

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

DATE: September 09, 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
Kim Rivenbark, Permitting Technician
Rebekah Roth, Planning Administrator
Montrina Sutton, Chief of Police
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Andy Pettigrew, Pender Post - Voice
Bill Walsh, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Mulligan asked if there were any requests to amend the agenda. Commissioner Robbins requested a closed session at the end of the meeting to discuss personnel. There being no further requests, Commissioner Robbins made a motion to approve the agenda as amended. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Approval of the Consent Agenda

Mayor Mulligan asked if there were any requests to amend the consent the 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. Approval of minutes of the August 12, 2014 regular meeting and closed session**
- B. Ordinance 2014-17 Amending FY 2014-2015 Annual Budget – Dues for Wilmington Film Commission**

ORDINANCE 2014-17
*AMENDING FISCAL YEAR 2014-2015
ANNUAL BUDGET*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-15 on June 10, 2014; and

WHEREAS, the Town of Burgaw wishes to join the dues based support service program for the Wilmington Film Commission; and

WHEREAS, due to the amount of revenues that have been created by the filming industry in recent years, the Town Board wishes to join at a Level 1 membership; and

WHEREAS, this level of membership will provide the Town a means of advertising our location for future filming; and

WHEREAS, a supplemental appropriation of Fund Balance into the appropriate line item is needed.

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

<u>INCREASE BUDGETED REVENUE</u>		
Account Number	Account Description	Amount
10-00-3900-900	Fund Balance Appropriated	\$2,250

<u>INCREASE BUDGETED EXPENDITURE</u>		
Account Number	Account Description	Amount
10-6000-00-530	Non-Departmental Dues & Subscriptions	\$2,250

Approved September 09, 2014

C. Ordinance 2014-18 Amending FY 2014-2105 Annual Budget – Purchase of Plaque for 21st Century Depot Founders

*ORDINANCE 2014-18
AMENDING FISCAL YEAR 2014-2015
ANNUAL BUDGET*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-15 on June 10, 2014; and

WHEREAS, the Town of Burgaw wishes to purchase a plaque for the 21st Century Depot Founders; and

WHEREAS, this plaque was to be a part of the original renovation efforts for the Depot due to several individuals and organizations that gave donations for such renovations; and

WHEREAS, after these donations were made, contributors were notified that a marker would be placed in a prominent place to acknowledge their contributions; and

WHEREAS, a supplemental appropriation of Fund Balance into the appropriate line item is needed.

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

<u>INCREASE BUDGETED REVENUE</u>		
Account Number	Account Description	Amount
10-00-3900-900	Fund Balance Appropriated	\$1,097

<u>INCREASE BUDGETED EXPENDITURE</u>		
Account Number	Account Description	Amount
10-5000-80-330	Depot - Supplies	\$1,097

Approved September 09, 2014

SPECIAL PRESENTATIONS

Mayor Mulligan – Proclamations – Burgaw Angels and Burgaw Belles – World Series Winners

Mayor Mulligan read proclamations of congratulations for the Burgaw Angels and Burgaw Belles; both teams were winners in the World Series Dixie Youth Softball league. There was much applause and congratulations from all present. Mayor Mulligan expressed pride on behalf of the town on their accomplishments.

Valerie Ryan – Pender Early College Biology Project

Valerie Ryan was unable to attend. Jessica Huggin, Pender 4H agent for Pender County was present to speak on Ms. Ryan's behalf. Ms. Huggin advised Ms. Ryan and she would like to work with the town to create some signage along the walking trail through town. Ms. Huggin advised they are proposing that Ms. Ryan's honors biology class at Pender Early College will place signs identifying plants and animal species found on the trail. She said they hope to have the project completed in December.

Rebekah Roth, Planning Administrator advised she and Mr. McEwen have met with Ms. Ryan and advised her of the steps necessary to make this plan work including the request of the \$3,000 (not to exceed) needed from the town to purchase the signs. Mr. McEwen advised he would like for the students to come and present the proposal to the Board of Commissioners which would be beneficial to the early college and the students. There was a very lengthy discussion regarding the project after which it was determined that Ms. Ryan and Ms. Huggin are seeking approval of the concept of the project and that they will return next month to request approval of the project as well request for funding not to exceed \$3,000.

Commissioner Robbins made a motion to approve the concept. The motion was seconded by Commissioner Rooks and carried by unanimous vote. It was understood that there would be a formal presentation regarding the project at the next Board of Commissioners meeting.

Jim Fouche – Town of Burgaw Promotions and Special Events Committee update

Jim Fouche, Chairperson of the Promotions and Special Events Committee appeared before the Board to bring them up to date on the activities of the committee. Mr. Fouche briefly reviewed the various backgrounds and qualifications of the members and commented that they all share enthusiasm for the task of promotion and coordination of special events and creating a marketing plan for the depot and community house. He advised they have been working on plans for promotion of upcoming special events such as the Christmas tree lighting ceremony, the Christmas parade etc. Mr. Fouche also commented that they are working on a marketing plan for the two facilities used for rental for special events. He advised their objective is to have a draft marketing plan by the December Board of Commissioners meeting. Mr. Fouche advised that he and all the committee members appreciate the opportunity to serve on the committee and desire to be kept in the loop when there are issues surrounding their areas of responsibility.

Kourtne Jeffcoat – Town of Burgaw Parks and Recreation Committee update

Kourtne Jeffcoat, Chairperson of the Parks and Recreation Committee appeared before the Board to bring them up to date on the activities of the committee. She advised they have a diverse committee with many talents and they are very excited to be able to serve on this committee. Ms. Jeffcoat advised the committee has started a Saturday stroll which is a family walking event on the trail every Saturday morning. She also said that they have a couple of items of concern that she would like to point out to the Board.

Ms. Jeffcoat requested on behalf of the committee that the Hankins Park Restrooms and the Rotary Park Restrooms be opened and closed at a set time each day such as dawn and dusk. She said that the committee feels that it would be better for the restrooms to be closed at night to prevent any undesirable activity. She also said that sanitation of the restrooms is an issue and the committee feels that park patrons and outdoor enthusiasts will enjoy the wonderful Burgaw parks even more, when they are able to use the facilities. There was a very lengthy discussion regarding the state of the restrooms and how opening and closing is managed.

Ms. Jeffcoat also requested on behalf of the committee that the Town trim the brush back at the Highway 53 crossing of the walking trail located near Bridgers St. and Jacksonville Hwy. She advised the committee feels that trimming this brush will increase visibility for both pedestrians and drivers, in an effort to make the trail safer for both parties. She advised this is especially important during the dawn and dusk hours, when visibility is low. There was a brief discussion regarding the brush and having public works trim the area to make it safer.

Ms. Jeffcoat advised the committee will be nominating two of its members to attend the meetings regarding the proposed bike and pedestrian plan being handled in the planning department.

DEPARTMENTAL ITEMS

Fire Department/Emergency Management/Safety – Allen Wilson, Fire Administrator

Resolution 2014-29 Authorizing Approval of the Identification Card and Key Fob Policy

Mr. Wilson advised the purpose of this item is to request the approval of the newly created ID card and Key Fob Policy. He advised a new security and door access system has been installed at town hall. He said with this new system, all employees have been issued an ID card and some employees a Key Fob. The ID Cards serve multiple purposes, they identify town employees at and away from work, and they allow access to the building utilizing the new door access system. The key fobs allow access to the building as well. For security purposes the access system also keeps a record of who has entered the building and through which doors. They system will also alert us if errant codes are entered or if someone tries to use a revoked card. This data is kept locally on a single computer with limited access. Currently only the Fire Administrator has access; however, the system will be migrated to the Personnel Technician's system soon. The new system requires the town to establish some policies on the requirements and responsibilities of each employee with regards to their ID Card.

Mr. Wilson advised the proposed policy has been reviewed by the Policy and Finance Board and recommended for approval.

Commissioner Tyson advised that the Policy and Finance Board (Commissioners Tyson and Walker) felt the policy was well written. Mayor Mulligan commented that he takes issue with his coming and going from the town hall being recorded on a computer. Commissioner Rooks stated it was just unnecessary rules and regulations that must be complied with. Commissioner Robbins commented that he doesn't have a problem with the system. Mr. McEwen reminded the Board that we had some serious access issues with the building because there is a large number of both former employees and non-employees that have been given access over the years. He stated there are sensitive materials in the building that must be protected and controlling access to the building is the best way to protect such information. Mayor Mulligan commented that he personally doesn't want his comings and goings recorded by a computer. Allen Wilson stated that for the record, the computer doesn't record comings and goings, only comings; he reiterated that he wanted that statement to go on the record. Mayor Mulligan asked if this item needs to be tabled and decided at a later date. Commissioner Rooks said that personally he feels that we went overboard with what we've got and in some ways he is opposed to the system but since he doesn't have anything to hide; he doesn't care one way or the other. Chief Sutton spoke at length regarding the importance of security in the building. Mayor Mulligan stated that he will leave the decision to the elected officials but he personally objects to the comings of the elected officials being recorded.

Commissioner Rooks made a motion to approve Resolution 2014-30 approving the Identification Card and Key Fob Policy as presented and if we have issues with it we will deal with it when it comes up. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2014-29 APPROVING ID CARD AND KEY FOB POLICY

WHEREAS, On August 1, 2014, the Town of Burgaw installed a new security system and implemented an employee ID system; and

WHEREAS, Town of Burgaw currently does not have a policy that addresses employee identification at work or while representing the town in an official capacity,

WHEREAS, Town of Burgaw staff realized the need for a policy to address the requirements and responsibilities of each employee with regard to their employee ID and/or key fob,

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

Section 1: the attached ID card and Key Fob Policy is hereby approved this ninth day of September, 2014.

*Policy on file in the Clerk's office.

Resolution 2014-30 Authorizing Approval of the Full Time Fire Fighter Job Description

Mr. Wilson advised the purpose of this resolution is to request the approval of the job description for the fulltime firefighters' position. He advised the only difference from the part-time job description is the addition of fire inspection and public education training and responsibilities.

Commissioner Rooks asked what level of emergency medical services this position would be required to perform. Mr. Wilson advised all firefighters are required to have a CPR certification.

Mr. McEwen commented that the italicized sentence at the top of the job description that reads "*The following class specifications are intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the business needs of the department*" should be struck through and a bulleted item under "Essential Duties" stating "*other duties as assigned by the fire administrator*" should be added.

There being no further discussion, Commissioner Robbins made a motion to approve Resolution 2014-30 as amended. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

RESOLUTION 2014-30 APPROVING FULLTIME FIREFIGHTER JOB DESCRIPTION

WHEREAS, On June 10, 2014, the Town of Burgaw Board of Commissioners approved the funding to add a fulltime firefighter for the fire department; and

WHEREAS, there was not an approved job description for a fulltime firefighter,

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

Section 1: The attached job description for the Fulltime Firefighter Position be placed in the current Town of Burgaw Personnel Policy

Section 2: Fulltime Firefighter job description shall become effective immediately upon approval of this resolution this ninth day of September, 2014.

CLASS CODE: CLASS TITLE: FIREFIGHTER

The following class specifications are intended to represent only the key areas of responsibilities; specific position assignments will vary depending on the business needs of the department.

PURPOSE OF CLASS

Protects citizens by performing firefighting and rescue operations in the District. Other duties include performing maintenance of vehicles and fire stations, and representing the Department to the public at various events. This position is non-exempt under the Fair Labor Standards Act (FLSA). Pursuant to the Town's Organization Chart, this position reports directly to the Fire Administrator/Fire Marshal.

TYPICAL CLASS ESSENTIAL DUTIES

- Responds to reports of fires which includes; driving fire service apparatus and operating equipment; securing the scene; extinguishing the fire; salvaging structures and their contents; and providing emergency medical services to injured parties.
- Conducts rescue operations by performing extrication activities and providing emergency medical services to injured parties.
- Performs vehicle maintenance by conducting periodic inspections and ensuring readiness for fire and rescue operations.
- Performs station maintenance duties including cleaning and storing equipment, cleaning and maintaining the grounds.
- Performs flow tests and maintenance on the Town's water supply system.
- Participates in ongoing driver/operator, firefighting, rescue and emergency medical training.
- Represents the department at special events including parades and open houses.

- Performs other duties of a similar nature or level.
- Performs work during emergency/disaster situations.
- Designs and performs public education programs to promote fire prevention
- Performs Level I fire inspections within the town limits of Burgaw
- *Other duties as assigned by the fire administrator*

KNOWLEDGE AND SKILLS

Knowledge of:

- Basic principles of fire science;
- Basic mechanical concepts;
- Emergency management techniques;
- Hazardous materials management techniques;
- Basic emergency medical practices;
- Basic local and state fire ordinances;
- Basic Principles of rescue;
- Fire inspection codes and inspection techniques;
- Fire prevention methods and educational methodology.

Skill in:

- Performing fire suppression and rescue operations;
- Driving fire service apparatus
- Operating firefighting equipment;
- Performing basic vehicle maintenance;
- Using a computer and related software applications;
- Fire Prevention and code enforcement;
- Communication, interpersonal skills as applied to interaction with coworkers, supervisor, the general public, etc. sufficient to exchange or convey information and to receive work direction.

TRAINING AND EXPERIENCE

- High School Diploma or General Equivalency Diploma (GED) and two (2) years of experience in firefighting and fire apparatus operation; or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.

LICENSING/CERTIFICATION

- NC Driver's License;
- Class B NC Driver's License within 30 days of employment.
- North Carolina Firefighter II
- North Carolina Certified Fire Inspector Level I within 12 months of employment
- North Carolina Certified Fire Life Safety Educator Level I within 12 months of employment

PHYSICAL REQUIREMENTS/WORKING CONDITIONS

- Typically requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, talking, hearing, seeing, and repetitive motions.
- Heavy Work: Exerting up to 100 pounds of force occasionally, and/or up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects.
- May be subjected to moving mechanical parts, electrical currents, vibrations, fumes, odors, dusts, gases, poor ventilation, chemicals, oils, extreme temperatures, inadequate lighting, work space restrictions, intense noises, and travel.

GENERAL INFORMATION

Work week will be 8:00AM – 5:00PM Monday - Friday. Must be available for continuous coverage as a result of a Natural Disaster or other emergency situation.

Consideration of Approval of the Request for Proposal (RFP) for the Purchase of a Fire Tanker Apparatus

Mr. Wilson advised the Request for Proposal (RFP) has been included in the Commissioner's agenda packets for review. He advised he is requesting the approval of the RFP for the purchase of a fire tanker apparatus for the fire department. He said the RFP outlines the details of bid submittal along with specifications of the apparatus needed by the fire department. Mr. Wilson advised the preliminary cost estimates for the apparatus are in the range of \$230,000.00.

After a brief discussion, Commissioner Dawson made a motion to approve the Request for Proposal for the purchase of a fire tanker apparatus as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote. (RFP on file in clerk's office)

BREAK – Mayor Mulligan called for a break at 5:05PM. The meeting reconvened at 5:20PM.

Commissioner Walker excused from meeting: Commissioner Rooks made a motion to excuse Commissioner Walker from the meeting due to health reasons. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Commissioner Walker departed at 5:00PM.

PUBLIC FORUM

There were no speakers present for the public forum.

PUBLIC HEARINGS – *Rebekah Roth, Planning Administrator*

Public Hearing #1

Consideration of an amendment to the official Town of Burgaw Zoning Map Applicant Victoria Harrell Teal is requesting the rezoning of two tracts located on the corner of Hwy 117 and S. Walker St.

Mayor Mulligan opened the public hearing at 5:21.

Rebekah Roth, Planning Administrator advised applicant Victoria Harrell Teal is requesting the rezoning of two tracts totaling approximately 9.3 acres located on the corner of US Hwy 117 Bypass and S. Walker St. in the Town of Burgaw from R-20 to O&I.

Ms. Roth presented the following background material:

General Information. Applicant Victoria Harrell Teal is requesting the rezoning of approximately 9.3 acres from R-20 (Residential) to O&I (Office and Institutional). The two tracts included in the requested rezoning are located on the corner of US Hwy 117 Bypass and S. Walker Street within the town's corporate limits. The 2.27 acre tract fronting S. Walker Street currently contains a single-family residential structure and is across the street from commercial operations. The 8.81 acre tract that fronts US Hwy 117 is currently vacant and is across the street from residential and vacant tracts. Both properties are immediately adjacent to the Pender Adult Services Senior Center and Fitness Fusion.

Zoning District Information.

The R-20 Residential zoning district is established by the Unified Development Ordinance (UDO) as a district in which the principal use of land is for low density residential uses.

The O&I Office & Institutional zoning district is defined by the UDO as "certain land uses with structures that provide office space for professional services and for certain institutional functions and residential accommodations, usually medium or high-density in nature. This district is usually transitional in nature and as such may be situated between business and residential districts, and the regulations are designed to permit development of the permitted functions and still protect and be compatible with nearby residential districts. Although the primary role of this district is to provide office space for professional services as designated in Section 4-9 of this Ordinance, both multi-family and single family may be allowed."

Analysis. In considering this request, the Planning Board considered the following items (in no particular order):

- Best use of the property
- Financial impacts on the town
- Potential impacts on adjacent properties
- Conformity to the Burgaw 2030 Comprehensive Land Use Plan
- Spot zoning and other legal issues

The subject tracts are not located in any floodplain and do not include potential wetlands (as identified by the Division of Coastal Management). Due to their location along major corridors, these properties are suitable for more intensive development. They are also proximate to existing water and sewer infrastructure, so there is little potential financial burden on the town for any potential infrastructure extensions. Considering the tracts are currently vacant except for one single-family dwelling, potential O&I development would have impacts on adjacent properties. The greatest impacts would be due to potential increases in traffic and the need for additional driveways; however, the uses allowed in the O&I district are varied enough that the possibility of determining potential impacts by zoning district alone is doubtful. As both US 117 and Walker St. are NCDOT roads, driveway permits for new developments would be required, and NCDOT engineers would have control over placement of driveways and requirements for roadway upgrades (such as turn lanes).

Largely due to their location along a major highway corridor, their proximity to existing commercial development, and the availability of infrastructure, these properties were recommended for Commercial Growth on the Burgaw 2030 Comprehensive Land Use Plan Future Land Use Map. As such, the recommended land uses for the tracts include commercial development, shopping centers, and large-scale mixed use developments with accessory residential. Except for mixed use developments, these uses are not allowed in an O&I district. In preliminary conversations, the applicant's real estate agent Charles Wells has indicated that the transitional nature of the properties and their proximity to existing O&I have influenced the applicant's decision to apply for O&I rezoning. The proposed rezoning is in conformity with the Land Use Plan due to the existing infrastructure and adjoining developments.

Planning Department Recommendation

Even though the Future Land Use Map shows these properties as Commercial Growth, overall, the requested rezoning is in conformance with the intent of the Burgaw 2030 Comprehensive Land Use Plan. Zoning these properties O&I would allow them to serve as a buffer between the commercial uses farther north along Hwy 117 Bypass and the residential tracts to the south. They would also be similar in nature to the O&I tracts on Walker St.

Planning Board Recommendation

At their August 21, 2014 meeting, the Planning Board recommended approval of the proposed rezoning of properties 3229-80-0011-0000 and 3228-89-1642-0000 from R-20 to O&I.

William Ed, 601 S Walker signed up to speak at the hearing. Mr. Ed spoke at length and asked many questions regarding the reasons for the rezoning, what the negative impact would be to his property value and the effect it would have on the neighborhood in general. He advised he fears that his property value will drop if the rezoning request is approved.

Charles Wells, Real Estate Agent was present on behalf of his client, Victoria Teal. He advised he would answer questions if necessary.

In regards to Mr. Ed’s concerns, Mrs. Victoria Teal commented that if she had not been concerned about Pender County and Burgaw and the development therein, she would not have allowed the senior center to purchase the majority of the property from her for a very reasonable amount. She said she is very emotionally tied to Burgaw.

After a few brief comments from the Board, Mayor Mulligan declared the public hearing closed at 5:37PM.

Mayor Mulligan asked Ms. Roth if the Board must now adopt the Statement of Consistency that she referred to in their packets. Ms. Roth briefly reviewed the procedures for the approving the Statement of Consistency.

Mayor Mulligan called for a vote on following Statement of Consistency:

Statement Regarding the Consistency of the Proposed Amendment to the Official Town of Burgaw Zoning Map with the Burgaw 2030 Comprehensive Land Use Plan

The board finds that that, while the proposed rezoning is not in conformity with the Future Land Use Map designation, it is consistent with Policy 1 of Land Use Goal 1, which encourages development in areas where the necessary infrastructure is in place or can be most cost effectively provided. The board also finds that the proposed rezoning of the Teal properties is reasonable because of their immediate proximity to existing O&I zoned properties. Moreover, the board finds that it is in the public interest to rezone this property to O&I due to the need to transition from the rural residential properties to the south to the highway commercial properties to the north.

Commissioner Rooks made a motion to approve the Statement of Consistency as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Commissioner Rooks made a motion to approve Ordinance 2014-19 as written. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Ordinance 2014-19

Approving an amendment to the Town of Burgaw Zoning Map rezoning two tracts (PINS 3229-80-0011-0000 and 3228-89-1642-0000) located on the corner of US Hwy 117 and S. Walker Street from R-20 to O&I

WHEREAS, the Town of Burgaw 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 Board of Commissioners adopted the Unified Development Ordinance (UDO) and official zoning map on December 12, 2000; and
WHEREAS, applicant Victoria Harrell Teal is requesting the rezoning of two tracts (PINS 3229-80-0011-0000 and 3228-89-1642-0000) located on the corner of US Hwy 117 and S. Walker St. from R-20 to O&I; and
WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their August 21, 2014 meeting to recommend the requested rezoning; and
WHEREAS, the Town of Burgaw Board of Commissioners finds that the rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan as it encourages development in areas of the town where the necessary infrastructure is in place or can most cost effectively be provide; and
WHEREAS, the Town of Burgaw Board of Commissioners finds that the proposed rezoning is reasonable because of the properties’ immediate proximity to existing O&I zoned properties; and
WHEREAS, the Town of Burgaw Board of Commissioners finds that it is in the public interest to rezone these properties to O&I due to the need to transition from the rural residential properties to the south to the highway commercial properties to the north;

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:
SECTION 1: The Town of Burgaw Official Zoning Map be amended and the parcels referenced above are hereby rezoned to Office and Institutional (O&I).
SECTION 2: This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 9th day of September, 2014.

Public Hearing #2

Consideration of a proposed text change amendment to Section 4-9: Table of Permitted Uses to correct a mistake allowing Wholesale Mulch Merchants and not permitting Museums in the O&I zoning district.

The public hearing was opened by Mayor Mulligan at 5:40PM.

Ms. Roth presented the following background material:

Background. While preparing the list of permitted and conditional uses in the O&I district for the Teal rezoning request, I noticed that Wholesale Mulch Merchants, which is listed immediately before Museums in the Table of Permitted Uses, is allowed as a use by right. Museums, however, are not allowed at all. It appears that upon the initial adoption of this table in December 2009 a typo was made, considering that no other commercial uses, especially not ones with outside storage, are allowed in the O&I district while education uses similar to Museums are.

Planning Department Recommendation

It is the planning department recommendation to amend the UDO to not allow Wholesale Mulch Merchants in the O&I zoning district and to allow Museums in the O&I district as a use by right.

Planning Board Recommendation

At their August 21, 2014 meeting, the Planning Board voted to recommend approval of the proposed text change amendment removing Wholesale Mulch Merchants as a permitted use in the O&I district and adding Museums as a use by right in the O&I district.

There being no discussion, Mayor Mulligan closed the public hearing at 5:42PM.

Ms. Roth advised the Board this item requires approval of a consistency statement before approving the ordinance. The following Statement of Consistency was presented:

Statement Regarding the Consistency of the Proposed Amendment to the Official Town of Burgaw Zoning Map with the Burgaw 2030 Comprehensive Land Use Plan

The board finds that the proposed text change amendment to remove Wholesale Mulch Merchants as a permitted use in the O&I district and to allow Museums as a use-by-right in the O&I district is consistent with the Burgaw 2030 Comprehensive Land Use Plan due to the educational recommended land uses for mixed-use transitional areas, a land use designation that corresponds strongly with and includes the O&I district. Moreover, the board finds that the proposed text change amendment is reasonable and in the public interest because commercial uses with a large amount of outside storage are dissimilar to the other uses allowed in the O&I district while Museums are similar to the institutional uses encouraged in that district.

Commissioner Rooks made a motion to approve the Consistency Statement as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Rooks made a motion to approve Ordinance 2014-20 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Ordinance 2014-20 Approving a text change amendment to section 4-9: Table of Permitted Uses of the Unified Development Ordinances to remove Mulch Merchants, Wholesale as a Permitted Use in the O&I District and to add Museums as Use by Right in the O&I District

WHEREAS, the Town of Burgaw 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 Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and

WHEREAS, the town's current ordinances allow *Mulch Merchants, Wholesale* as a use-by-right in the Office and Institutional (O&I) zoning district; and

WHEREAS, the town's current ordinances do not allow *Museums* in the O&I zoning district; and

WHEREAS, based on the other uses allowed and prohibited in the O&I district, this appears to have been a typo adopted as ordinance when the Table of Permitted Uses was originally approved in December 2009; and

WHEREAS, the Town of Burgaw Planning Department has proposed a text change to remove *Mulch Merchants, Wholesale* as a permitted use in the O&I district and to add *Museums* as a use-by-right in the O&I district; and

WHEREAS, at the Town of Burgaw Planning and Zoning Board meeting on August 21, 2014, the Board voted to recommend approval of the proposed text change amendment; and
WHEREAS, the Town of Burgaw Board of Commissioners finds the proposed text change to be consistent with the Burgaw 2030 Comprehensive Land Use Plan due to the recommended land uses for mixed-use transitional areas; and
WHEREAS, the Town of Burgaw Board of Commissioners finds the proposed text change to be reasonable and in the public interest because commercial uses with outside storage are dissimilar to the other uses allowed in the O&I district while *Museums* are similar to the institutional uses encouraged in that district;
NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:
SECTION 1: The Unified Development Ordinance is amended to remove *Mulch Merchants, Wholesale* as a permitted use in the O&I district and to add *Museums* as a use-by-right in the O&I district.
SECTION 2: This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 9th day of September, 2014.

Public Hearing #3

Consideration of a proposed text change amendment to Article 5. Supplementary Use Regulations of the UDO to establish design standards for large commercial buildings and multi-family developments.

Mayor Mulligan declared the public hearing open at 5:43PM.

Ms. Roth presented the following background information:

Background. Over the past few years, several properties were developed along Hwy 117 and Hwy 53. Three of these properties required conditional use permits for planned building groups, and the Board of Commissioners attempted to require high-quality architecture and design. However, without design standards as a tool, the ability of the town to require particular designs was uncertain. While a recommendation of the 2006 NC 53 Corridor Study, a Hwy 53 overlay zoning district with design standards had never been actively pursued by the town because of concerns regarding the potential burden on small businesses. Upon the adoption of the Burgaw 2030 Comprehensive Land Use Plan last year, the town's position was strengthened due to the plan's design recommendations for different land uses. However, it was evident in the Walmart review process that without definitive standards, the town would have to continue to negotiate with developers for quality development. Because of the issues with recent development, the Board of Commissioners approved a request at their May 13, 2014 meeting from Commissioner Jan Dawson to have planning department staff draft a text change amendment to establish an overlay district along Hwy 117 and Hwy 53 requiring design regulations. At the same time, planning staff was also working on design standards to apply to attached dwelling (multi-family) projects. The planning board reviewed the proposed design standards for commercial and attached dwelling developments at their August 21, 2014 meeting, along with the draft zoning overlay text change. Rather than pursue a corridor overlay district, the planning board decided to recommend the attached design standard text change to the board. The proposed amendment will provide design standards to large developments (planned building groups include all buildings over 7,000 square feet in the O&I, B-1, and B-2 districts and new construction or expansion in the B-1 district), but it will not provide design standards to smaller units or be as likely to affect small businesses. The proposed standards would also ensure quality development for multi-family units, regardless of whether a conditional use permit is required. Overall, planning staff has attempted to balance the community's need for high quality development without burdening the developer with too many regulations. The proposed standards focus on elements that would promote cohesion with the existing development pattern and provide options for architectural styles. The vacancy standards at the end are based on similar standards of the City of Fayetteville, which has never enforced them. Staff has included them because of past concerns about the ongoing maintenance of large commercial projects. NCGS 160A-439 outlines the ability of municipalities to order maintenance of commercial structures, but the proposed vacancy standards do not comply with this statute. Instead, they seem to tie maintenance requirements to compliance with the design standard ordinances. In addition, the proposed amendment would also tie maintenance requirements to any approved designs, including the ones for Walmart. This may be desirable for the town, but it could also leave the town open for legal challenges since it is not authorized outright in the general statutes or in any court precedents.

Attorney Kenan advised this is his first view of this amendment since he was unable to attend the previous planning board meeting when this item was discussed. He requested consideration of tabling the item until further review can be done. He advised this is a new concept that needs careful review.

After some discussion, Ms. Roth advised that she wanted to show this item to the Board for consideration but it may not be completely clear and if they want to review it further that would be acceptable.

Commissioner Tyson made a motion to table this item and to turn over to the attorney for review and then bring it back to the Board at a later meeting. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

The public hearing was closed at 5:55PM.

CONTINUATION OF DEPARTMENTAL ITEMS

Planning Department – Rebekah Roth, Planning Administrator

Street Lining Plan

Ms. Roth advised at their June 18, 2014 meeting, the Infrastructure Board directed the planning administrator to draft a plan for striping collector streets after they have been paid. She advised based on the street classification set up in the 1995 Thoroughfare Plan, the primary streets through town are all considered major or minor thoroughfares, not collector streets. In this plan, major thoroughfares are defined as streets that “serve as the primary movers of traffic in the urban area,” while minor thoroughfares “serve local traffic within the urban area.” Her presentation included a map that shows all town maintained streets and portions thereof, highlighting the major and minor thoroughfares.

She also advised the proposed street lining plan takes into account whether a town maintained street connects in with state maintained roads and the amount of traffic it regularly bears. Streets not listed on this plan would not be striped after paving.

After a lengthy discussion, Commissioner Rooks made a motion to approve the street lining plan and put it on the record in the form of a resolution. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The plan will be placed on the consent agenda in the form of a resolution at the next regular meeting.

TOWN OF BURGAW STREET LINING PLAN

Upon repaving of town-maintained roads within the Town of Burgaw corporate limits, the town will require street lining as described below:

Street Name	Type of Thoroughfare	Center Lines Required	Fog Lines Required
E. Wallace St.	Major	Yes	Yes
W. Bridgers St.	Major	Yes	Yes
Progress Dr.	Major	Yes	Yes
Fremont St. (east of Smith)	Minor	Yes	Yes
Fremont St. (west of Smith)	Minor	Yes	No
Hayes St.	Minor	Yes	No
Dudley St.	Minor	Yes	No
N. Dickerson St.	Minor	Yes	Yes
S. Wright St.	Minor	Yes	No

Depot Events Center Policies and Procedures

Rebekah Roth, Planning Administrator advised this past spring, Kim Rivenbark with the Planning Department was named Event Center Coordinator for the Depot. She said due to the change in management, the Depot Event Center policies and procedures, which had not officially changed since the Depot was renovated five years ago, needed to be updated. She advised at their August 19, 2014 meeting, the Policy and Finance Board reviewed the proposed

changes to the policies and procedures and recommend the attached documents (due to volume, amended documents are on file in the clerk's office).

Ms. Roth advised policies and procedures for approved caterers using Burgaw Incubator Kitchen in conjunction with Depot events also need amending to be consistent with the Depot documents. She said the draft banquet room/dock and conference room agreements merge several separate documents into one. The primary changes include:

- All contact information is updated.
- As Ms. Rivenbark is not paid on commission and is unable to unlock and lock the depot for after-hour events, the duty officer for the police department has been charged with opening and closing the facility for renters. Their contact information and an emergency contact are included in the agreement.
- The agreement designates a "payee" (also shown on the application) who will receive the returned security deposit. Ms. Rivenbark has found that the applicant and contact for the event are not always the parties that are funding the event, especially for weddings. In those cases, she may need to contact the bride and groom for some reasons, an event coordinator for others, and a parent for payment. The agreement also specifies that not removing trash will result in the forfeiture of \$50 of the deposit.
- The document clarifies that the incubator kitchen space is not available unless a caterer is pre-approved with the kitchen manager. It also sets a time period ample enough for most caterers to be approved for the facility if not already.
- Tables and chairs are no longer required to be loaded back into the box car by the renter.
- A new liability release statement is included.
- The conference room refund policy is amended to change the required notification date from 6 months/3 months/45 days to 30 days/15 days/less than 14 days.
- The attached decorating guidelines clarify that birdseed is only permitted outside.

Ms. Roth has also revised the Approved Caterer information to reflect the changes to the Depot document and state law. The Approved Caterer information changes include:

- Contact information is updated.
- The information needed to approve a caterer is amended to clarify what is needed regarding health department permits and liability insurance requirements. The requirement to have a business license is removed to conform to new state laws, and the requirement to have ServSafe certification is removed. The Policy and Finance Board recommends that the requirements of kitchen management certification be relaxed to allow greater use of the facility.
- The agreement is updated to allow for fee schedule changes.

After a brief discussion, Commissioner Robbins made a motion to approve the Depot Events Center Policies and Procedures as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Depot Event Center Fees

Ms. Roth advised at the August 19 meeting, Ms. Rivenbark also proposed changes to the Event Center fee schedule to clarify issues regarding the hours included for weekend rentals and to adjust the prices for the conference room. She advised if the Board agrees to these recommended changes, a budget amendment public hearing would need to be held at the October board meeting. She advised the primary changes to the fee schedule include clarifying the times of day included in the rental on weekends and reducing the price for the conference room. Ms. Rivenbark reviewed the conference room rental rates for other facilities and found our fees to be high for the amount of amenities offered.

Ms. Rivenbark's proposal was to reduce the conference room rental rates to \$35.00 per hour for Private/Commercial and \$15.00 per hour for Public/Non-Profit. The changes also include clarification of hours in a day's rental to be 8AM – 12AM.

There being no discussion, Commissioner Tyson made a motion to approve the amendment to the Depot Event Center Fees as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Amended documents are on file in the clerk's office.

Public Works – Bill Fay, Director of Public Works

Resolution 2014-31 Authorizing a Contract with Norris Construction, Grading & Paving, Inc. for the Powell Bill Paving Priorities FY 2014-15

Mr. Fay advised that after evaluating the conditions of the town maintained streets the Infrastructure Board determined a list of paving priorities for the Powell Bill allotment for FY 14-15. The priorities are as follows:

Bridgers St.
Dickerson to Walker

Williams St.
Williams at Dickerson

Bridgers St.
Smith to Dickerson

N. Wright St.
N. Wright St at Bridgers

McCullen St.
Satchwell to Hayes

Progress Dr.
Walker to Industrial Dr.

Campbell St.
Fremont to Walker

Industrial Dr.
Patch near Progress Dr.

Whrens St.
Patch at Lee Dr.

S. Wright St.
Crack Seal – Wilmington to Williams

Mr. Fay advised he has received three bids from qualified paving contractors. Bids are as follows:

- 1) Norris Construction - \$281,228.71
- 2) Southern Asphalt - \$285,092.17
- 3) G& H Construction - \$331,460.65

Mr. Fay advised he is requesting approval of Resolution 2014-31 which will authorize a paving contract for Norris Construction.

After a brief discussion, Commissioner Rooks made a motion to approve Resolution 2014-31 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

After further discussion, Commissioner Rooks amended his motion to approve Resolution 2014-31 with the funding to be designated as follows: Movie Revenues, \$67,778.75; Powell Bill Capital Outlay FY 14-15, \$86,000.00; remaining balance will be paid out of Powell Bill Fund Balance in the amount of \$155,572.83 for a total contract price of \$309,351.58 (price includes 10% contingency). The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2014-31
Resolution Authorizing a Contract with Norris Construction Grading & Paving, Inc. for the Powell Bill Paving Priorities
FY 2014-15

WHEREAS, the Town of Burgaw Streets Committee has prioritized all Powell Bill eligible streets in an effort to determine the paving priorities for FY 14-15, and

WHEREAS, after reviewing all Powell Bill eligible streets, the attached list of streets and street segments have been identified as the town's FY 14-15 paving and repair priorities, and

WHEREAS, based on these identified priorities, the town solicited bids for paving and repair work for the attached list of streets, and

WHEREAS, a pre-bid meeting was held with interested contractors to walk through all listed paving priority sites and bid sheets were distributed, and

WHEREAS, based on the bid sheet the following bids were received for the attached specifications:

- 1) Norris Construction - \$281,228.71
- 2) Southern Asphalt - \$285,092.17
- 3) G& H Construction - \$331,460.65

WHEREAS, based on received bids Norris Construction Grading & Paving, Inc. was the lowest responsible bidder.

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

SECTION 1. The Town of Burgaw Board of Commissioners hereby authorizes a contract with Norris Construction Grading & Paving, Inc. in an amount not to exceed \$309,352.00 (\$281,228.71 bid amount plus a 10% contingency) along the following roads;

Bridgers St.
Dickerson to Walker

Williams St.
Williams at Dickerson

Bridgers St.
Smith to Dickerson

N. Wright St.
N. Wright St at Bridgers

McCullen St.
Satchwell to Hayes

Progress Dr.
Walker to Industrial Dr.

Campbell St.
Fremont to Walker

Industrial Dr.
Patch near Progress Dr.

Whrens St.
Patch at Lee Dr.

S. Wright St.
Crack Seal – Wilmington to Williams

SECTION 2. The Town of Burgaw Board of Commissioners acknowledges a 10% contingency will be provided for the above listed paving above the approved bid of \$281,228.71 submitted by Norris Construction Grading & Paving, Inc. The contingency shall be available for any unforeseen circumstance or changes in the project scope that might arise following the commencement of the project.

Section 3. The Town of Burgaw Board of Commissioners hereby authorizes the Mayor or Town Manager to execute the required contract with Norris Construction Grading & Paving, Inc.

ADOPTED this ninth day of September, 2014.

ITEMS FROM ATTORNEY

Attorney Kenan advised he has prepared the resolution regarding the Board's request to request the Legislature to terminate the authority of the Burgaw Tourism Development Authority and have the room occupancy tax made as a restricted fund within the Town's General Fund. He advised approval of Resolution 2014-32 will eliminate the need to have a separate audit as is now required for the Tourism Development Authority.

There being no discussion, Commissioner Rooks made a motion to approve Resolution 2014-32 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2014-32

RESOLUTION REQUESTING TOWN OF BURGAW'S LOCAL LEGISLATIVE DELEGATION TO THE 2015-2016 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY TO SPONSOR AND SUPPORT LEGISLATION TO AMEND SESSION LAW 2006-167 AND SESSION LAW 2013-38 TO TERMINATE THE AUTHORITY OF THE BURGAW TOURISM DEVELOPMENT AUTHORITY AND HAVE SUCH ROOM OCCUPANCY TAX MADE AS A RESTRICTED FUND WITHIN THE TOWN'S GENERAL FUND

WHEREAS, the North Carolina General Assembly previously adopted Session Law 2006-167 in 2006 that authorized the Town of Burgaw to collect a room occupancy tax and for the net proceeds of the tax to be distributed to the Burgaw Tourism Development Authority; and

WHEREAS, Session Law 2006-167 established the Burgaw Tourism Development Authority as a public authority under the Local Government Budget and Fiscal Control Act; and

WHEREAS, in accordance with Session Law 2006-167, the Burgaw Tourism Development Authority is subject to the audit requirements under the Local Government Budget and Fiscal Control Act; and

WHEREAS, since the levy and collection of the room occupancy tax in 2006, the Town of Burgaw collects less than ten thousand & 00/100 dollars (\$10,000.00) each fiscal year in tax proceeds; and

WHEREAS, the Burgaw Tourism Development Authority has fewer than ten (10) financial transactions each calendar year regarding the disbursement of the net tax proceeds in accordance with Session Law 2006-167; and

WHEREAS, the cost of having to hire a certified public accountant to conduct and perform a financial audit and to report such audit findings to the Town of Burgaw and to the North Carolina Local Government Commission is approximately \$3,000.00 per fiscal year, which is approximately thirty to forty percent (30% to 40%) of the net tax proceeds; and

WHEREAS, in order to eliminate the expense of such an audit, it would be in the best interest of the Town of Burgaw and its citizens and taxpayers that the Burgaw Tourism Development Authority be terminated and the monies collected through the levy of the room occupancy tax become a restricted fund within the Town's general fund; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Burgaw requests its local legislative delegation to the 2015-2016 Session of the North Carolina General Assembly to sponsor and support an act to amend Session Law 2006-167 and Session Law 2013-38 to strike Section 2 of such law in its entirety and any further reference to the Burgaw Tourism Development Authority within Section 1 of such law and to amend such law to allow the net tax proceeds collected by the Town of Burgaw to be included as a restricted fund within the Town's general fund with such net tax proceeds to be administered wholly by the Town of Burgaw and utilized in accordance with Section 1.(c) of such law.

IT IS FURTHER RESOLVED in the event that the legislation to amend Session Law 2006-167 and Session Law 2013-38 is adopted prior to June 30, 2015, that such amended law become effective retroactively to July 1, 2014.

Adopted this the 9th day of September, 2014.

ITEMS FROM MANAGER

Resolution 2014-33 Reauthorizing a Contract with DRC Emergency Services, LLC for Disaster Recovery Assistance

Chad McEwen, Town Manager advised on September 12, 2014 our disaster assistance contract with DRC Services will expire. He said this contract covers vegetative debris removal and grinding as well as disposal of hazardous materials in the event of a natural disaster. This contract is only utilized when the volume of material generated by the event exceeds the manpower and/or equipment within the Public Works Department. He said that although the original contract signed in 2011 was for one year, it does provide for up to 5 annual renewals based on the approval of both parties. In the event that we request their assistance due to a natural or manmade disaster, DRC would receive their payment based on a percentage of the expenses paid by FEMA. In the event that we don't have a natural or manmade disaster in the next five years, DRC does not receive any compensation for "stand-by time".

Mr. McEwen said that although DRC is a national company, they have a local representative (Tony Swain) who lives in Surf City. In addition, DRC is currently under contract by Pender County to provide pre-event disaster recovery assistance following a natural or manmade disaster.

There being no discussion, Commissioner Robbins made a motion to approve Resolution 2014-33 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2014-33

Resolution Re-Authorizing a Contract with the DRC Emergency Services, LLC for Disaster Recovery Assistance

WHEREAS, the Town of Burgaw wishes to negotiate a long term contract with a qualified business entity for the purposes of providing disaster recovery assistance following a manmade or natural disaster; and

WHEREAS, oftentimes FEMA reimbursement for qualifying expenses following a disaster is contingent upon the town having an existing contract for support services prior to the disaster; and

WHEREAS, oftentimes the FEMA required paperwork and reporting responsibilities for a local contractor mobilized to respond to a disaster can be confusing and arduous; and

WHEREAS, DRC Emergency Services, LLC is a nationwide company with an extensive track record of assisting countries, states, counties, and municipalities following manmade and natural disasters, and

WHEREAS, if mobilized by the Town of Burgaw, DRC Emergency Services, LLC will utilize local subcontractors to do the majority of debris removal required, and

WHEREAS, DRC Emergency Services, LLC, has agreed to a contract for up to five years with an existing fee schedule and rate structure that can only be adjusted based on changes in the Consumer Price Index (CPI).

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

SECTION 1. The Town of Burgaw Board of Commissioners hereby reauthorizes a contract with DRC Emergency Services, LLC for pre-event disaster recovery assistance following a natural or manmade disaster.

Section 2. The Town of Burgaw Board of Commissioners hereby authorizes the Mayor or Town Manager to execute the required contract with DRC Emergency Services, LLC from September 12, 2014 through September 12, 2015.

ADOPTED this the ninth day of September, 2014.

Resolution 2014-34 Considering the Approval of Change Order Number 5 related to Phase 2 of the Town of Burgaw Sewer Rehabilitation Project and the Contract with Kimley Horn and Associate

Mr. McEwen advised upon video inspection of the work done as part of the sewer rehab project several deficiencies were documented. He said these deficiencies required repairs of work previously done by the sewer rehab project contractor and subcontractor. Due to these repairs, additional engineering and observation services are required. Mr. McEwen said the change order for \$68,400 covers the additional engineering fees and construction observation fees from July through the middle of October. He also said these fees are covered by withheld liquidated damages charged to the contractor as well as contract retainage.

Commissioner Dawson made a motion to approve Resolution 2014-34 as presented. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

RESOLUTION 2014-34

A Resolution Considering the Approval of Change Order Number 5 Related To Phase 2 of the Town Of Burgaw Sewer Rehabilitation Project and the Contract with Kimley Horn and Associates

WHEREAS, due to A.C. Schultes inability to complete the project within the defined time of the contract, additional time for engineering and construction observation services were required beyond the quantities allotted in the original contract , and

WHEREAS, in addition, additional time for engineering and construction observation services are required in order for the contractor and subcontractors to complete repairs to the work that was previously done as part of this project, and

WHEREAS, these additional engineering and construction observation services require an amendment to the original contract, and

WHEREAS, these additional engineering and construction observation services are estimated to cost \$68,400 and should be sufficient to complete the project assuming everything is completed by the middle of October 2014; and

WHEREAS, the Town of Burgaw has withheld accrued liquidated damages charged to the contractor for the purposes of covering these anticipated additional expenses.

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

SECTION 1. Change Order #5, as attached, is hereby approved which will increase the professional services portion of the contract with Kimley Horn and Associates from \$381,500 to \$449,900 (net increase of 468,400).

SECTION 2. Accrued liquidate damages charged to A.C. Schultes and contract retainage shall be used to cover these additional engineering and construction observation services.

SECTION 3. The Town Manager is hereby authorized to execute all documentation related to Change Order #5 as approved by this resolution.

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

Other items from the Manager

Mr. McEwen advised he has been approached by Meg Smith to take over the maintenance of the landscape area at the intersection of 117 South and South Walker Streets by a group of volunteers. Ms. Smith stated in an email the volunteers will offer weed prevention, periodic reapplication of pine straw and seasonal additions of bedding plants. She also stated that all services and supplies would be provided or donated by the group. It was the consensus of the Board to allow Ms. Smith and her group of volunteers to maintain the area as requested.

Mr. McEwen advised he has been working on setting a meeting between the Town and County officials regarding the long term plans for Pender Central. He reminded the Board that Mayor Mulligan appointed Commissioners Dawson and Rooks to serve on a temporary committee to meet with representatives of Pender County regarding Pender Central Fire District. Mr. McEwen informed the Board that the County officials prefer to hold the meeting an hour before their regular board meeting on either October 6th or October 20th. It was the consensus of Commissioner Dawson and Commissioner Rooks to set the meeting for October 6th prior to the Pender County Board of Commissioners meeting.

ITEMS FROM MAYOR

None

ITEMS FROM BOARD OF COMMISSIONERS

Commissioner Dawson asked Mr. McEwen if there is any news regarding the sidewalk to the senior center. Mr. McEwen advised the encroachment agreement should be signed this week. He advised there has been much difficulty in making contact with Speaker Tillis and getting answers. He said Commissioner David Williams plans to call the Speaker’s office because Pender County also has a project that is being held up. Commissioner Williams said he would get back with Mr. McEwen if he gets any answers.

Commissioner Robbins asked if there has been interest in the Business Improvement District (BID) Grant process. Mr. McEwen said there is some interest. He advised he is trying to get a copy of a performance agreement from the Town of Cary and plans to meet with staff to set some general terms for a template for anyone who applies.

Recommendation from Policy and Finance Board – Community House Policy - Commissioner Tyson & Commissioner Walker

Commissioner Tyson spoke on behalf of the Policy and Finance Board regarding their recent review of the Community House Policy. She advised the original intent of the Community House was for family events and not for commercial purposes or events that would transact monies in any way. She advised their recommendation is to amend the policy to state the following: Use of the building for purposes of *indirectly or directly* selling products, *services*, collecting monies, *donations, fees*, etc. is prohibited. (Amendments are italicized and underscored.) Commissioner Tyson said the recommendation is in keeping with the original intent for the use of the Community House.

Commissioner Rooks made a motion to approve the amendment to the Community House policy as recommended by the Policy and Finance Board. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

CLOSED SESSION

Commissioner Robbins made a motion to go into closed session pursuant to GS 143-318.11 paragraph (a) item 6 to discuss personnel. The Board relocated to the conference room for the closed session.

OPEN SESSION RECONVENED

Commissioner Rooks 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

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

The meeting adjourned at 7:15PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk