

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

**DATE:** October 11, 2016  
**TIME:** 4:00 PM  
**PLACE:** Burgaw Municipal Building  
**BOARD MEMBERS PRESENT:** Mayor Eugene Mulligan  
Mayor Pro-tem Wilfred Robbins  
Commissioners Jan Dawson, Bill George and James Murphy  
**BOARD MEMBERS ABSENT:** Commissioner Vernon Harrell  
**STAFF PRESENT:** Chad McEwen, Town Manager  
Sylvia W. Raynor, Town Clerk  
Robert Kenan, Town Attorney  
Anthony Colon, Director of Public Works  
Louis Hesse, Building Inspector  
Jim Hock, Chief of Police  
Wendy Pope, Finance Officer  
Rebekah Roth, Planning Administrator  
Kristin Wells, Deputy Clerk  
Allen Wilson, Fire Administrator  
**MEDIA PRESENT:** None  
**INVOCATION:** Wilfred L. Robbins, Mayor Pro-tem  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

Mayor Mulligan requested to remove Items 6, 7 and 15 from the agenda. Commissioner Dawson made a motion to approve the agenda with the removal of Items 6, 7 and 15 as requested. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

Mr. McEwen advised that Commissioner Harrell (absent) had requested earlier that Item 16 (surplus of Dodge Charger) be removed from the agenda. Commissioners Dawson and Robbins advised they would like to discuss that item.

**Approval of Consent Agenda**

Commissioner Dawson made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The consent agenda and the following items were approved.

- A. Approval of Minutes of the September 13, 2016 regular and closed session**
- B. Approval of location change for November BOC meeting to Depot** – meeting will be held at the depot at 4:00PM due to the General Elections being held in the meeting room of the municipal building.
- C. Approval of Amended Resolution 2016-33 Declaring The Town of Burgaw’s Intent to Close The Public Alley Between The 300 Blocks of East Bridgers and East Ashe Streets** – The amendment to the resolution was to change the location of the public hearing to the depot banquet/meeting room instead of the board meeting room. The change was necessary due to the General Elections being held in the board room on November 8, 2016.

**DEPARTMENTAL ITEMS**

**Finance** – Wendy Pope, Finance Officer

**Ordinance 2016-16 Amending the FY 16-17 Budget to provide funding for Professional Services invoice from Ward and Smith, PA**

Ms. Pope advised she has received invoices from Ward and Smith for legal services that were provided in July and August, therefore she is requesting a fund balance appropriation in the amount of \$75,000 to cover the current legal fees as well as any future expenditure that may be incurred for professional services. Ms. Pope said last year’s appropriation was \$80,000 and \$13,741 of that appropriation was not spent and that amount reverted back to the general fund. She advised that currently we have invoices for July and August in the amount of \$25,987; we have received services for September and we will have depositions for October. Mr. McEwen reminded the Board that regarding the Notice of Violation (NOV) there was a substantial cost to get that issue resolved and we had no alternative but to defend that. He also advised that we are preparing to do depositions. He advised we have to defend the claim that was initially filed by Wallace. He said we have exhausted the funds from last year (with 13k falling back into the budget) and we need to appropriate funds for this year to cover services rendered and those that we perceive going through to the depositions. He said this is where we are regarding the appropriated funds and where we are at this time. He reminded the Board that this appropriation will come from water/sewer general fund.

Commissioner Robbins made a motion to approve Ordinance 2016-16 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2016-16  
AMENDING FISCAL YEAR 2016-2017 ANNUAL BUDGET  
INCREASING REVENUES AND EXPENDITURES**

**WHEREAS**, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2016-2017 on June 14, 2016; and

**WHEREAS**, the Town of Burgaw has received invoices for legal and admin fees rendered in July and August 2016 by Ward & Smith in the total amount of \$25,987.75; and

**WHEREAS**, a Water/Sewer fund balance appropriation is necessary to cover the professional services expense in fiscal year 2016-2017.

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

Section 1: The FY 2016-2017 budget be altered to reflect the following changes:

<b><u>INCREASE BUDGETED REVENUE</u></b>		
<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
32-3900-91-900	Fund Balance Appropriated	\$75,000

  

<b><u>INCREASE BUDGETED EXPENDITURE</u></b>		
<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
32-8210-91-456	Professional Services-Attorney	\$75,000

**Approved: October 11, 2016**

**Planning – Rebekah Roth, Planning Administrator**

**Consideration of Resolutions Approving Contracts for Engineering Services for 2016 Intersection Improvement Project**

Ms. Roth advised these resolutions are for the engineering services for four sidewalk and intersection improvement projects that were approved as a part of this year’s Capital Improvement Program (CIP). She advised those projects are as follows: the sidewalk project along Wilmington Street that connects the existing sidewalk to the western side of the railroad right of way; bulb-outs at Dickerson and Wilmington Street intersection; bulb-outs at the western side of the Wright Street/Wilmington Street intersection and the side walk across the library property from Cripple Creek to Cowan Street. Ms. Roth advised the lowest bidder for each project was Walton Engineering. She advised the total bids amount to \$13,024 which is less than half of the original bids from the previous month.

Upon completion of Ms. Roth’s review of all four resolutions, Commissioner Dawson made a motion to approve Resolution 2016-35, Resolution 2016-36, Resolution 2016-37 and Resolution 2016-38 as presented. The motion was

seconded by Commissioner Robbins and carried by unanimous vote. The following resolutions were approved with one vote:

**RESOLUTION 2016-35**  
**APPROVING A CONTRACT WITH WALTON ENGINEERING FOR ENGINEERING SERVICES FOR A SIDEWALK PROJECT ALONG WILMINGTON ST. ACROSS THE RAILROAD RIGHT-OF-WAY**

**WHEREAS**, the Town wishes to install a sidewalk along Wilmington St. across the railroad right-of-way to connect existing sidewalks on the east to businesses on the west; and

**WHEREAS**, this project will require engineering and encroachment agreements with the North Carolina Department of Transportation before it can be constructed; and

**WHEREAS**, the Town has received a proposal from Walton Engineering, which includes a cost estimate of \$4,415.00 for this project;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the town shall enter into a contract with Walton Engineering for engineering services for a sidewalk along Wilmington St. across the railroad right-of-way in an amount not to exceed \$4,415.00.

**Adopted this 11<sup>th</sup> day of October 2016.**

**RESOLUTION 2016-36**  
**APPROVING A CONTRACT WITH WALTON ENGINEERING FOR ENGINEERING SERVICES FOR INTERSECTION IMPROVEMENTS ON THE WEST SIDE OF THE WILMINGTON AND WRIGHT ST. INTERSECTION**

**WHEREAS**, the Town wishes to improve the west side of the intersection of Wilmington & Wright Streets by installing bulb-outs and a crosswalk; and

**WHEREAS**, this project will require engineering and encroachment agreements with the North Carolina Department of Transportation before it can be constructed; and

**WHEREAS**, the Town has received a proposal from Walton Engineering, which includes a cost estimate of \$2502.50 for this project;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the town shall enter into a contract with Walton Engineering for engineering services for intersection improvements of the west side of the Wilmington & Wright St. intersection in an amount not to exceed \$2,503.00.

**Adopted this 11<sup>th</sup> day of October 2016.**

**RESOLUTION 2016-37**  
**APPROVING A CONTRACT WITH WALTON ENGINEERING FOR ENGINEERING SERVICES FOR INTERSECTION IMPROVEMENTS AT THE DICKERSON ST. AND WILMINGTON ST. INTERSECTION**

**WHEREAS**, the Town wishes to improve the east side of the Dickerson and Wilmington St. intersection by installing bulb-outs and a crosswalk; and

**WHEREAS**, this project will require engineering and encroachment agreements with the North Carolina Department of Transportation before it can be constructed; and

**WHEREAS**, the Town has received a proposal from Walton Engineering, which includes a cost estimate of \$2502.50 for this project;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the town shall enter into a contract with \$2503.00 for engineering services for intersection improvements of the east side of the Dickerson & Wilmington St. intersection in an amount not to exceed 2503.00.

**Adopted this 11<sup>th</sup> day of October 2016.**

**RESOLUTION 2016-38**  
**APPROVING A CONTRACT WITH WALTON ENGINEERING FOR ENGINEERING SERVICES FOR A SIDEWALK EXTENSION ALONG E. WILMINGTON ST. FROM CRIPPLE CREEK TO COWAN ST.**

**WHEREAS**, the Town wishes extend the sidewalk along E. Wilmington St. from Cripple Creek to Cowan St.; and

**WHEREAS**, this project will require engineering and encroachment agreements with the North Carolina Department of Transportation before it can be constructed; and

**WHEREAS**, the Town has received a proposal from Walton Engineering, which includes a cost estimate of \$3,602.50 for this project;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the town shall enter into a contract with Walton Engineering for engineering services a sidewalk extension along E. Wilmington St. from Cripple Creek to Cowan St. in an amount not to exceed \$3,603.00.

**Adopted this 11<sup>th</sup> day of October 2016.**

Mr. McEwen advised the Board they will need to appropriate \$13,024 from the General Fund fund balance for the cost of engineering for the abovementioned projects. Commissioner Robbins made a motion to appropriate General Fund fund balance in the amount of \$13,024 to cover the engineering cost required for the four projects as set forth in Resolutions 2016-35, 36, 37 and 38. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

### **Consideration of the proposed 2016 Tree Program Work Plan**

Ms. Roth advised a Tree Program Work Plan is required every year for our participation in the Tree City USA. She advised the work plan presented in the packet must be approved by the Board so we can submit our application for Tree City USA for this year. She advised all projects listed in the plan have been budgeted. The plan includes trees for Arbor Day, funding for the Arbor Day celebration, public education event to be held in conjunction with the celebration, Tree City USA flagpole, tree inventory of all public trees this spring in order to set up regular maintenance program for those trees and pruning as needed based on input from consultants as needed.

Mayor Mulligan commented that the Buildings and Grounds Board is the designated tree board for the town but they have not met all year. He said we have this plan but the "committee" has not met this year. He said he thinks we should appoint some citizens in conjunction with the Buildings and Grounds Board to be involved in this plan. There was much discussion regarding the past failures of the tree board and the issues that caused the problems. Commissioner Robbins said he would go along with the establishment of a three member tree board but not to have them as a part of the Buildings and Grounds Board. Commissioner George suggested incorporating the tree board with the planning board because part of the planning board's responsibilities is landscaping requirements. Ms. Roth advised that our ordinances under our development code for landscaping and also tree removal permits have allowed us to participate in the Tree City USA program. She said a tree board would be allowed to participate in updating those tree standards.

Ms. Roth advised that in order to move forward with the work plan and the Tree City USA requirements, the Building and Grounds Board would need to meet and discuss and make recommendation regarding the Tree Program Work Plan before the November 8<sup>th</sup> board meeting and the work plan will have to be approved at that November meeting.

Commissioner Robbins suggested a temporary three member tree committee to bring ideas to the commissioners between now and March planting season with ideas about planting trees around town. It was suggested to have the clerk advertise for three citizens to serve on this temporary committee.

There being no further discussion, Commissioner Robbins made a motion to table the decision on the 2016 Tree Program Work Plan until the November 8<sup>th</sup> board meeting. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

### **ITEMS FROM ATTORNEY**

Attorney Kenan commented that in last week's update there was a copy of the minutes from the Promotions/Special Events Committee meeting that referenced a suggestion to waive property taxes for a certain time to offer incentive to people who purchase run-down property on condition that the new owner invests money in improving the property. Attorney Kenan said he wants to make sure that the Board is aware that under GS 105-380 paragraph (a) they as a governing body do not have the authority to refund or release any property tax. He advised that if the Board were to vote do so that each Board member would incur personal liability by voting to release, refund or compromise all or any portion of taxes levied.

Mayor Mulligan asked if there is any way to create an incentive plan without causing an issue. He said he is looking for a way to revitalize derelict properties and improve neighborhoods. Attorney Kenan advised it can be done in a similar way to the Business Improvement District (BID) by using a grant process as an incentive.

Attorney Kenan also said in accordance with town ordinances, this particular committee, the Promotions/Special Events Committee does not have the power to make recommendations to the Policy/Finance Board; it's only duties

is to make recommendations to the Board of Commissioners. He said he wants the Promotions/Special Events Committee to understand they are moving beyond the scope of their powers and duties within the town ordinances. Mayor Mulligan advised he will make the committee aware of this.

## **ITEMS FROM MANAGER**

### **Consideration of the Approval of the Downtown Revitalization Grant Agreement with the NC Department of Commerce for Court House Avenue projects**

Mr. McEwen requested to delay discussion on this item until after the closed session. Commissioner Robbins made a motion to delay discussion on Item 12 until after closed session. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

### **Resolution 2016-39 Consideration of the Approval of a Change Order with ELJ Inc. for the Water System Rehabilitation Project Related to an Increase in the Scope of Paving of Fremont Street**

Mr. McEwen advised the base bid the town received from ELJ Inc. only included patching the west side lane of Fremont Street in the areas where the asphalt would need to be accessed in order to install the new water line down Fremont Street. He said due to the condition of the road we asked the contractor for the Water Rehabilitation Project to include an add alternate bid for a complete overlay of the west side lane of Fremont Street which is \$72,000. He said we only included the westbound lane because we knew the Division of Water Infrastructure (DWI) wouldn't allow loan/grant funds to be used to repave the eastbound lane since the water line being replaced wasn't on that side of the road.

Mr. McEwen advised it has been determined that road milling and stabilization fabric will need to be installed prior to overlay. He said we have received approval from DWI to add these costs as an eligible expense under the loan/grant and in order to do so the town needs to approve the change order provided in the packet in the amount of \$81,010.84. These funds will come out of project contingency funds. The total cost of paving that will be charged to the loan/grant is \$153,010.84 which includes the paving work included in the base bid and the paving add alternate (\$72,000) as well as this change order (\$81,010.84). Mr. McEwen said this is an expensive plan but the best plan long term for Fremont Street.

Commissioner Dawson made a motion to approve Resolution 2016-39 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

#### **RESOLUTION 2016-39**

#### **A RESOLUTION CONSIDERING THE APPROVAL OF A CHANGE ORDER WITH ELJ INC. FOR THE WATER SYSTEM REHABILITATION PROJECT RELATED TO AN INCREASE IN THE SCOPE OF PAVING OF EAST FREMONT STREET**

**WHEREAS**, the Town wishes to add additional scope to the paving work being done as part of the water line replacement along East Fremont Street, and  
**WHEREAS**, The Division of Water Infrastructure has agreed to allow the milling and complete overlay of the westbound lane of East Fremont from US 117 to Cowan Street as an eligible expense under the loan/grant package received by the Town, and  
**WHEREAS**, the original bid received by ELJ Inc. included an add alternative for the overlay of the westbound lane in the amount of \$72,000, and  
**WHEREAS**, the condition of the road requires a complete milling and the installation of stabilization fabric in order to properly repair the road, and  
**WHEREAS**, a change order to the contract with ELJ Inc. is required in order to add the milling and installation of the stabilization fabric; and  
**WHEREAS**, ELJ Inc. has provided the Town with a change order in the amount of \$81,010.84 for the additional work, and  
**WHEREAS**, the paving of the eastbound lane of East Fremont Street will be handled through a direct contract between the Town and Southern Asphalt, and  
**WHEREAS**, the cost of paving the eastbound lane is \$92,733.84 and will be covered through funds appropriated (\$115,917) by the Board into the Capital Project Ordinance for the Water Distribution System Rehabilitation Project  
**NOW THEREFORE BE IT RESOLVED** by the Town of Burgaw Board of Commissioners that:  
**SECTION 1.** The change order proposed by ELJ Inc. is approved in the amount of \$81,010.84.  
**SECTION 2.** The Town Manager is authorized to sign all documents related to the change order with ELJ Inc.

Witness my hand and the corporate seal of said Town of Burgaw this the eleventh day of October, 2016.

**Resolution 2016-40 Consideration of a Resolution Exempting the Mini Brooks Act in Regard to a Proposal from McGill & Associates for Engineering and Permitting Service Related to the Proposed Water Line Extension along the 400 Block of S Bodenheimer Street**

Mr. McEwen stated that recently Donald White had complained about a water pressure issue at his house that needed attention and at the September Board of Commissioners meeting, the Board asked for Mr. McEwen to get a proposal from our engineer handling the Water System Rehabilitation Project for design and permitting services related to extending a water line south along Bodenheimer from the intersection of West Hayes and South Bodenheimer Streets.

Mr. McEwen advised prior to approving the proposal from McGill and Associates, the Town must exempt itself from the Mini-Brooks Act which requires Qualification Based Selection (QBS) as opposed to competitive bidding for the procurement of architectural, engineering or surveying services. If the proposed professional services are anticipated to cost less than \$50,000, a local government may exempt a particular project from the Mini Brooks Act. Resolution 2016-40 provides for this exemption as well as approves the contract with McGill.

Mr. McEwen said the recommendation is the approval of Resolution 2016-40 which includes exemption of the Mini Brooks Act and approval of the contract with McGill and Associates in the amount of \$2,800. The required funds for this work will require a water and sewer fund balance appropriation.

There being no discussion, Commissioner Robbins made a motion to approve Resolution 2016-40 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2016-40  
A RESOLUTION CONSIDERING THE EXEMPTION OF THE MINI BROOKS ACT IN REGARD TO A PROPOSAL FROM MCGILL AND ASSOCIATES FOR ENGINEERING AND PERMITTING SERVICE RELATED TO THE PROPOSED WATER LINE EXTENSION ALONG THE 400 BLOCK OF SOUTH BODENHEIMER STREET**

**WHEREAS**, the Town of Burgaw wishes to extend a 2 inch water line along the 400 Block of South Bodenheimer Street, and

**WHEREAS**, prior to extending this line the Town must secure engineering and permitting services in order to obtain the necessary approvals from the North Carolina Public Water Supply Section, and

**WHEREAS**, McGill and Associates is the engineer of record for the current water rehabilitation project and is best suited to help the Town obtain the necessary permits in a timely manner, and

**WHEREAS**, the Town wishes to exempt this project from the requirements of the Mini Brooks Act (NCGS 143-64.31) as allowed in NCGS 143-64.32, and

**WHEREAS**, exempting the Mini Brooks Act will allow the Town to request and consider price for the required engineering and permitting services associated with this project.

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

**SECTION 1.** As provided by NCGS 143-64.32, the Town waives the requirements of the Mini Brooks Act and requires McGill and Associates to provide cost in the proposal related to the extension of the water line along the 400 Block of South Bodenheimer Street.

**SECTION 2.** The contract with McGill and Associates is hereby approved in the amount of \$2,800 for the engineering and permitting services associated with the extension of the water line along the 400 Block of South Bodenheimer Street.

**SECTION 3.** The appropriation of \$2,800 of water and sewer fund balance is hereby approved to cover the cost outlined above.

**SECTION 4.** The Town Manager is hereby authorized to sign the contract with McGill and Associates as well as any associated permits related to the extension of the water line along the 400 Block of South Bodenheimer Street.

Witness my hand and the corporate seal of said Town of Burgaw this the eleventh day of October, 2016.

**Discussion Item – Resolution 2016-41 Regarding Surplusing a 2010 Dodge Charger**

Mr. McEwen advised with the Board's recent decision to delay hiring the Parks and Recreation position until March, he would like for the Board to reconsider surplusing the former police car that was supposed to be used by the person in that position. He commented that the car has not been driven consistently for about a year. He also said currently no other administrative position with the town has a town issued vehicle. Several years ago the Town had a vehicle that administrative staff from all departments could use and the car was sold because it was never used. After selling that car the policy was adopted by the town that all employees who don't have a town issued vehicle

will drive their personal vehicles and receive mileage reimbursement pursuant to the IRS mileage rate. Mr. McEwen advised he feels that the individual who fills the Parks and Recreation position should follow this policy as well and thus not have a town issued vehicle. He also advised this vehicle has considerable value compared to most vehicles we sell. The vehicle is a 2010 Dodge Charger with 58,000 and is in good shape. According to Kelly Blue Book the vehicle has a private sale value of \$9,224.

There was a brief discussion regarding the pros and cons of having a staff car. Mr. McEwen said he was passing on a message in which Commissioner Harrell asked that this item not be decided upon or that it is tabled until he could be present at the meeting to join the discussion. Commissioner Robbins said that one month will not make any difference if he has something to bring up that maybe we don't know about. Commissioner Robbins said it sounds to him as though we will have change the personnel policy because what the manager has said brings a different light to the subject.

Commissioner Robbins made a motion to table the discussion about disposal of the Dodge Charger until the November meeting. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

### **Resolution 2016-42 Regarding Surplusing Old Water Meters, Water Meter Boxes, Water Meter Lids and Other Related Items**

Mr. McEwen advised many of the assets removed from the ground as part of the water meter replacement project have residual or scrap value. He said we have been contacted by other municipalities, meter vendors, and scrap metal buyers who are interested in buying some of these items. Our plan is to sell as many items through private negotiated sale to other municipalities or utility providers as possible and then sell the remaining items as scrap metal. Mr. McEwen advised the net proceeds from the sale of these items will be posted as revenue in the Capital Project Ordinance for the Water Distribution System Rehabilitation Project.

There being no discussion, Commissioner George made a motion to approve Resolution 2016-42 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

#### **RESOLUTION 2016-42 AUTHORIZING SURPLUS OF OLD WATER METERS, WATER METER BOXES, WATER METER LIDS, AND OTHER ITEMS RELATED TO THE WATER SYSTEM REHABILITATION PROJECT**

**WHEREAS**, the Town is in possession of hundreds of old Sensus brass meters, touch read endpoints, steel meter boxes, steel meter lids, and other associated steel items; and

**WHEREAS**, cumulatively these items have residual value to a utility provider or as scrap metal; and

**WHEREAS**, North Carolina General Statutes 160A-266 allows municipalities to dispose of personal property by private negotiation and sale; and

**WHEREAS**, the Town wishes to sell these items in the most financially beneficial manner possible; and

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

**SECTION 1.** The items described above are hereby surplused by the Board of Commissioners.

**SECTION 2.** The Town Manager is hereby authorized to negotiate private sell of these items to any interested vendor or utility at an amount above the prevailing scrap metal price. All items that are not sold via private negotiated sale with a vendor or utility will be sold as scrap metal.

**Witness my hand and the corporate seal of said Town of Burgaw this the eleventh day of October, 2016.**

### **Discussion - Storm Debris**

In regards to the recent storm damage left behind by Hurricane Matthew, Mr. McEwen advised if the Board approves he would like to temporarily suspend the quantity limits on debris but not suspend the length limits meaning that whole trees cannot be put out; eight foot lengths only and no root balls larger than eighteen inches. There was much discussion with mixed thoughts about whether or not the town would pick up contractor generated debris. The board was reminded that the town has a contract with DRC Emergency Services to remove storm debris.

There was also much discussion regarding the fact that the town will be reimbursed by FEMA if public works picks up the debris. Mr. McEwen said he would also like to use the Code Red system to notify citizens of plans for the debris pickup.

Commissioner Dawson made a motion to suspend the debris limits in terms of size until November 14, lengths of eight feet or less will be picked up and if necessary a contractor can be hired to pick up items that public works cannot handle. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

#### **Discussion - Burned Out Condominiums**

Mr. McEwen advised he and Mr. Hesse have met with the owner of the property where the burned out condominiums sit. Mr. McEwen said they plan to give the owner sixty days to tear down the condos and have them removed. He said we are also going to explore the possibility of the fire department burning the building for a training exercise. Commissioner Robbins said we owe it to the residents and the people of the town to get rid of the building and the person that bought it knew what he was getting into when he bought it.

Commissioner Dawson made a motion to give the owner sixty days to remove the building and then fine him \$50.00 per day after the sixty days has expired. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

#### **Pender High School Homecoming Parade**

Chief Hock reminded the Board that the homecoming parade was postponed due to aftereffects of the storm. He advised they will be holding the parade downtown on Friday, October 28<sup>th</sup>. Commissioner Robbins made a motion to allow Chief Hock to work with Pender High School to schedule and organize the home coming parade and to close the streets as needed. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

#### **ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS**

Commissioner Dawson thanked Rebekah Roth for the wonderful job she has done as planning administrator and wished her well at her new position with New Hanover County. Ms. Roth thanked the Board for all they have done for her during her service to the town.

Commissioner Dawson thanked Mr. Colon for all the hard work that he has put in over the last few weeks taking care of the water/sewer issues and other items in public works since he became director.

Commissioner Robbins thanked the Mayor for putting together the thank you dinner for the volunteers and said that all those present enjoyed the food and fellowship.

Commissioner Robbins advised the hollies in front of the post office need some work because they look so bad. Mr. Colon said he would take care of that request.

Commissioner Robbins mentioned a tree in the alley behind Barbra Dee that needs attention. He said he would like save that tree. Mr. Colon said he will look into the matter.

Mayor Mulligan said to Ms. Roth it has been a pleasure working with her.

Mr. McEwen reminded the Board there will be a luncheon in honor of Rebekah Roth on Thursday, October 20 at noon here at town hall.

**PUBLIC FORUM** – No speakers

**PUBLIC HEARING** – *Wendy Pope, Finance Officer*



**Consideration of amending the Schedule of Fees for the Town of Burgaw Budget Ordinance. The Finance Officer is recommending a change in the fee schedule to add a fee for over-the-phone utility account payments.**

The public hearing was opened at 5:41PM.

Ms. Pope advised she is presenting a consideration of a change to the Schedule of Fees. She advised as a convenience to our water/sewer/trash customers we accept credit card payments over the phone without a service fee. Payments may be made on the website as well; however there is a \$3 service fee for the service charged by our third party vendor. Many customers have found that it is “cheaper” for them to call Town Hall and make the payment over the phone rather than use the online option. This has created tremendous phone traffic and ties up staff as we attempt to answer all the calls. Only the customer service representative can accept the payment because the credit card machine sits at the front window. We obviously make the “in-person” customer our priority however phone traffic does interfere with this personal face to face interaction. She said we have multiple options for customers to make payments without incurring a service fee; in person at Town Hall, yellow drop box outside of Town Hall, automatic draft and by mail.

Ms. Pope advised she is recommending to the Board that we begin charging a service fee of \$3 for each credit card payment taken over the phone.

There being no discussion from the Board, Mayor Mulligan closed the public hearing at 5:44PM and asked for a motion.

Commissioner Robbins made a motion to approve Ordinance 2016-17 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2016-17  
AMENDING FISCAL YEAR 2016-2017  
ANNUAL BUDGET  
CHANGE TO SCHEDULE OF FEES**

**WHEREAS**, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2016-2017 on June 14, 2016; and

**WHEREAS**, the Schedule of Fees in the budget ordinance did not include a fee related to payment of utility bills over the phone; and

**WHEREAS**, a convenience fee is currently charged for payments made via the Town of Burgaw website; and

**WHEREAS**, the Town wishes to remain consistent in charging convenience fees for both online and over-the-phone credit card payments;

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

The FY 2016-2017 Schedule of Fees be updated to reflect the addition of a \$3.00 administrative fee to process over-the-phone Credit Card Payments.

**Adopted: October 11, 2016**

**CLOSED SESSION**

Commissioner Dawson made a motion to go into closed session pursuant to GS 143-318.11 Paragraph (a) Item 4 related to Economic Development and Item 5 related to Acquisition of Real Property. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**BREAK** - Mayor Mulligan called for a ten minute break at 5:55PM. Closed session started at 6:05PM.

**OPEN SESSION RECONVENED:**

BOC MINUTES  
OCTOBER 11, 2016

Commissioner George made a motion to reconvene to open session. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Open session reconvened at 7:04PM.

**Consideration of the Approval of the Downtown Revitalization Grant Agreement with the NC Department of Commerce for Court House Avenue Projects**

Mr. McEwen stated the Town has received a grant in the amount of \$94,340 from the Rural Economic Development Division of the North Carolina Department of Commerce. He advised he has spoken with the people in charge of this program and has learned that they are willing to allow purchase of real property with this grant. With that being said he said the town can use this money for investment downtown whether it is building reuse or purchase of real property. He advised he needs to let them know what we plan to do with the funds.

Commissioner Robbins made a motion to instruct the manager to be allowed to use the \$94,340 to purchase the Dees property on Court House Avenue. The motion was seconded by Commissioner George and carried by unanimous vote.

**Purchase of Harrell Property on Cowan Street**

Rebecca Yates approached the town with an offer to sell a 0.28 acre tract of land at the corner of N Cowan and E Wallace Streets which was part of the Hubert H. Harrell estate. After discussion in closed session, the Board agreed to purchase the property since it is attached to the flood property that is already owned by the Town and this property could be used for a drainage project in the future.

Commissioner George made a motion to offer to purchase the abovementioned Harrell property for an amount not to exceed \$5,000 with funds to be transferred from the General Fund fund balance to non-departmental reserves contingent upon a survey. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**Closing on Dees Property**

Commissioner Robbins made a motion to move forward with the closing on the Dees Property on Court House Avenue. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**Shell Building**

Commissioner George made a motion to approve the following conditions related to the proposed purchase of the shell building:

- o No impact fees related to up-fit of shell building for proposed industry
- o Pay contracted services to Skip Green for writing the grant related to job creation
- o Ten years grant in the amount of ten years of value of real property after the up-fit in an amount not to exceed \$7500 annually (nontransferable)
- o Minimum of fifty employees

The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ADJOURNMENT**

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

The meeting adjourned at 7:15PM.

Signed: \_\_\_\_\_

Eugene Mulligan, Mayor

Attest: \_\_\_\_\_

Sylvia W. Raynor, Town Clerk