

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

DATE: August 11, 2015
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Howard Walker
Wilfred Robbins, Charles Rooks and Elaine Tyson
BOARD MEMBERS ABSENT: Commissioner Jan Dawson
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Utility & Compliance Specialist/ORC
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Rebekah Roth, Planning Administrator
Jim Hock, Chief of Police
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Bill Walsh, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

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

Approval of Consent Agenda

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

- A. Minutes of July 14, 2015 regular meeting and closed session**
- B. Ordinance 2015-16 Amending the FY budget for partial funding on the Pender Senior Sidewalk project**

*ORDINANCE 2015-16
AMENDING FISCAL YEAR 2015-2016 ANNUAL BUDGET
Increasing Revenues and Expenditures*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2015-2016 on June 9, 2015; and

WHEREAS, the Town of Burgaw agreed to move forward on the Pender Senior Center Sidewalk Project in conjunction with NC Department of Transportation; and

WHEREAS, funding for this project will be provided by NC Department of Transportation with the exception of \$5,000; and

WHEREAS, the Town has instructed NC Department of Transportation to utilize the Town’s money last and to apply these funds to construction cost and not administration costs; and

WHEREAS, the Town of Burgaw will require a General Fund fund balance appropriation to cover the expense to complete the Pender Senior Center Sidewalk Project.

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

Section 1: The FY 2015-2016 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$5,000

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5700-20-740	Streets - Capital Outlay	\$5,000

Approved: August 11, 2015

SPECIAL ITEMS FOR DISCUSSION

Discussion Item – Parking issues along Wilmington Street between Wright and Dickerson Streets

Chad McEwen, Town Manager addressed the Board and advised there are ongoing issues with the parking at the intersection of Wilmington and Wright Streets. He presented pictures for review by the Board and guests. He advised the area of concern is the ability to make a turn onto Wilmington Street from Wright Street or cross over Wilmington Street via Wright Street without risk of being struck by an oncoming vehicle traveling east on Wilmington Street. Visibility and safe movement is the primary issue here. Mr. McEwen advised that currently there is red paint along the curb from the corner of Wright Street all the way to the end of the curbing at the alley way behind Burgaw Antiqueplace. He said there are three no parking signs along that area as well. Tim Merritt with Tim’s Heating and Air and John Westbrook with Burgaw Antiqueplace were present due to their concerns regarding the lack of loading and unloading space for their vendors (both businesses front on Wright Street). Mr. McEwen advised the goal is to find a way for safe movement through the intersection while allowing loading and unloading space for these two businesses since loading/unloading on Wright Street (in front of the businesses) is next to impossible. Mr. McEwen suggested that the no parking signs beside the judicial annex be removed since there is no longer any traffic traveling north on Dickerson Street and entering Wilmington Street. He advised parking could be designated beside the judicial annex and a loading/unloading zone could be marked off beside the rear of the Westbrook building.

Mr. Westbrook suggested that a loading/unloading zone be allowed from the alley to the first no parking sign traveling east. There was much concern about blocking the driveway to the house behind the Westbrook building with a large truck that is loading or unloading thereby preventing the residents from getting onto their property. Commissioner Robbins asked when is the last time we have had a concentrated effort to get a stop light there. He said that he feels we need to make an effort to get legislative assistance or NCDOT support in getting a stoplight at the most dangerous intersection in town.

After much discussion, Commissioner Tyson made a motion to have the town manager make contact with our legislative delegation and NCDOT to inquire as to what it would take to get a stoplight at the Wilmington/Wright Street intersection. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Commissioner Rooks made a motion to create a loading and unloading parking area from the west end of the Westbrook building east with the remainder of the block beside the Westbrook building being “no parking” with parking places put beside the judicial annex and in front of the Casey house along Wilmington Street. The motion was seconded by Commissioner Tyson and carried by unanimous vote. For clarification, Commissioner Rooks advised the no parking area would begin at the front corner of the Westbrook building for a length of seventy feet to where the loading/unloading zone would begin with thirty six feet being left for the loading/unloading zone.

Rochelle Whiteside – Update on Pender Arts Council

Rochelle Whiteside, 315 W. Bridgers Street appeared before the Board on behalf of the Pender Arts Council. Ms. Whiteside presented a handout detailing improvements and events that have been held at the Arts Council which is housed in the old Pender EMS building located on Wilmington Street (copy of handout is on file in the clerk's office). Ms. Whiteside advised the Pender Arts Council has been granted a \$4,000 grant by the Rotary club to assist with improvements regarding handicap accessible ramps, rails and doors. She advised they have enough to pay about half the cost of the required improvements with Rotary agreeing to give another \$1400 after they have their golf tournament. Ms. Whiteside asked if the Board would be willing to give the Pender Arts Council the \$2000 that was paid to the town for use of the building during the recent filming project to be used for the handicap improvements. After much discussion, Commissioner Robbins made a motion to funnel the \$2000 back to be used for the building improvements that was paid by the film company to the town. The motion was seconded by Commissioner Rooks. Commissioners Robbins, Rooks and Walker voted "aye". Commissioner Tyson abstained. Motion carried.

DEPARTMENTAL ITEMS

Finance Items – Ashley Loftis, Finance Officer

Ordinance 2015-17 Amending the FY 15-16 budget to provide interim funding for the new Rosenbauer Tanker Truck for the Burgaw Fire Department

Ms. Loftis advised on December 9, 2014 the Town Board approved the purchase of a new Rosenbauer Tanker apparatus for the Burgaw Fire Department through C.W. Williams for an amount not to exceed \$240,000. The Town Board also approved financing of this truck through Four County EMC utilizing Rural Economic Development Grant money they receive from USDA. Ms. Loftis further advised the terms of this loan are 0% interest for 10 years with upfront cost of approximately \$3,900. Another term of this agreement was that payment for the tanker chassis would be made once the chassis reached the shop for assembly.

Ms. Loftis said the Town has not closed on the loan through Four County and does not anticipate doing so until title has been received on the completed truck. She said we anticipate this being sometime in September or October. For now, the Town must make a payment of \$91,779 to C.W. Williams for the tanker chassis out of the general fund balance. The Town has received confirmation from USDA and Four County that once the loan is closed, the Town will be reimbursed for monies paid out for construction of the tanker truck.

Ms. Loftis advised the recommendation is the approval of the ordinance authorizing the appropriation of \$91,779 to cover the expense to C.W. Williams for the new fire tanker apparatus chassis.

There being no discussion, Commissioner Rooks made a motion to approve Ordinance 2015-17 as presented. The motion was seconded by Commissioner Walker and carried by unanimous vote.

ORDINANCE 2015-17
AMENDING FISCAL YEAR 2015-2016 ANNUAL BUDGET
Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2015-2016 on June 9, 2015; and

WHEREAS, the Town of Burgaw has approved financing of a new Rosenbauer Tanker apparatus through Four County's Rural Economic Development Grant funds; and

WHEREAS, with approval of this financing, the Town is required to make payment in the amount of \$91,779 on the tanker chassis upon arrival at the shop for assembly; and

WHEREAS, the Town has received confirmation that it will be reimbursed this cost upon closing of the loan; and

WHEREAS, the Town of Burgaw will require a General Fund fund balance appropriation to cover the expense of the fire tanker chassis.

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

Section 1: The FY 2015-2016 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$91,779

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5300-10-740	Capital Outlay	\$91,779

Approved: August 11, 2015

Ordinance 2015-18 Amending the FY 15-16 budget to provide funding for FY 14-15 professional services invoices

Ms. Loftis informed the Board that she received several invoices (November 2014 – June 2015) from Moore & Kenan for professional services rendered in fiscal year 2014-2015. She advised she received all of those invoices after the end of the fiscal year, June 30, 2015. She said the Town has already paid invoices to cover professional services for the months of July 2014 – October 2014, in the amount of \$12,712.50. For this reason a fund balance appropriation is needed to pay these invoices. In the FY14-15 budget, \$30,000 was budgeted for these services. However, with the close of the year, the remaining money has fallen out into general fund fund balance. Ms. Loftis advised the recommendation is the approval of the ordinance authorizing the general fund fund balance appropriation of \$21,675.49 to cover this expense.

There being no discussion, Commissioner Rooks made a motion to approve Ordinance 2015-18 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

**ORDINANCE 2015-18
AMENDING FISCAL YEAR 2015-2016 ANNUAL BUDGET
Increasing Revenues and Expenditures**

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2015-2016 on June 9, 2015; and

WHEREAS, the Town of Burgaw has received invoices for legal and admin fees rendered in FY 14-15 by Moore & Kenan in the amount of \$21,675.49; and

WHEREAS, the Town budgeted \$30,000 for legal and admin fees in FY13-14; and

WHEREAS, the Town has paid prior invoices for professional services in the amount of \$12,712.50; and

WHEREAS, at the close of the fiscal year this money fell out into the general fund fund balance; and

WHEREAS, a General Fund fund balance appropriation is necessary to cover this expense in fiscal year 2015-2016.

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

Section 1: The FY 2015-2016 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$21,675.49

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-4100-00-456	Legal & Admin	\$21,675.49

Approved: August 11, 2015

Planning Item – Rebekah Roth, Planning Administrator

Resolution 2015-30 Requesting NCDOT Study the I-74/US-74 Corridor in Brunswick and Columbus Counties

Ms. Roth advised the Cape Fear Rural Transportation Planning Organization (RPO) is one of twenty multi-county rural transportation planning organizations established by the North Carolina Department of Transportation (NCDOT). It covers Brunswick, Columbus, and Pender Counties and serves as the intergovernmental organization for local elected officials, the North Carolina Department of Transportation, and residents of the region to work cooperatively to address transportation issues. Ms. Roth reminded the Board that the Town of Burgaw is a member on both the RPO's technical coordinating (RTCC) and technical advisory committees (RTAC).

Ms. Roth advised that Commissioner Robbins is one of the Pender County municipal representatives on the RPO's advisory committee, and he has requested the Town of Burgaw Board of Commissioners approve Resolution 2015-30 requesting NCDOT study the I-74/US-74 Corridor in Brunswick and Columbus Counties. At the July RTAC meeting, all members discussed showing support for the RTAC request by having their individual jurisdictions also pass resolutions.

Commissioner Robbins commented that even though the US 74 - I 74 corridor does not affect Burgaw directly it will have a direct effect on commerce in the area and he recommends approval of Resolution 2015-30 as presented.

There being no further discussion, Commissioner Robbins made a motion to approve Resolution 2015-30 as presented. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

**RESOLUTION 2015-30
REQUESTING NCDOT STUDY THE I-74/US-74 CORRIDOR IN BRUNSWICK AND COLUMBUS COUNTIES**

WHEREAS, the Cape Fear Rural Transportation Planning Organization (RPO) was established to facilitate the coordination of transportation planning efforts between the North Carolina Department of Transportation (NCDOT) and local officials in the Cape Fear RPO planning boundary; and

WHEREAS, the Town of Burgaw is a member of the Cape Fear RPO; and

WHEREAS, the US-74/I-74 corridor is identified as Corridor "H/U" in NCDOT's Strategic Transportation Corridors Network, the core network of multimodal transportation corridors moving large volumes of people and freight throughout the state and connecting centers of economic activity considered to be of statewide and regional significance; and

WHEREAS, Governor McCrory's *25-Year Vision for North Carolina: Mapping Our Future* identifies the improvement of US-74 to interstate standards from Charlotte to Wilmington as a needed infrastructure solution; and

WHEREAS, the North Carolina Maritime Strategy identifies the US-74 corridor as a key route to enhance freight mobility for waterborne truck freight; and

WHEREAS, the NCDOT 2040 Plan identifies the upgrade of I-74 from Wilmington to Charlotte as a transportation priority for the Port of Wilmington; and

WHEREAS, the Cape Fear RPO Rural Transportation Advisory Committee (in 2003 and again in 2013) and the Wilmington MPO Transportation Advisory Committee (in 2013) each adopted resolutions encouraging the construction of I-74 to the Wilmington Bypass (I-140); and

WHEREAS, the Cape Fear RPO Rural Transportation Advisory Committee adopted a resolution to request NCDOT study the I-74/US-74 Corridor in Brunswick and Columbus Counties at their July 10, 2015 meeting; and

WHEREAS, the Town of Burgaw recognizes how Pender County and the Town of Burgaw are linked to New Hanover, Brunswick, and Columbus counties through their economies, social networks, and transportation systems; and

WHEREAS, the Town of Burgaw supports the RPO's efforts to encourage the construction of I-74 to the Wilmington Bypass;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby requests NCDOT conduct a corridor study of the I-74/US-74 corridor in Brunswick and Columbus Counties.

Adopted this 11th day of August, 2015.

Discussion Item - Revised Debris Policy

Bill Fay, Director of Public Works presented some proposed amendments to the current debris pickup policy. He presented a brief PowerPoint presentation regarding the ongoing issues with debris management. He advised his main request regards limiting the amount of debris that will be picked up at one time. Some of the key changes recommended by Mr. Fay were as follows: change from term "Vegetative Debris" to "Yard Waste" to reflect current terminology; define in policy that yard waste and bulky item collection is not an "Extra Trash Day"; limit of 5 cubic yards for yard waste; limit of 2-1/2 cubic yards for C&D debris; increase in hourly rates for debris removal labor and equipment for "Special Pick-Up"; "Special Pick-Up" will be invoiced by the town and must be paid prior to collection.

After a very lengthy discussion with no resolution, Mayor Mulligan suggested that the revised debris policy be referred to the policy/finance Board for further review.

BREAK (5:30 or thereafter)

Mayor Mulligan called for a break at 5:30PM. The meeting reconvened at 5:40PM.

PUBLIC FORUM

Speakers:

Mildred Hughes, 107 W Bridgers Street, raised a complaint against her neighbor that lives at 111 W Bridgers Street regarding a deer skinning/dressing station that has been constructed in an area in close proximity and plain view of her property. Ms. Hughes advised the area that her neighbor has constructed is one foot from her garden. She also advised she is concerned with the runoff when he is cleaning the deer. She said she doesn't like this at her house. She said she will be unable to go into her garden because she will have a clear view of the cleaning station. She commented that she knows he has the right to do this but asked "where are my rights?" Charles Hughes declined to speak even though he had signed up to speak.

After much discussion by the Board as to how to handle this situation, Commissioner Rooks made a motion to table this item and have the policy/finance board review and make recommendation to be brought back to the September Board of Commissioners meeting. The motion was seconded by Commissioner Walker and carried by unanimous vote.

Sandra Harris with Pender County Christian Services (PCCS) located at 210 E Fremont Street appeared before the Board with a request to use the depot for a fund raiser for PCCS in October. Ms. Harris advised that the owner of Carousel Gift Shop has donated the remainder of the inventory from the closure of her store to PCCS. Ms. Harris advised the desire is to use the depot banquet room free of charge to sell the items at a discount price and to use the funds for support of PCCS. Ms. Harris advised they would need to use the depot on Friday, October 2 for set up and Saturday, October 3 for the actual sale.

Although the Board was sympathetic with Ms. Harris regarding her request, the Commissioners felt that they would be setting a precedent by allowing PCCS to use the depot at no charge when everyone has been required to pay. After reviewing the fee schedule, it was determined that since PCCS is a nonprofit they could use the building at the reduced non-profit rate and their security deposit would be refundable as well. It was the consensus of the Board to charge PCCS the same as any other nonprofit. Ms. Harris was advised to lock in her dates as soon as possible in order to hold the space.

ITEMS FROM ATTORNEY

Attorney Kenan said he was informed that each Board member received a letter from an attorney in Florida regarding an incident that occurred at the Blueberry festival. He advised the incident was related to a gentleman who was present at the festival and was giving a religious speech that was upsetting to the public in attendance. Attorney Kenan advised he has attempted to contact the attorney on three separate occasions to determine what the issues are

but he has had no response. He said he was advised by the town manager that the attorney sent an email to the town today regarding this situation. Attorney Kenan advised he would like direction from the Board as to whether they want him to take any action in this situation. Mr. McEwen interjected there were numerous complaints about the young man all day because he was frightening people at the festival. Mr. McEwen said that the attorney for the man in question has commented that his freedom of speech rights have been violated because the Police Chief suggested that it was time for him to leave because he was upsetting many people.

Mr. McEwen said the letter has asked for us to respond regarding the incident and our position on the incident. Attorney Kenan advised it seems that this person only comes around during festivals. His suggestion was to come up with some guidelines for limiting time and places that this type of activity can be held during festivals other than the festival grounds itself. Attorney Kenan commented that part of the problem is that vendors have paid for their space to sell their product and this person's actions are affecting their rights as well and causing their business to suffer. He said this will give the permittees a place for conducting their business and will give the speaker a dedicated area that he can express his freedom of speech rights. Mr. McEwen advised the Blueberry Festival is vested by the county and the town to use the court house square and the streets for the festival. Mr. McEwen said that currently there is no authority to remove those types of speakers and that we need to have something in place in these situations. Attorney Kenan said we cannot limit his rights to speak but we can set a restricted area for those types of speakers.

After a lengthy discussion, the Board requested that Attorney Kenan meet with the Policy/Finance Board and discuss this issue and try to come up with a solution.

ITEMS FROM MANAGER

Consideration of Granting a permanent public utility easement to Pender County on property owned by the Town of Burgaw along Stag Park Road

Mr. McEwen advised Pender County Utilities is installing a water line along Stag Park Road. The new water distribution line will require an easement on property currently owned by the Town of Burgaw. He said although the property is outside the city limits, ownership was conveyed to the Town following the FEMA buyout efforts following Hurricane Floyd. He advised the requested easement consists of approximately 252 square feet (.006 acres or a 16'x16' area).

Margaret Gray with Pender County Utilities was present to answer any questions the Board might have. Ms. Gray advised that this project requires a storm drain pipe placement which must go outside of the NCDOT easement and be installed on private property; in this case the property belongs to Burgaw. She advised the County is requesting the required easement be conveyed in exchange for a free 1" water service. She said that since the property is subject to FEMA buyout restrictions which means a structure could never be built on the property the county can give the town a one inch water line somewhere else along the system if the town desires. Ms. Gray also advised there will not be a meter at the site chosen by the town, only a yoke will be set in the box. She said there will not be any metered charges unless the town decides to install a meter at the site.

After some discussion, Commissioner Rooks advised that he is in favor of giving the County the easement and doesn't feel it is necessary to negotiate any fees with the County. He also commented that having water and fire hydrants will help the insurance ratings of the residents in the area. Commissioner Rooks made a motion to accept Pender County's request for an easement on the FEMA tract on Stag Park Road in exchange for a one inch service. At that time a lengthy discussion was initiated regarding the possibility of an interconnection of the town's water system with the county's water system. There being no further decisions made, Commissioner Robbins seconded Commissioner Rooks motion as stated. The motion was carried by unanimous vote.

