

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

DATE: July 08, 2014
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Pro-tem Howard Walker
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
BOARD MEMBERS ABSENT: Mayor Eugene Mulligan
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
Allen Wilson, Fire Administrator
MEDIA PRESENT: Andy Pettigrew – The Pender Post
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

The meeting was called to order at 4:00PM by Mayor Pro-tem Howard Walker.

Approval of Agenda

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

Approval of Consent Agenda

MPT Walker asked if there were any requests for amendments to the consent agenda. Commissioner Robbins pointed out that there was an error on page 9 of the June 10, 2014 minutes in the last paragraph regarding “two cent property tax” that should read “two cent fire tax”. There being no further corrections, Commissioner Robbins made a motion to approve the Consent Agenda as corrected. The motion was seconded by Commissioner Rooks and carried by unanimous vote. The clerk advised she would make the correction.

ITEMS FROM ATTORNEY

Attorney Kenan advised he is waiting for Attorney Harold Pollock to provide him with a proposed lease from the Pender Arts Council for the use of the EMS building. He advised the Board that as soon as he receives the document, he will pass along his comments to the Board members for review. Commissioner Robbins asked Mr. McEwen to make contact with Attorney Pollock in an effort to expedite the process. Mr. McEwen commented that this brings forth yet another issue. He advised that there has been some traffic in the old EMS building even though supposedly the key has been turned in to the office. He said for liability purposes he is concerned about unauthorized people in the building until we get a contract and insurance in place. The Board recommended that Mr. McEwen contact Ms. Whiteside and ask that all keys be turned in to the front office.

ITEMS FROM MANAGER

Discussion: Request to increase speed limit on portion of Penderlea Highway

Mr. McEwen advised that recently he received an email from George Eckart with NCDOT regarding a citizen's request to increase the speed limit along Penderlea Highway. He said the proposed change would increase the speed limit from 35 mph to 45 mph from the western city limit line on Penderlea Highway to the Pine Street intersection.

If the Board is receptive to this proposal, NCDOT will provide a municipal certification regarding the change and request that the Board of Commissioners approve an ordinance formally requesting the speed limit change to be considered and approved by NCDOT.

Commissioner Robbins was concerned that it seems this request was submitted by one citizen and that the citizens that live in the area should be allowed to have input before making any changes. The Board was reminded that a public hearing is required before changing the speed limit on any town street and those citizens would have the opportunity to speak at the hearing. Andy Pettigrew, Editor of the Pender Post-Voice advised he would write an article in his newspaper informing the public of the request. The Town Clerk pointed out that the normal advertisement for public hearings would also be done in order to inform the public.

After a brief discussion, Commissioner Rooks made a motion to hold a public hearing at the August 12, 2014 Board of Commissioners meeting for the purpose of consideration of changing the speed limit from 35MPH to 45MPH as requested by NC Department of Transportation. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Attorney Kenan suggested that a representative from NCDOT be present at the public hearing.

Discussion: Update on Request of Teal Briar Properties, LLC to Meet with the Town of Burgaw and Teal Briar Property Owners Regarding Roads and Infrastructure Conveyance

Mr. McEwen advised the Town Attorney mailed a letter to Jon Vincent, who is the Authorized Agent of Teal Briar Properties, LLC, requesting that Mr. Vincent contact Mr. McEwen so a meeting could be coordinated between the Town and a representative of the property owners who live in the subdivision. Mr. McEwen said the meeting was designed to discuss with Mr. Vincent his intentions to convey the streets and water and sewer infrastructure to the Town of Burgaw.

Mr. McEwen advised he has received no correspondence from Mr. Vincent. Mr. Rojas, who is a property owner in Teal Briar, has inquired several times regarding the Town's next step. Mr. McEwen said the purpose of this discussion is for the attorney to provide guidance on what options are available for the Town given Mr. Vincent's unwillingness to meet and discuss these issues.

Adam Nicholas was present to represent Mr. Vincent and Teal Briar Properties. Mr. Nicholas gave the Board some background on how the property came to be the responsibility of Mr. Vincent. He advised the water and sewer issues as well as the roadways are all out of date and need to be fixed. He advised there is no funding to do any of the necessary repairs in order to turn over the infrastructure to the town. Mr. Nicholas advised Mr. Vincent is willing to pay for the initial assessments to the infrastructure but if they find major problems that need repair, they would have to ask either the HOA or the town to consider helping them with those costs. There was a very lengthy discussion regarding the lack of funding, poor management practices, the issues with the HOA, the remaining undeveloped property and many other issues. Mr. Nicholas said that if the owners could sell the vacant property which is valued at approximately 400k, they could use the revenues to make the necessary improvements to the streets, water and sewer and then convey the infrastructure to the town. There was discussion regarding whether or the not the owners would be willing to commit to reimbursement of costs associated with upgrades of the infrastructure at the sale of the vacant property. Mr. Nicholas indicated that it is possible that the owners would commit to an agreement at the sale of the property. After more discussion, Attorney Kenan was asked to put together a memorandum of the town's position regarding the situation.

After further discussion, Commissioner Rooks made a motion to instruct the Town Manager and the Town Attorney to develop guidelines to determine what surveys need to be done to identify any upgrades that would make the water, sewer and streets in Teal Briar acceptable to be received by the Town and that a deed of trust be written to cover the costs when the property is sold to insure that the town would be reimbursed for the upgrades. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Discussion: Film Commission Dues Program

Mr. McEwen advised the Wilmington Film Commission is starting a dues program. He advised there are three levels starting from basic at \$400 per year to \$2250 per year for the home page plus package. He said Johnny Griffin has asked that the Board consider joining the program as a sponsoring member to help Wilmington Film Commission in their efforts to bring in projects that may be filmed in Burgaw or the surrounding the area. Mr. McEwen advised the benefit in joining is being involved in film related economic development projects. It was the consensus of the Board to have Mr. McEwen check into to this and see what other municipalities do and to put this item on the agenda for next month’s meeting.

Discussion: Coopers Pointe Lift Station Issues

Mr. McEwen presented copies of a letter sent to Alan Scott, Principal, The NRP Group, and a list of required improvements for the Cooper’s Pointe lift station to the Board of Commissioners for review. Mr. McEwen reminded the Board that Mr. Scott has requested that the Town take over the lift station but there are many repairs that will be required before the Town can accept the lift station. Mr. McEwen advised the Infrastructure Board has met and made recommendations that are enclosed in the letter in regards to the maintenance issues at the lift station (letter on file in the Clerk’s office). Mr. McEwen said that the bottom line is that Mr. Scott will be required to spend approximately \$81,000 to get the lift station upgraded to an acceptable state.

For clarification, Attorney Kenan asked if the requirements are for the developer to oversee the construction with Chris Ford as the engineer and Jack Smiley to observe the project until all tasks on the sheet are complete and upon provision of an engineering certification, the Town will accept the lift station. Mr. McEwen advised he would also like some provision that if Coopers Pointe owners back out on this again that they would forfeit the \$25,000 cash bond.

After a lengthy discussion, Commissioner Rooks made a motion to approve the recommendation of the Infrastructure Board which gives Mr. Scott our minimum requirements for repair of the lift station to include advising Mr. Scott that minimum requirements are non-negotiable, repairs must be done based on what the Town’s engineer recommends, require owner of Cooper’s Point to retain Chris Ford and Jack Smiley for engineering and observation and post a cash bond of surety in the amount of 25k for one year based on the fact that owner has been unwilling to cooperate in the past with requirements. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Discussion: 150th Year Anniversary of Civil War ad in Carolina Heritage Magazine

Mr. McEwen advised the TDA has typically run an ad in the Carolina Heritage Magazine and the current one will be in recognition of the celebration of the 150th Anniversary of the Civil War. After a brief discussion, Commissioner Robbins made a motion to approve the placement of the ad in the Carolina Heritage Magazine to be paid out of TDA funds in the amount of \$545.00 and to include an updated picture of the depot. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Discussion: ORC Services Contract

Mr. McEwen advised that since Roy Cottle is no longer employed with the town the responsibilities listed in the proposed ORC Services Contract are the same as those performed by the previous ORC. Mr. McEwen advised the items listed are required by the state and in the interim before hiring someone we need a service to keep us in compliance. He advised the monthly rate will be \$5400 which is slightly higher than salary and benefits of the previous ORC. Mr. McEwen advised the recommendation is to approve the contract with ORC Services effective July 9th. Commissioner Rooks made a motion to accept Mr. McEwen’s recommendation to approve the contract with ORC Services effective July 09, 2014. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Break – MPT Walker called for a break at 5:00PM. The meeting reconvened at 5:10PM.

PUBLIC FORUM

There were no speakers present for the public forum.

ITEMS FROM BOARD OF COMMISSIONERS

Infrastructure Board Recommendations

Commissioner Robbins and Commissioner Rooks reviewed their recommendations from the Infrastructure Board meeting on June 18. The following items were discussed:

- Request for a crosswalk by Connie Ives, Media Specialist at Burgaw Elementary School at the intersection of Wright and Wilmington Streets. There would be a requirement for engineering to place a crosswalk at this intersection since both streets are NCDOT maintained roads. Commissioners Robbins and Rooks recommended tabling this item until reports are received from NCDOT.
- Rebekah Roth, Planning Administrator gave a brief overview of her plans for the town wide Bicycle and Pedestrian Plan. She advised she will be bringing information back at a later date after review by the Planning Board.
- Paving priorities were discussed with the following streets designated as priority paving projects:

Bridgers Street from Smith to Walker
McCullen Street from Satchwell to Hayes
Campbell Street from Fremont to South Walker
Progress Drive from Walker to Industrial
Lee Drive and Whrens Road intersection
Williams Street and Dickerson Street intersection
Wright Street – Wallace to Williams - Crack Seal
Collector Streets to be striped after being paved with said “collector streets” to be defined by the Planning Administrator

- Sidewalk recommendation: Bill Fay, DPW will rent a grinder to take care of as many areas as possible and other areas that need further attention will be discussed at a later date
- Mayor Mulligan requested a handicap parking space in front of Alley Cats Restaurant. The Infrastructure Board recommends tabling this request until there are more public requests for the parking space or consideration of placing a handicap parking space at the corner of the Laney Building to accommodate handicapped citizens going in either direction. Louis Hesse will look into the ADA compliance requirements and bring it back to the Board next month.
- Mayor Mulligan requested that the Infrastructure Board look into the possibility of placing a street light halfway down Court House Avenue. Since there is currently a street light located in that area, the Board did not see any need for another light.

Discussion: Scheduling meeting with Pender County Officials

Commissioner Rooks asked if any plans have been made yet for the Mayor’s committee consisting of Commissioners Dawson and Rooks, the Town Manager, the Fire Administrator and the Fire Chief to meet with County Commission representatives to discuss the fire district issues. Mr. McEwen advised he contacted the county manager and then the interim county manager but has not been able to get anything scheduled. He advised he will make another attempt to schedule something hopefully with Commissioners McKoy and Williams.

Other Items from the Board of Commissioners

Commissioner Robbins asked if the Zumba and Yoga classes have started at the Community House yet. Mr. McEwen advised the Zumba and Nutrition classes have started and the Yoga will start next week. Commissioner Robbins asked how they are getting the word out to the public because he has not seen any printed notifications. Mr. McEwen advised he has received an email stating that all county employees have been notified of the classes, so apparently Ms. Edwards is getting the word out.

BOC MINUTES

JULY 08, 2014

Commissioner Robbins commented that it certainly would be helpful to have an informational sign to get notices out to the public. Mr. McEwen commented that he has done some research on cost of said signs and has learned that digital signs are approximately \$10,000 to \$15,000 for a four foot by eighteen inch sign and as much as \$25,000 for a full color sign. These prices do not include the base. Commissioner Robbins said he would like to see more information regarding the signs because we will continue to have a need to notify the public as we have more events.

Commissioner Robbins said that he was informed that a lady appeared before the County Commission yesterday and said she was planning a cultural festival and that the Town of Burgaw Board has approved it. Commissioner Robbins said this is the first he has heard of it. Mr. McEwen said it was probably Irene Edwards with El Puente. He said that he had a follow up meeting with her recently and she mentioned a cultural festival on the court house square. Commissioner Robbins said her proposal is to have the festival on the same night of the Burgaw Christmas Parade and tie it in with the town's function. Mr. McEwen said there was a lot of discussion with Ms. Edwards regarding her plans and she was advised of the procedures she would have to go through to work with both local governments on her plans. The Board asked Mr. McEwen to look into this issue further and clarify the situation.

CLOSED SESSION: Pursuant to GS 143-318.11 (a) (6) Personnel

(The Board relocated to the small conference room for closed session.)

Commissioner Dawson made a motion to go into closed session pursuant to GS 143.318.11 (a) (6) regarding personnel. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

OPEN SESSION RECONVENED

Commissioner Tyson made a motion to go out of closed session. The motion was seconded by Commissioner Dawson and carried by unanimous vote. There was no action taken regarding closed session matters.

(The Board relocated to the board room for open session.)

ADJOURNMENT

There being no further discussion, Commissioner Dawson made a motion to adjourn. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The meeting adjourned at 6:05PM.

Howard N. Walker, Jr., Mayor Pro-tem

Attest: _____

Sylvia W. Raynor, Town Clerk