

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

DATE: August 12, 2014
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Howard Walker
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Rebekah Roth, Planning Administrator
Montrina Sutton, Chief of Police
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 were 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 Rooks and carried by unanimous vote.

Approval of Consent Agenda

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

- **Minutes of the July 08, 2014 regular session and closed session**

DISCUSSION ITEM

El Puente Proposal – Irene Edwards

Irene Edwards, Executive Director of El Puente appeared before the Board with a list of requests for use of the Community House and other town properties. Ms. Edwards first thanked the Board for allowing her to use the Community House for the nutrition and Zumba classes as well as the yoga classes. She gave a brief review of the attendance as well as where the attendees reside.

Ms. Edwards presented the following proposal to the Board for discussion:

***EXTEND USE OF COMMUNITY CENTER FOR YOGA through 12/31/14** at no cost – based on numbers of participants who have been advised that there will be a small fee after Sept. 2, 2014. Participants have agreed.
Use of Community Center for YOGA at no cost: for breast cancer survivors–weekly–begin 2105 Day/time to be determined
USE OF COMMUNITY CENTER FOR LINE DANCING & LATIN DANCING - 2 Fridays/month
Begin September - 7:30-9:30pm - 3 HOURS @ \$50 – charge \$15pp or \$25couple estimate minimum 15 participants – charge will cover cost of rental, cleaning, and compensation for instructor. Permission to sell water, sweet tea, & pre-packaged baked goods from local venue (possibility of moving Line Dancing to Arts Council Bldg. to accommodate more folks, live music, etc. once bldg. is ready)*

USE OF RR DEPOT, FRIDAYS, WEEKLY FOR A FARMER'S MARKET - Spring 2015

*Several local farmers interested - sell local arts/crafts/baked goods – charge \$10/table-
Fridays 7:00am-12:00pm NO MORE THAN 6 FARMERS + 4 VENDORS*

USE OF TOWN PROPERTY FOR MULTI-CULTURAL FESTIVAL – FALL 2015:

“Pender County is the only county in the area that does not have this type of festival”

Presented to County Commissioners - receptive to idea of the festival and use of courthouse square, want to be updated as we move along.

Alternative: use RR Depot, Courthouse Ave. & surrounding areas as initial venture. El Puente is working with Yvonne Pagan who is responsible for organization of the multi-cultural stage for the Azalea and Brunswick Counties festivals. El Puente also collaborating with Pender Arts Council for this event and other future activities that will benefit the entire community.

- a) **Include:** entertainment; self-contained food vendors; local arts/crafts vendors; area for community resource services
- b) **Necessities:** street closures; trash containers/pick-up; portable toilet; police presence; tables
- c) **Suggest a Saturday, 12:00 – 5:00 late October**
- d) **Organizational chart and costs to be presented to the Board for approval**
- e) **Town/County contribution for initial event?**
- f) **Discussions with several local business owners endorse and support the idea**

Upon completion of Ms. Edwards' presentation there was a very lengthy discussion with the Board.

Commissioner Robbins asked Ms. Edward's how much the “small fee” for yoga would be and what the purpose of the fee is. Ms. Edwards answered there are 26 participants and we are paying the instructor \$30.00 so the charge would be perhaps one to two dollars. This would cover the cost of the instructor as long as the Board of Commissioners continues to allow complimentary use of the facility.

Commissioner Robbins asked Ms. Edwards to explain the purpose for asking permission to sell items at the dance classes. Ms. Edwards advised she would like to allow vendors in the community to come in and sell prepackaged items for refreshment for the participants. Commissioner Robbins advised the current Community House Policy does not allow sale of products.

Commissioner Tyson asked Ms. Edwards where the \$10 per table for the proposed farmer's market would go. Ms. Edwards advised the money will go to the town.

Commissioner Tyson asked if the use of the Community House for Line Dancing and Latin Dancing on two Friday nights would be contingent upon whether or not someone else wanted to rent for one of those nights. Ms. Edwards interjected that she would be renting the building for the dance classes on Friday night. She advised that is the reason for charging the participants so that there will be enough to pay the rental fee for three hours.

Commissioner Rooks said if it falls under regular rental, there shouldn't be any concern about the use. Mr. McEwen reminded the Board that they must make some decision regarding the sale of food because many people have been told this not an allowed use of the facility. Commissioner Rooks commented that he feels they need to be consistent and not treat one group differently than others have been treated. Ms. Edwards asked if they would agree to the sale of bottled water or sweet tea in order for participants to have some sort of refreshment. Attorney Kenan advised that if she could make the refreshments part of her admission price that would take care of the issue.

In regards to the request for the extended use of the facility for yoga classes to be held through December 31, Commissioner Robbins made a motion to accept the proposal by El Puente to extend use of the community house for yoga through 12/31/14. The motion was seconded by Commissioner Walker and carried by unanimous vote. Commissioner Tyson asked if the class would be canceled if a renter requested the use of the building on the same night as the yoga classes. Mr. McEwen said that is correct because the same stipulation applies as in the current agreement that a renting customer would bump this class out.

Mayor Mulligan asked if the Board desires to grant the request for starting a second yoga class for breast cancer survivors beginning in 2015. It was the consensus of the Board to hold off on a decision until a later date on this issue.

Mayor Mulligan asked if the Board desires to make any motion on the request to use the community house to hold line dancing and Latin dancing on two Friday nights per month. Since Ms. Edwards plans to pay rent for those two nights there was no issue at this time.

Mayor Mulligan asked if the Board desires to make any motion regarding the request for the use of the depot for a farmer's market in the spring of 2015. Commissioner Rooks stated that he would like to hear more about this item after Ms. Edwards has coordinated with Feast Down East and with Mr. McEwen's request that the farmer's market be held on the same that Feast Down East holds their event. He advised there is plenty of time to plan this event.

Mayor Mulligan asked for a motion to approve the concept of the proposed multicultural festival. Commissioner Rooks stated that he is not prepared to approve this item until he knows what the potential cost to the town will be. He said that festivals are expensive to put on and would like to hear more before any decisions are made. Commissioner Robbins said he is in favor of the concept but agrees with Commissioner Rooks that we need more information before making any decisions.

Ashley Loftis, Finance Officer commented that the current community house usage policy states that "use of the building for the purpose of selling products and collecting monies is prohibited". She asked if charging an admission fee would be a violation of the policy. She advised other agencies have been turned down because they wanted to charge admission for an event. She advised if that is the case then we need to amend the policy. Commissioner Rooks advised "no, we need to comply with normal rental stipulations". Ms. Edwards questioned the meaning of his statement. Commissioner Rooks commented that the policy does not allow the renter to charge a fee to guests attending an event. He also said the renter cannot sell products to his/her guests. Mayor Mulligan suggested restructuring that by charging to members of a club and that way you are charging members of your club, he said there must be a way to get around that. Commissioner Rooks stated that we are losing sight of the entire reason that the community center was created. He said it was developed and laid out for citizens to have a low cost, low rent facility for family events etc. but when we start manipulating the guidelines to accommodate different scenarios, we are creating a problem.

Commissioner Dawson asked Ms. Edwards if she is working with the Pender Arts Council regarding the use of their facility. Ms. Edwards replied "that would be in the future".

Commissioner Robbins stated that maybe we should go back to the Community House committee which consisted of Commissioners Robbins and Tyson and review this policy. He advised there was a reason why they made the rules regarding no admissions charges and no selling of products. Ms. Edwards questioned what the reasons were. Several Commissioners chimed in and presented several scenarios that they were aware of that included use of the building for classes on concealed weapons, selling of cosmetics, preparing and selling of food etc.

Commissioner Tyson said this issue regarding Ms. Edwards' request to charge for dance classes and refreshments changes the whole intention of the community house policy as it was laid out. Commissioner Tyson said we cannot allow Ms. Edwards to use the building in the manner requested when others have been turned down for the same reason. Commissioner Tyson said the policy will have to be reviewed and changed before this can be allowed.

After a very lengthy discussion, Commissioners Robbins and Tyson (Community House Policy committee) agreed to revisit the policy and make a decision. Commissioner Tyson said that she and Commissioner Robbins and the town manager would meet and discuss this issue and get back to Ms. Edwards with comments. She asked Ms. Edwards if she is in agreement with that plan. Ms. Edwards said "that sounds fair".

DEPARTMENTAL ITEMS

FINANCE – Ashley Loftis, Finance Officer

Discussion regarding Tourism Development Authority Audit Requirements

Ashley Loftis, Finance Officer advised she has received notification from the Local Government Commission (LGC) that according to Session Law 2006-167, the Burgaw Tourism Development Authority (TDA) is considered a

separate public authority which means that the entity is subject to the rules and regulations set forth by the Local Government Budget & Fiscal Control Act and is subject to a separate audit.

Ms. Loftis advised she has been in contact with our auditor, Greg Adams, to discuss what our options would be as far as the audit is concerned. Mr. Adams advised the Town would be required to enter into a separate audit contract and complete an annual audit of the TDA financials.

Mr. Adams has proposed that Thompson, Price, Scott, and Adams perform the audit and establish a separate contract from the Town at a rate of \$3,000. He advised that this is the minimum his firm could charge based on the amount of transactions that need to be reviewed. The Burgaw TDA Board will need to decide if they would like to pursue this option or place this contract out for bid.

Ms. Loftis advised she has reached out to Becky Dzingeleki with the LGC and Greg Allison and Kara Millonzi with the UNC School of Government to see what options the Town may have in regards to levying the 3% room occupancy tax and not having a TDA. She advised she has learned that session law may be changed for the town to continue to levy the 3% room occupancy tax and not have a TDA. This would take a special request to the legislature to amend the current law for Burgaw.

After a brief discussion, Commissioner Rooks made a motion to request the finance officer to advertise for bids for the audit of the TDA as required and for the bids to be reviewed at the next meeting. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Rooks made a motion to request the legislature to change the local bill to do away with the TDA and have a restricted line item in the town budget for TDA funds. The motion was seconded by Commissioner Tyson and carried by unanimous vote. Attorney Kenan advised a resolution requesting the change will be brought to the next board meeting for a formal motion.

***PLANNING** – Rebekah Roth, Planning Administrator*

Approval of FY 2014-2015 Annual Tree Program Work Plan

Rebekah Roth, Planning Administrator advised that earlier this year, the Buildings and Grounds Board was assigned the responsibilities of the Tree Board, which includes the preparation of an annual work plan that is submitted each year as part of the application to renew the town's Tree City USA status. She advised the Buildings and Grounds Board reviewed the attached work plan in May. Ms. Roth said this plan has several primary components: new plantings, tree pruning, tree removal, tree care, and tree education. The pruning, removal, and Arbor Day activities are in keeping with what was done in the past. All tree planting and public education projects are subject to the availability of funds. The board allocated \$3,000 in funding for Tree Board activities for this fiscal year. Ms. Roth advised the full board will need to approve this plan to authorize staff to make preparations for the projects on this plan.

Commissioner Robbins advised he has an issue regarding the timing of the fertilization of the trees and removing the plastic wrap around the trees on the railroad right of way. He advised winter is the best time for fertilizing of the trees and suggested that both of those tasks be done at the same time.

Mayor Mulligan asked if the tree giveaway could consist of less trees but more substantial trees and if there could be any consideration of partnering with other organizations such as the Boy Scouts for participation in the tree giveaway. Ms. Roth said that larger trees were chosen last year and that the Boy Scouts and 4-H have assisted in past years.

There being no further discussion, Commissioner Robbins made a motion to approve the Tree Program Annual Work Plan - FY 2014-2015 as amended. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Tree Program Annual Work Plan—FY 2014-2015

Component	Action	Month(s) Accomplished	Responsible Party
Tree Planting	Plant Street Trees along S. Dickerson in front of Stover's Auction	October-November 2014	Planning & Public Works
	Landscaping of Hood Property	March-April 2015	Planning & Public Works
Tree Pruning	As determined by Tony's Tree Service survey	TBD	Public Works
	Downtown Hollies in preparation for holiday lights	October-November 2014	Public Works
Tree Removal	As determined by Tony's Tree Service survey	TBD	Public Works
Tree Care	Fertilizing and aerating trees along railroad ROW as needed	December – January 2014-2015	Public Works
	Removing plastic wrap around railroad ROW trees as needed	December-January 2014-2015	Public Works
Tree Education	Arbor Day—ceremony, tree giveaway, etc.	March 2015	Planning
	Tree Care seminar partnering with Cooperative Extension or other	April-May 2015	Planning

ITEMS FROM ATTORNEY – Robert Kenan

Lease Agreement between Pender County Arts Council and Town of Burgaw

Attorney Kenan presented a proposed lease between the Town of Burgaw and the Pender Arts Council. He presented a draft written by him as well as a draft lease written by Attorney Harold Pollock who is also affiliated with the Pender Arts Council. Attorney Pollock addressed the Board and thanked them for their consideration in the matter of allowing the Arts Council to utilize the old Emergency Medical Services (EMS) building for their

organization. Attorney Pollock said that in the essence of time, it was not feasible to go through the lease agreement line by line. Attorney Pollock made a few suggestions for changes and requested that the Board consider allowing the two attorneys and the town manager to get together and come up with the necessary changes and allow the town manager to sign the lease. After a brief discussion, Commissioner Rooks made a motion to allow Attorney Kenan and Attorney Pollock to make the necessary changes to the lease in order for the town manager to sign the lease. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

BREAK

Mayor Mulligan called for a ten minute break at 5:05PM. The meeting reconvened at 5:15PM.

PUBLIC FORUM

Speakers:

Jerry Collins, of 212 N Walker Street speaking on behalf of the Promotions and Special Events Committee stated that they are in favor of having the Christmas tree lighting ceremony on the weekend of Thanksgiving.

Colleen Bannerman of Bannerman Vineyards on Stag Park Road stated that she has been growing and harvesting grapes on her farm for thirty years and last year she was cited for her seasonal sign and told to remove it immediately or pay a fine of \$110.00 per day. She advised she removed the sign as directed and tried to get back in under the grandfather clause but was denied. Ms. Bannerman said the sign is placed there for only two to three months during harvest season and she doesn't understand why she must pay all the exorbitant fees in order to put up a sign indicating that it is time to pick grapes. She asked the Board if there is anything they can do to grandfather her sign without her paying the fees. She said her customers are calling because they have not seen the sign and want to know if they can pick grapes yet.

Commissioner Rooks asked Rebekah Roth, Planning Administrator to explain why Ms. Bannerman cannot have her sign. Ms. Roth advised the ordinance states that "off premises signs are not allowed and if they are removed the grandfathering is lost". She advised the best solution is to have a text change in the ordinance to allow seasonal temporary signs. She said that currently the signs are allowed permanently with a conditional use which requires a \$250.00 filing fee plus the mailings to the adjacent property owner. She advised if it is the pleasure of the Board of Commissioners they can direct her to take something to the Planning Board to have it considered.

Commissioner Dawson asked if there is anything we can do to allow Ms. Bannerman to have her temporary sign for this harvest season.

After a very lengthy discussion, a motion was made by Commissioner Rooks, seconded by Commissioner Walker and passed by unanimous vote to allow Bannerman Vineyards to erect a temporary off-premises advertising sign at the corner of NC Hwy 53 and Stag Park Road from August 15, 2014 through October 15, 2014 subject to the following conditions:

- (A) Bannerman Vineyards shall provide to the town written documentation from the landowner that authorizes Bannerman Vineyards to erect a sign on landowner's property;*
- (B) Sign must comply with the size requirements of the Town's Unified Development Ordinance.*

PUBLIC HEARINGS

Public Hearing #1 – Chad McEwen, Town Manager

Consideration of changing the speed limit of a certain portion of the Penderlea Highway within the corporate limits of the Town of Burgaw

Mayor Mulligan declared the public hearing open at 5:13PM.

Mr. McEwen advised last month the Board approved a request to consider a speed limit change on a section of Penderlea Highway from the town limits to a point .2 miles northwest of West Wallace Street. He said if approved by the Town and NCDOT, the change would increase the speed limit from 35 mph to 45 mph within the section described above. Mr. McEwen advised he was informed the request for NCDOT to consider raising the speed limit came via a citizen. He also commented that NDOT has done a speed study and determined that the 85th percentile speed along this stretch is 46 mph, which according to NCDOT indicates, "that this is the speed that most drivers consider reasonable." He also pointed out that Katie Hite with NCDOT is present to answer any questions that may arise.

Mr. McEwen advised the public hearing has been properly advertised and the July 16th edition of the *Pender-Topsail Post and Voice* included an article about the proposed speed limit change as well as an invitation to all residents, particularly those within the affected area, to come to the August 12th Board meeting.

Drake Smith resides at 1324 Penderlea Highway. Mr. Smith advised he and his wife feel that 35mph is the appropriate speed for the area due to the dense population along the road. He said that if statistics say that 85 percent of the drivers are already speeding at 45-50mph along the road, raising the speed limit will only make them go 55-60mph. He requested that the Board not raise the speed limit.

Gentry Sessoms resides at 1796 Penderlea Highway. Mr. Sessoms commented that he lives just past the 45mph sign and by the time people get to his house they are running 70mph. He said there are children, pets and elderly people that are afraid to cross the road due to speeding motorists. Mr. Sessoms advised the neighborhood needs more enforcement in the area. He said to have cars passing his house at the speeds they are is ridiculous and that changing the speed limit is not going to help one bit.

Debbie Yount resides at 1295 Penderlea Highway. Ms. Yount advised she is totally against raising the speed limit. She advised cars go by so fast they knock over her trash can. She said it is not safe for the elderly or bicyclists to be on the road. Ms. Yount commented that two of her cats had been killed by speeding cars. She said she prays the Board will not raise the speed limit.

Terri King resides at 1134 Penderlea Highway. She said it will be a huge mistake to increase the speed limit. She advised her daughter and grandson ride bicycles and it will be a huge safety issue if the speed limit is raised.

Commissioner Rooks stated that he is surprised that NCDOT took this type of action with one request. He asked Katie Hite to speak regarding this question. Ms. Hite advised that NCDOT is required to take into consideration any request that they receive. She said with each request they receive from a citizen, they go out and do an investigation and upon completion of the review, they send the request to the town and it becomes the town's decision. She said it is more or less the NCDOT completing the review and supplying the documentation. Mr. McEwen commented that it makes no difference to NCDOT what decision is rendered; they are just following through on their investigation.

Commissioner Robbins stated that he appreciates the NCDOT following through on their requests because it is good to know that people are being heard.

There being no further comments, Mayor Mulligan closed the public hearing at 5:27PM.

Commissioner Robbins made a motion to deny approval of Ordinance 2014-15 to increase the speed limit on the Penderlea Highway within the town limits. The motion was seconded by Commissioner Walker and carried by unanimous vote.

Public Hearing #2 - Rebekah Roth, Planning Administrator

Consideration of an amendment to the Town of Burgaw Code of Ordinances Chapter 34, Trees and Shrubs, Article II, Tree Board to clarify the Building and Grounds Board's function as the Town of Burgaw Tree Commission.

Mayor Mulligan declared the public hearing open at 5:44PM.

Rebekah Roth, Planning Administrator advised as part of the Town's participation in the Tree City USA program, we are required to have a tree board. She said with the changes to the town's boards and commissions a few months ago, the Buildings and Grounds Board absorbed the responsibilities of the Tree Board; however, those responsibilities were not spelled out in the ordinance. As a result, the town needs to clarify the tree program responsibilities in the town code in order to continue to be recognized as a Tree City USA in the future.

Ms. Roth advised the proposed draft code change that would clarify the Buildings and Grounds Board's responsibilities regarding tree care. She said the following is the Tree City USA Standard that must be met: Someone must be legally responsible for the care and management of the community's trees. This may be a professional forester or arborist, an entire forestry department, or a volunteer tree board. Often, both a professional staff and advisory tree board is present, which is a good goal for most communities.

Mayor Mulligan commented that he finds it hard to call our current tree board a balanced, broad based, community involved board when it is made up of only elected officials.

Attorney Kenan recommended an amendment to the proposed ordinance regarding Section 34-32 (b) in which the reference to "tree board" should be "tree commission".

There were no speakers signed in for this hearing.

Mayor Mulligan closed the public hearing at 5:47PM.

There being no further discussion, Commissioner Tyson made a motion to approve Ordinance 2014-16 as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**ORDINANCE 2013-16
AMENDING THE TOWN OF BURGAW CODE OF ORDINANCES
CHAPTER 34, TREES AND SHRUBS, ARTICLE II, TREE BOARD**

WHEREAS, the Town of Burgaw (hereinafter "the Town") is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes, and

WHEREAS, the Town of Burgaw Code of Ordinances Chapter 34, Article II outlines the composition and responsibilities of the town's tree commission; and

WHEREAS, the Town of Burgaw Board of Commissioners desires that the Buildings and Grounds Board act as the tree commission; and

WHEREAS, the Buildings and Grounds Board's role as the tree commission is not outlined in the current code of ordinances;

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

SECTION 1. The Town of Burgaw Code of Ordinances Chapter 34, Trees and Shrubs, Article II, Tree Board now reads:

Section 34-31. Creation; composition.

The Town of Burgaw Buildings and Grounds Board will also serve as the Town of Burgaw Tree Commission in coordination with designated town staff and/or consultants who will serve as ex officio members.

Section 34-32. Duties and responsibilities.

- (a) *It shall be the responsibility of the tree commission to study, investigate, counsel, develop, update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the board of commissioners and upon its acceptance and approval shall constitute the official comprehensive town tree plan.*
- (b) *The tree commission, when requested by the board of commissioners, shall consider, investigate, make findings, report and recommend upon any special matter or questions coming within the scope of its work.*
- (c) *The tree commission shall meet no less than two times per year to prepare and administer the official comprehensive town tree plan.*

SECTION 2. This amendment to the Town of Burgaw Code of Ordinances becomes effective immediately upon adoption of this ordinance on the 12th day of August 2014.

ITEMS FROM MANAGER – Chad McEwen

Resolution 2014-28 Approving a Contract with Harvey Technology Management Services

Mr. McEwen advised for the last several years we have used Erik Harvey to handle our Information Technology (IT) needs for all Town departments. The contract with Harvey Technology Services includes purchasing, support, and maintenance for all computers and accessories as well as all town departmental software.

Mr. McEwen stated that as we found the last time we bid these services out, there are virtually no local contractors and/or IT firms that have a great deal of familiarity with local government software applications. Although the computers and peripherals (i.e. printers, keyboards, monitors, etc.) used by a local government are primarily off the shelf models, the software is very specialized. Mr. McEwen said due to his primary employment with Pender County as the IT Director as well as his contract work with the Town of Burgaw, Erik has developed a great deal of knowledge regarding these specialized programs.

Mr. McEwen noted that the attached contract with Harvey Technology Management Services is for a 3 year contract starting retroactively from July of this year. No other material changes are proposed to the contract other than the addition of a pre-audit statement. Mr. McEwen said during the last renewal of the contract, Erik reduced the annual fee from \$26,600.40 to \$20,500. The proposed contract includes this same annual fee of \$20,500.

Mr. McEwen advised the Board he is recommending the approval of a contract with Harvey Technology Management Services from July 2014 through June 2017 for information technology services in the amount of \$20,500 to be paid in quarterly installments.

Commissioner Rooks expressed concern that the contract lists the finance officer as the contact person. He commented there should be a "designee" line in the contract allowing a backup contact for the finance officer.

There being no further amendments, Commissioner Dawson made a motion to approve Resolution 2014-28 as presented. The motion was seconded by Commissioner Rooks and carried by unanimous vote. (Contract on file in the clerk's office.)

RESOLUTION 2014-28

Resolution Approving a Contract for Information Technology Services by Harvey Technology Management Services

WHEREAS, the Town of Burgaw solicited proposals on May 6, 2011, for part time information technology services; and

WHEREAS, pursuant to the request for proposal for part time information technology (IT) services the town received bids from the following firms:

- 1) Harvey Technology Management Services (Erik Harvey) -\$20,500
- 2) Infranet- \$18,000
- 3) Atlantic Computer Services-\$11,400
- 4) PC Solution- \$15,960; and

WHEREAS, Harvey Technology Management Services has presented the most detailed proposal; and

WHEREAS, Harvey Technology Management Services has been determined to have the most direct knowledge of the specialized computer programs and applications that are currently operated by the Town of Burgaw; and

WHEREAS, Harvey Technology Management Services has been providing information technology services to the Town of Burgaw since October 5, 2005 and subsequently has a great deal of institutional knowledge regarding the Town of Burgaw's information technology needs and systems.

Whereas, Harvey Technology Management Services has submitted a new proposal for IT services and has included a rate of \$20,500 annually which is consistent with the fee charged during the prior contract term.

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

SECTION 1. The Mayor or Town Manager is hereby authorized to execute the contract submitted by Harvey Technology Services as presented and approved.

ADOPTED this the 12th day of August, 2014.

Discussion regarding consideration of amendments to the Interlocal Agreement with the Town of Wallace related to wastewater treatment services

Mr. McEwen advised last year we began the process of revising the original interlocal agreement (ILA) with the Town of Wallace which outlines the specifics regarding treatment, testing/sampling, rates, and capital expense obligations. To date, the Town Boards of Wallace and Burgaw have reviewed and revised the ILA twice each. Mr.

McEwen advised the draft presented today includes a third set of revisions proposed by Wallace as well as additional revisions that he is proposing we include.

After Mr. McEwen reviewed the revisions made to the agreement there was much discussion. Mr. McEwen advised assuming this draft is approved by the Burgaw Board of Commissioners, it will be sent to Wallace for final approval via a joint resolution approved by both Boards.

There being no further discussion, Commissioner Rooks made a motion to approve the Interlocal Agreement with the Town of Wallace as modified. The motion was seconded by Commissioner Robbins and carried by unanimous vote. (Due to the length of the document the approved version is on file in the clerk's office.)

Discussion regarding digital information sign for Town Hall

Mr. McEwen advised at the last meeting the Board requested that he find some specific examples of digital signs for Town Hall and to develop a preliminary budget that would include the purchase and installment of the sign as well as the masonry pedestal base. Mr. McEwen advised the overall design of the base would be similar to the sign at Johnson Park (Welcome to Historic Downtown Burgaw) however the proposed sign for Town Hall could either be brick or block that is covered by stucco to match Town Hall.

Mr. McEwen advised the preliminary budget is as follows

*Purchase and Shipment of Sign - \$17,500 (\$1,000 deduct if the metal pedestal isn't purchased)
Electrical Work- \$1,000
Masonry Work Related to Pedestal Base- \$2,500(block masonry option)-\$4,000(brick option)*

*Estimated Costs-
\$18,500 (Sign, Metal Pedestal, and Electricity)
Or
\$20,000 (Sign, Block Pedestal, Electricity)
Or
\$21,500 (Sign, Brick Pedestal, Electricity)*

Commissioner Robbins commented that he mentioned this item earlier this year and believes an informational sign would be of benefit to the citizens to keep them informed of events going on in town.

Commissioner Dawson asked where the money would come from for the purchase of the sign. Mr. McEwen advised it would require a General Fund appropriation.

After a brief discussion, it was the consensus of the Board to refer this item to the Building and Grounds Board for further discussion.

Discussion regarding the Burgaw Chamber of Commerce's plans concerning the Christmas Tree Lighting and Christmas Parade and the Tour of Trees at the Depot by the Pender County Museum

Mr. McEwen advised late last year the Burgaw Chamber decided to hold the Christmas Parade and Christmas Tree Lighting for this year on the same night (December 6th). In mid-July the Chamber voted to go back to holding the two events on consecutive weekends with the tree lighting on the 6th and the parade on the 13th. This decision was made in an effort to avoid a conflict with the Tour of Homes occurring on December 6th being coordinated by the Pender Historical Society.

Mr. McEwen advised Vickie Foster (Pender Historical Society) and Emily Baker (Chamber of Commerce) are present to answer question from the Board.

Mr. McEwen asked if the Board is in agreement with the Chamber's plan to have the tree lighting on December 6th and the parade on December 13th. After much discussion, it was the consensus of the Board to light all the Christmas lights with the exception of the large artificial tree and the magnolias on Wednesday before Thanksgiving. It was also the consensus of the Board to hold an event on Friday after Thanksgiving at 6:00PM to light the artificial tree and the magnolias. It was the consensus of the Board to hold the Christmas parade on December 13th.

Mr. McEwen asked if the Board is willing to waive the rental and cleaning fee as well as the deposit for the Depot from December 5th-December 8th for the Pender Historical Society's Tour of Trees and to allow them to charge admission to the tree tour given the fact that the building is being requested complimentary. After much discussion, Commissioner Rooks made a motion to allow the Pender County Historical Society to use the depot December 5th through December 8th as stated in their request. The motion was seconded by Commissioner Tyson and carried by unanimous vote. Mr. McEwen requested that Ann Moore be the designated cleaning person after the event to assure that the building cleaned to the level that is required for the depot.

Break: Mayor Mulligan called for a brief recess at 6:35PM. The meeting reconvened at 6:45PM.

Discussion regarding the amendments to the Memorandum of Understanding with Pender County regarding occupancy of the Old Jail and requested reimbursement cost related to renovations

Mr. McEwen advised when the Town decided to partner with the county in the renovations of the old jail the back two offices were to be used by the Town as storage. Shortly after the renovations began, the police department requested the use of the old waste water treatment plant office on Wallace Street for evidence storage in lieu of the old jail. This meant one of the offices in the old jail would be available. The Blueberry Festival is requesting the Town and the County allow the Festival Coordinator to occupy this office in the old jail. This location is more feasible and visible for the Festival and seems to be a natural fit given the County Tourism office will be the other tenant in the building.

Mr. McEwen advised per the original Memorandum of Understanding (MOU) with the county, if the Town's space is ever used as offices an amendment would be required in regard to how the utility costs would be handled. He said he has had conversations with the Festival Executive Committee as well as the former county manager and former county finance officer regarding an acceptable flat rate the Festival should pay towards the total utility costs. Both the Festival and the County representatives agreed on \$1,000 a year.

Mr. McEwen advised assuming the Town approves the Festival to use this office; a similar request to amend the MOU will be made to the County with a request to approve the fee to be paid by the Festival regarding utilities. In addition, at the same county meeting Mr. McEwen will request, per the original MOU, the county's reimbursement to the Town 50% of the renovation cost. He advised the cost summary below reflects a 50%-50% split of the costs. He said he plans to ask the county for \$53,073.28 in reimbursement to the Town's General Fund.

OLD JAILHOUSE RENOVATIONS

Exterior repairs	\$	58,169.62
Interior repairs	\$	32,292.58
Fixtures	\$	4,656.21
HVAC	\$	10,900.00
Supplies	\$	128.15
TOTAL	\$	106,146.56
<hr/>		
Town Portion	\$	53,073.28
County Portion	\$	53,073.28

1. Exterior repairs include work done to the building, grounds, handrails, dumpster screen, etc.
2. Fixtures include any type of lights or locks.
3. Interior repairs include any work performed within the structure, electrical and plumbing

upgrades.

4. Supplies includes any miscellaneous tools, nuts & bolts, toiletries, and AC filters, etc.

Due to the length of the MOU the amended copy is on file in the clerk's office.

Upon completion of Mr. McEwen's review and discussion regarding the state of the facility in general, Commissioner Dawson made a motion to approve the Memorandum of Understanding as amended. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Discussion regarding a proposal from the owners of Cooper's Pointe for the Town of Burgaw to accept ownership and maintenance of the lift station located along Stanford Avenue

Mr. McEwen stated that he has received a response from Al Scott and the NRP Group regarding the Board's terms of accepting ownership of the Cooper's Pointe lift station. Mr. Scott has declined the Town's terms and per an email from Mr. Scott dated July 23, 2014 he advised he has "found an alternative solution". Mr. McEwen advised no action needs to be taken although he was instructed to bring this issue back to the board in August.

Discussion regarding joining the support services program for the Wilmington Film Commission

Mr. McEwen advised last month the Board discussed the possibility of joining the dues based support service program for the Wilmington Film Commission. The Board requested that he check with other municipalities, particular Southport, to see if they had or were planning on joining the program. He said that currently the City of Southport are not members but they are considering joining the program (level of support not determined yet). He advised per an email from Johnny Griffin, no other governmental entities are members except the City of Wilmington and New Hanover County.

Mr. McEwen advised that given the revenues created by filming for the Town he feels the Level 1 membership (\$2,250 a year) is well justified. Many of the filming projects that come to the area make tentative arrangements regarding filming based on the information on the Wilmington Film Commission's website. This membership will allow us to write a 500 word narrative that will be posted on the website for potential directors and locations managers to read. This narrative will be a great opportunity to "sell" the town as a potential filming location. In addition, this level of membership will allow us to place the town seal or downtown logo on the home page for the film commission. This exposure will help encourage filming in the Town.

Mayor Mulligan advised he has spoken with Johnny Griffin regarding the membership. Mayor Mulligan said he agrees with Mr. McEwen regarding the Level 1 membership and that being first through the door might be a good thing. He advised we are unique in what we can offer and they do support us. He advised the membership would show a level of support for the film commission. Mayor Mulligan also spoke to Mr. Griffin regarding the creation of a film museum in Burgaw and Mr. Griffin assured him he will be supportive of the endeavor.

After a brief discussion regarding the different levels of membership, Commissioner Robbins made a motion to go ahead and join the Wilmington Film Commission support services program at the Level 1 membership at a rate of \$2250 per year and set the standard for the small towns in the area. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Mr. McEwen advised a fund balance appropriation would be required to pay for the membership.

Discussion regarding the plaque for the 21st Century Depot Founders

Mr. McEwen advised as part of the renovation efforts for the Depot, the Town solicited donations from several individuals and organizations to help defray the cost. In the letters sent to these individuals and organizations it was stated that a marker would be placed in a prominent place to acknowledge their contribution. He advised for some time this project has laid dormant with little to no progress. Mr. McEwen presented a proof from Quinn-McGowan of the proposed marker as well as an example of the type of marker that would be used. The proposed plaque will be

16 x 20 inches. Mr. McEwen advised he is requesting the Board to approve the final proof as well as approve the appropriation of \$1096.75 for the purchase and installation of the plaque.

After a brief discussion, Commissioner Rooks made a motion to move forward and purchase an appropriate marker for the depot founders in compliance with the promise that was made upon receipt of their donations. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Proposed Temporary Workers for Public Works

Mr. McEwen presented a proposal to hire two temporary employees for three months to catch up things in public works. Mr. McEwen advised due to staffing shortages, there have been numerous maintenance items that have not been taken care of. He advised there is hire lag in the budget to cover these salaries for twelve weeks for a total of \$10,669.00.

After a brief discussion, Commissioner Rooks made a motion to approve the request to hire two temporary employees for public works so long as the cost does not exceed the hire lag amount and require an appropriation in fund balance. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Lighting for Trees

Mr. McEwen advised he has checked on cost for possibly adding lighting to the Timberly oak, the oaks along the trail and the holly tree at the town hall. He advised Louis Hesse, Building Inspector has met with Ross Bowden, Electrician and determined that this project can be accomplished for approximately \$1500.00. Mr. McEwen advised the funding could come from the Tourism Development Authority budget.

Commissioner Dawson made a motion to approve the request for lighting of the oak trees at Timberly Lane and the holly tree at the Town Hall. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

ITEMS FROM MAYOR

Mayor Mulligan commented that he sent the lining of Fremont Street as a request to be discussed at the infrastructure meeting but did not see that item discussed in the minutes. Commissioner Rooks responded that it was discussed but was included in their suggestion to count Fremont Street as a collector street and to hold off on any lining on those streets until the Planning Administrator makes a determination on identifying all collector streets. Commissioner Rooks stated that it was the consensus of the infrastructure board to create a policy on lining or striping collector streets after they are paved. Mayor Mulligan commented that Fremont Street needs to be striped now because it will be two years before Fremont Street can be paved. Commissioner Rooks commented that he understands Mayor Mulligan's concern about Fremont Street but it is not that big a concern to him because he favors lining and striping after paving.

ITEMS FROM BOARD OF COMMISSIONERS

Commissioner Walker requested an update on Walmart. Mr. Hesse advised everything is on go. He said they have been delayed due to issues with grading contractors.

Commissioner Robbins inquired about the proposed sidewalk to the senior center. Mr. McEwen advised he has made several calls to Speaker Tillis' office but has had no response. He said Senator Rabon said there may be some discretionary funds available at the local level that he can help us with if the Senate doesn't follow through with their funding option.

Commissioner Dawson commented that Pender County Parks and Recreation has requested that the town spray the Pender County Park on Smith Street for mosquitoes. After a brief discussion, it was the consensus of the board to allow Public Works to spray the county park.

Commissioner Tyson requested that a representative from the Town of Burgaw Promotions and Special Committee and the Town of Burgaw Parks and Recreation Committee be present at the next board of commissioners to make a presentation regarding their plans.

CLOSED SESSION – Pursuant to NCGS 143-318.11 (a) (6)

Commissioner Robbins made a motion to go into closed session pursuant to NC General Statute 143-318.11 (a) (6) personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION RECONVENED

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

ADJOURNMENT

Commissioner Tyson made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

The meeting adjourned at 7:35PM.

Eugene Mulligan, Mayor

Attested: _____
Sylvia W. Raynor, Town Clerk