Discussion regarding utility accounts in the name of deceased individuals

Mr. McEwen advised that recently it was determined that over 30 water accounts are in the name of individuals who are deceased. Since these accounts are in the name of deceased people, there is no way to collect on a delinquent bill in the event that it goes unpaid. He said in order to insure that all water accounts are in the name of a living

person, we would like to send out letters to the residents of these homes informing them that a new account will be required to be established in the name of the current resident. He advised the resident will have to pay all applicable deposits as required by the fee schedule unless the deceased individual is a spouse. In this case the only requirement will be that the account must be transferred into the surviving spouse's name.

Mr. McEwen advised these letters are intended to establish better accounting practices within the utility billing department and insure that the individuals living in the residences (and using the water and sewer) are being held accountable from a billing standpoint.

There was much discussion regarding the utility accounts and how to handle the situation. The Board wanted to be cautious in regards to situations involving surviving widows and to give them a little time before requesting change of name on the accounts. The board requested that the spouses be given 90 days to make the necessary name change on the account. As for the others, Mr. McEwen said we need to make some changes in the current policy to reflect the issues at hand. After discussion, the Board was in agreement to send this matter to the Policy/Finance Board for discussion and a possible policy change for handling these accounts.

The Board requested that Mr. McEwen draft a letter to be mailed to the utility account billing addresses giving the individuals 90 days to make the changes. They also requested that Mr. McEwen develop a policy to be presented to the Policy/Finance Board for review and to be brought back to the Board at the September meeting.

Commissioner Robbins made a motion to allow Mr. McEwen to send the letters to the addresses of the active accounts that are in the name of a deceased person. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Others items from the Manager

Request to meet with County Manager - Mr. McEwen advised the County Manager has requested a meeting with the Mayor, Town Manager and any Commissioners that desire to attend. He advised the meeting will be held on Friday, August 14th at 9:00AM. He advised this is an opportunity for municipal officials to meet with the county manager to discuss any issues that relate to the county. Commissioner Rooks committed to attend.

Time Clocks - Mr. McEwen advised the time clocks currently in use by employees have become inaccurate and obsolete. He advised staff has researched a biometric time clock system that will integrate with our payroll software which will require fingerprints only with no cards, badges or other items to use the system. He advised the cost is \$3245.00 and he would like to move forward with the purchase if the Board approves.

Mayor Mulligan asked why this item was not placed on the agenda. He advised that he doesn't like taxpayer funds being spent without the Board having prior knowledge of the situation and said it should have been placed on the agenda for review by the Board over the weekend instead of hearing about it at the meeting. Mr. McEwen replied that since the funding would come from non-departmental reserve not appropriation of fund balance that Local Government Commission guidelines allows this purchase to be made only by the Manager advising the Board of the purchase. Mayor Mulligan requested that this item be placed on the September agenda with background materials for review by the Board.

Plaque for James Family – Mr. McEwen stated that last month the Board requested Mr. McEwen to draft verbage for a plaque in memory of William C. James, Sr. to be presented to his family in recognition of Mr. James' contributions to the town during his lifetime. The Board reviewed and approved the draft as presented. The plaque will be presented at the next board meeting.

Recognition for Wayne Briley – Mr. McEwen stated that he was asked to meet with Commissioners Robbins and Rooks and discuss a formal recognition for Wayne Briley's contributions to the town especially during his time as interim police chief. After a brief discussion, Commissioner Robbins made a motion to plant an oak tree on the court house square in honor of Wayne Briley. The motion was seconded by Commissioner Walker and carried by unanimous vote.

Oak tree at Johnson Park – Mr. McEwen advised the oak tree at Johnson Park has died and must be removed. He advised there are several other trees that also must be taken down and they are getting prices for the removal of the trees.

High ammonia levels – Mr. McEwen advised we received notice today that we have exceeded the ammonia levels allowed for our sewer sent to Wallace. He advised we are trying to determine where those high levels of ammonia are coming from in our system and we are working with Wallace. Wallace staff is aware that we are trouble shooting to determine which lift station and which sewer area served by the town is putting out those high ammonia levels in order to develop a long term plan to address the situation.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Mayor Mulligan commented the Parks and Recreation Committee is having a great deal of difficulty establishing a quorum. He asked the commissioners to consider changing the ordinance requirements from seven members to five members. He advised that currently we have five active members and reducing the required quorum would enable them to have a meeting with three present. Commissioner Robbins made a motion to reduce the number of members required on the Parks and Recreation Committee from seven to five. The motion was seconded by Commissioner Tyson and carried by unanimous vote. Mr. McEwen was asked to bring back an ordinance amendment for this item at the September meeting.

Commissioner Robbins commented that he feels the new Bojangles sign is too high and asked to have it measured to be sure.

Commissioner Robbins asked Chief Hock if there are any security guards at the Burgaw Campus of Cape Fear Community College. He said he read that the Wilmington campus has security and wanted Chief Hock to find out why the Burgaw campus is not covered.

Commissioner Robbins asked where we are with the sidewalk to the senior center. Mr. McEwen advised the original contracts from NCDOT were not accurate and he asked them to send new corrected contracts. He said he sent an email today inquiring about the contracts but has not heard anything yet. He advised the town will award the contract and from that point forward NCDOT will handle the administration observation of the contract.

Commissioner Rooks asked about the status of the agreement with the owners of Creekside regarding the building of the bridge and extending the sidewalk across their property. Mr. McEwen advised our project ends at the dance studio property. He advised the Creekside owners will be required to build the bridge and extend the sidewalk. Mr. McEwen said he has a verbal agreement with the Corps of Engineers to allow an elevated boardwalk across the creek but needs to get that in writing. He advised Jay Milam has requested to have the town's portion finished before he starts to build his portion of the project.

Commissioner Tyson said Elizabeth Herring has called and asked when the ditches are going to be cleaned out by her property. She said Ms. Herring is complaining about the flooding in her yard. Ms. Herring commented that she keeps being told that her name is on the list and wants to know when her name will be moved to the top of the list. Mr. Fay said he will take a look at the situation.

Commissioner Tyson asked if there has been any contact with Ruth Glaser at Pender Memorial Hospital regarding the ongoing security issues and the request for security guards at the hospital. Mr. McEwen advised he has not heard anything official.

Commissioner Tyson asked Bill Fay if Hugh Frazier has been in contact with him about the drain in front of the Methodist church. Mr. Fay he has not spoken with Mr. Frazier but advised he was instructed by Mr. McEwen to take care of the situation. Mr. Fay advised he called for a locate today. He said he thinks the joint deteriorated in the pipe and the soil is washing into the pipe causing the pole to lean.

Commissioner Rooks thanked Attorney Kenan for submitting his July bill.

Commissioner Rooks asked about the status of the bypass being paved because it is rapidly deteriorating. Ms. Roth advised she feels it is coming up in the near future. She advised she will check on that and put it in the weekly update.

Commissioner Tyson asked if the paving company is going to do anything about the “bump” on the Penderlea Hwy where the NCDOT told our contractor to stop. Mr. McEwen advised he would tell the contractor to take care of when he comes back to do the other repairs on Bridger Street.

Commissioner Robbins commented there is a bad bump in the middle of the US 117/ NC Hwy 53 intersection that is getting worse and appears that something is sinking. Mr. McEwen asked Mr. Fay to have someone with NCDOT to check into the situation.

CLOSED SESSION (7:15PM)

Commissioner Tyson made a motion to go into closed session pursuant to NCGS 143-318.11 paragraph (a) item (3) attorney/client privilege and NCGS 143-318-.11 paragraph (a) item (6) personnel. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

OPEN SESSION RECONVENED (8:54PM)

Commissioner Rooks made a motion to reconvene to open session. The motion was seconded by Commissioner Tyson and carried by unanimous vote. There was no action taken in closed session.

ADJOURNMENT

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

The meeting adjourned at 8:55PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk