

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

DATE: July 11, 2017
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
BOARD MEMBERS ABSENT: Mayor Eugene Mulligan
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Alan Moore, Director of Public Works
Jim Hock, Chief of Police
Wendy Pope, Finance Officer
Karen Dunn, Planning Administrator
Kristin Wells, Deputy Clerk
Kim Rivenbark, Permitting Technician
Monterai Adams, Administrative Fellow
Zachary White, Parks/Recreation Coordinator
MEDIA PRESENT: None
INVOCATION: Commissioner Bill George
PLEDGE OF ALLEGIANCE: All

The meeting was called to order at 4:00PM by Mayor Pro-tem Wilfred L. Robbins.

Approval of Agenda

Commissioner Dawson 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

Commissioner Harrell requested to amend his comment regarding the water meter lids. He said “there was a statement in the minutes (on page 23) that I would like to correct that had to do with the accident and the covers for the water meters, I had stated there was an accident, at least one that I am aware of, that was a very serious injury involved in the accident because of the water meter lids not fitting properly”. Commissioner Harrell further commented when questioned by Mayor Pro-tem Robbins regarding the correction. Commissioner Harrell said “that there was an injury, the purpose of bringing up the fact that the water meter lids don’t fit properly is that there was an injury and that’s why they need to be seriously corrected. I suggested putting the locks back on the lids.”

Commissioner Dawson made a motion to approve the consent agenda as amended. The motion was seconded by Commissioner Harrell. Motion carried.

The consent agenda and the following items were approved:

- **Minutes of June 13, 2017 Regular and Closed Session**

SPECIAL REQUEST

Letter of Request - Pender County Historical Society – *Jeanette Jones, President*

Ms. Jeanette Jones, President of Pender County Historical Society, appeared before the Board to request an appropriation of \$5,000 to match the funds being appropriated by Pender County. The purpose of the request was to

acquire funding to pressure wash the exterior, repair/replace damaged woodwork and paint exterior woodwork on the Pender County Museum.

After a brief discussion, Commissioner Harrell made a motion to advise the Tourism Development Authority to consider appropriating these funds to the Pender County Museum. The motion was seconded by Commissioner George. Motion carried.

INTRODUCTION OF NEW STAFF MEMBERS

The following new staff members were introduced to the Board: Zachary White, Parks/Recreation Coordinator; Daisy Ramirez, Police Department Administrative Assistant; Daniel Fuller, Detective Sergeant and Cordell Smith, Patrol Officer.

DEPARTMENTAL ITEMS

Finance Department

Resolution 2017-22 Approving a contract with Spectrum Enterprise for the upgrade to Fiber Internet at all Town of Burgaw locations - Wendy Pope, Finance Officer

Ms. Pope advised for many months, Public Works has had difficulties accessing the Town's computer network as all servers are housed at Town Hall. The current internet capacity at the Public Works location is not significant enough to handle the transfer of data from Town Hall, thus resulting in very slow response times for those working at Public Works. She advised in collaboration with Erik Harvey, she has researched our best options to increase the speed and capacity of the connection between Town Hall and Public Works and our efforts led us to determine that fiber internet at 25Mbps at both locations is the best option. The fiber internet connection will improve the efficiency at Public Works, it will reduce cost of needing redundant firewalls and it will allow for the Town to upgrade phone systems to VoIP at both locations as well.

Ms. Pope advised the contract with Spectrum comes with a 5 year term and monthly charges of \$375 per location. Installation fees are \$250 per location. The fiber monthly fees are higher than the current internet rates at Town Hall and Public works, \$205 and \$245, but we will make up the difference in savings after the switch to VoIP phone system. She advised the recommendation is the approval of the resolution approving a contract with Spectrum Enterprise for Fiber Internet Service at 109 N. Walker St and 213 S. McRae St.

Commissioner Harrell made a motion to approve Resolution 2017-22 as presented. The motion was seconded by Commissioner Dawson. Motion carried.

RESOLUTION 2017-22 RESOLUTION APPROVING A CONTRACT WITH SPECTRUM ENTERPRISE

WHEREAS, the Town wishes to address several issues with internet speed and connectivity between Town Hall and Public Works building; and

WHEREAS, through examining options from AT&T, Four County EMC and Time Warner/Spectrum Enterprise, fiber internet connectivity was chosen as the best option; and

WHEREAS, Spectrum Enterprise has provided a quote in the amount of \$500 for installation charges, and monthly fees of \$750 for connectivity at Town Hall and Public Works.

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

The contract for fiber internet services is awarded to Spectrum Enterprise for a contract term of 60 months.

