

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

**DATE:** November 10, 2014  
**TIME:** 4:00 PM  
**PLACE:** Burgaw Municipal Building  
**BOARD MEMBERS PRESENT:** Mayor Eugene Mulligan  
Mayor Pro-tem Howard Walker  
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson  
**STAFF PRESENT:** Chad McEwen, Town Manager  
Sylvia W. Raynor, Town Clerk  
Robert Kenan, Town Attorney  
Bill Fay, Director of Public Works  
Anthony Colon, Utility & Compliance Specialist/ORC  
Louis Hesse, Building Inspector  
Ashley Loftis, Finance Officer  
Rebekah Roth, Planning Administrator  
Montrina Sutton, Chief of Police  
Kristin Wells, Deputy Clerk  
Allen Wilson, Fire Administrator  
**MEDIA PRESENT:** Bill Walsh, Star News  
**INVOCATION:** Mayor Pro-tem Howard Walker  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

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

**Approval of Consent Agenda**

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

The consent agenda and the following items were approved:

- A. Minutes of the October 14, 2014 Regular Meeting and Closed Session; Minutes of the October 28, 2014 Special Meeting**
- B. Ordinance 2014-29 Amending the FY 14-15 budget to provide funding for a contract with American Property Experts for grinding at the Town's Vegetative Debris Site**

**ORDINANCE 2014-29  
AMENDING FISCAL YEAR 2014-2015  
ANNUAL BUDGET**

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

WHEREAS, the Town of Burgaw wishes to grind debris at the Town's Vegetative Debris site; and

WHEREAS, the Town of Burgaw has accepted a contract with American Property Experts to perform this grinding for \$2.20 per cubic yard; and

WHEREAS, it has been estimated that between 6,000 and 8,000 cubic yards of materials are at the debris site.

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

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$18,100

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-30-5800-740	Capital Outlay	\$18,100

Approved: November 10, 2014

**Introduction of new employee**

Mayor Mulligan introduced Anthony Colon, newly hired Utility and Compliance Supervisor, ORC.

**SPECIAL PRESENTATIONS**

**Jeanette Jones, Volunteer Coordinator, Pender County Museum – Request for donation**

Ms. Jones advised she is present to make a couple of requests from the Board regarding the Pender County Museum. She advised they are in desperate need of repairs to the blacksmith shop, an air conditioning unit and signage to direct visitors to the depot. Mr. McEwen advised he has suggested a metal sign to put underneath the marquis sign located on the depot property. Ms. Jones advised the estimate for the repairs to the blacksmith shop is \$2200 and the estimate for the air conditioning unit is \$5,000. She advised she will meet with Pender County Commissioners next week and ask for their assistance. Mr. McEwen said he does not have an estimate for the cost of a sign. Mr. McEwen advised that he feels the occupancy tax funds could be used for the blacksmith shop which would fall under the guidelines of tourism. After much discussion, it was the consensus of the Board to wait until Ms. Jones meets with the County to see what the County is willing to offer. Commissioner Robbins suggested that the Tourism Development Authority (TDA) meet and see what is available in their budget to assist with the repairs.

**Paula Schwefel, Director, Matthew 25 Center - 5K Run Event**

Ms. Schwefel advised they have set March 21, 2015 for a 5K run event which will be used for a fund raiser for the Matthew 25 center. After her presentation, there was much detailed discussion regarding the plans and the cost to the town to provide police officers to monitor the crossings. There was discussion regarding parking, barricades, cones, volunteers at crossings, police officers at crossings, communicating to the homeowners whose streets would be affected as well as what the cost to the town would be to provide the necessary services. Although the Board was in agreement that the fund raiser is a good idea, they felt they need more information regarding the financial impact to the town. The Board suggested that Ms. Schwefel and Chief Sutton get together and work out the details including a proposed cost and bring it back to the Board for further review next month.

**Nora McCann, NCDOT - Pender County Comprehensive Transportation Plan affecting Burgaw and its planning jurisdiction. Resolution 2014-40 will be presented for Board of Commissioner approval.**

Ms. McCann advised she has been working with the Cape Fear Rural Planning Organization. She said in 2011 a comprehensive transportation plan was started for the entire county. She advised the program was put on hold due to boundary changes on the maps because of growth. She advised the maps in the packets reference a multi-modal transportation plan that includes transportation plans that may affect our area. Ms. McCann said the purpose behind this visit is for the Town to adopt the portion of the plan that pertains to the town. She advised they have or will visit

each municipality in the county to get approval of the plan. She said approval will be done by a resolution which is included in the packet. After a very lengthy presentation by Ms. McCann with input by Rebekah Roth, it was the consensus of the Board to table this item until December in order to gather more detailed information regarding the maps and the exact meaning of each one. (Approval of Resolution 2014-40 was tabled.)

**DEPARTMENTAL ITEMS**

***Finance Department – Ashley Loftis, Finance Officer***

**Ordinance 2014-30 Amending the FY 12-15 Budget to Provide Emergency Sewer Repairs**

Ms. Loftis advised during the month of October Public Works found that there had been some storm water infiltration into the Penderlea Lift Station for several months and realized that they had a major infiltration problem coming from somewhere in the area. During a rainfall event on October 15<sup>th</sup>, the high level alarm for the lift station was sounding within 30 minutes of the rain beginning. Staff began looking in the manholes and putting dye into the storm water ditches to try and find the source. Upon inspection, a large amount of silt in a manhole flow was spotted and storm water was disappearing from the bottom of a ditch upstream of that manhole. A dye test was performed to confirm where it was going. Chris Ford was then called to review the CCTV from this area. He confirmed that there was a bad joint and fractured pipe in this area.

