commerce, Office of Urban Development has established a Small Town Main Street Program to provide technical assistance in downtown revitalization, utilizing the "Main Street Four-Point Approach" of Organization, Design, Promotion and Economic Restructuring to selected small towns in eastern North Carolina; and

**WHEREAS**; several towns were selected to receive a more detailed level of service incorporating all of the "Main Street Four Points"; and

**WHEREAS**; the Department of Commerce selected the Town of Burgaw to participate in the program and the Town wishes to continue its participation for an additional year; and

**WHEREAS**; both parties agree that a high level of community participation and commitment is required on the part of the Town and community in order to ensure that the program is as successful as possible: and

**WHEREAS**; there is no cost to the Town except reimbursement for travel related expenses that may be requested by the Town;

**THEREFORE, BE IT RESOLVED**; that the Town agrees to continue its participation in the Small Town Main Street Program and to abide by the following conditions:

1. The Town will actively participate in the Small Town Main Street Program for an additional period of no less than twelve (12) months beginning July 1, 2014.
2. The Town will designate a contact person in the community for the technical assistance team to coordinate with in order to provide continuity and leadership for the effort.
3. The Town will continue to maintain a volunteer committee and working subcommittees that are representative of the entire community, to provide focus for the program.
4. The Town will continue its support for the volunteer committee and will assist the committee and team in conducting community projects and any other necessary activities.
5. The Town will cooperate with the Small Town Main Street technical assistance team and support the community vision and plan of action.
6. The Town will continue to implement the plan of action to the fullest extent possible.
7. The Town will continue to develop and actively participate in local and regional partnerships and networks, and share resources and information gained through the program with other communities in the region.
8. The Town agrees to reimburse the Office of Urban Development for travel related expenses for any travel requested by the Town as submitted.
9. The Town agrees to join the National Main Street Center as an associate member by October 1<sup>st</sup>, 2014 and remain an associate member so long as the Town participates in the NC Small Town Main Street Program; and pay dues as required to the National Main Street Center, currently established as \$250 per year.
10. The Town agrees to send a representative to in-state training that may be requested by the North Carolina Main Street Center and to the Annual North Carolina Main Street Conference when scheduled.

**ADOPTED BY THE TOWN BOARD of BURGAW THIS 13TH DAY OF MAY, 2014**

**Discussion – Regarding Suggested text change amendment to create an overlay zoning district requiring design regulations along Hwy 117 and Hwy 53**

Ms. Roth advised Commissioner Jan Dawson has suggested that the town consider a text change to the Unified Development Ordinance to create an overlay district for the Hwy 117 and Hwy 53 corridors in order to apply design regulations. She said before staff begins working on a proposed amendment, we wanted to get input from the Board of Commissioners.

Ms. Roth advised creating an overlay district is one way that communities can apply design regulations to targeted areas. However, design regulations could also be created that would apply to all new construction. In the past, board members expressed concerns regarding design regulations for small buildings, and communities such as Surf City that have design regulations do have different levels of requirements depending on the size and/or type of the structure.

Ms. Roth advised the Planning Department is looking for a decision from the board as to whether staff should begin the text change amendment process. She said such a text change amendment would likely go before the Planning Board in August with possible public hearing in September.

There was a very lengthy discussion regarding design standards and the methods used to make determinations on how to prepare said standards.

Commissioner Dawson made a motion to approve the request to take a proposed text change amendment to the planning board for discussion and review regarding a text change amendment to create an overlay zoning district requiring design regulations along Hwy 117 and Hwy 53. The motion was seconded by Commissioner Robbins. Commissioners Dawson, Robbins, Rooks and Walker voted “aye”. Commissioner Tyson voted “nay”. Motion carried four to one.

