

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

DATE: October 13, 2015
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
Anthony Colon, Utility & Compliance Specialist/ORC
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Ashley Loftis, Finance Officer
Kim Rivenbark, Permitting Technician
Rebekah Roth, Planning Administrator
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Bill Walsh, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Mulligan asked if there are any requests for amendments to the agenda. Mr. McEwen requested to change item 7 to item 7A and to add item 7B under “Special Presentations” in order to make a presentation to Pender Early College. There being no requests for further amendments, Commissioner Tyson made a motion to approve the agenda as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Approval of Consent Agenda

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

- A. Approval of minutes of the September 08, 2015 regular meeting and closed session**
- B. Ordinance 2015-22 Amending the FY 15-16 Budget for Funding to W. K. Dickson for their Assistance in Completion of the NC Division of Water Resources Development Project Grant**

*ORDINANCE 2015-22
AMENDING FISCAL YEAR 2015-2016 ANNUAL BUDGET
Increasing Revenues and Expenditures*

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

WHEREAS, the Town of Burgaw agreed to move forward with the preparation of a North Carolina Division of Water Resources Development Project grant application; and

WHEREAS, the Town approved W.K. Dickson to assist the Town in preparing this application to address the needed stormwater improvements around the hospital as well as replacing the pipes under Fremont Street; and

WHEREAS, W.K. Dickson submitted a proposal for grant application services in the amount of \$5,000; and

WHEREAS, the Water Resources Development grant requires a 50-50 match from the local government with a total estimated project cost of \$576,000; and

WHEREAS, the Town of Burgaw will require a water and sewer fund fund balance appropriation to cover the expense to complete the Water Resources Development Project grant by W.K. Dickson.

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

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

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
31-3900-91-900	Fund Balance Appropriated	\$2,500
32-3900-91-900	Fund Balance Appropriated	\$2,500

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
31-8140-91-450	Water – Contracted Services	\$2,500
32-8200-91-450	Sewer – Contracted Services	\$2,500

Adopted: October 13, 2015

C. Ordinance 2015-23 Amending the FY 15-16 Budget for Funding to Burgaw Rotary Club for a Hole Sponsorship at their Annual Golf Tournament

**ORDINANCE 2015-23
AMENDING FISCAL YEAR 2015-2016 ANNUAL BUDGET
Increasing Revenues and Expenditures**

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

WHEREAS, the Town of Burgaw agreed to sponsor a hole and team at the Burgaw Rotary Club's Annual Golf Tournament; and

WHEREAS, the cost for a hole and team sponsorship is \$400; and

WHEREAS, the Town of Burgaw will require a general fund fund balance appropriation to cover the expense to sponsor a hole and team at the Burgaw Rotary Club Gold Tournament.

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

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

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$400

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-4100-00-570	Governing Body - Miscellaneous	\$400

Adopted: October 13, 2015

SPECIAL PRESENTATION – Presentation to family of William (Billy) C. James, Sr.

Mayor Mulligan advised at a recent meeting there was a recommendation to honor the memory of William (Billy) C. James, Sr. for his contributions to the Town of Burgaw during his lifetime. Commissioner Robbins spoke at length

regarding Mr. James' accomplishments related to downtown revitalization that was initiated by Mr. James at a time when the town needed some sprucing up to be more appealing to the community and business interests. He commented that Mr. James was well known for his pumpkin patch which provided the funding for the beautification of the court house square and downtown area with the planting of many trees as well as the relocation of the General Pender statue and the benches, sidewalk and landscaping around the statue. After many accolades, Mayor Mulligan and Commissioner Robbins presented on behalf of the Board a plaque honoring Mr. James posthumously for his contributions to the town during his lifetime. The plaque was received and greatly appreciated by Mrs. Jo Ann James and family members.

SPECIAL PRESENTATION – Presentation to Pender Early College

Mayor Mulligan presented a certificate of appreciation to Pender Early College for being recognized by Newsweek Magazine for beating the odds for 2015 and ranking 196 out of 500 schools across the country that do an excellent job of preparing their students for college. Mayor Mulligan presented the certificate to Dr. Edith Skipper, Principal of Pender Early College. He also recognized and congratulated Dr. Skipper on her recent award for Pender County Principal of the Year. Dr. Skipper was deeply appreciative for the recognition of Pender Early College. Dr. Terri Cobb, Superintendent of Pender County Schools also spoke briefly in appreciation of the recognition.

SPECIAL REQUEST – Paula Williams-James – Daughters of the American Revolution

Paula Williams-James appeared before the Board to request purchase and placement of a POW/MIA flag at the depot. Ms. Williams-James commented that she has researched the issue and feels there should be a flag on the depot property to honor/memorialize those that sacrificed for this country. She requested a vote on this issue before she leaves. After much discussion, the Board desired to receive more information regarding the proper protocol for the POW/MIA flag and asked that this item be placed on the agenda for next month's meeting. Ms. Williams-James advised she will get more information for the Board.

- Amendment: Requested by Mayor Mulligan, approved by the Board on November 10, 2015 – *I would like for the minutes to reflect that Commissioner Robbins asked for the Buildings and Grounds Committee to address as to whether it was appropriate for the MIA flag to fly at the flag pole at the depot along with the American flag.*

Paula Williams-James also asked for permission to use the flag pole area at the depot for a Veteran's Day Service at 11:00AM on November 11th. Commissioner Robbins made a motion to approve the use of the flag pole area (not the parking lot) for a Veteran's Day Service on Wednesday, November 11th at 11:00AM. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

DEPARTMENTAL ITEMS

Fire Department

Truck Replacement Request

Allen Wilson, Fire Administrator advised he is requesting approval to replace the fire department pickup truck. He said the fire department pickup truck is in need of major repair. He said he has taken it to the Ford Diesel Repair Shop at Capital Ford in Wilmington and the estimated cost to repair the truck is \$3,996.61. He advised we have spent \$5,250.26 on this truck for various repairs since he came here in August of 2013. Mr. Wilson presented several quotes he has received for the purchase of a new truck. (See quotes below.)

<i>Dealer</i>	<i>Make</i>	<i>Price</i>	<i>Trade</i>	<i>Total Owed</i>
<i>Fairway Ford</i>	<i>Ford F150</i>	<i>\$33,259</i>	<i>\$10,000</i>	<i>\$23,259</i>
<i>Safe Way Chevrolet</i>	<i>Chevrolet Silverado</i>	<i>No response</i>		
<i>Bob King GMC</i>	<i>GMC Sierra</i>	<i>\$34,183</i>	<i>\$12,000</i>	<i>\$22,183</i>
<i>Jeff Gordon Chevrolet</i>	<i>Chevrolet Silverado</i>	<i>No response</i>		

<i>Capital Ford</i>	<i>Ford F150</i>	<i>\$32,346</i>	<i>\$12,000</i>	<i>\$20,346</i>
<i>Sir Walter Chevrolet</i>	<i>Chevrolet Silverado</i>	<i>\$29,267</i>	<i>\$15,000</i>	<i>\$14,267</i>

Mr. Wilson said that Sir Walter Chevrolet in Raleigh has the lowest price on the truck and the highest offered trade-in value. Sir Walter still needs to see and evaluate the truck, but he does not expect much difference in trade-in, if any at all. Mr. Wilson advised based on the significant price difference, he feels we should move forward and have the current pickup evaluated by Sir Walter Chevrolet in Raleigh, NC, and if the trade-in value stands or does not increase the overall purchase price more than the other dealers, then we purchase the Chevrolet from them. He informed the Board that the Fire Department is requesting a fund balance appropriation if \$15,000.00 for the purchase of this vehicle.

After a brief discussion, Commissioner Robbins made a motion to authorize the purchase of a new pickup truck for the fire department. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Commissioner Dawson made a motion to appropriate fund balance in an amount not to exceed \$15,000 for the purchase of the fire department pickup truck. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Planning Department

Discussion regarding the waiving of a condition to the Walmart commercial planned building group conditional use permit requiring a new traffic count

Rebekah Roth, Planning Administrator advised on March 18, 2014, the Board of Commissioners placed a condition on the conditional use permit for the Walmart commercial planned building group that would require a new traffic count be conducted six months after the store opening to ensure the project’s traffic improvements were sufficient to handle the additional traffic generated by the use. The store opened on May 20, 2015, and this traffic count will be required in November unless the condition is waived by the Board of Commissioners due to changing circumstances. Ms. Roth advised since the store opening, the Bojangle’s across the street has also opened, so it is no longer possible to determine what traffic has been generated by Walmart and what has been generated by Bojangle’s.

Ms. Roth advised based on some information provided with Taco Bell in terms of the traffic counts there may be some new requirements for infrastructure upgrades based on that information. Ms. Roth said we want a chance to sit down and talk with NCDOT and the engineers with Walmart to see if that is something that can be worked out without having to go through the process of changing the conditional use permit. Mr. McEwen advised the traffic counts after construction shows that the intersection at NC Hwy 53E and US 117 needs a lead light. He said when he sent the question asking NCDOT to look into getting the lead light, the numbers NCDOT has are solely based on Walmart, not Walmart and Bojangles traffic counts. He said we think there is a good argument there if we can convince NCDOT to compel Walmart put that lead light in the westbound turning south on US 117 lane. We don’t want to require a traffic count when one has already been done that shows the need for the lead light.

After discussion, it was the consensus of the Board to delay action on this item until further information can be obtained and brought back to the November meeting.

ITEMS FROM ATTORNEY

Attorney Kenan advised that in regards to the letter he was supposed to draft to the owner of Teal Briar, he has not had a chance to do that due to other conflicts. He advised the Board he will get that letter in the weekly update next week.

- Amendment: Requested by Mayor Mulligan, approved by the Board on November 10, 2015 - *I would like the minutes to reflect that Attorney Kenan said that one of the reasons that he did not write the letter to Mr. Cowper as requested by the Board was because he was on vacation.*

ITEMS FROM MANAGER

BOC MINUTES
OCTOBER 13, 2015

Approval of the Agreement with the North Carolina Department of Transportation Regarding the Construction of the Sidewalk along South Walker Street to the Pender Adult Services Facility

Mr. McEwen stated the Town of Burgaw has been awarded \$306,000 to complete the construction of the sidewalk to the Senior Center. He advised as part of the appropriation from the NC General Assembly, the project and associated funds must be administered through NCDOT and their applicable policies and specifications.

Mr. McEwen advised the agreement outlines the terms of the agreement between the Town of Burgaw and NCDOT regarding how the project will be administered but most importantly who is responsible for funds required to complete the project in excess of the \$306,000 appropriated by the General Assembly. As stated in the agreement, the Town will be responsible for the proceeds needed to complete the job if the project exceeds the \$306,000 appropriated. Pursuant to the latest draft of the agreement, in the event that the project exceeds this amount DOT will order all work to stop and obtain written approval from the Town prior to proceeding with any further work. Mr. McEwen advised he is not comfortable with moving forward with the agreement without the blessing of the Board.

After much discussion the Board was in agreement to move forward with the project. Commissioner Robbins made a motion to move forward with the project. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Resolution 2015-40 Consideration of Approving a Business Improvement District Grant in the Amount of \$4,143.90 to Karen Harding for the Purpose of Constructing a Two Bedroom Apartment at 119-A South Wright Street

Mr. McEwen advised last year the applicant, Karen Harding, applied for and was awarded a BID grant in the amount of \$4,143.90 for the above referenced property. Pursuant to the resolution that approved the grant last year, the applicant had until the end of the fiscal year (June 30, 2015) to receive an unconditional certificate of occupancy. Since the grant expired, the applicant was required to reapply for BID funds.

He advised approval of Resolution 2015-40 will grant to Karen Harding the amount of \$4,143.90 for the construction of a two bedroom apartment located at 119-A South Wright Street.

Commissioner Rooks stated he thought initially there were specific guidelines on the time period that the project must be completed or it would not be funded. Ms. Harding said the guidelines stated “if it was completed in a year time frame”. She said the fiscal year ran short and she is completing it within the year time frame; the fiscal year ended June 30th but her time frame doesn’t end until the end of October. Commissioner Tyson said she is disappointed that the project was not finished from the time it was planned until this time. Commissioner Walker asked if this is the same amount of funding that was offered in the previous grant request. Mr. McEwen advised “yes”.

Commissioner Robbins made a motion to approve Resolution 2015-40 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2015-40
Approving a Business Improvement District Grant in the Amount of \$4,143.90 to Karen Harding
for the Purposes of Constructing a Two Bedroom Apartment at 119-A South Wright Street**

WHEREAS, the Town of Burgaw Board of Commissioners approved the establishment of a Business Improvement District (BID) on July 1, 2014, and

WHEREAS, the BID was established pursuant to NCGS 160A-535-544 and Article 23 *Municipal Service Districts* to assist with urban area revitalization as defined in NCGS 160A-536 (b) , and

WHEREAS, as established, the BID is designed to mitigate the financial burden caused by water and sewer impact fees within the defined district, and

WHEREAS, as established, the BID guidelines provide for grants paid by the Town for incurred water and sewer impacted related to redevelopment efforts within the defined district, and

WHEREAS, the Town has received a grant application from Karen Harding for the purposes of constructing a two bedroom apartment at 119-A South Wright Street in the amount of \$4,143.90, and

WHEREAS, the grant application submitted by Mrs. Harding appears to meet the requirements outlined within the Business Improvement District Report prepared as part of the BID consideration process conducted by the Town of Burgaw Board of Commissioners, and

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

SECTION 1. The grant application and funding requested by Karen Harding is hereby approved contingent upon the following terms and conditions;

- 1) Applicant must complete proposed new construction of the two bedroom apartment by June 30, 2016. Completion is defined by the applicant receiving an unconditional certificate of occupancy from the Town's Building Inspections Department.
- 2) Grant funds provided as part of the BID are provided for the sole purposes of paying incurred water and sewer impact fees related to the proposed new development activity within the downtown area.
- 3) Funds will be paid from the Town's General Fund directly to the Town's Water and Sewer Fund-Impact Fee Revenue line item upon the issuance of the unconditional certificate of occupancy from the Town's Building Inspections Department
- 4) Funds appropriated and subsequently paid as part of this grant process are only eligible for the above referenced property. Grant funds are nontransferable in regard to the above referenced property and/or the above referenced applicant.

SECTION 2. Upon the satisfaction of the above described terms and conditions, the Town Finance Officer is instructed to make the necessary transfer of \$4,143.90 from the Town's General Fund-Fund Balance to the Town's Water and Sewer Fund-Impact Fee Revenue line item.

Witness my hand and the corporate seal of said Town of Burgaw this the thirteenth day of October, 2015.

Discussion – Draft release for use of exercise equipment in Fire Department

Background

Mr. McEwen advised during the discussion regarding the new fitness equipment that is being purchased by the Town the need for a release of liability was discussed for all users (current employees, active fireman, and elected officials). He presented a draft release for the Board's review. Mayor Mulligan felt that the first paragraph should read "on or about the *fitness room* premises". Commissioner Rooks felt that the retired firefighters should be allowed to use the facility since they were allowed to do so when the original fitness room was put in place, therefore he requested that the sixth paragraph be amended to read "*retired volunteer firemen (upon recommendation by the fire board)*".

There being further discussion, Commissioner Rooks made a motion to approve the fitness room release (below) as amended. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

TOWN OF BURGAW FITNESS ROOM RELEASE

In consideration of my use of the exercise equipment and facilities provided by the Town of Burgaw, I expressly agree and contract, on behalf of myself, my heirs, executors, administrators, successors and assigns, that the company and its insurers, employees, officers, directors, elected officials, and associates, shall not be liable for any damages arising from personal injuries (including death) sustained by me, on, or about the fitness room premises, or as a result of the use of the equipment or facilities, regardless of whether such injuries result, in whole or in part, from the negligence of the Town of Burgaw.

By the execution of this agreement, I accept and assume full responsibility for any and all injuries, damages (both economic and non-economic), and losses of any type, which may occur to me, and I hereby fully and forever release and discharge the Town of Burgaw, its insurers, employees, officers, directors, elected officials, and associates, from any and all claims, demands, damages, rights of action, or causes of action, present or future, whether the same be known or unknown, anticipated, or unanticipated, resulting from or arising out the use of said equipment and facilities.

I expressly agree to indemnify and hold the company harmless against any and all claims, demands, damages, rights of action, or causes of action, of any person or entity, that may arise from injuries or damages sustained by me.

I agree to be solely responsible for my personal safety and well-being while utilizing said equipment and facilities. I understand that the Town of Burgaw does not provide supervision, instruction, or assistance for the use of said facilities and equipment.

I agree to comply with all rules imposed by the Town of Burgaw regarding the use of the facilities and equipment. I agree to conduct myself in a controlled and reasonable manner at all times, and to refrain from using any equipment in a manner inconsistent with its intended design and purpose.

I understand that the facilities and equipment are solely for the use of current town employees, active fire department volunteers, retired volunteer firemen (upon recommendation by fire board) and current elected officials.

I understand and acknowledge that the use of exercise equipment involves risk of serious injury, including permanent disability and death.

I understand and agree that the company is not responsible for property that is lost, stolen, or damaged while in, on, or about the premises.

I understand and agree that my use of the facilities and equipment is only to be undertaken on my own personal time outside my normal or scheduled working hours, and that my use of the facilities and equipment is not within the course or scope of my employment.

I understand and agree that my use of the facilities and equipment may be revoked if I fail to adhere to the terms of this release and the any other rules of use adopted by the Town of Burgaw.

I HAVE READ THE FOREGOING WAIVER AND RELEASE OF LIABILITY AND VOLUNTARILY EXECUTED THIS DOCUMENT WITH FULL KNOWLEDGE OF ITS CONTENT.

Date: _____

Signature: _____

Print Name

Other items from the Manager

Mr. McEwen advised he has received a letter from Cape Fear Resource, Conservation and Development regarding a request for a \$500 sponsorship for their annual meeting on October 19th at the depot. After a brief discussion the Board was in agreement to take no action on this item.

Mr. McEwen advised Pender High School has submitted an application to hold their homecoming parade on Friday, October 23 after school in the downtown area. Commissioner Robbins made a motion to approve the request to approve the application submitted by Pender High School to hold their homecoming parade. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins inquired about the bump in the intersection of NC Hwy 53 and US Hwy 117. Mr. McEwen advised he has sent emails to Robert Vause and Bill Fay has talked to Robert Butler but has had no response.

Commissioner Robbins asked about the drainage issue at South Dickerson near Burgaw Middle School. He said the water is still standing and asked that Mr. Fay dig a trench to drain that water off the sidewalk. Mr. Fay offered a couple of options that he could try and advised he will take care of the situation.

Commissioner Robbins said he has requests from citizens regarding the lines on East Fremont. They would like to see the fog lines painted on the street. Mr. McEwen advised he thought the plan was to hold off on that issue until the water project is done and the street is repaved. There was much discussion regarding the upcoming water project and the plans to pave Fremont Street when the water project is complete. There was also much discussion regarding the safety issues that currently exists on Fremont Street without the lines. Commissioner Robbins made a motion to approve the painting of the fog lines on East Fremont Street. There was further discussion after which Commissioner Robbins withdrew his motion.

- Amendment: Requested by Mayor Mulligan, approved by the Board on November 10, 2015 - *Furthermore in the minutes under the heading "Items from the Commissioners", Commissioner Robbins brought a*

concern from a citizen about lines on Fremont Street; into the discussion it was revealed that center lines had been painted on the street against the policy and wishes of the Board. Commissioner Rooks commented that it was obvious that somebody had done something wrong; the Town Manager took responsibility saying that in previous meetings he was confused about the Board's decisions. I countered the Board that in reviewing the minutes of the previous Board meeting that deliberations showed no ambiguity on this issue and that there was no ambiguity in the adopted policy on the same issue was clear (none of this was reflected in the minutes of the last Board meeting).

- Amendment: Requested by Mayor Mulligan, approved by the Board on November 10, 2015 - *Furthermore upon questioning by a citizen about the future work on Fremont Street a timeline and cost was given to a citizen by the Town Manager.*

Commissioner Dawson thanked public works for the work done on the railroad right of way.

Commissioner Tyson said a culvert on Ashe Street near Bickett Street is badly eroded and needs attention.

Commissioner Tyson asked if the speed limit can be changed back to 35mph on NC Hwy 53 East in the area between Stag Park and US 117. Mr. McEwen advised the change to 45mph was requested by NCDOT because they felt it should ramp down from 55mph to 45mph to eliminate concerns about a speed trap going from 55mph to 35mph. No action was taken.

Commissioner Tyson asked if any speeding tickets have been written on McNeil Street. Chief Hock advised he will have to check the records to make that determination.

Commissioner Rooks complimented Public Works on the shoulder drainage they have worked on. It has helped drain the water off the roads.

Commissioner Rooks asked that Public Works make small surface repairs as needed to help smooth some of the rough areas before they get too bad.

Mayor Mulligan commented that the walking trail needs some attention due to the leaves and mud from the recent rains.

BREAK 5:25PM – 5:40PM

PUBLIC FORUM

Speakers:

John O'Hara, 101 E. Woodbine Terrace inquired as to whether or not the Board has any updates on the infrastructure assessments mentioned in a previous meeting. He also wanted to know if/when that item will be on the agenda. Mayor Mulligan explained that before we take steps to do these assessments at the cost of the town, we will ask the lienholder of the unsold property to consider subordinating his deed of trust to the second lien in order for the town to be put in the first lien position thereby, allowing the town to collect funds from the sale of the remaining lots. Mayor Mulligan advised Mr. O'Hara that is where we stand at this time and until the town secures the lien no action will be taken. Mr. O'Hara advised he would relay this information to the HOA at Teal Briar.

PUBLIC HEARINGS

Public Hearing #1

Consideration of an application for a conditional use permit for an Automobile Sales, New and Used use to be located at 1638 NC Hwy 53 E

Attorney Kenan administered the oath to the following persons that desired to speak: Brandon Carl Piner, Kim Rivenbark and Rebekah Roth.

Mayor Mulligan opened the public hearing at 5:43PM.

Kim Rivenbark, Permitting Technician presented the following background information:

GENERAL INFORMATION

Applicant:	Brandon Carl Piner 325 Old Blakes Bridge Rd Burgaw, NC 28425
Property Owner:	Casey E R Estate
Site:	1638 US Hwy 53 E
Current Zoning:	B-2 with C/P on rear portion
Size:	9.77 Acres
Existing Land Use:	Commercial

Summary

The applicant is applying for a conditional use permit for an “Automobile Sales, New and Used” use to be located at 1638 US Hwy 53 E, located on the east side of the building also occupied by Lopez Tires and Destination Community Church.

Exhibits presented to Board of Commissioners in Staff Packet prior to meeting:

- Exhibit 1: Copy of Application**
- Exhibit 2: Site Plan**
- Exhibit 3: Site Plan 2**
- Exhibit 4: Landscape Plan**
- Exhibit 5: Letter from Mr. Piner regarding right-of-way**
- Exhibit 6: Aerial Photo**
- Exhibit 7: Zoning Map**
- Exhibit 8: Flood Map**
- Exhibit 9: Future Land Use Map**
- Exhibit 10: Photo of Existing Site**

HISTORY/SITE DESCRIPTION/ANALYSIS

Currently, the property is the site of a residential structure occupied by Mr. Leddell Casey and the subject commercial structure. The west side of the building is occupied by a grandfathered “Tire Repair Shop” and Destination Community Church that was granted a Conditional Use Permit on April 9, 2013. The proposed auto sales business will be located in the small office that is on the east side of the building, and parking for the cars for sale will be in the fenced-in lot on the east side of the building.

DISCUSSION

Commissioner Rooks expressed concern about NCDOT requiring a driveway permit for this location because the driveway has always been there. Rebekah Roth, Planning Administrator advised that because the driveway has been primarily used as an exit only in the past, she advised Mr. Piner that we would have to find out from NCDOT if any upgrades are necessary. Ms. Roth advised that NCDOT indicated that they do not have a driveway permit for that location and they cannot explain how it was missed. She said NCDOT is requiring a permit but whether or not that will require upgrades has not been determined. She advised Mr. Piner is currently working through this item with NCDOT. Commissioner Rooks said he feels that the driveway has been there for some time and should have been grandfathered and he doesn’t want the Town to initiate more burdens onto the property owner and potential businesses.

Commissioner Tyson expressed the same concern as Commissioner Rooks because when the wrecker service was located on the premises, they used the same driveway as Mr. Piner plans to use and nothing was said. She said she doesn’t want the town to put limits on Mr. Piner regarding a driveway that has been used prior to this application.

Commissioner Rooks asked if the town can tell NCDOT that this has been a formerly used driveway for business purposes traveling in and out and why do they suddenly need a permit for this driveway. She advised that if the Board decides not to require it, the driveway permit doesn’t have to be a condition on the permit.

Commissioner Tyson asked if the fence in the back was his idea or our requirement. Ms. Rivenbark advised it was Mr. Piner's idea to put in the fence to buffer the storage containers located on the back of the property.

Brandon Piner, 325 Old Blakes Bridge Road, Burgaw, NC advised he is seeking a permit to sell cars on the Casey property. He advised in regards to the landscaping that he is willing to put shrubs on both sides of the fence to make the property more appealing. Mr. Piner also advised he has spoken to NCDOT regarding the driveway permit and since there is another driveway at the property that already has a business that was not required to get a permit, Mr. Piner will not be required to get a permit for his location. He will be required to widen the driveway about two feet on each side.

Commissioner Rooks asked Ms. Rivenbark if the landscape plan will meet the requirements. She advised as long as the landscaping is along the display area and it is twelve feet in width guidelines will be met.

Commissioner Dawson asked about the fence in the rear. Mr. Piner advised Mr. Casey has some storage containers back there and they are unsightly and he felt that putting in a fence would shield them from view. He said the Planning Department suggested doing a vegetative buffer; he said he is fine either way on that issue.

Mayor Mulligan closed the public hearing at 5:57PM. He advised the next step is to review the finding of facts.

STANDARDS FOR REVIEW

In reviewing the permit application, the Town of Burgaw Board of Commissioners shall find as a specific finding of fact and reflect in their minutes if the permit will comply with the following standards based on the evidence presented at the hearing.

Standard 1. The use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved.

Additional Conditions:

- ~~• Applicant shall acquire an NCDOT driveway permit prior to issuance of a building permit if required or prior to opening business.~~

All Commissioners voted in the affirmative on Standard 1 to include the removal of the above condition indicated by strikethrough.

Standard 2. The use meets all required conditions and specifications.

Additional Conditions:

- The applicant shall install perimeter landscaping along the display area. If future expansion of display area occurs, then the applicant shall extend the perimeter landscaping to encompass all display areas.
- Plans showing the placement and type of these shrubs shall be approved by the planning administrator prior to vehicle display on the property.

All Commissioners voted in the affirmative on Standard 2 to include the abovementioned conditions.

Standard 3. The use will not adversely affect the use of or any physical attribute of adjoining property or the use is a public necessity.

Additional Conditions:

- The applicant may choose if desired, to plant a vegetative buffer along the rear of the property instead of the proposed fencing.

All Commissioners voted in the affirmative on Standard 3 to include the abovementioned condition.

Standard 4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Town of Burgaw Unified Development Ordinance, Burgaw 2030 Comprehensive Land Use Plan, and NC Hwy 53 Corridor Study.

All Commissioners voted in the affirmative on Standard 4.

There being no further discussion, Commissioner Robbins made a motion to approve the conditional use with amendments as shown above. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Public Hearing #2

Consideration of an amendment to the Town of Burgaw Code of Ordinances, Chapter 4 Animals and Fowl regarding skinning and butchering of game

Mayor Mulligan declared the public hearing open at 6:03PM.

Rebekah Roth, Planning Administrator advised at the August 11, 2015 Board of Commissioners meeting, two residents of the town informed the board during the public forum of an issue they had with their neighbor's plans to skin and butcher deer in his back yard, immediately adjacent to the complainant's yard. Staff researched the provisions other municipalities across the state had for this type of activity, and the policy and finance board discussed the matter and recommended a change to the town code that would address this issue. The item was discussed by the board, the complainants, their neighbor, and other town residents at the September 8, 2015 board meeting.

Ms. Roth advised based on a discussion at the September 8, 2015 Board of Commissioners meeting, the Board decided to hold a public hearing regarding a potential change to the Town of Burgaw Code of Ordinances that would:

- Specifically address the skinning and butchering of game;
- Require that the skinning and butchering be screened so as not to be visible on adjacent property and the public right-of-way and must be conducted in such a manner as to ensure no offal was left on the ground;
- Limit the time that the carcass could be within the town limits to 5 hours;
- Specify that the carcass and offal could not be buried or otherwise disposed of within town limits, including a prohibition of any animal matter being placed in roll carts, dumpsters, or other trash receptacles; and
- Place a \$50 daily fine if someone is found in violation.

She further informed the Board that the attached code amendment would include those provisions in the Animal and Fowl portion of the town code, which deals with items such as dead animals, bird sanctuary provisions, and keeping hogs and swine.

At this time Mayor Mulligan called on those individuals that signed in to speak in regards to this issue.

Vic French, 1107 Henry Brown Road stated that his recollection from the September meeting is that the screening requirement that we left you with did not deal with a public road at all; it only dealt with screening from the neighbors if the neighbors are offended by the skinning of a deer beside them. He said if you are going to require screening from the public road then you need to mandate that every pickup truck that drives through Burgaw with a dead deer on the back of it be covered up because that's all you see is a dead deer. He also said the public road issue never was a fact to begin with. Mr. French said his understanding of the five hour rule was the hanging/display of the carcass which meant you have five hours to get it hung, get it done, get it down and out of sight. His understanding was that if it was midnight by that time that the carcass and remains could be held out of sight until maybe the next morning. He said he didn't realize that the man had five hours to complete the entire process including removal from the premises. Mr. French advised that when he left the meeting last month he was satisfied with the Board's plan to create the ordinance but now it seems to be much tighter than he expected.

Bobby Futrell, 120 Cypress Street advised this situation is close to his heart because he has hunted all his life. He said he appreciates the Board's diligence and willingness to entertain a resolution to the problem here in town. He said he uses the word "problem" loosely because he feels this is strictly a complaint at this point; it has not progressed to the point of a problem yet. He said he doesn't believe there has been any skinning of deer going on in the yard as of yet. He said he sees this as a complaint between neighbors and he feels the better solution is to let the neighbors work it out. Mr. Futrell said it appears that Mr. Peterson seems to have tried to work out the situation by putting up a screen to block the neighbor's view. He said it is not good if we impose ordinances over every complaint because everybody has a complaint about something. Mr. Futrell said there is nothing wrong with waiting before imposing an ordinance, there's nothing wrong with gathering a little more information; instead of imposing an ordinance over an complaint let's wait until it becomes a problem before making rules and regulations that affect not only the two people involved but everyone in town. Mr. Pearsall said the deer population in Pender County is dwindling and there are less deer being killed which could mean that Mr. Peterson may have only one deer to skin this year. He said we have no idea how big or how small this situation will be, so he is suggesting that the Board consider waiting on this situation before any action is taken.

Bill King, 1134 Penderlea Hwy said he felt kind of responsible for this problem because he told Mr. Peterson that it would be okay to skin deer in his yard because he didn't think Mr. Hughes would be upset. He said he now feels that maybe he should have told Mr. Peterson to not tell anybody what he was going to do and it probably would not have been an issue but, Mr. Peterson tried to be a good neighbor and told Mr. Hughes what he was planning to do in regards to skinning the deer. Mr. King said he feels this an issue in which "the cart has been put before the horse". He said there has not been a problem and he understands that this issue can be offensive to some people. He advised he feels Mr. Peterson has gone above and beyond to prevent this from being an offensive situation. Mr. King asked the Board to consider waiting to see if there is a problem.

Michael Peterson, 111 West Bridgers Street stated that he agrees with Mr. French's comments. He advised since the last meeting he has complied with the request to hang a blind to prevent the neighbors from seeing the deer skinning area. He said all of you have seen the place and you know I keep it clean and I won't have any odor or carcasses in my yard. He said he appreciates the time the Board has taken to work through this issue and that he hopes they make the right decision. He asked the Board to sit back and think about this and reminded them there are a lot more hunters in Burgaw than they realize that are probably skinning deer in their backyards. He said he still hunts and probably will only take a couple of deer per season. He asked the Board take all this into consideration before making a decision.

Mildred Hughes stated that at the last meeting Mr. French commented that it is cheaper to eat deer meat than beef. She shared a list of expenses required to deer hunt including the cost of license, hunting club dues, leasing land, a pickup truck and dogs that have to be fed. She said that is a lot of money. Ms. Hughes said it was her understanding at the last meeting that the five hour time limit was after the deer was skinned you had five hours to get rid of it. She said that she was told that you can do anything with your property in Burgaw that you want but she learned you cannot. She reviewed a list of items that are considered nuisances that she could not do on her property if she so desired. She asked why can't there be a setback from the property line like everything else needs to be. She said she must look at the contraption that Mr. Peterson has made and every time she takes her trash she must look at it and she finds it offensive. She would like to have a set back and have it equal for everyone.

Deborah Peterson, 111 West Bridgers Street stated that her husband may get six deer in a season. She further commented that a person can hunt with a bow in the city limits and the hunter needs to have a place to clean the deer. She said she feels that they have accommodated the requests and the view is obscured three hundred and sixty degrees. She said they went from having a blind at the back to where he has now placed a pole to hang black plastic and unless someone is standing on the roof of a building, no one should be able to see what is going on. Ms. Peterson said that the deer kill limit is six and assuming that he kills the limit there would only be six days that he would be skinning a deer during the entire season. She advised the skinning and butchering will be done after dark. Ms. Peterson presented pictures of the deer skinning station to the Board for review.

Commissioner's comments:

Commissioner Rooks said he would like to comment on Mr. French's comments regarding deer being hauled around in the back of a truck as opposed to dressing deer. Commissioner Rooks said this is two entirely different issues. He

said the public right of way is basically shielding from whoever is riding down the road. He said as long it will not be a problem in general if the skinning is held in a private area where neighbors don't have to look at it. He said he didn't remember any discussion regarding not being seen from a public right of way. Mr. French said he recalled that the screening would be required if the neighbors are offended. He further stated that the proposed ordinance is written to mandate that if a person skins a deer it must be screened whether your neighbors have a problem or not. Commissioner Rooks agreed that he remembered the same as Mr. French that it was based on the request from the neighbors as to whether or not to screen. Commissioner Rooks advised that the five hour time is basically something that the Petersons agreed to. Commissioner Rooks said he recalled that the five hour time is from the time the deer gets to the premises until the remains are removed. He said five hours was the agreed upon time frame at the September meeting. He commented that he wouldn't have a problem with twelve hours but some of the others wanted to shorten the time.

Commissioner Robbins commented that this recommendation is a result of the Policy/Finance Committee meeting. He said in looking back, Mr. Peterson has not even lived on Bridgers Street long enough to have killed and dressed a deer there. Commissioner Robbins said it has not been a problem in the past and people have been skinning deer in this town for a long time. He said to his knowledge it has not been an issue. Commissioner Robbins said we took it to heart because of the proximity to the neighbors although nothing has happened yet; there has not been a problem. He said he is not sure that we (the Board) didn't jump the gun with this ordinance. He said he is not sure we have a problem here in Burgaw.

Commissioner Walker said he sees this as a situation between two people. He said he is not sure that it was necessary for everybody to get involved in it, although he could see them wanting to bring it to the Board to get a solution to the problem. He said he doesn't see a problem. He asked Mr. Peterson if he would take the carcass down as soon as he is finished skinning it. Mr. Peterson advised it will be taken down, prepared to be removed from the premises and kept inside until removal.

Commissioner Dawson advised she looked back at the minutes and she doesn't see that we ever mentioned shielding the deer skinning area from the public right of way only the screening from the neighbors. She said agreed with Mr. French on that issue.

Commissioner Rooks said if the neighbors don't mind one way or the other there wouldn't be a requirement for screening.

Commissioner Tyson said she had family that hunted and she has had deer cleaned in her back yard. She said she feels that we (the Board) may have jumped the gun because there has not been a problem and there may not be a problem. She said she hates to pass an ordinance that says that everyone must do this when if her next door neighbor kills and cleans a deer and she knows that he will clean it up and there is no problem. She said she doesn't want to go through this when two neighbors could agree there is not a problem. Commissioner Tyson said sometimes the government gets in where it shouldn't be. She hopes that people can work out these issues without affecting everyone.

There being no further discussion, Mayor Mulligan declared the public hearing closed at 6:25PM.

Mayor Mulligan called for a vote on Ordinance 2015-24 Amending the Town of Burgaw Code of Ordinances Chapter 4, Animals and Fowl, Regarding Skinning and Butchering of Game. No action was taken on this ordinance.

Public Hearing #3

Consideration of an ordinance to amend the Town of Burgaw Code of Ordinances to designate alternate public forum to exercise free speech during festivals located within the corporate limits of the town

Mayor Mulligan opened the public hearing at 6:26PM.

Attorney Kenan advised that he spoke to the Board at a previous meeting regarding a gentleman that attended the local festivals and has created some issues with respect to what he says and he interferes with the festival

committee's activities. He advised there has been some discussion that if we remove the gentleman from the courthouse square we will be violating his freedom of speech rights therefore we have discussed designating an alternative sight for someone to exercise their freedom of speech rights. He advised if this ordinance is approved the alternate site will be used for exercising freedom of speech during the time that a permit is active for use of the courthouse square, sidewalks and streets located within the immediate area to the Pender County Courthouse Square. The speakers would have to relocate to the western portion of the block located between West Bridgers Street and West Wilmington Street and immediately adjacent to North Dudley Street which shall be designated as the alternate public forum for any individual who desires to exercise their right of free speech pursuant to the First Amendment to the United States Constitution from 7:00 a.m. on the day before the commencement of the festival until 7:00 p.m. on the day after the commencement of the festival.

Mayor Mulligan advised no one signed up for this public hearing. There was also no discussion among the Board of Commissioners. Mayor Mulligan closed the public hearing at 6:29PM.

Commissioner Rooks made a motion to approve Ordinance 2015-25 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2015-25
ORDINANCE TO AMEND TOWN OF BURGAW CODE OF ORDINANCES
TO DESIGNATE ALTERNATE PUBLIC FORUM TO EXERCISE FREE SPEECH
DURING FESTIVALS LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN**

WHEREAS, the Pender County Courthouse Square is a traditional public forum, which is open to the general public to exercise each individual's right of free speech pursuant to the First Amendment to the United States Constitution; and

WHEREAS, at certain limited times during a calendar year, festivals are held on the grounds of the Pender County Courthouse Square and the sidewalks and streets located within the immediate area to the Pender County Courthouse Square; and

WHEREAS, during these festivals, the festival committee who is sponsoring the festival shall have received prior authorization from the Town of Burgaw and the County of Pender to utilize the Pender County Courthouse Square and the adjacent sidewalks and streets for the utilization of these public areas during designated times for the purpose of having and conducting their festival activities; and

WHEREAS, in order to eliminate any conflicts as to the priority over the use of the public areas utilized during a festival and to avoid any infringement on an individual's right to exercise their right of free speech during a festival, the Town of Burgaw believes that it is in the best interest of the public that an alternate public forum be designated during a festival for a person to go to and exercise their right of free speech;

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

I. Amend the Town of Burgaw Code of Ordinances to add Section 24-30 as follows:

Sec. 24-30. – Designation of Alternate Public Forum To Exercise Free Speech

During any festival where the Pender County Courthouse Square is utilized for festival activities, the western portion of the block located between West Bridgers Street and West Wilmington Street and immediately adjacent to North Dudley Street shall be designated as the alternate public forum for any individual who desires to exercise their right of free speech pursuant to the First Amendment to the United States Constitution from 7:00 a.m. on the day before the commencement of the festival until 7:00 p.m. on the day after the commencement of the festival. The designation of this alternate public forum shall be effective only when the Pender County Courthouse Square and the sidewalks and streets located within the immediate area to the Pender County Courthouse Square have been authorized by the Town of Burgaw's governing body to be utilized for festival activities pursuant to a request by an organized festival committee. Unless otherwise preempted by an ordinance of the County of Pender, a resolution of the governing body of the County of Pender, federal or North Carolina law, the Pender County Courthouse Square is acknowledged as a public forum where members of the public can exercise their right to free speech.

II. That this ordinance shall become effective at 12:01 a.m., on October 14, 2015.

Witness my hand and the corporate seal of said Town of Burgaw this the thirteenth day of October, 2015.

Public Hearing #4

Consideration of a budget amendment to the FY 2015-2016 Town of Burgaw schedule of fees regarding a cost increase related to residential debris removal

Mayor Mulligan declared the public hearing open at 6:30PM.

Ashley Loftis, Finance Officer advised at the September 8, 2015 Board of Commissioners meeting, Public Works Director Bill Fay presented a revised Yard Waste, Bulky Item and Debris Collection Policy. The Policy and Finance Committee had reviewed the proposed amendments at their August 27, 2015 meeting and recommended approval. The Board of Commissioners determined that a public hearing for the budget amendment should be scheduled for their October meeting. She advised the primary changes to the fee schedule include increased cost for debris removal by Public Works as well as clarification for what type of construction and demolition debris will be picked up by Public Works.

Commissioner Rooks asked Mr. Fay how we can require payment in advance of the removal of the debris if we don't know how long it is going to take to pick it up. Mr. Fay said he will simplify by estimating and if it takes longer than estimated, there will be no extra charge.

Mayor Mulligan advised there are no speakers signed up for this public hearing. There being no further discussion, Mayor Mulligan closed the public hearing at 6:32PM.

Commissioner Tyson made a motion to approve Ordinance 2015-26 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2015-26
AMENDING FISCAL YEAR 2015-2016
ANNUAL BUDGET
Change to Schedule of Fees

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

WHEREAS, the Schedule of Fees in the budget ordinance included several fees for the removal of debris; and

WHEREAS, the Town has concerns that the fees associated with the removal of vegetative debris along with construction and demolition debris are not adequate in relation to the Town's cost; and

WHEREAS, this issue was presented to the Town of Burgaw Policy and Finance committee for review and a recommendation was made by the committee to amend this fee as well as to clarify the type of construction and demolition debris to be picked up; and

WHEREAS, the Town Board of Commissioners approved these changes at the September 8, 2015 Board of Commissioners meeting.

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

The FY 2015-2016 Schedule of Fees be altered to reflect the following changes as attached (see below).

Vegetative/Construction/Demolition Debris pickup generated by ~~services of a contractor~~ town trash customers

Labor	\$30.00 per hour	\$40.00 per hour
Backhoe	\$40.00 per hour	\$50.00 per hour
Dump truck	\$25.00 per hour	\$40.00 per hour

Adopted: October 13, 2015

Resolution 2015-41 Approving Amendments to the Yard Waste, Bulky Item and Debris Collection Policy

Bill Fay, Director of Public Works gave a brief overview of the proposed changes to the debris policy. David Dunn asked several questions regarding the amount of debris that could be put out. There was a lengthy discussion about the policy.

Upon of completion of discussion, Commissioner Tyson made a motion to approve Resolution 2015-41 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2015-41
YARD WASTE, BULKY ITEM AND DEBRIS COLLECTION POLICY**

WHEREAS, the Town of Burgaw prides itself on maintaining the town and providing an appealing appearance for citizens, businesses, visitors, etc.; and

WHEREAS, the Town of Burgaw has for many years provided for the collection of yard waste, bulky items and other debris; and

WHEREAS, the Town of Burgaw desires to provide a revised policy for collection and disposal of yard waste, bulky items and other debris for all Town customers; and

WHEREAS, the Town of Burgaw's current policy needs to be changed to provide more efficient service to all the citizens of town; and

WHEREAS, recently there have been circumstances in which the intent of the current policy has been abused causing a strain on resources.

NOW THEREFORE BE IT RESOLVED by the Town of Burgaw Board of Commissioners that the attached yard waste, bulky item and debris collection policy is hereby approved.

ADOPTED this the thirteenth day of October, 2015.

*Attachment to Resolution 2015-41
Yard Waste, Bulky Item and Debris Collection Policy
Approved October 13, 2015*

The Town of Burgaw will collect yard waste and bulky items from town trash customers (excluding multi-unit apartment complexes) at properties located within the town limits of Burgaw once a week, normally each Friday.

Yard Waste

The Town of Burgaw will collect up to 5 cubic yards of yard waste generated by town trash customers from routine maintenance of vegetation at properties located within the town limits of Burgaw. An additional charge will apply for collection of large quantities of yard waste exceeding 5 cubic yards (4 X 4 X 8 feet). Yard waste is defined as bushes, clippings, vines, foliage, and/or limbs with a caliper size smaller than 8 inches in diameter. Trees and limbs smaller than 8 inches in diameter must be cut in lengths no longer than 8 feet in order to be collected by the town. At the Public Works Director's discretion, limbs and trees larger than stated above may be collected by the town based on the town's personnel and equipment capabilities pursuant to the fee schedule below. These services must be coordinated with the Public Works Director prior to the items being brought to the right of way. Vegetative debris resulting from land clearing will not be collected and disposed of by the town regardless of the type or size of vegetation or who generated the debris.

All yard waste eligible for collection must be placed along the right of way, out of the street, in an orderly fashion. Town employees shall not be responsible for raking the right of way in order to remove any remaining debris that is not removed by mechanized means. Mixed waste will not be collected.

Bulky Items

The Town of Burgaw will collect large items such as a furniture, mattresses, and appliances on the same day as yard waste. Bulky item collection is intended for the occasional disposal of large items that will not fit into a roll cart but is not intended for a whole house clean out.

MULTI-UNIT APARTMENTS ARE RESPONSIBLE FOR THE REMOVAL OF YARD WASTE AND BULKY ITEMS FROM THEIR PROPERTY.

YARD WASTE AND BULKY ITEM COLLECTION IS NOT AN EXTRA TRASH DAY. ITEMS THAT WILL FIT IN TRASH AND RECYCLE ROLL CARTS MUST BE PUT IN ROLL CARTS FOR COLLECTION.

Construction and Demolition (C&D) Debris Collection

The Town of Burgaw will collect debris, in accordance with this policy, generated by town trash customers. An additional charge will apply for Town collection of large quantities of C&D debris exceeding 2-1/2 cubic yards (2 X 4 X 8 feet), about the size of a pickup truck load. The Town of Burgaw will not collect any construction and demolition (C&D) debris generated by a contractor. Under no circumstances, is C&D debris to be placed in a roll cart, dumpster, or other refuse receptacle provided by the Town's solid waste provider.

Special Pick-Up

A customer may request a "Special Pick-Up" to have additional waste materials such as larger amounts of yard waste, household debris, furniture, "white goods," etc. removed. A special pick-up will be charged back to the customer based on the collection and disposal cost of the material. No additional fee will be charged for lesser amounts of yard waste or other items, and Christmas tree collection will remain free of charge.

Fee Schedule for Debris Removal

For services in excess of what is described and provided above, the Town, at the discretion of the Public Works Director, may pick up vegetative debris pursuant to the following charges:

<i>Labor</i>	<i>\$40.00 hr.</i>
<i>Backhoe</i>	<i>\$50.00 hr.</i>
<i>Dump truck</i>	<i>\$40.00 hr.</i>

All hourly charges shall be pro-rated and a minimum of 1 hour shall be charged for all services provided pursuant to this fee schedule. All associated fees shall be invoiced by the town and must be paid prior to collection.

Public Hearing #5

Consideration of a budget amendment to the FY 2015-2016 Town of Burgaw schedule of fees regarding a cost increase related to customer deposits, hydrant meter fees and water for cleaning/repair fees

Mayor Mulligan opened the public hearing at 6:40PM.

Ashley Loftis, Finance Officer advised at the September 8, 2015 Board of Commissioners meeting, Town Manager Chad McEwen presented a revised Utility Policy. The Policy and Finance Committee had reviewed the proposed amendments at their August 27, 2015 meeting and recommended approval. The Board of Commissioners determined that a public hearing for the budget amendment should be scheduled for their October meeting.

Ms. Loftis advised the primary changes to the fee schedule include increased security deposit for customers who do not have a social security number, new fees for bulk water purchases through hydrant meter rental and tank fillings and an increase in cost for water for cleaning/repairs.

There was much discussion regarding the utility deposit and the method used to determine credit history and deposit requirements. Mayor Mulligan questioned why an account holder with numerous accounts over a long period of time would be required to have a credit check to open another account. Ms. Loftis explained that credit checks are required for each account because an individual's credit history can change periodically. Commissioner Rooks said the standard should be the same for everyone to eliminate any variables in the way accounts are set up.

Mayor Mulligan closed the public hearing at 6:43PM.

There being no further discussion, Commissioner Rooks made a motion to approve Ordinance 2015-27 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Ordinance 2015-27 Amending Schedule of Fees Related to Customer Deposits, Hydrant Meter Fees and Water for Cleaning/Repair Fees

**ORDINANCE 2015-27
AMENDING FISCAL YEAR 2015-2016 ANNUAL BUDGET
Change to Schedule of Fees**

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

WHEREAS, the Schedule of Fees in the budget ordinance included several fees pertaining to customer deposits with no social security deposits and fees related to water and sewer; and

WHEREAS, the Town has revised its Utility Policy to now include a high utility deposit for customers with no social security number, bulk water purchases through hydrant meter rental and tank fillings as well as the penalty for unauthorized use of the water and sewer system; and

WHEREAS, this revised policy was presented to the Town of Burgaw Policy and Finance committee for review and a recommendation was made by the committee to amend this policy and associated fees; and

WHEREAS, the Town Board of Commissioners approved these changes at the September 8, 2015 Board of Commissioners meeting.

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

The FY 2015-2016 Schedule of Fees be altered to reflect the following changes as attached. ↓

<i>Utility Deposit (water, sewer)</i>	<i>\$0-\$150.00 Based on Credit History</i>
	<i>\$250 \$300 without verifiable identification</i>
Bulk Water Purchase:	
<i>Hydrant Meter Rental:</i>	
<i>Administrative Fee</i>	<i>\$50.00</i>
<i>Daily Hydrant Meter Rental Rate</i>	<i>\$10.00 per day</i>
<i>Monthly Hydrant Meter Rental Rate</i>	<i>\$300.00 per month</i>
<i>Bulk Rate</i>	<i>\$10.40 per 1,000 gal (0.0104 per gal)</i>
<i>Violation for misuse of hydrant meter</i>	<i>\$250.00 per day per violation</i>
Replacement Costs:	
<i>Hydrant Meter</i>	<i>\$1,000.00</i>
<i>RPZ Backflow</i>	<i>\$900.00</i>
<i>“S” Tube</i>	<i>\$300.00</i>
<i>Gate Valve</i>	<i>\$100.00</i>
<i>Hydrant Wrench</i>	<i>\$50.00</i>
Tank Filling:	
<i>Administrative Fee</i>	<i>\$10.00</i>
<i>Filling Station Rate</i>	<i>\$25.00 per 1,000 gal</i>
<i>Unauthorized Use of water/sewer system</i>	<i>\$1,000 per day plus \$75 Administrative Fee</i>

(*More information available on official fee schedule)

Approved: October 13, 2015

Resolution 2015-42 Approving Amendments to the Town’s Utility Policy

Chad McEwen, Town Manager advised the Policy and Finance Committee has reviewed the attached proposed revisions to the Utility Policy which outline the procedures that are to be followed in regard to water and services for our customers. The revised policy includes several amended sections as well as several new sections that establish procedures for how the following issues will be addressed:

- 1) Procedures for closing accounts in deceased individuals names
- 2) Filling of swimming pools
- 3) Leak adjustments
- 4) Meter errors
- 5) Hydrant and tank fillings

He advised initially the intention was to only add the procedures regarding how the Town would handle closing accounts in deceased individual’s names. However, upon reviewing the Utility Policy to determine where the new section should be added it was realized that several sections warranted amending.

Mr. McEwen advised the Board that this revised policy cleans up and consolidates all utility related issues.

Mayor Mulligan questioned section b under “Account information changes” in regards to “the owner of the property may be allowed to keep the utilities in their name”. After discussion, Mayor Mulligan suggested changing “may” to “will” in section b regarding account information changes.

There being no further discussion, Commissioner Dawson made a motion to approve Resolution 2015-42 as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2015-42 Resolution Approving Amendments to the Town’s Utility Policy

WHEREAS, the Town wishes to update and amend its adopted policy regarding the utilization of the Town’s water and sewer system and associated services, and

WHEREAS, these new and amended policies will help improve efficiency as it relates to delivery of these services, and

WHEREAS, these new and amended policies will provide the public with clear conditions and guidelines regarding these services, and

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

SECTION 1. The attached amendments to the Town of Burgaw Utility Policy are hereby approved.

Witness my hand and the corporate seal of said Town of Burgaw this the thirteenth day of October 2015.

Attachment to Resolution 2015-42 ↓

TOWN OF BURGAW UTILITY POLICY

REQUEST FOR SERVICE

Any customer requesting services will complete an application and agreement for services. The customer will provide:

- a. Photo identification, and social security number (for collection purposes)
- b. NC GS 105A-3 (c) or Federal Tax ID in the case of a business account.
- c. Signature on the application.
- d. Online credit check. The current cost to the applicant is \$5.00.
- e. The customer may pay a deposit of \$300.00 and waive the credit check.

Customers requesting same day service must complete the application process before 2:00 pm in order for Public Works employees to provide service.

Account information changes - Any changes of account information, mailing address or account name should be made in writing by the account holder to avoid mistakes.

- a. Notwithstanding the exception below, all residential utility accounts must be in the name of an individual who is at least 18 years of age who residents at the address associated with the account.
- b. For rental property (residential and commercial), the owner of the property ~~may~~ will be allowed to keep the utilities in their name despite not occupying the property associated with the account.
- c. Upon the death of any utility customer, a surviving spouse must transfer the service into their name within 90 days of the date of death. In the event that service is not transferred within 90 days, the Town reserves the right to discontinue service and apply the deposit (if applicable) to all outstanding balances owed to the Town in the name of the deceased individual's estate.
- d. Under circumstances where service is transferred into the name of a surviving spouse, no new credit check or deposit will be required, however, all held deposits will be transferred into the name of the surviving spouse.
- e. Unless otherwise provided by this section, existing service may not be continued in the name of a deceased person unless provided by Section 2 (c). In the event that no surviving spouse resides at the address of service the account will be closed 90 days after the date of death. Any deposit held by the Town, shall be applied to any outstanding balance. Any remaining portion of the deposit shall be mailed to the address associated with the account.

Business accounts – Business accounts are required to provide a Federal Tax ID and signature of an officer if it is a corporation or the social security number and signature of the owner of an unincorporated business.

The Town may decline service to any applicant if the owner of the property or the applicant has delinquent water accounts at any location with the Town.

CUSTOMER DEPOSITS

Deposits for residential customers are determined by the online credit check and range from 0 to \$150.00 based on the results. The fee for the credit check and the deposit must be paid in full prior to services being connected. If a credit check cannot be completed because a social security number is not provided, the deposit will be \$300.00.

Business deposits are based on anticipated usage of the business or similar business:

<u>Gal. Mth. Usage</u>	<u>Deposit</u>	
0-3000 gals.		\$125.00
3001-9000 gals.	\$250.00	
9001-25000 gals.	\$700.00	
25001-50000 gals	\$1250.00	
50001-100000 gals.	\$2500.00	
100000-**	\$2500.00 min	

** Deposits for high volume users will be determined on a case by case basis based on the best information available. For existing businesses that change ownership or discontinue service in one name and reestablish service in other name, the deposit will be based upon the average monthly usage over the last 12 months of service. For new businesses, deposits will be based on the anticipated usage, as determined by town staff, based on any existing similar uses present in the Town of Burgaw. Similar uses used for comparison will be determined based on the nature of the business conducted, number of employees, square footage of business, as well as other factors that are typically present with similar uses. Deposits may also be based on usage of similar businesses outside the Town of Burgaw.

Note: All previous balances associated with an existing business must be paid in full prior to the establishment of a new account in the event of a business relocating within Burgaw.

Master meter deposits for multi-family complexes are \$150.00 per unit. All newly constructed multi-family complexes are required to be on a master meter for the entire complex

Irrigation meter deposits are \$25.00.

All deposits are maintained by the Town until termination of service.

BILLING PROCEDURES

Water meters will be read every month by Town employees. The reading dates will vary slightly from month to month due to weekends, holidays and inclement weather. The optimum monthly billing period is 30 days; however, it may range from 27 to 33 days. Readings will begin on the 10th day of the month when possible.

After meters have been read the Customer Service Representative will upload readings to the utility billing system.

The readings will then be reviewed for excessive use, manually read meters that are unusually high or low, and meters that have not been read. The Customer Service Representative will then prepare a list of meters to be re-read and/or examined for leaks by the meter readers. The Customer Service Representative will make adjustments and corrections as needed before bills are prepared.

Bills are mailed before the first day of the month.

All bills are payable upon receipt and are due by the 10th day of the month. The town has a grace period until the 15th day of the month at 5:00 pm. If the 15th falls on a weekend, all fees are due the prior business day before 5:00 pm. On the 16th or next business day, an administrative fee of \$35.00 is imposed on all delinquent accounts. All fees must be paid in full before the 21st day of the month to avoid disconnection of service.

Failure to receive bill in mail does not excuse responsibility for timely payment or prevent disconnection.

BILLING ADJUSTMENT PROCEDURES

Leaks

Usage charges questioned within six months of billing may be eligible for adjustments to water and /or sewer charges. Adjustments are made for inside and outside city limit customers with water & sewer service with the Town of Burgaw.

Adjustments are made on high bills due to identifiable water leaks that do not enter the sanitary sewer system.

The following outlines the procedures for making adjustments:

- a. The customer's account is averaged for four months (or history available) for an average consumption. If no history is available, the customer will be required to pay a minimum bill for that month and billed based on usage for future bills, until four months after repairs have been completed for an adjustment on the beginning month's charges.
- b. If a leak is indicated by high usage during a particular month, only the prior two (2) months are eligible for adjustment. These adjustments will be made pursuant to this policy.
- c. The leak has been discovered and repaired. Adjustments are allowed only if a preventive repair has been made to the source of the water leak.
- d. Adjustments made to an account for repairs will not exceed more than two per calendar year.
- e. Documentation of leak and repair may consist of plumber's bill, recent receipts for plumbing repair parts or Town staff verification in writing.
- f. When a leak is confirmed to have not entered the sanitary sewer system, the applicable sewer charge is calculated based on the process described above for calculating the four month average consumption. When applicable, the current bill will reflect any sewer charge adjustments.

Except in extenuating circumstance, no consideration will be given to usage not questioned within six months of billing.

Filling of Swimming Pools

The Town will provide adjustments to customer's utility bills related to the filling of swimming pools according to the terms below. All inquiries regarding the filling of swimming pools should be directed to the Town's Customer Service Representative.

- a. The customer must notify the Town's Customer Service Representative prior to beginning the filling of the pool.
- b. All water utilized as part of the pool fill up will be charged on a per gallon basis according to the Town's approved fee schedule.
- c. Customer must provide the Town with hard copies or digital files of the meter reading prior to and immediately following the completion of the filling of the swimming pool as well as pictures of the filled pool.
- d. Customer must provide the town with verification of the pools dimensions. Verification includes, but is not limited to, shop drawings or technical specifications of the pool, aerial photo of the pool along with dimensions and depth information, etc.
- e. The sewer charges will be adjusted by the amount of the usage between pool fill-up meter readings. However, 360 gallons a day of usage will be deducted from the adjusted amount in order to account for the domestic sewer that is used at the residents during the filling process.
- f. Adjustments will not be made on pools less than 1,000 gallons.
- g. Adjustments made for a leak in the pool after initial fill-up will be done only if the owner produces a receipt from materials bought for repair or plumber's receipt.
- h. Pools with maintenance problems will be considered on a case-by-case basis.

Suspected Meter Errors

Upon the determination by the Town that a meter error may exist, the Town will remove the water meter for accuracy testing. The accuracy of the meter will be tested and verified by a qualified third party of the Town's choosing. In the event that the meter test at an accuracy level of 100% or less, the customer shall pay the full cost of the meter testing plus a \$200 administrative fee to cover the cost of removing and reinstalling the tested meter. Any meter tested which indicates a reading over 100% will result in a credit being applied towards future billing to the active account. If the account is inactive, a refund will be issued to the customer.

DELINQUENCY PROCEDURES

A list of delinquent customers will be prepared after 5:00 pm on or around the 15th day of the month and the administrative fee will be imposed on those accounts.

- a. On or around the 11th, the Town will mail delinquency notices to all customers who have not paid their current bill.
- b. On or around the 21st, drop box payments will be processed and a shut off list prepared. Any customer who has not paid all fees by 8:00 am on the 21st will be cut off, unless a payment arrangement was made prior to the 15th. The shut off list will be reviewed by the Customer Service Representative and the Finance Office or Town Clerk prior to it being sent to Public Works before 10:00 am on the shut off day. Accounts will not be shut off on Fridays or the day before a holiday.
- c. The Public Works Department will work from the shut off list and record the meter reading for each meter, shut off service and send the list of meter readings to the customer service clerk. The Public Works Department does not collect money. All accounts scheduled for shut off must be disconnected.
- d. As payments are received by the Customer Service Representative, work orders will be sent to Public Works to reconnect paid accounts. However, all disconnects on the shut off list will be completed prior to Public Works conducting any reconnections.
- e. After 2 business days, if customer has not paid for service to be reconnected, a list of delinquent accounts will be sent to Public Works. This list will include meter readings from the day of shut off. Public Works will record the current meter reading for each meter on the new list and send to the customer service representative. If the readings indicate usage, Public Works will lock or pull the meters.
- f. Reconnection of service will occur between the hours of 11:00 am and 5:00 pm on the day meters are shut off for non-payment and between 8:00 am and 4:00 pm on regular work days. Meters will not be reconnected until all fees have been received. If delinquent bills are paid after 3 pm, the Town will try to reconnect service by 5 p.m. No reconnects will be done after 5:00 p.m.

WAIVER OF ADMINISTRATIVE FEE

The assessment of the administrative fee as referenced above may be waived under the following circumstances:

- a. The administrative fee can be waived once a year on request by the customer prior to the 15th at 5:00 pm, if the account has not been delinquent in the previous 12 months.
- b. The administrative fee can be waived for a customer with a good history of paying before the due date, who is willing to have future payments made by bank draft.
- c. The administrative fee can be waived by the Town Manager based on extenuating circumstances.

DISCONNECTION OF SERVICE

The Town may disconnect utility service for one of the following reasons:

- a. Failure of the customer to pay bills for utility service as required by this policy.
- b. Failure of the customer to allow Town employees access to meters at reasonable hours for the purpose of reading or maintenance and repair.
- c. Upon discovery of meter tampering including unauthorized connection for service, bypassing the meter or altering its function.
- d. Failure of the customer to repair plumbing systems after being advised by Public Works of leaks which result in excessive water use.
- e. Emergency repair and maintenance as required by Public Works.
- f. Service may be terminated due to a returned check if repayment and returned check fees are not paid within 7 days.

The customer should request disconnection of service. The customer can call or come into the Town Hall to submit a disconnect order. The following information will be required upon request: name on the account, address to terminate, customer's SSN or verification of SSN (last 4 digits), date of termination, forwarding mailing address for final billing. Until service is requested by a new customer at that location, the current customer will be responsible for any water consumed until disconnection.

Water service can be discontinued by the customer or by the Town. The water meter will be turned off and locked after disconnection for any reason has occurred. Service will only be restored when a new customer has made proper application for service at that location and all fees and deposits have been made.

BULK WATER PURCHASE: HYDRANT METER

In order to provide for the bulk water purchase from the Town, the following procedures shall apply for person(s), firms, or corporations that request over 10,000 gallons of water or requires temporary access to water for a period of less than one (1) year. Customers requiring temporary water access for more than one (1) year must have a permanent water service installed at that location. All appropriate permits and fees must be paid for by the contractor and in accordance with Town policy. For bulk water purchases of less than 10,000 gallons please reference the next section of this policy. All customers will be required to complete a hydrant meter service application (appendix A) for the use of fire hydrant metering devices.

The use of a hydrant meter shall be contingent upon strict adherence to the following requirements and conditions:

Failure to comply with the conditions below will result in the immediate suspension of hydrant meter privileges.

- a. An RPZ backflow and/or air gap is required during all hydrant usage pursuant to this policy. Only Town of Burgaw hydrant meters with approved backflow assembly provided by the town may be used to obtain water from a fire hydrant in the Town service area.
- b. Hydrant meter assemblies are subject to availability.
- c. Customer will be billed on a monthly cycle by Town of Burgaw billing for all water usage and rental fees at the current applicable outside Town rate per the Town fee schedule. The customer will send their readings to Town Hall by the 7th day of each month. Readings can be sent by fax to 910-259-6644, by e-mail to customer.service@townofburgaw.com, by mail to Town Hall at 109 N. Walker St., Burgaw, NC 28425, or bring the hydrant meter to Public Works at 207-B S. McRae Street to be read.
- d. Customers will be charged additional fees, as described below, if the returned equipment is damaged or equipment is missing.
- e. Customers will be allowed to rent the hydrant metering devices by the day or month.
- f. Non-refundable rental rates for the hydrant meter and backflow preventer assembly are listed in the table below, no prorating will be allowed on monthly accounts.
- g. In addition to the rental charge, the customer is responsible for paying for the actual amount of water used (consumed) and will be billed by the Town based on the meter readings for the rental period.
- h. Absolutely no discharge into the sewer collections or storm water systems is allowed.
- i. Rental and consumption charges shall be billed monthly or at the end of the applicable rental period, whichever comes first.
- j. Rental rates are for the actual time customer has the meter, regardless of usage, and will be billed monthly.
- k. No meter shall be used unless temperature is 35 degrees Fahrenheit or above and rising. When temperature falls to 35 degrees Fahrenheit, hydrant shall be closed and the hydrant meter shall be disconnected from the hydrant. Failure to comply may be subject to a fine.
- l. Customers shall be trained in proper usage prior to issuance of a hydrant meter assembly. At no time shall the customer tamper with the meter. Use of water withdrawn from fire hydrants will be used only for the specific purposes stated on this application and only at the locations described on this application.
- m. At no time shall any hydrant meter/backflow assembly be disassembled, repaired or altered by anyone other than Town of Burgaw staff.
- n. At no time shall any hose be left connected to a fire hydrant that is not connected to a hydrant meter assembly.
- o. Only use an approved hydrant wrench. Do NOT use a pipe wrench, crescent wrench, etc.
- p. Before installing the hydrant meter, open the hydrant slowly and let the water flow for approximately 30 seconds to clear the line of debris.

- q. When opening a hydrant, turn the wrench slowly counterclockwise until the wrench stops turning, then back off ¼ turn.
- r. Make sure you regulate the water flow by turning your hydrant meter’s gate valve,
- s. NOT by partially opening the hydrant or adjusting the ball valves on either side of the backflow. No pipe wrench is to be used.
- t. A hydrant must be turned completely on or it will drain. The draining is through a valve under ground level and will damage the area surrounding the hydrant and/or the hydrant itself.
- u. Large 3” hydrant meters shall NOT be connected directly to the hydrant. You must use the “S” tube or a fire hose to attach the hydrant meter to the hydrant. However, 5/8” hydrant meters can be directly connected to the hydrant.
- v. Do not leave your hydrant meter on the ground. The hydrant meter should be supported and no less than 12” off the ground at its lowest point to allow for proper backflow prevention and drainage. The customer is responsible for providing the materials to support the hydrant meter.
- w. The fire hydrant or hydrant meter should NOT be left on overnight or unattended. Customer is responsible for ensuring the meter and hydrant are secured when not in use. Customer shall be responsible for all water registered through meter in the event that meter is cut on by someone other than customer.
- x. When closing a hydrant, turn the wrench slowly clockwise until the wrench stops turning, then back off a quarter turn.
- y. Be sure to replace and tighten all hydrant caps hand tight after use.
- z. Do NOT let anyone drive over or place materials on the fire hose connecting the hydrant meter to the hydrant. It may cause severe damage to the hydrant meter, hydrant, and water lines in the area.
- aa. Report all broken fire hydrants IMMEDIATELY; call Public Works at (910) 259-2901 or Town Hall at (910) 663-3445.
- bb. Customer shall ensure that the meter is registering and that no leaks are present. Any broken or leaking meters/backflow shall be returned immediately to the Town of Burgaw for repair.
- cc. Any damage to the Town’s fire hydrants and/or potable water system caused by negligent use of a fire hydrant may result in a fine as described below. Lessee will also be held liable for all Town costs for the repair and/or replacement of all related water mains and devices.

Administrative Fee	\$50.00
Daily Hydrant Meter Rental Rate	\$10.00 / Day
Monthly Hydrant Meter Rental Rate	\$300.00 / Month
Bulk Rate	\$0.0104 / Gallon \$10.40/per 1000 gal

Penalties

Only Town of Burgaw hydrant meters with approved backflow assembly provided by the town may be used to obtain water from a fire hydrant in the Town service area. The use of any hydrant meter assembly other than those provided by the Town of Burgaw will be subject to a fine. Continued use of a hydrant meter, when usage readings are not being registered will be considered a violation and will be subject to a fine in the amount of \$250.00 per day, per violation. It is the responsibility of the customer to notify Public Works at 910-259-2901 or Town Hall at 910-663-3445 when the meter is not registering or recording water usage. All hydrant meter assemblies are the property of the Town of Burgaw Public Works Department. Failure to return the hydrant meter assembly at the end of the rental period will be considered theft of Town property and will be prosecuted to the fullest extent of the law (see following page for current replacement rates).

Hydrant Meter	\$1,000.00
RPZ Backflow	\$900.00
“S” Tube	\$300.00
Gate Valve	\$100.00
Hydrant Wrench	\$50.00
Total Replacement	\$2,350.00

Water Restrictions

All hydrant meter usage may be subject to immediate recall or return in the event of the implementation of water restrictions.

BULK WATER PURCHASE: TANK FILLING

In order to provide for the bulk water purchase from the Town, the following procedures shall apply for person(s), firms, or corporations that request under 10,000 gallons of water. All customers will be required to contact Town Hall to prepay and/or provide credit card information and complete a hydrant meter service application for the use of fire hydrant metering devices. Filling station is located at Burgaw Fire Department.

- a) Filling station and hydrant meter assemblies are subject to availability. The party wishing fill a tank pursuant to this policy will be required to supply all necessary fittings to accommodate a 3” hose.
- b) Filling of a tank must be coordinated with the fire department and is subject to their availability.
- c) An RPZ and/or air gap must be present while filling. Tanks without an air gap will not be filled.
- d) All tank fillings will be conducted by town staff.

Administrative Fee	\$10.00/per tank filling*
Filling Station Rate	\$25.00/1,000 gal.**

*Administrative fee must be paid prior to each tank filling. Fee will not be prorated based on amount of water purchased.

**Town will not pro-rate the rate if less than 1,000 gallons are purchased.

Water Restrictions

All tank filling services are subject to immediate discontinuance in the event of the implementation of water restrictions.

UNAUTHORIZED WATER AND SANITARY SEWER SYSTEM USAGE

Any person(s), firms, or corporations using unmetered water, illegally discharging into the Town’s sanitary sewer system, or the Town’s stormwater collections system may be subject to a penalty of up to \$1,000.00 per day, \$75.00 administrative fee and applicable water consumption charges.

COLLECTION REMEDIES

Once it is determined that a person(s), firms, or corporation is responsible for a delinquent billing amount related to the authorized or unauthorized receipt of water and/or sewer services from the Town of Burgaw, the following statute of limitations shall be adhered to:

- a. Pursuant to North Carolina General Statute 25-2-725, the Town may demand payment(s) for water service for four (4) years retroactively from the date that the delinquency occurred or was discovered.
- b. Pursuant to North Carolina General Statute 1-52, the Town may demand payment(s) for sewer service for three (3) years retroactively from the date that the delinquency occurred or was discovered.
- c. Pursuant to North Carolina General Statute 105A, the Town may submit a claim in the name of the responsible party of the delinquent account to the state’s debt setoff program.

RETURNED CHECK OR BANK DRAFT

The Town charges a fee of \$25.00 for returned check or bank drafts. After one returned check or bank draft, the Town may accept only certified checks, money orders or cash for payment of the account.

TRANSFER OF SERVICE

Customers may transfer service from one location to another as long as current bills are not past due. Deposits will be transferred to the new account if the present account is paid in full.

DEPOSIT REFUNDS

After an account has been closed by customer request or terminated by Town policy, the deposit is applied to any outstanding bills or fees. Remaining funds are refunded to the customer after the current billing period is complete. No interest will be paid upon deposited amounts.

CLEANING AND REPAIR

The Town will turn service on for three days, for the purpose of cleaning and repairs to an unoccupied dwelling. The current charge is \$30.00. If service will be required for a longer time, the Town will require that the service be placed in the name of the owner. A credit check will be required of individuals and a \$125.00 deposit for rental properties.

Appendix A
Town of Burgaw
Public Works Department
(910) 259-2901 public.works@townofburgaw.com

Hydrant Meter Check Out Application

Name: _____ DL# _____ Company _____

Address: _____

Phone: _____ Credit Card # _____

Hydrant Meter: _____ Serial #: _____

Date: _____ End Reading: _____

Return Date: _____ Begin Reading: _____

Total Used: _____ gallons
 Backflow included: Yes No Type: _____
 Serial #: _____

“S” tube: Yes No Gate Valve: Yes No

Cost:	Hydrant Meter	\$ 1,000.00
	RPZ Backflow	\$ 900.00
	“S” tube	\$ 300.00
	Gate Valve	\$ 100.00
	Hydrant Wrench	\$ 50.00

A replacement fee of \$2,350 will be charged if above equipment is not returned. In order to insure that the equipment is returned a credit card number will be collected at the time of application. A hydrant wrench must be utilized to open the hydrant. Any other device used on the hydrant will cause damage to the hydrant and could result in a violation. The valve must be opened fully in order to ensure proper use of the hydrant.

Check out
 Customer Signature: _____ Date: _____

Town Signature: _____ Date: _____

Check in
 Customer Signature: _____ Date: _____

Town Signature: _____ Date: _____

CLOSED SESSION – 6:45PM

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

OPEN SESSION RECONVENED – 7:20PM

Commissioner Rooks made a motion to go out of closed session. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Upon reconvening to open session, Commissioner Tyson requested that Mayor Mulligan make himself more visible in the community. There was a brief discussion regarding this issue.

ADJOURNMENT

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

The meeting adjourned at 7:25PM.

 Eugene Mulligan, Mayor

Attest: _____
 Sylvia W. Raynor, Town Clerk