Approved: July 11, 2017

Parks and Recreation Department

Discussion regarding future plans for Parks/Recreation events – Zach White, Parks/Recreation Coordinator

Zack White, Parks and Recreation Coordinator presented several programs for discussion by the Board.

Discussion Items:

Born Learning Trail

Mr. White advised he has been in contact with the United Way of the Cape Fear Area in regards to installing a Born Learning Trail in one of our parks here in Burgaw. The Born Learning Trail is a series of 10 interactive signs that offer fun, active learning activities for young children and their families. It helps parents, caregivers and communities create quality engagement opportunities when out on a stroll or visiting a local playground. Within hours the United Way had found a sponsor that was eager to fund a trail in Burgaw. The sponsor is the Cape Fear Medical Alliance which serves both Pender and New Hanover Counties.

Mr. White advised there is a \$2500 grant available that will cover the expense of the trail additions and he is recommending that this learning trail be placed along the Osgood Canal Greenway in Rotary Park because it is near the playground and it is in a shaded area of the trail. He presented a brief video of the concept and discussed the options to personalize our trail to fit our needs.

Commissioner Harrell made a motion to accept the Born Learning project. The motion was seconded by Commissioner Dawson. Motion carried.

Polar Express Movie Night at Depot

Mr. White advised the Historic Burgaw Train Depot is the perfect location for public viewing of the film ‘The Polar Express’ this holiday season. The Depot has the sound and video equipment to offer a public screening of this movie for about 150 guests. Potential partners are The North Carolina Blueberry Festival, the Promotions and Special Events Committee, and the Parks and Recreation Committee. He advised he will need a budget of \$500 to fund the event which will include purchase of the license for the movie, the DVD, refreshments and miscellaneous items. Mr. White advised he feels this is an excellent opportunity to have a special Christmas event for children in the community.

Commissioner Dawson made a motion to approve an appropriation from fund balance in the amount of \$500 to fund the Polar Express event. The motion was seconded by Commissioner Harrell. Motion carried.

Tennis Programs at Harrell Memorial Park Tennis Courts

Mr. White advised he has been in communication with the USTA (United States Tennis Association), the NC Tennis Association and the local tennis association in Wilmington concerning tennis promotion and programming for the Harrell Memorial Park Tennis Courts. There are great opportunities that we can pursue for both youth and adults to encourage them to play tennis. He advised there is a pilot program called ‘Try Tennis Junior’ that is designed to get youth playing tennis and we have been invited to submit an application to apply to host one of the pilot programs. He said in order to host one of these programs at no cost to the citizens will cost an estimated \$1500 - \$2000. He said each participant will receive a tennis racket, tennis balls, tennis towel and professional instruction by a certified tennis pro for six weeks for one hour per week. He reviewed at length all the requirements for activating the program and complying with laws that come into play when working with children.

After much discussion, Commissioner Harrell made a motion to appropriate \$1500 from the general fund fund balance for the ‘Try Tennis Junior’ program. The motion was seconded by Commissioner Dawson. Motion carried. Commissioner Harrell requested that Mr. White focus on children in the at risk communities.

Mountains to Sea Trail

Mr. White advised we are aware that part of the Mountains to Sea Trail runs through Burgaw. He said September 9th marks the 40th anniversary of the MST and they are trying to get all 1,175 miles hiked in one day. He advised Tammy Proctor is the Coordinator for the Pender County leg of the trail. He advised he would like to co-host a Mountain to Sea Trail walk through Burgaw on this day. He said there will be no cost for this event; he would just like to get the blessing of the Board to host this event.

Commissioner Harrell made a motion to approve this event and give our support. The motion was seconded by Commissioner Dawson. Motion carried.

Fall/Winter 5k Race

Mr. White advised he has been putting together information regarding planning a 5k race here in Burgaw in the fall or winter. The idea is to have the race start and end at or near the Depot. After the race he would like to have live music, food trucks, and a beer/wine garden. The race date is still up in the air due to the Depot availability, planning around other city events, and making sure the vendors (timing company, food trucks, etc.) are available to attend. He advised the estimated cost is \$7000 but some costs would be recouped by registration fees etc. Mr. White advised this event will require numerous volunteers, sponsors and marketing.

After much discussion, it was the consensus of the Board to delay any action on this item until a later date.

Holiday Market

Bob Townsend briefly discussed his idea for a holiday market on the courthouse square on December 16 which will be held from 10AM until 4PM and will end in time for guests to attend the Polar Express Movie at the depot. Mr. Townsend advised the county has already given him approval for use of the courthouse square for about fifty vendors to set up for the market. He said he is not asking for any street closings or any expenditure by the town. He said he would cover the cost of any electricity used on the square. Mr. Townsend said this event is being put on by him to bring people to Burgaw. He also advised there may be some self-contained food vendors on the lot at the old bank building on Fremont Street. He said this is the perfect opportunity for a small holiday market in conjunction with the Polar Express.

It was the consensus of the Board to allow Mr. Townsend to proceed with his proposal.

Break (5:25 – 5:35)

Public Forum

There were no speakers for public forum.

Planning Department

Community Rating System – *Kim Rivenbark, Certified Floodplain Manager*

NFIP Flood Regulations and the Community Rating System (CRS)

Ms. Rivenbark advised the Town of Burgaw adopted the initial Flood Insurance Rate Map (FIRM) on 1/19/2000. Since this date, the Town of Burgaw has been required by NFIP to follow certain Federal flood regulations listed in 44 CFR 60. NFIP requirements are the minimum criteria a community must follow to remain in the program. The results of non-participation in NFIP are: 1. Inability to get flood insurance, 2. Greater exposure to devastating flood losses, 3. Lack of control over development that increases the community's flood risk, and 4. Unavailability of most forms of disaster assistance in the Special Flood Hazard Area.

Ms. Rivenbark presented the following Flood Basics:

NFIP – National Flood Insurance Program

Special Flood Hazard Area – Consists of the floodway and 100-year flood zone.

500-year flood zone – Is mapped, but not regulated

Flood Insurance – can only be obtained through NFIP

Base Flood Elevation (BFE) – The computed elevation to which floodwater is anticipated to rise during the base flood. The BFE is the regulatory requirement for the elevation of structures.

AE Flood Zone – either the floodway or the 100 year and has a Base Flood Elevation

Unnumbered A Zone – a regulated flood zone that does not have a listed base flood elevation.

Burgaw:

Within the municipal limits, Burgaw has 434 acres of land that fall within the Special Flood Hazard Area (or 14.5%). Including the ETJ, Burgaw has 1,432 acres that fall within the Special Flood Hazard Area (or also 14.5%). Within the ETJ and Municipal Limits of Burgaw, there are approximately 198 primary structures located within the Special Flood Hazard Area.

Ms. Rivenbark advised specific to Burgaw we have a flash flood situation. We have poor drainage in certain areas, our Osgood Canal and Burgaw Creek flood quickly from torrential rains from either named storms or summer storms. She said the rains fall quickly and subside quickly. She presented several pictures of flooding typical to Burgaw. Ms. Rivenbark also presented the following Burgaw Flood Insurance Statistics:

- Of the approximately 198 primary structures located within the Special Flood Hazard Area, only 41 have flood insurance policies in force (20%)
- For those 41 policies, the average policy rate is \$1,071.00 per year.
- 34 of those policies are for structures located in the floodway or the 100-year flood zone.
- 6 of those policies are for structures located in the unnumbered A zone.

Ms. Rivenbark advised in regards to Flood Insurance that anyone can purchase flood insurance but Lenders are mandated under the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 to require the purchase of flood insurance by property owners who acquire loans from federally regulated, supervised, or insured financial institutions and Federal Agency lenders require flood insurance for building located in a participating NFIP community and in a Special Flood Hazard Area. Some financial institutions may require flood insurance for properties outside the Special Flood Hazard Area as part of their own risk management process. She reviewed several scenarios based on houses in Burgaw and how much flood insurance would cost.

Ms. Rivenbark advised that one way the Town of Burgaw can help is by entering the Community Rating System (CRS) which is a voluntary program for recognizing and encouraging community floodplain management activities exceeding the minimum NFIP standards. Under the CRS program, flood insurance rates are discounted to reward community actions. She reviewed detailed requirements to meet these standards. She also advised that we already do a number of the required items on the list that earn points for the town. Ms. Rivenbark there is a number of items that we can do to help reduce flood insurance premiums in our area.

Ms. Rivenbark advised if the Community Rating System (CRS) is a program the board feels is appropriate for the citizens of Burgaw, the Town could easily enter into the program at a Class 9, providing a 5% discount. With a little extra time and minimal financial resources, she feels the Town could enter the program at a Class 8, providing a 10% discount. Ms. Rivenbark asked if the Board is interested in participating in the CRS program.

After much discussion regarding flood maps and affected locations etc., Mayor Pro-tem Robbins asked what Ms. Rivenbark is asking of the Board. She advised she is asking for the Board's blessing to proceed with getting us prepped to make the application for the CRS program. She said it will roughly take six months maybe longer to get the prep work done.

Commissioner Dawson made a motion to proceed with the Community Rating System. The motion was seconded by Commissioner Harrell. Motion carried.

NCDOT State Transportation Improvement Program (STIP) update - Karen Dunn, Planning Administrator

Ms. Dunn advised every two years the state and federal government mandates us to update the State Transportation Improvement Program (STIP). She said that two year process is here now. She advised we are a part of the Cape

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Fear Rural Planning Organization and Commissioner Robbins is on the Regional Transportation Advisory Committee (RTAC) and votes on all of these projects. She advised there are a number of proposed projects that she will review. She asked the Board to prioritize these by importance.

- Proposed Sidewalk: Construct sidewalk along E Fremont Street connecting the existing sidewalk east of South Cowan to the entrance to the hospital per the 2015 Burgaw Bike/Ped Plan - \$200,000
- Proposed Sidewalk: Construct sidewalk along the north side of Clark Street from the existing sidewalk on S Dickerson Street to Smith Street along the west side of Smith Street to W Fremont Street and along the north side of W Fremont Street to the existing sidewalk on S Dickerson Street - \$450,000
- Proposed Sidewalk/Crosswalk Improvements: Construct sidewalk along the west side of NC 53 from existing sidewalk to the Osgood Canal Trail, improve trail crossing of US 117 Business and NC 53 and construct sidewalk at KFC including crosswalks at US 117 ByPass - \$240,000
- Proposed Bike Lanes: Construct on-road bike lanes on Penderlea Hwy from W Bridgers Street westward to the Burgaw municipal limits – \$240,000
- Proposed Ridgewood Avenue Extension: Construct roadway extension on new location to reduce congestion and improve traffic safety per Pender County CTP - \$1,742,000
- Proposed Hwy 53 Truck Route: Extend Wallace Street to North McNeil Street Hwy 53 south of Hwy 117, widen Wallace to 12 ft. lanes/curb & gutter, cross Penderlea Hwy to Giles Marshburn Road, upgrade Giles Marshburn Road - \$TBD
Ms. Dunn advised at this time this project is just lines on a map and has not been discussed in detail but that will come at a later date. Commissioner Dawson asked how many houses will be affected by this project. Ms. Dunn said about four properties at this time appear to be in the pathway. There was much discussion as to why this route was chosen. She said none of this is certain at this time. Commissioner Harrell commented that this will put heavy traffic beside a school and feels that is problematic. Ms. Dunn advised there will likely be traffic lights along this route.
- Proposed widening of NC 53 to 3 lanes: This project has been added to the STIP this week per Allen Serkin
- Safety and congestion improvements at S Walker Street, E Fremont Street and E Wilmington Street at NC Hwy 117 By-Pass. Add dedicated left turn lanes from Walker, Fremont and Wilmington Streets to enter NC Hwy 117 By-Pass
- Upgrade NC 53 including dedicated left turn lanes from SR 1400 to Dudley Street – Upgrade NC 53 in Burgaw to Enhance Safety and Improve Traffic Flow including dedicated left turn lanes from SR 1400 to Dudley Street, medians and other improvements per Burgaw NC Corridor Study

After a brief review of the abovementioned projects, Mayor Pro-tem Robbins asked Ms. Dunn what she needs from the Board regarding these projects. Ms. Dunn advised there is room for one more STIP project and she would like for the Board to consider having the truck route on the STIP. She said there is so much background research to do on this one that we could get it on the program and then it must go through that long process of scoring and ranking and cost estimates. She said there is just a lot of base work to do on this one because this is a new project, the others are already there. MPT Robbins said we will just be saying that we will look at and that's all we are doing. Ms. Dunn said it is like a feasibility study. She said if it was on the list today it would be well beyond ten years before this project would be funded. Ms. Dunn also advised the Ridgewood Road project will likely end up being done by developers.

MPT Robbins asked what the pleasure of the Board is on this matter. Commissioner Dawson said she thinks we should definitely look at it to see what our options are. Commissioner Murphy said he thinks it should be looked at. Commissioner Harrell said he is willing to look at anything but not particularly excited about it. Commissioner George said he is not too excited about Giles Marshburn Road being a truck route. Mr. McEwen said to keep in mind if this project is approved this road will become a state primary road and Giles Marshburn gets upgraded to probably a seventy foot right of way with full state road standard. Ms. Dunn said we would have NCDOT implement all policies which would include sidewalks, etc. for aid in travel for all users. Mayor Pro-tem Robbins said to Ms. Dunn you have got the "go ahead" so put the truck route on the list.

Update of Facebook page launch – Monterai Adams, Public Administration Fellow

Ms. Adams stated that research reveals that about 53% of municipalities in North Carolina have some sort of social media presence mostly through facebook. She advised facebook is used as a way to communicate information more quickly and to a larger audience.