Ms. Loftis advised this area needed repair immediately because there is a direct flow into this pipe. The complexity of the job make it necessary to have it contracted out because the Public Works department does not have the equipment and trench shoring to do this work and it would take all of our employees to attempt the job. Ms. Loftis advised a quote was received by Heath Grading & Utility, Inc. to perform the necessary work in the amount of \$6,000.

Commissioner Rooks made a motion to approve appropriation of fund balance as stated in Ordinance 2014-30. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

**ORDINANCE 2014-30  
AMENDING FISCAL YEAR 2014-2015  
ANNUAL BUDGET**

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

WHEREAS, the Town of Burgaw has found some issues with storm water infiltration into the Penderlea Lift Station; and

WHEREAS, it has been determined that this infiltration is the result of a broken pipe and fractured joint along Penderlea Hwy; and

WHEREAS, it is necessary to complete these repairs immediately due to the nature and location of this pipe; and

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

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

<b><u>INCREASE BUDGETED REVENUE</u></b>		
<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
32-3900-91-900	Fund Balance Appropriated	\$6,000
<b><u>INCREASE BUDGETED EXPENDITURE</u></b>		
<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
32-8200-91-450	Sewer – Contracted Services	\$6,000

**Approved: November 10, 2014**

**Ordinance 2014-31 Amending the FY 14-15 Budget to Provide Recognition and Funding of Insurance Proceeds for Police Car #25**

Ms. Loftis advised on September 17, 2014 a vehicle accident occurred that involved a citizen running into the rear end of Officer Batson’s patrol vehicle while stopped at a stop sign at the intersection of Timberly Lane and Hwy 53. An insurance claim was filed with the Town’s insurance carrier to fix the vehicle. However, the related party’s insurance carrier decided with the amount of damage that was done combined with difference in value of the vehicle pre and post- accident, it was better to deem the vehicle a total loss. The insurance settlement included the value of the vehicle along with the cost of removing and replacing the equipment, tinting of the windows, and replacement of the lettering around the vehicle. With the insurance settlement, a new patrol vehicle will be purchased to replace the damaged vehicle. She advised the recommendation is the approval of the ordinance authorizing the appropriation of insurance settlement proceeds of \$23,028.46 into Police Department Capital Outlay to cover this expense.

Commissioner Rooks asked Chief Sutton how much tint will be on the windows. He advised he has a concern about being able to see the officer inside the car. He asked if the town’s police cruisers will be tinted any darker than the NC Highway Patrol cruisers. Chief Sutton advised she didn’t think so. She also added that the tinting helps keep the cars cool and protects the equipment inside the cars from heat damage. Commissioner Rooks advised Chief Sutton has given him justification for the tinting and that was all he needed to know.

Commissioner Robbins made a motion to approve Ordinance 2014-31. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2014-31  
**AMENDING FISCAL YEAR 2014-2015 ANNUAL BUDGET**  
*Increasing Revenues and Expenditures*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-2015 on June 10, 2014; and

WHEREAS, the Town of Burgaw has received insurance settlement proceeds of \$23,028.46 for replacement of Police Department car #25; and

WHEREAS, this vehicle has been deemed a total loss; and

WHEREAS, the Town of Burgaw will incur additional expenses to replace the damaged vehicle, additional revenue and expenditure must be recognized.

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

Section 1: The FY 2014-2015 budget be altered to reflect the following changes:

**INCREASE BUDGETED REVENUE**

Account Number	Account Description	Amount
10-3730-00-800	Insurance Settlements	\$23,028.46

**INCREASE BUDGETED EXPENDITURE**

Account Number	Account Description	Amount
10-5100-10-740	Capital Outlay	\$23,028.46

Approved: November 10, 2014

**Ordinance 2014- 32 Amending the FY 14-15 Budget to Provide for a Contract with W. K. Dickson & Company for the Development of the Stormwater Master Plan for the Town of Burgaw**

Ms. Loftis advised in July the Town received notification that our application for grant assistance used to develop a stormwater master plan was approved. The total cost of the master plan development is \$48,000 however; the N.C.

Division of Water Resources will cover \$25,000 of the cost. This master plan will cover the seven known flooding areas within Town. She advised in order for the Town to receive the \$25,000, we must cover all costs and then file for a reimbursement with the Division of Water Resources.

Ms. Loftis said the Town will contract with W.K. Dickson & Co. Inc. to develop this plan. She advised the recommendation is the approval of the ordinance authorizing the general fund fund balance appropriation of \$48,000 to cover this expense.

Commissioner Tyson made a motion to approve Ordinance 2014-32. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

**ORDINANCE 2014-32**  
**AMENDING FISCAL YEAR 2014-2015 ANNUAL BUDGET**  
*Increasing Revenues and Expenditures*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-2015 on June 10, 2014; and

WHEREAS, the Town of Burgaw has decided to contract with W.K. Dickson in the amount of \$48,000 to develop a stormwater master plan that addresses 7 flooding areas within town; and

WHEREAS, the Town applied for and was awarded a grant from the N.C. Department of Environmental and Natural Resources Division of Water Resources; and

WHEREAS, the total grant amount awarded is \$25,000; and

WHEREAS, the Town must cover the full contract cost and then file for reimbursement of \$25,000; and

WHEREAS, a general fund fund balance appropriation is necessary to cover this expense.