**Information Item – Regarding the FOCUS Project’s alternative futures event on May 22, 2014**

Ms. Roth advised all commissioners should have received an invitation to the May 22, 2014 Alternative Futures Breakfast and Forum to be held at the Hilton Riverside in Downtown Wilmington. She advised at this meeting, the regional data projections for future growth of our region, including where jobs, people, and development could be cultivated, will be presented. This will also be the meeting where members will be sought for a Regional Advisory Committee that will help shape the policies and actions that will come out of all the research that has been done on the region throughout the FOCUS planning process. Ms. Roth advised she will present additional information and answer any questions about the FOCUS project and the Alternative Futures event. This item was for informational purposes only, no action was necessary.

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

**Hood Property** – Attorney Kenan advised the Hood property purchase has been completed and the documents have been recorded.

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

**Resolution 2014-22 Considering the Approval of Change Order Number 1 to the Contract with A.C. Schultes Related to Phase 2 of the Town Of Burgaw Sewer Rehabilitation Project**

Mr. McEwen advised the budget for the rehab project includes contingency funds that were intentionally withheld from the original scope of work in the contract with A.C. Schultes. These funds were withheld to cover any change orders that might arise from unforeseen circumstances the contractor might encounter. He said our plan from the beginning was to wait until the work on Wilmington Street was complete before determining other I&I issues that should be addressed with these contingency funds.

Mr. McEwen advised the change order includes extra I&I work which Chris Ford has determined presents significant deficiencies in the sewer collection system. The total amount of additional work is significantly more than the \$54,040.56 change order presented but due to quantity underruns that have allowed us to adjust the original contract amount. If approved the contract amount will increase the original contract amount of \$1,558,925.50 to \$1,612,966.06. In addition the proposed change order will result in additional engineering administration and observation services which Chris Ford is anticipating may be covered within the existing contract with Kimley Horn and Associates.

Chris Ford, Engineer gave a lengthy presentation regarding the proposed plans for the additional work to be done.

After discussion, Commissioner Rooks made a motion to approve Resolution 2014-22 which authorizes Change Order #1 to the contract with A.C. Schultes related to Phase 2 of the Town of Burgaw Sewer Rehabilitation Project. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2014-22  
A RESOLUTION CONSIDERING THE APPROVAL OF CHANGE ORDER NUMBER 1 TO THE CONTRACT WITH A.C. SCHULTES RELATED TO PHASE 2 OF THE TOWN OF BURGAW SEWER REHABILITATION PROJECT**

**WHEREAS**, due to cost and quantity under runs related to the sewer rehabilitation project, the project budget includes contingency funds that can be used to expand the original scope of work to be performed by A.C. Schultes, and **WHEREAS**, it is necessary to expand this scope given the fact that additional sources of sewer system inflow and infiltration (I&I) exist within the Town of Burgaw's sewer collection system, and **WHEREAS**, this additional work will assist the Town in its efforts to reduce the amount of I&I entering the sewer collection system which in turn will reduce the treatment cost paid by the Town of Burgaw to the Town of Wallace; and **WHEREAS**, A.C. Schultes has agreed to complete the additional work in a reasonable time of 30 days which will reduce the penalties charged to date by the Town of Burgaw for accrued days of liquated damages by 30 days, and **NOW THEREFORE BE IT RESOLVED** by the Town of Burgaw Board of Commissioners the follow;

**SECTION 1.** Change Order #1, as attached, is hereby approved which will increase the contract amount with A.C Schultes from \$1,558,925.50 to \$1,612,966.06 (net increase of \$54,040.56)

**SECTION 2.** In regard to accrued liquidate damages, as it pertains to the original contract between the Town of Burgaw and A.C. Schultes, a credit of 30 days or \$30,000 shall be applied prior to the town issuing a final pay request.

**SECTION 3.** The Town Manager is hereby authorized to execute all documentation related to Change Order #1 as approved by this resolution.

Witness my hand and the corporate seal of said Town of Burgaw this the thirteenth day of May, 2014.

**Resolution 2014-23 Amending the Personnel Policy**

Mr. McEwen advised the proposed amendments involve changes to 8 different section of the personal policy. The proposed amendments are described below:

**Article V, Section 12-** This proposed amendment involves the addition of the Public Works Administrative Assistant's position as a FLSA exempt employee of the Town.

**Article V, Section 11 (b) and Article VII, Section 12 (3) (a)** - - These proposed amendments involve holiday pay for law enforcement personnel. Currently all law enforcement personnel get 8 hours of holiday pay for the 12 holidays recognized by the personnel policy. These employees get these days with pay regardless of whether they work or not. In addition if they work they get paid 1.5 times their regular rate for every hour worked. Each year overtime and holiday pay for the police department costs us nearly \$40,000 with the majority of these expenditures being tied to holiday pay. These proposed amendments involve doing away with the 8 hours of holiday pay for those law enforcement personnel who don't work on the actual holiday and increasing the rate of compensation for Christmas and Thanksgiving for those that work from 1.5 times their regular rate to 2.5 times their regular rate. The rate of compensation for the other holidays would remain 1.5 times the regular rate of pay.

**Article V, Section 16-** This proposed amendment involves pay for exempt employees during a declared state of emergency. The main change involves requiring the exempt employee to reach 40 hours within a week before state of emergency pay of 1.5 times the regular rate is calculated.

**Article VII, Section 19-** This proposed amendment also involves clarification that exempt police personnel (salaried employees) cannot take vacation time and work contract work on behalf of the Town. This change will primarily involve restricting the police major, captain, and chief from using vacation time to work on movies at a contract rate of 1.5 times their regular salary.

**Article XV, Annex 11-** This proposed amendment adds the Public Works Administrative Assistant and Utility Technician's position to the Town's Pay and Classification Plan.

**Article XVI-** This proposed amendment involves replacing the Utility System Operator/Compliance Specialist's position with the Utility Technician's position within the Public Works Department.

**Article XIV-** This proposed amendment involves replacing the Utility System Operator/Compliance Specialist's position with the Utility Technician's position within the Town's organizational chart as well as the addition of the Public Works Administrative Assistant. In addition, the immediate supervisor of these positions is clarified.

Mr. McEwen pointed out an error that was discovered in the organizational chart regarding the supervising authority for paid firefighters. He advised that responsibility has been delegated solely to the fire administrator and should be removed from the Building Inspector.

Commissioner Rooks mentioned that some of the changes will affect law enforcement and he asked for comments from Chief Sutton. Chief Sutton's primary concern is the removal of the eight hours of holiday pay given to law enforcement regardless of whether they are on or off duty. She advised that item is often used for a hiring tool to recruit officers. Mr. McEwen advised the motive behind this change is to take the eight hours pay from the officer that is scheduled off on the holiday and compensate the working officer with additional pay at 2.5 times the normal rate. There was a lengthy discussion regarding the fairness of the policy.

For clarification, Mr. McEwen reviewed each proposed amendment for discussion.

After discussion, Commissioner Rooks made a motion to approve the proposed amendments with the exception of items in Article V, Section 11 (2)(b) and Article VII, Section 12 (3)(a) regarding the eight hour holiday pay. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Commissioner Robbins made a motion to table discussion on proposed changes in Article V, Section 11 (2) (b) until staff can bring further information to the June meeting. The motion was seconded by Commissioner Robbins and carried by unanimous vote.



**RESOLUTION 2014-23  
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 Manager recommends amendments and new policies to replace existing policies and procedures within various sections of the Personnel Policy.

**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 attached changes.

**Adopted this 13<sup>th</sup> day of May 2014.**

**(Attachments on file in Clerk's office)**

**BREAK 5:00** – Mayor Mulligan called for a break at 5:00PM. The meeting reconvened at 5:15PM.

**Discussion – Fee schedule changes related to use of Police Cars for filming**

Mr. McEwen advised that recently due to a request from Johnny Griffin, the Board asked for a few options to be presented regarding the reduction of fees related to using police cars during filming. Currently the rate is \$30 per hour per car and includes a requirement that every officer working must have a car. Various options have been discussed including reducing the hourly rate as well as implementing a flat daily rate after four hours.

Mr. McEwen advised after considering the numbers he recommends the Board stay with an hourly rate structure but reduce the per hour rate from \$30 to \$20.

After a brief discussion, Commissioner Rooks made a motion to reduce the per hour rate from \$30 per hour to \$20 per hour for use of police cars during filming. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. McEwen advised this fee will be added to the fee schedule in the proposed FY 2014-2015 budget at the June meeting and will become effective on July 1, 2014.

**Other items from the Manager**

Mr. McEwen advised the Fire Department recently held a yard sale which was a successful fund raiser for the department. He advised the Fire Department would like to hold a raffle for a shotgun at the Blueberry Festival. He said he just wanted the Board to know their plans and to determine if there were any objections to the raffle. There were no objections mentioned.

**PUBLIC FORUM**

**Rochelle Whiteside** advised there is a lot of talent in Pender County and she desires a place to create an arts center for the growth of the arts in the area. Ms. Whiteside spoke at length regarding arts in the community. She advised she feels the Pender County Arts Council could put to use the old EMS building that the town is proposing to tear down. She asked the Board to consider allowing the Pender County Arts Council to use the old EMS building instead of tearing it down.

**Hannah Brewer** advised she is a drama student at Pender High School. She advised she enjoys drama class and she too is requesting that the old EMS building be preserved for theater, arts and other cultural events.

**Jonathon Cruz** advised he is a drama student at Pender High School. He explained how drama has helped him learn to express himself and opened many avenues in theater for him. He advised they have no place to rehearse and is asking the Board to consider to allowing them to make use of the old EMS building.

**Sadie Pollock** presented copies of brochures from arts venues she has attended in surrounding areas. She advised it would be a dream come true to have a Burgaw arts center in downtown Burgaw. She advised that although the

Pender County Arts Council has no money at this time, she asked that the Board consider giving the community two years to see what can be done with the EMS building.

**Jason Aycock** advised he works with Community Theater in Wilmington and can envision the same in Burgaw with the use of the old EMS building. He advised he would like to see the Board allow the Pender County Arts Council use of the building.

**Harold Pollock** advised he has attended several other arts centers across the area and he feels that the old EMS building could become an arts center for Burgaw. He spoke at length regarding arts events that he is aware of that could benefit from the use of the building.

**Sabrina Armstrong** advised she has a passion for the arts and feels the community could benefit greatly from an arts center located in the old EMS building. She said she teaches art at Harrells Christian Academy and she would like to have art camps in Burgaw.

**Herbert Harrell** advised he is here to request maintenance on the south end of the railroad right of way in the area of the concrete slab which is surrounded by tall grass. He also stated that the merchants of Burgaw have no relationship with the film industry although the town is receiving large sums of money for public use. He said they are blocking the parking spaces that serve the merchants but they are not being compensated for the way they are being treated. He said they are not happy and desire that the town take that into consideration when allowing film crews to come into town.

**Tollie Mitchell** advised he is very impressed with the talent in the area and he would like to see a place that could be used for music venues. He said he is very interested in seeing the possibility of an arts center Burgaw.

#### **Special Presentation by Rochelle Whiteside**

Rochelle Whiteside presented the Tucker Award to the Town of Burgaw for participation in the Pender Spring Festival. Awards were presented to the Town of Burgaw Administration and the Town of Burgaw Public Works.

#### ***ITEMS REMOVED FROM CONSENT AGENDA***

#### **Consideration of a Resolution to Surplus and Dispose of the Former Pender EMS Station (Personal Property Only) located at 108 East Wilmington Street via Private Negotiated Sale Pursuant to NCGS 160A-267**

##### **Background**

Mr. McEwen advised at the April meeting, the Board voted to surplus the former EMS station building and dispose of the building via sealed bid as provided by NCGS 160A-267-268. He said in following up with the people who had voiced interest in removing the building, the best deal we will likely receive without town funds being appropriated is the removal of the building and interior contents but not the concrete pad. The removal of the concrete will cost approximately \$3,000-\$4,000. The individual who stated they would pay the Town to take the building has since stated they are no longer interested.

Mr. McEwen said the recommendation is the approval of the Resolution 2014-19 which surpluses and establishes the terms of disposal related to the former Pender EMS Station (Personal Property Only) located at 108 East Wilmington Street. Mr. McEwen said that if the Board votes to surplus and dispose of the building, he recommends doing so via sealed bids with a minimum bid of \$1.00. Also as shown in the attached resolution the contractor who submits the highest bid must present an insurance certificate that lists the Town of Burgaw as an additional insured.

Commissioner Rooks advised that initially he had wanted to save the building for the town's use at a later time. He said he feels it is not good use of the taxpayer's money to tear the building down.

Commissioner Tyson asked Ms. Whiteside if there is a current arts council. Ms. Whiteside advised there is an arts council but the problem is they have no place to do the things that an arts council should be doing.

Commissioner Dawson asked if the arts council has a board of directors. Ms. Whiteside named several individuals that currently serve on the board. She advised a grant is facilitated to the Pender Arts Council from the NC Arts Council which is then facilitated through the schools. She advised this grant is for 15k annually and without being facilitated through the schools the arts council would have to match the grant and they cannot afford that.

Commissioner Tyson advised the main reason for considering the removal of the EMS building is because it is an eyesore. She asked Ms. Whiteside if the expectation is for the town to give them use of the building, and to also pay the utilities and the liability insurance for the arts council.

Commissioner Walker recommended that the group consider fund raisers such as those that built the EMS building in the beginning.

Mayor Mulligan advised these possibilities will have to be explored and that we need to deal with the issue of whether or not to surplus the building.

After a lengthy discussion, Commissioner Robbins made a motion to rescind the motion to surplus the old EMS building. The motion was seconded by Commissioner Rooks. Commissioners Robbins, Rooks and Walker voted "aye". Commissioner Dawson stated she would like to see the item tabled until further information could be presented. Commissioner Tyson agreed with the suggestion to table the item. Mayor Mulligan stated there are three "ayes" for the vote. After further discussion, Commissioners Dawson and Tyson voted "aye" to rescind the motion to surplus the old EMS building thereby creating a unanimous vote. Motion carried.

It was the consensus of the Board to defer this item to the Buildings and Grounds committee for a later meeting with the Arts Council. Commissioner Rooks stated that he could go along with the plan if the building is a shared use for many different types of activities to include the haunted house that has been done in a town building in the past.

#### **Consideration of a Resolution Regarding the 2014 North Carolina Blueberry Festival**

Mr. McEwen advised Resolution 2019-14 is virtually identical to the one passed last year by the Board last year and basically only deals with street closures. The recommendation is the approval of the proposed resolution regarding the 2014 North Carolina Blueberry Festival.

Commissioner Robbins advised he requested to pull this item from the consent agenda because he has concerns about closing Fremont Street in front of the businesses and S Wright Street (from Fremont south) on Friday night before the festival on Saturday. Mr. McEwen explained that the main reason was for the vendors coming in and cars being left in places that would prohibit vendors from getting to their places. Commissioner Robbins feels it is unfair to the businesses located on Fremont Street that are normally open on Friday evening for business. He is concerned that they will lose revenue if patrons cannot get to the businesses.

After much discussion, Commissioner Tyson made a motion to amend the resolution to state the following: Fremont Street between Dickerson Street and Wright Street will be closed from 5am on June 21, 2014 until midnight June 21, 2014 and Fremont Street between Wright Street and Walker Street is closed from 6 pm on June 20, 2014 through noon on June 22, 2014. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

In addition to the above motion, there was a consensus from the Board to allow U-turns at the intersection of Fremont and Wright on Friday night only during the closure of South Wright from Fremont.

#### **RESOLUTION 2014-14 DECLARING NC BLUEBERRY FESTIVAL DAY IN BURGAW**

**WHEREAS**, the first annual N. C. Blueberry Festival was held in Burgaw on June 26<sup>th</sup>, 2004; and  
**WHEREAS**, that festival has become a tradition enjoyed by thousands of people; and  
**WHEREAS**, the eleventh annual N. C. Blueberry Festival is planned for June 21<sup>th</sup>, 2014 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 21th, 2014 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 be 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 Dickerson Street and Wright Street will be closed from 5am on June 21, 2014 until midnight June 21, 2014
- Fremont Street between Wright Street and Walker Street is closed from 6 pm on June 20, 2014 through noon on June 22, 2014
- Fremont Street between Walker Street and Cowan Street is closed from 5 am on June 21, 2014 through midnight on June 21, 2014
- Wright Street between Satchwell Street and Wilmington Street is closed from 6 pm on June 20, 2014 through noon on June 22, 2014
- Walker Street between Fremont Street and Wilmington Street is closed from 6 pm on June 20, 2014 through midnight on June 21, 2014
- Dickerson Street between Satchwell and Wilmington Street is closed from 6 pm on June 20, 2014 through noon on June 22, 2014
- Courthouse Avenue between Wright Street and Dickerson Street is closed from 6 pm on June 20, 2014 through noon on June 22, 2014

Witness my hand and the corporate seal of said Town of Burgaw this the thirteenth day of May, 2014.

## **ITEMS FROM MAYOR**

### **Discussion – Police Department Procedures**

Mayor Mulligan stated that he would like to see the daytime on duty police officers out of the car, walking and interacting with citizens in the downtown business district as well as the outlying business areas. He advised he would like to see this become part of police department policy. Chief Sutton responded by commenting that officers do downtown walks and those walks are documented on their logs. There was a very lengthy discussion regarding visibility of police officers in the business districts.

Mayor Mulligan also requested that police officers slow down when traversing the town. He feels that the officers often travel too fast when going to a call. He mentioned the risk of angle parked cars backing out in front of a fast moving police car. Chief Sutton was asked to speak to the officers regarding the abovementioned issues.

Mayor Mulligan advised the town needs to work on the relationship with the hospital regarding the police officers being required to manage security issues at the hospital. He advised the hospital should have its own security instead of our officers being tied up with issues within the hospital. Chief Sutton spoke at length about the problems with committed individuals as well as walk-ins that cause threats that require the services of the police department. Attorney Kenan recommended that town officials speak with the CEO and the Chief of Security at New Hanover Regional Medical Center regarding these issues. Mr. McEwen and Chief Sutton were asked to look into this situation further.

### **Streets discussion**

Mayor Mulligan requested that the infrastructure board consider relining Fremont Street now even though the street will be dug up for water repairs and repaved at a later date. He suggested using paint instead of the more expensive thermo stripe as a temporary fix. He advised it is difficult to judge where the center of the street is because there are so many irregularities in the pavement and he feels that drivers would appreciate the markings for safer travel. Mayor Mulligan also advised there are stop lines that need to be redrawn in several areas. David Dunn was in the audience and requested that the sides of Fremont be scraped because a large portion of the street sides are under grass. There was a very lengthy discussion regarding street issues and the infrastructure board was asked to meet and make recommendation to the Board at a later date regarding the Fremont Street issues. Commissioner Rooks commented that he would like to see more of the film money spent to improve the streets thereby benefiting the entire community with film revenues.

Mayor Mulligan mentioned there was a request for a handicap parking space in the middle of the block on Fremont Street between Wright and Dickerson Streets as well as an additional street light about halfway down Courthouse Avenue.

**ITEMS FROM BOARD OF COMMISSIONERS**

Commissioner Tyson thanked Chief Sutton for the hard work by Officers Bailey and Byrd for the recent apprehension of the thieves in her neighborhood.

**ADJOURNMENT**

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

The meeting adjourned at 7:55PM.

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Eugene Mulligan, Mayor

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