Ms. Adams reviewed the draft facebook page via a PowerPoint presentation. Ms. Adams then presented the following terms of use and suggested that the Board consider option 2 which allows comments to be monitored by an administrator before being posted.

Terms of Use

The purpose of our page is to provide local citizens and visitors with timely information about government services, programs and emergency communications.

Any communication via this site, whether by a Town employee or the general public, is subject to North Carolina public records law.

Posted comments and images do not necessarily represent the views of the Town of Burgaw. External links do not constitute official endorsement on behalf of the Town of Burgaw.

The Town of Burgaw does not agree with, support, or endorse comments that individuals post on our pages. Our goal is to share ideas and information with as many individuals as possible and our policy is to accept the majority of comments made to our profile.

The Town reserves the right to remove any comments in violation of the following criteria:

- Hate speech*
- Profanity, obscenity or vulgarity*
- Nudity in profile pictures*
- Defamation to a person or people*
- Defamation to an organization*
- Name calling and/or personal attacks*
- Personal issues*
- Comments whose main purpose is to sell a product*
- Comments that infringe on copyrights*
- Spam comments*
- Comments in support of or in opposition to political campaigns or ballot measures*

We will not allow comments that promote, foster or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.

Comments may be deleted and users may be banned at any time for any reason at the discretion of the site creator. Users who have a continued pattern of negative or disruptive behavior on the Town of Burgaw page will be banned.

Users warrant that they own or have permission to post the information contained in their postings, including but not limited to video, photos, or digital reproductions and that no copyright or trademark infringement has taken place due to posting on this site. Further, the Town of Burgaw does not guarantee or warrant that any information posted by users on this site is correct, and disclaims any liability whatsoever for any loss or damage resulting from any reliance on such information.

Users of this site do not retain any rights over their postings. Postings are intended for public view and any personal information posted constitutes a waiver of any rights to privacy or confidentiality.

Any violation of this comment policy may cause the author to be blocked. Users who are banned from this site may also be banned from other Town of Burgaw social media sites.

We understand that social media is a 24/7 medium; however, our moderation capabilities are not. We may not see every inappropriate comment right away, and we are trusting in the maturity of our community to ignore personal attacks and negative speech or respond politely.

If you have a concern about content posted by the administrators of the Town of Burgaw's Facebook page, please email us at madams@townofburgaw.com

Commissioner Harrell commented that he thinks this is a very good idea. MPT Robbins asked what option is desired. He also asked who will administrator of the site and how often it will be looked at. Ms. Adams said she will look at the page on her phone on a regular basis but when her time as the administrative fellow ends Ms. Dunn is also an administrator and it will be her responsibility to take care of it. The next administrative fellow would

probably take over at some point. Commissioner Dawson advised she prefers to start conservatively with all posts being monitored before going live. Commissioner George said he has concerns about what will be posted. After much discussion the Board was in favor of Option 2 in which posts will be approved by an administrator before going live.

Commissioner Harrell made a motion to go live with the stipulation that posts are regulated by the administrator under Option 2. The motion was seconded by Commissioner Dawson. Motion carried.

ITEMS FROM ATTORNEY

Attorney Kenan advised he is requesting a closed session at the end of the meeting regarding attorney/client privilege pursuant to GS 143-318.11 subparagraph 3. He has no items for open session.

ITEMS FROM MANAGER

Depot Tenant Agreement – Feast Down East

Mr. McEwen advised the current contract with Feast Down East (FDE) which covers the use of the Depot expires in July 2017. He advised Sarah Daniels with Feast Down East is present if there are any questions. Feast Down East has requested renewal of the contract and inclusion of their ability to use the dock two days a week. The only other substantive changes to the contract include increasing the rent \$500 a year over the next two years as well as changing the term of the contract from four to two years. Feast Down East has stated that their mission may be changing in the future to focus more on distribution of goods to underserved populations as opposed to restaurants and suppliers. Mr. McEwen advised he has informed Feast Down East that changes in their mission or the nature of their use of the Depot facility will need to be discussed with the Board prior.

Ms. Daniels spoke briefly about the program and what they do. She also expressed their appreciation for the generous support of the Town regarding their program.

There being no further discussion, Commissioner George made a motion to approve the contract with Feast Down East as presented. The motion was seconded by Commissioner Dawson. Motion carried.

Shell Building Incentive

Mr. McEwen advised this item is related to the incentive package for MOJO Music to occupy the shell building. He advised the next step is the adopting and drafting of a performance agreement based on the conditions presented. He advised he and Attorney Kenan have discussed this and if it is the wishes of the Board to move forward with the incentive package the performance agreement needs to be done in short order. He advised MOJO has applied for permits and they have already started working. Mr. McEwen said part of the incentive package is the reimbursement of impact fees and when they pay their taxes we reimburse it in the grant amount related to the performance agreement.