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

Section 1: The FY 2014-2015 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$48,000

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5800-30-450	Contract Services	\$48,000

**Approved November 10, 2014**

**Ordinance 2014-33 Amending the FY 14-15 Budget to Provide Funding for FY 13-14 Professional Services Invoices**

Ms. Loftis advised she has received two invoices from Moore & Kenan for professional services rendered in fiscal year 2013-2014. She stated that she received both of these invoices after the end of the fiscal year, June 30, 2014. For this reason a fund balance appropriation is needed to pay these invoices. In the FY13-14 budget, \$35,000 was budgeted for these services. However, with the close of the year, this money has fallen out into general fund fund balance. Ms. Loftis advised the recommendation is the approval of the ordinance authorizing the general fund fund balance appropriation of \$32,002.50 to cover this expense.

Commissioner Rooks commented that it is good to see it come in under budget but he has a concern from a commissioner's standpoint that we should be billed more currently (monthly). He stated to Attorney Kenan that he has presented a detailed statement and he is pleased to see the detail in the documents but feels that when money is budgeted in a fiscal year, it is a bad reflection on the Board to allow something like this to go on. Attorney Kenan advised he has addressed the issue and the finance officer will be receiving statements on a monthly basis in the future.

Commissioner Rooks made a motion to approve Ordinance 2014-33. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

ORDINANCE 2014-33  
**AMENDING FISCAL YEAR 2014-2015 ANNUAL BUDGET**  
*Increasing Revenues and Expenditures*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-2015 on June 10, 2014; and

WHEREAS, the Town of Burgaw has received invoices for legal and administrative fees rendered in FY 13-14 by Moore & Kenan in the amount of \$32,002.50; and

WHEREAS, the Town budgeted \$35000 for legal and administrative fees in FY 13-14; and

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

WHEREAS, a general fund fund balance appropriation is necessary to cover this expense.

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

Section 1: The FY 2014-2015 budget be altered to reflect the following changes:

**INCREASE BUDGETED REVENUE**

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$32,002.50

**INCREASE BUDGETED EXPENDITURE**

Account Number	Account Description	Amount
10-4100-00-456	Legal & Admin	\$32,002.50

**Approved: November 10, 2014**

***Fire Department – Allen Wilson, Fire Administrator***

Mr. Wilson advised he is requesting on behalf of the fire department to purchase a fire tanker apparatus from C.W. Williams & Co. in Rocky Mount, NC in the amount of \$231,260.00. He advised the fire department requested bids for this purchase in accordance with requirements. He advised the department received three bids from three reputable fire apparatus sales companies. The bids are as follows:

- Atlantic Emergency Solutions (Pierce Manufacturing) – \$219,827.00
- Fire Connections Incorporated (E-One) – \$226,814.00
- C.W. Williams & Co. (Rosenbauer) – \$231,260.00

Mr. Wilson advised the bids were thoroughly examined to determine the consistency with the specifications provided. After the review, it was evident that two of the bids were not in keeping with the specifications provided to each bidder in the packet. Upon completion of the review process, Mr. Wilson advised the Burgaw Fire Department is requesting the Board of Commissioners to grant C. W. Williams & Co. the contract to build a fire tanker apparatus by the bid specifications as presented for the amount of \$231,260.00.

Commissioner Rooks asked if one of the reasons for the purchase of this truck is to improve our insurance rating. Mr. Wilson advised that is correct.

Mayor Mulligan said “we have already approved and budgeted the money for this truck; this is purely for the selection of the winning bid, correct?” Ms. Loftis stated for clarification that no funds were budgeted for this

purchase because we are going to finance the purchase and we will appropriate in next year's budget for the John Taylor Fund which was specifically reserved for the fire department and we will budget those as debt service payments.

Commissioner Dawson made a motion approve Resolution 2014-41. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

### **Resolution 2014-41 Approving Contract to Purchase Fire Tanker Apparatus**

#### **RESOLUTION 2014-41 APPROVING CONTRACT TO PURCHASE FIRE TANKER APPARATUS**

**WHEREAS,** The Burgaw Fire Department accepted sealed bids for the purchase of a new fire tanker apparatus until October 1, 2014 at 1400 hours. At that time three bids were submitted, they are as follows:

Bidder A – (Atlantic Emergency Solutions) – \$219,827.00

Bidder B – (Fire Connections Incorporated) – \$226,814.00

Bidder C – (C.W. Williams & Co.) – \$231,260.00

All bids were examined thoroughly to identify consistency with the specifications provided by the Burgaw Fire Department.

**WHEREAS,** Bids A and B failed to meet all the specifications described within the bid package, noting significant variances in apparatus size, functionality, and performance; and

**WHEREAS,** The Burgaw Fire Department classified Bids A and B as nonresponsive, and

**WHEREAS,** Bidder C proposed to fabricate an apparatus within the specifications provided; and

**WHEREAS,** The Burgaw Fire Department classified Bidder C as the lowest responsible bidder,

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

They award the contract to purchase a fire tanker apparatus to C.W. Williams & Co. of Rocky Mount, NC in the amount of \$231,260.00.

**Approved: November 10, 2014.**

### **Resolution 2014-42 Notification of Fire Department Ownership**

Mr. Wilson advised the purpose of Resolution 2014-42 is to approve an updated document to show the Town of Burgaw owns the Burgaw Fire Department. He advised the Burgaw Fire Department does not operate as an individual organization, nor does it have an organizational charter filed with the State of North Carolina. That being said, the department must operate under another organization such as the town. This document is also a requirement by the North Carolina Office of the State Fire Marshal. There is currently a similar document on file; however, it is outdated and may have validation issues. Mr. Wilson advised we feel with the upcoming ISO inspection it is important to have all documentation current and valid.

Commissioner Rooks made a motion to approve Resolution 2014-42. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

#### **RESOLUTION 2014-42 NOTIFICATION OF FIRE DEPARTMENT OWNERSHIP**

**WHEREAS,** The Burgaw Fire Department does not have a charter of organization and does not operate separate from the Town of Burgaw; and

**WHEREAS,** The Burgaw Fire Department's building, apparatus and equipment are owned by the Town of Burgaw, and

**WHEREAS,** All fire department members (volunteer and paid) are considered employees of the Town of Burgaw; and

**WHEREAS,** The North Carolina Office of the State Fire Marshal requires each fire department to have on file, either, a charter of organization or a statement of ownership by a municipality or other local government entity.  
**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT;**

The Burgaw Fire Department is an entity of the Town of Burgaw.

**Approved: November 10, 2014**

### **Discussion Item – Request to Apply for FEMA grant to purchase self-contained breathing apparatus**

Mr. Wilson advised he is requesting approval for the fire department to apply for the Assistance to Firefighters Grant through the Federal Emergency Management Agency. The department would like to purchase 10 self-contained breathing apparatus (SCBA) with spare bottles. This purchase would replace 10 outdated SCBA's currently in use that are obsolete.

Mr. Wilson advised the Board for grant year 2014, FEMA has identified SCBA's that are at least 10 years old and are at least two NFPA Standard's old, as a high priority for replacement. The 10 SCBA's the department wishes to replace fall under NFPA's 1997 Standard and are over 12 years old. This qualifies as a high priority for grant funding. He said the estimated program cost is about \$80,000 (we are waiting for quotes) with a five percent cost share for the department. The department is hopeful that the cost share can be absorbed through budgeted air-pack and equipment maintenance and repairs funds, and would most likely be a Fiscal Year 2015 - 2016 expenditure.

Commissioner Robbins asked what would be done with the old SCBA's. Mr. Wilson advised they would be surplus or used as spares. Commissioner Rooks asked if there is any requirement on the age of the equipment to qualify in the ISO. Mr. Wilson advised not necessarily; the biggest thing is the numbers of SCBA's. He advised the ten that they desire to replace are getting so old it is becoming difficult to find parts for them. Mayor Mulligan said "so our cost will be four thousand?" Mr. Wilson replied "thereabout". Commissioner Rooks asked if funds have already been budgeted to match the grant. Mr. Wilson advised "yes". Mayor Mulligan asked "if these units are obsolete, how can we surplus them?" Mr. Wilson advised there are fire departments out there that either have none or theirs are so old they will purchase used ones because they may not have resources for funding to purchase new SCBA's.

There being no further discussion, Commissioner Rooks made a motion to approve the request to apply for the grant. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

### ***Police Department – Montrina Sutton, Chief of Police***

#### **Resolution 2014- 43 Authorizing the Purchase of a Dodge Charger to be used as a Patrol Vehicle**

Chief Sutton advised she would like to request a new Dodge Charger to be purchased and used in the patrol fleet to replace the one that was involved in an accident and totaled on September 16, 2014. She advised she has reached out to some vendors in reference to quotes for a new vehicle, removal and reinstall of equipment, decaling, window tinting. The total cost for this is estimated at \$27,578.22. The quotes were submitted by Neuwirth and Ilderton; both participate with the state contract pricing. Neuwirth advised they do not have any available for purchase to date. The vehicle would have to be ordered, delivery would be around three months. Ilderton has a 2014 Dodge Charger on the lot at this time ready for purchase and delivery.

During a brief discussion, Ms. Loftis mentioned that the insurance proceeds from Farm Bureau will cover all of the cost of the vehicle with the exception of \$2800. She advised she will put that amount as a fund balance appropriation on the consent agenda to be approved at the December meeting.

Commissioner Robbins made a motion to approve Resolution 2014-43. The motion was seconded by Commissioner Walker and carried by unanimous vote.

RESOLUTION 2014-43  
A RESOLUTION AUTHORIZING THE PURCHASE OF A DODGE CHARGER TO BE USED AS A PATROL VEHICLE

WHEREAS, the Town of Burgaw, Burgaw Police Department is currently requesting to purchase a new Dodge Charger to be used as a patrol vehicle.

WHEREAS, the Town of Burgaw, Burgaw Police Department patrol vehicle 2012 Dodge Charger vehicle number 25 was involved in an accident on September 16, 2014. This vehicle sustained serious damage to the rear.

WHEREAS, the Insurance Company agreed to total the vehicle and settled the claim on October 31, 2014.

WHEREAS, the Burgaw Police Department, would request that 2012 Dodge Charger vehicle number 25 be replaced with a new Dodge Charger to be used as a patrol vehicle.

WHEREAS, the estimated cost of the new vehicle, removal and reinstall of equipment, decaling, window tinting, totals \$25,793.26.

WHEREAS, the quote for a 2015 Dodge Charger from Neuwirth Motors is \$24,969; this is at state contract cost.

WHEREAS, the quote for a 2014 Dodge Charge from Ilderton is \$23,085 this is at state contract cost.

WHEREAS, the quotes for the removal, reinstall, decaling, window tinting is \$2,793.26.

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

1. The Board of Commissioners does hereby approve the purchase of a 2014 Dodge Charger from Ilderton Dealership located in Highpoint North Carolina in the amount of \$23,085 to replace the 2012 Dodge Charger.
2. The Board of Commissioners does hereby approve the cost of removal of equipment from the 2012 Dodge, reinstall, decaling and window tinting of the 2014 Dodge Charger in the amount of \$2,793.26.
3. This Resolution supersedes and amends any prior Resolution on the subject matter.

Adopted this 10<sup>th</sup> day of November 2014.

## ITEMS FROM ATTORNEY

None.

**BREAK:** Mayor Mulligan called for a break at 5PM.

**MEETING RECONVENED:** The meeting reconvened at 5:15PM.

## PUBLIC FORUM

### Speakers:

Karen Harding, 318 South Walker Street asked when the fertilization of the trees on the railroad right of way will be done and what resources will be used to pay for this item since at the last meeting the funds were appropriated for something else. She advised she wants to know what the budget is and the timeframe for the project.

Mayor Mulligan commented that this item was discussed in August and asked Mr. McEwen to comment. Mr. McEwen advised the fertilization has not been scheduled yet because it was his understanding that this process needed to be done in the dormant months which we are now approaching. He advised the first task is to get the trees addressed from the ice storm which Mr. Fay is currently working on. Mr. McEwen said we can go ahead proposals for the project which will include deep root fertilization and mulch. He asked if both sides will be done. Commissioner Robbins advised there are several that need to be cut down. Mayor Mulligan said that decision could be part of the arborist's study when we get one here to look at the trees. Commissioner Robbins said instead of hiring an arborist he would be glad to look at the trees and give his advice on the situation. He asked Mr. Fay to just let him know when they could meet.

Ms. Harding commented that tree funds in the amount of \$625 were committed to the project to purchase signs for the trail as requested by Ms. Valerie Ryan at Pender Early College and since there is a limited amount of money in the budget she wanted to know where the funding will come from for the tree project on the railroad right of way. Mayor Mulligan asked Mr. McEwen if he would take care of getting this project done. Mr. McEwen advised he would. There were no further comments.

## PUBLIC HEARING

### **Consideration of an amendment to the official zoning map – Applicant Wilson Ki of Homelife, Inc. and Auction Carnival.com LLC is requesting the rezoning of several properties along E. Wilmington St. Extension to Planned Unit Development – presented by Rebekah Roth, Planning Administrator**

The public hearing was opened at 5:20PM.

Rebekah Roth presented the following background information:

**Background.** Applicant Wilson Ki has applied to rezone 114.25 acres along E. Wilmington St. Extension from R-20, R-12, and R-7 to Planned Unit Development (PUD) to allow a mixed use development called Mayberry Eco Village. The proposed development would include single-family houses, townhomes, apartments, a community wellness area, retail and/or educational/hotel uses. At the rezoning stage, the board is basically determining whether the kind and intensity of development proposed is a good idea for the town and the neighborhood. The planning board reviewed the proposed rezoning at their September 18 and October 16 meetings and analyzed the concept plan using the criteria outlined in the town's development ordinances. Adjacent property owners were notified of the initial hearing by first class mail, and several property owners attended the meeting to voice their concerns.

**Planning Board Recommendation.** Based on this information, the planning board determined that the proposed rezoning was consistent with the Burgaw 2030 Comprehensive Land Use Plan but not reasonable or in the public interest because of the potential effect of higher traffic and stormwater runoff on existing property owners. However, the planning board did recommend that the Board of Commissioners approve the requested rezoning with the following conditions:

- The proposed PUD will provide for recreational amenities, including walking and biking infrastructure, as part of the application for Master Development Plan approval.
- The proposed rezoning shall not take effect until December 9, 2014 and shall be contingent on the successful purchase of the tract currently listed under the name of Shipmark Properties, LLC.
- Tract 3229-76-8397-0000 must be annexed by the Town prior to application for Master Development Plan approval.
- A traffic impact analysis shall be performed at the Master Development Plan approval stage, taking into account the approved phasing.
- No lots shall include portions of the delineated wetlands.
- Applicant must submit information on ownership of platted rights-of-way and restrictive covenants on property prior to BOC hearing.

The planning board also expressed a desire to require a stormwater study be done to ensure that development of this intensity would not negatively affect adjacent properties. This is generally covered during by the NCDENR stormwater permit that must be issued as part of the subdivision process; however, there are several steps until we get to that phase of the development unless the Board of Commissioners makes such a study a requirement or condition of approval.

Ms. Roth mentioned the restrictive covenants that have been placed on the old deeds regarding the property that is located along Jefferson Street. Attorney Kenan advised the covenants go with the property and would have to be taken into consideration in this project. Mr. Kenan advised the restrictive covenants do not apply to the portions of the proposed project located further west on Wilmington Street Extension. There was much discussion regarding the restrictive covenants.

### **Speakers:**

Alan Moss stated that he is totally against all phases in the proposed project. He advised current property owners have three quarter acre lots and now one quarter acre lots or less are being proposed alongside their homes. Mr. Moss said this is a bad plan that does not fit what this town is about. He said let's keep the large residential lots and don't make tiny houses down there. He also spoke regarding the traffic impact of such a large project. He reiterated that he is totally against condos or going to a planned unit development; keep the large residential lots.

Robie Trask spoke regarding the drainage issues that currently plague the area and how much of a negative impact this development would have on his neighborhood. He said all the roadways and drainage systems are put in before any building starts; it's not going to work because we have enough water now.

Barbara Evers said they are concerned about little houses being put in front of their house and devaluing their property. Mr. Evers advised the culvert that her family replaced on Jefferson Street is the only way in and out of their property and that culvert cannot handle all the water now. For that reason the road must be addressed first. She

also commented that it took two years to stop eighteen wheelers from coming down and turning around in their yard. She said now they want to open up McKoy Road in the middle of a residential neighborhood and that is a bad idea because of the big trucks that will come through there.

Rhonda Miller commented that she is concerned about the issues with water run-off, the traffic impact on the neighborhood, the disturbance of the wetlands and the impact of the housing density that is planned. She advised she does not want to see the retail or any Section 8 housing in the area. She commented this is an established neighborhood that has been in existence for many years and we don't want to see another Teal Briar come in.

Josh Mihaly of Mihaly Land Design spoke on behalf of his client, Wilson Ki. Mr. Mihaly reviewed the plans for Mr. Ki's proposed development. Mr. Mihaly advised this plan is a mixed use plan designed for senior living and they will have everything they need without leaving the premises. He advised there will be retail/commercial adjacent to the senior living. He advised they have met all requirements of the land development code as far as density calculations, open space and parking requirements. After a lengthy review, Mr. Mihaly advised this is just a concept plan and his client needs zoning to move forward.

Rochelle Whiteside asked the Board to consider how they want our town to feel and consider the folks that live down there currently. She asked that they consider our schools because they suffer from children from multifamily units; there are too many of them. She said she has no issue with trying to take care of the elderly but she asked that when the Board makes their decision that they include as many stipulations as they can to protect us in this town.

Karen Harding advised she is a property owner that will be right behind phase one. She advised density is her concern. She said she is afraid they will come in and build phase one with all that density and then they will never finish the remainder of the project. She said that in all likelihood is the scenario. She said if there is any way to prevent that from happening that is really her concern. She commented that the concept is great, anybody can draw pretty pictures but the reality of what we get in the end is what we have to consider. Ms. Harding said she thinks we should look at other projects done by this developer, are they the standard that we want for our community and did he do all phases. She said if that's the case, then she is for it, if not she feels we should not go with it.

Commissioner Dawson said she has a lot of concerns with the taxing of infrastructure as well as the flooding issues that currently exist in the area. She said she has issues with having only one way in and one way out and she has issues with McKoy Road. She expressed concerns about the additional burden on our fire, rescue and police departments.

Commissioner Robbins advised he has no questions, he is ready to vote.

Commissioner Walker advised he has concerns with the water problem in the area.

Commissioner Tyson advised she is concerned about the water issues and the ingress/egress issues in that area.

Commissioner Rooks asked Ms. Roth if this property is rezoned can someone come along and do something different with the property or redesign the plan. Ms. Roth stated that with the revisions recently made to the PUD ordinances, they have a year to come back with a master development plan that must be consistent with the concept plan so if any changes beyond that are made to this plan then it would have to go through another rezoning process.

Commissioner Rooks said that he has a hard time accepting this without some major drainage answers and solutions. He said there are major drainage issues in the proposed development area and he sees it as creating problems that he doesn't hear any answers to. He said he would have a hard time voting in favor of the rezoning.

Mayor Mulligan commented that he has some of the same reservations that others have regarding whether Phase I will be completed. He advised the whole thing baffles him because in so far as we have a hundred ten lots with complete infrastructure that has six houses; I don't understand how this is even commercially viable, but that's not the question today. He said the question today is "is it consistent with what the town wants Burgaw to be?" It falls on both sides of our long term use and it is up to the commissioners to decide what they feel Burgaw should be.

Commissioner Rooks asked Attorney Kenan what are we legally bound to use in making our decision. Attorney Kenan asked Ms. Roth if standards apply to this request. Ms. Roth advised basically the Board is deciding if this would be a good idea for the town and to the neighborhood. Ms. Roth said the Board is not deciding for all PUD developments that could go on that property only this one that is being presented.

Commissioner Rooks said he has concerns about multifamily housing because Burgaw doesn't need any more multifamily housing. He advised we need more single family homes that are sizeable and help support the tax base. Mr. Ki commented that the project is designed for senior living only. Mr. Mihaly stated that the entire project is for seniors only.

Mr. McEwen said if this is a senior only development why is there land set aside for a school. Why would you set that aside if you are not creating a density and a scenario where the schools would be taxed? He asked if that has been researched with the school system to see if there is a need in eastern Burgaw for a school. Mr. Ki said "no, no, we can cross that part out". Mr. Mihaly said that was added as a part of the concept but the school can be crossed out.

Ms. Whiteside asked for clarification if all the housing including townhouses, apartments and single family dwellings are all for seniors. Mr. Mihaly said it is one hundred percent for seniors.

Commissioner Rooks said he understands that the stormwater plan has not yet been done, but he wanted to know if the developer has been on the property after a heavy rain event and observed the flooding issues. Commissioner Rooks advised that most of the drainage issues there are related to I-40 and unless the developer plans to get permission to put drainage under I-40 the situation will not improve. Mr. Ki commented that when the engineer looks at the property, he can improve the situation.

There being no further discussion, Mayor Mulligan closed the public hearing at 6:10PM.

Mayor Mulligan advised the Board will need to adopt a statement of consistency or inconsistency.

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

Commissioner Rooks made a motion to adopt option B which finds the rezoning inconsistent with the land use plan and not reasonable or in the public interest. The motion was seconded by Commissioner Tyson and carried by unanimous vote. (Statement below)

#### **Option B. Finding the rezoning inconsistent with the land use plan and not reasonable or in the public interest**

The board finds that the requested rezoning is inconsistent with the Burgaw 2030 Comprehensive Land Use Plan because it does not follow the recommended land uses set forth in the Future Land Use Map, extending commercial and office development in areas slated for Traditional Neighborhood land uses. While the proposed PUD's amenities and housing would advance several goals of the land use plan, the proposed concept plan is not reasonable because it would allow intensive development of a portion of town that is largely rural in nature. The board also finds that the proposed PUD rezoning is not in the public interest because it will negatively impact existing residents of this area through increased traffic and stormwater runoff.

\*As a result of the finding of inconsistency, Ordinance 2014-34 was denied.

### **ITEMS FROM MANAGER**

#### **Resolution 2014-44 Approving a General Prequalification Policy Related to Construction or Repair Work for which the Town of Burgaw Intends to Prequalify Prospective Bidders**

Mr. McEwen advised in recent months we have discussed the need for the Town to develop a more objective process for hiring contractors related to capital projects. Like most governmental entities, the Town has traditionally hired the contractor that was deemed the "lowest responsible bidder." Until recently the bidding laws in the state made it very difficult for governmental entities to employ any means of formal evaluation regarding a prospective bidder's technical qualification, financial aptitude to complete a project, safety record, and/or litigation experience related to the inability to complete the contractual obligations of a project.

Mr. McEwen advised the General Assembly ratified HB 1043 which is described as “an act to clarify the statutes related to the use of prequalification in public construction contracting” which became law on Oct. 1, 2014, and applies to contracts awarded on or after this date. He said specifics of the bill require two levels of approval by the governing body:

1. The board shall adopt an objective prequalification policy applicable to all construction or repair work for which the governmental entity intends to prequalify bidders and;
2. The board shall adopt the assessment tool and criteria for that specific project.

Mr. McEwen advised by developing the proposed guidelines it is anticipated that we can eliminate the obligation of settling for the lowest responsible bidder. Although price will always constitute a major component in any project, we will now have the ability to quantify who we deem “responsible” based on relevant criteria.

Commissioner Rooks if Mr. McEwen has talked to anyone that has used this policy. Mr. McEwen advised Pender County has adopted a general criteria policy. He advised the Board can adopt general criteria and then may adopt project specific qualifications. He advised the county has used this for a sewer project but he doesn’t know if bids have come in yet.

Commissioner Robbins said this gives us the right to reject the low bid. Mr. McEwen said it gives us parameters on the front end to eliminate certain bidders who have past issues. Commissioner Robbins asked if we had this policy in place would we not have gotten in trouble with the recent project. Mr. McEwen responded “possibly”. Commissioner Rooks said the problem is the contractors hire subcontractors to do the work that may not meet the qualifications. Mr. McEwen said he would like to add criteria that the prime must complete a certain percentage of the dollars related to the contract.

Mayor Mulligan asked if this would be covered by bond. Attorney Kenan said the bond comes after the contract has been awarded and the bonding company is guaranteeing the performance of the contractor. Attorney Kenan said by adopting the policy, the Board is helping the bonding company because you are weeding out the contractors who are able to meet the qualifications. There was a lengthy discussion regarding responsive/responsible bidders and requirements for taking low bid.

Commissioner Rooks asked if this would stop us from using a local contractor or a moderate sized contracting agency because they cannot meet our prequalification guidelines. Mr. McEwen advised it would depend on the project and if the project needs prequalification the Board would make the decision.

Mr. McEwen advised the draft document is written and he wanted to get comments on it today, but if the Board is not ready to approve it he can bring back later. Commissioner Rooks said we can change it if we feel it is necessary.

Mayor Mulligan asked Mr. Hesse if he had any problems with the prequalification process. Mr. Hesse advised he is curious as to whether the project at hand (town hall repair) will be affected by the process. He said he fears that prequalification will increase the price of the project and may prevent the local contractors from participating in the bid process.

After much discussion, it was the consensus of the Board to table this item until January in order for Mr. McEwen to research the issue further. (Resolution 2014-44 was tabled.)

**Resolution 2014-45 Considering an Addendum to the Service Agreement with Waste Industries Acknowledging Waste Industries as the Exclusive Solid Waste and Recycling Provider for Residential and Commercial Customers within the Corporate Limits of the Town of Burgaw**

Mr. McEwen advised in the past the Town’s solid waste contract with OCS and Waste Management included language that stated the companies were the exclusive solid waste and recycling provider for all residential and commercial customers within the Town of Burgaw. However, when the last Onslow Container Services (OCS) contract was signed this language was deleted by OCS. The Town and Waste Industries, who bought OCS and

accepted the assignability clause in our existing OCS contract, were under the assumption that Burgaw was a franchised or closed market for all residential and commercial customers. He advised the recommendation is the approval of the requested addendum contingent upon the Board agreeing to the attached fee schedule for commercial and residential rates as well as the exclusive nature of the proposed addendum.