Commissioner George made a motion to approve Mr. Kenan to draw up a performance agreement. The motion was seconded by Commissioner Harrell. Motion carried.

Dr. Davis Easement

Mr. McEwen advised Dr. Davis has requested to purchase land from the town that was part of the bank building purchased by the town. There was an encroachment agreement that was discussed that allowed for the encroachment of his building based on the plat of his property. Basically we need to know if the Board wants to sell Dr. Davis some land. Mr. McEwen asked the Board if they would be willing to grant Dr. Davis an encroachment free and clear if he is willing pay for surveying and legal expenses related to that process or are you willing to convey land to him fee simple. Commissioner Harrell said he is more in favor of granting Dr. Davis an easement. Attorney Kenan clarified that when the previous owner built the building it was built across the line and onto the bank building

property. He said if an easement is granted the easement will go with the property until such time as both properties are demolished. Attorney Kenan suggested giving Dr. Davis a five foot access easement.

Commissioner Harrell made a motion to grant a five foot easement from the property line for use of maintenance of the building owned by Dr. Joseph Davis. The motion was seconded by Commissioner Dawson. Motion carried.

Creekside Update

Mr. McEwen advised at the last Board meeting he was instructed to contact Jay Milam about the sidewalk at Creekside which he did. He said they discussed the sidewalk issue and Mr. Milam said he was busy with other projects at that time. Mr. McEwen advised Mr. Milam that the town needs a commitment or time line relevant to his plan for building the sidewalk. He asked Mr. Milam to get something back to him before the July Board meeting so he could report to the Board. He never heard from Mr. Milam. Mr. McEwen said we have talked about this numerous times, he said he has talked to Mr. Milam numerous times about it and he is not getting anywhere regarding a commitment from Mr. Milam. He said Mr. Milam is not cooperating in any regard related to this issue despite the fact that Mr. Milam has been shown the minutes of the meeting where he committed to build the sidewalk, he still has not done anything. Mr. Milam is selling lots to other developers and the concern is that Mr. Milam will not build that sidewalk and will walk away without doing anything regarding the sidewalk that he should be building. Mr. McEwen said he needs some direction on how the Board wants us to handle these permits for these houses on lots that are being sold and built by other developers. Kim Rivenbark advised that five permits have been sold to Hardison Builders for Creekside; she has five more permit applications for American Builders sitting on her desk and she is expecting three more applications from another builder that will be forthcoming.

Mr. McEwen advised he has exhausted every avenue that he knows of to get this taken care of. He said the only option at this point is to draw a line in the sand. He said the Board spoke recently about the possibility of holding permits until Mr. Milam meets the requirements set forth on the plat to build the sidewalk. MPT Robbins said according to the plat at the register of deeds office Mr. Milam is required to build that sidewalk. Is that correct? Attorney Kenan advised Mr. Milam agreed to build the sidewalk in exchange for modifications of the map of the subdivision. The board agreed and he agreed to locate that sidewalk in front of the subdivision in lieu of the walking trails on the original plat. Attorney Kenan said as a result of that now, Mr. Milam is supposed to build that approved plan based on those plans that were agreed upon and changed after Milam purchased the subdivision. Attorney Kenan advised that in according with town ordinances the owner must comply with the requirements or the town has the right through the planning administrator to not issue any more zoning permits and not to allow the building inspector issue any more building permits. That's what is in your ordinance.

Commissioner Harrell was hesitant to stop issuing permits because it would affect the new builders that have just purchased lots. Attorney Kenan said that the number of lots that have been purchased by outside builders could be exempted from any action and the remaining lots from this point forward in the subdivision would not be permitted until Mr. Milam complies with the ordinance and builds the sidewalk. Mr. McEwen suggested giving Mr. Milam a date certain and for any deed filed after this date there will be no permits issued until Mr. Milam complies. Commissioner Dawson mentioned bonding and there was discussion regarding that Mr. Milam should put up a 125% cost of construction bond or complete the construction of the sidewalk before any more permits can be issued.

After many different options were discussed, Commissioner George made a motion to authorize the Planning Administrator to issue a notice to the builders and developers of Creekside subdivision that no further zoning and or building permits shall be issued for the construction of any residential dwellings within the subdivision after Friday, July 28, 2017 unless the developer has posted a cash bond for 125% of the cost of construction or completed the construction of the sidewalk excepting however any applications for any building permit and zoning permits submitted to the town by Friday, July 28, 2017 shall be exempt from this requirement. The motion was seconded by Commissioner Dawson. Motion carried.

Continuation of Arthur William's work on special assignment

Mr. McEwen said that Arthur Williams was brought in to do some locates, stormwater and drainage work for the town. He said Mr. Williams finished up in June and we would like for you to consider bringing him back to for a six

month initial period at \$15.00 per hour for fifteen hours per week; he said that comes to roughly \$6,000. He advised this amount would be divided between the water/sewer fund and the general fund. He that Mr. Williams was pulled off the planned work to assist with the many projects going on and there is still a portion of town that he has not worked on regarding ditching and drainage and we would like for the entire town to be done.

Commissioner George made a motion to appropriate \$6,000 half from water/sewer fund balance and half from the general fund fund balance to cover the expense for Mr. Williams to work for fifteen hours per week at \$15.00 per hour. The motion was seconded by Commissioner Dawson. Motion carried.

Design Build option for Clark Street

Mr. McEwen advised Tony Boahn has proposed a design/build option for the Clark Street water/sewer project. He said design/build is used in a lot of places for projects that are below formal bidding thresholds. He said the engineering firm will design the project and they will see to the construction of the project as well. Mr. McEwen said that typically these projects get quicker quotes; quicker timelines and you reach smaller contractors which helps keep the cost down. Mr. McEwen advised he and Mr. Boahn have discussed this option at length and there is an existing \$4,000 change order for that project in terms of engineering and if we do design/build Mr. Boahn thinks it could be a wash and could be cheaper to do a design/build. Mr. McEwen said we would like for the Board to consider Mr. Boahn being our design/build contractor and not only our engineer but also oversee the construction for the water and sewer on Clark Street.

Commissioner George made a motion to approve the request for the design/build option for the Clark Street water and sewer project. The motion was seconded by Commissioner Murphy. Motion carried.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Harrell requested a correction on the Policy/Finance minutes on page four. He said: *Ms. Tyson asked about the salaries, the recent salary raise in the police department and in fact what she asked about was a comment that the Mayor made and my response was that I do believe that was the gist of the statement that she would have to ask him to be sure. I did not say that the police were not worthy of a raise.*

Commissioner Dawson said she still believes that the Maintenance Worker I, the Utility Technician, the Administrative Assistant in Public Works as well as the Administrative Assistant in the Police Department are all underpaid according to the pay study that was prepared for us by the Council of Governments. She advised in light of that she would like to increase their salaries. Commissioner Dawson made a motion to increase the salaries of the Maintenance Worker I, the Utility Technician, the Public Works Administrative Assistant and the Police Department Administrative Assistant by 14%. Commissioner Harrell said he agrees with her on those and that he made a mistake and included the Maintenance Worker II classification and that was not the case but he still feels that 14% is excessive and that 10% is a sufficient raise at this time. He said he will vote for a raise but 14% is more than necessary. MPT Robbins said there is a motion on the floor to raise the salaries of said positions 14%. He asked for a second. Commissioner George seconded the motion. MPT Robbins said the floor is now open for discussion. Commissioner Harrell said that he thinks 14% is too much and that 10% is sufficient. Commissioner Murphy agreed with Commissioner Harrell.

MPT Robbins said there is a motion on the floor and there is a second. All in favor say "aye". Commissioner Dawson and Commissioner George voted "aye". Commissioner Harrell and Commissioner Murphy voted "nay". MPT Robbins said "I will vote "yes" and I will break the tie. The motion carried three in favor to two opposed.

Commissioner Dawson advised in light of the presentation by Kim Rivenbark she understands that her job duties are more than just a permitting and planning tech and she thinks that a possible job reclassification may have been worked on in regards to Ms. Rivenbark's position. She asked that the work that has been done on that job reclassification be presented to the Board so we can review that information and for further discussion at the next meeting.

Commissioner Dawson said she would like for the manager to work on fixing the minimum and maximum ranges per the changes in the salary study because those ranges are probably skewed. Mr. McEwen asked if she meant to do this for all positions. She said yes because there are a lot changes and we need to do some housekeeping on the minimum and maximum ranges based on the regional average for the minimum and maximum ranges.

Commissioner Harrell expressed his dissatisfaction with the retention study. He said the fact that fourteen people left within the time period that we were supposed to be examining and only six were contacted is an insufficient study. He said if it is a serious retention study that everyone should have been contacted. Mr. McEwen said between the time of basically January 2014 and the time where the Board decided to hire Chris May with the Council of Governments there were forty two that left during that time period. Of that forty two people we eliminated anyone who was terminated. We don't want to interview anyone who was terminated because they are already going to be jaded. We don't want to interview anyone who was removed by a reduction in force which is essentially the same outcome. We eliminated anyone who was involved in a worker's compensation settlement; We eliminated anyone that was only here short term because they chose to come and go quickly. Out of that there were basically twenty three percent of those people surveyed, which equals to six people. He said that is the list he gave to Mr. May. Mr. McEwen said under any measure of statistical significance twenty three percent is by far representative of the whole population. To say that there were forty two that have left since January 2014 is a true statement but there was a lot of people that were eligible for the interview and there were a lot of people that have left since Chris May was given that list. The list was not cherry picked; that comment has been made that I cherry picked the people to a predetermined outcome; not true. The people who were surveyed were people who had been here for a while whose position had exposed them to other departments, they had been supervised to some degree by the Board and had interaction with the Board; they left on their own terms. I did not want to taint the outcome by picking someone who had left because they were disgruntled. It would have been disingenuous to pick people like that. If you want to hire Chris May to interview more people that's fine but there was not a predisposed plan to pick certain people. Chris May will vouch for that. I don't want to give you the names of the people that completed the survey because I think that completely compromises the integrity of the survey and it completely compromises the confidence in which those people spoke to Chris May. That is essentially the process. Six people out of the population that was left are statistically significant.

Karen Harding (audience) stated that Chris May is the problem because he is neither independent nor unbiased, and you know him personally. MPT Robbins stated that we all know him, the board hired him. The survey came back and it is probably correct and everybody knows that and we are trying to rectify the situation and my opinion and the survey counts and we are taking it to heed because we and the taxpayers paid for it and we are trying to do what we can to correct the problems and the issues.

Commissioner Harrell said he is not saying that we shouldn't respond to the opinions of the six people but it does indicate that there something that there needs to be a communication and that's the whole situation as far as he is concerned. He said there needs to be a communication between the Board, the staff and Mayor. He said there are more people that could have and should have been contacted. At the same time as you said it does mean the results of the survey are significant.

Commissioner Robbins asked if the mosquito sprayer is up and running. Mr. Moore advised it is. He also asked how the Board feels about the Monday street sweeping instead of Friday. He said he thinks it is working out great. No one expressed any problems with the street sweeping.

Commissioner Robbins recognized Louis Hesse by commenting about the great work he has been doing especially during the Blueberry Festival. He said he deserves a pat on the back for going out of his way and getting the extra items done.

Commissioner Robbins asked Mr. Moore to have someone cut the liriopie (in the downtown planters) around the edges and fertilize it to improve the way it looks.

Commissioner Dawson asked if the people from Giles Marshburn Road that were at the last meeting and advised the ditch was stopped up have been contacted and if the ditch is clean. Alan Moore advised Arthur Williams has cleaned

that ditch. Mr. McEwen said he thought he was talking about the field side. He said he will call Ms. Marshburn and talk with her about it.

Commissioner Murphy asked Mr. Moore to have the public works employees that mow the cemetery to be a little more careful because damage is being done to the stones in cemetery by the mowers.

CLOSED SESSION

Commissioner Dawson made a motion to go into closed session. The motion was seconded by Commissioner Harrell. Motion carried. (7:56PM)

OPEN SESSION RECONVENED

Commissioner Harrell made a motion to return to open session. The motion was seconded by Commissioner Murphy. Motion carried. (8:26PM).

ACTION TAKEN IN CLOSED SESSION

Motion: Commissioner Harrell made a motion to set a public hearing for the August 8, 2017 regular meeting to consider rescinding Ordinance 2015-25 Designating Alternate Public Forum to Exercise Free Speech during Festivals located within the Corporate Limits of the Town of Burgaw. The motion was seconded by Commissioner Murphy. Motion carried.

Motion: Commissioner Harrell made a motion to approve an incentive package for Project WE in the amount of \$7500 per year based on the property taxes being paid in full for the building and once that occurs the town will issue \$7500 per year for the first five years to the tenant, not the owner based on points criteria of the first year receiving thirty jobs being created at an average pay of \$65,000 confirmed by certified payrolls, second year \$65,000 for sixty jobs based on certified payrolls, third year \$65,000 for ninety jobs based on certified payrolls, fourth year \$65,000 for one hundred seven jobs based on certified payrolls and the fifth year \$65,000 for the retention of those one hundred seven jobs. The motion was seconded by Commissioner Dawson. Motion carried.

ADJOURNMENT

Commissioner Dawson made a motion to adjourn. The motion was seconded by Commissioner Harrell. Motion carried. The meeting adjourned at 8:44PM.

Wilfred L. Robbins, Mayor Pro-tem

Attest: _____
Sylvia W. Raynor, Town Clerk