Commissioner Rooks asked why Mr. McEwen feels the exclusive contract is beneficial to commercial customers. Mr. McEwen advised we have approximately fifty commercial customers and there are 3 to 4 contractors that would provide the service. He said that currently those fifty customers are required to go with Waste Industries and those fifty receive preferred pricing from Waste Industries. He feels that those customers will end up paying more than they would if they have a pre-negotiated contract at a set rate with one provider. Mr. McEwen advised he has called the School of Government and they said the thought process is consistent with what they (SOG) have always assumed is that closed markets in small town who don't have a local provider are more beneficial to the customer.

Commissioner Rooks said he feels that the closed market takes away from free enterprise and competition. He asked if Waste Industry is telling us that our contract will not be renewed if we don't approve this. Mr. McEwen advised this has no effect on our residential contract. Commissioner Rooks said before making a decision, he would like for Mr. McEwen to do some price checking among competitors to get some idea of what they would charge for commercial pickup before the Board makes a decision.

Commissioner Tyson said she feels that if the commercial users want to pay the bill for someone else to service them, then they should be allowed to do so.

Commissioner Rooks made a motion to table this item until we could get some quotes for comparison and to bring this item back at the December meeting. The motion was seconded by Commissioner Robbins and carried by unanimous vote. (Resolution 2014-45 was tabled.)

#### **Discussion Item – Trees on South Wright Street**

Mr. McEwen advised three of the eight trees planted on South Wright Street have died. He said they are temperamental trees planted in less than ideal soils to some degree. He advised the three trees that have died are in the middle in of the block and public works plans to take the trees out and have the soils tested. He said he needs direction from the Board as to what to do about this situation.

Mayor Mulligan commented that we need to take into account the history of these trees. There was a very lengthy discussion regarding where the trees were planted; the fact that there were planters purchased to plant items in, bringing the planters back to plant liriopie in and whether or not to remove the remaining trees or to remove the one odd tree and leave the four on the corners. Mayor Mulligan said the tree board comprised of private citizens recommended putting the planters out and planting flowers in them and they were told that was cost prohibitive. He said most businesses downtown don't like the fact that the holly trees are put at a measured distance which sometimes lands these trees in front of their showcase windows. He said the trees on the court house side are beautiful and the trees on the town side are disgraceful.

Commissioner Rooks asked Mayor Mulligan if we presently have a tree board. Mayor Mulligan said "yes, we do". Commissioner Rooks said why are we sitting here talking about it? He said he wants recommendations from the tree board and then he will vote on it. Commissioner Rooks said he has heard no one complain about the holly trees. He said if we have a tree board then let them make a recommendation. Mayor Mulligan responded that the tree board complained about the trees for two years and you paid no attention to them. Commissioner Rooks stated that he disagreed with Mayor Mulligan; there have been decisions made but even the tree board could not agree on everything. Commissioner Rooks said he wants another recommendation and we will move on. Mayor Mulligan said that he wants his objection noted for the record that the squandering of tax payers money for trees that are inevitably going to die due to the experience that we have had for the last two to three years is noted in the record and you can make any decision you would like. He said if you would make a recommendation to send this to the tree board I would certainly entertain it. Commissioner Rooks made a motion to send this item to the tree board. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

### **Discussion Item – Procedures for calling a special meeting**

Mr. McEwen advised there has been discussion regarding procedures for calling a special meeting. He advised there will be a template form to be signed by either the mayor, mayor pro-tem or two commissioners in order to formally call a special meeting. He advised there is a concern regarding how the special meeting process is started. Mr. McEwen advised he has had some discussion with Attorney Kenan and basically we have followed all the required procedures for notification but the concern is the mechanism of how that process is started. Mr. McEwen advised we wanted to get input from the Board regarding developing a form that the Mayor, Mayor Pro-tem or two Board members would sign before we go through the process of polling the Board to see if there is an interest in calling a board meeting. Mr. McEwen said that typically he has decided after talking with the Mayor, staff members or the clerk that we need to have a meeting and he would poll the Board members to see when they are available. He advised the proposed process will have a more formal approach in which there is a document that is put in the minutes that shows the process was followed.

Commissioner Rooks asked who has authority to call a meeting; does it take just the Mayor or two board members. He said he doesn't understand why anyone has complained about it because our special meetings have been necessary. Mayor Mulligan said the reason it has been complained about because there is a specific law in the book. Attorney Kenan said the law says the Mayor, Mayor Pro-tem or any two members of the council may at any time call a special council meeting by signing the written notice stating the time and place of the meeting and the subjects to be discussed. Commissioner Rooks said "so we just need to have the written notice" which what Chad is asking for. Mayor Mulligan stated it's purely paperwork.

Commissioner Robbins said this is still a small town and Chad has always been cordial by calling and saying "are you available, can you come". Mr. McEwen said the basic issue is who originates the process. Mayor Mulligan said it is just to comply with our ordinances and the General Statutes. Mayor Mulligan stated that it will probably be the exact same thing and "Chad would say, hey we need to have a special meeting, can you come over here and sign this and that removes any chance of what we do in special meetings being illegal."

### **Discussion Item**

Mr. McEwen advised that the Town of Burgaw will be hosting the Pender County Municipal Association meeting in January. He said part of that process is securing a speaker for the event. He advised this year we were looking for someone other than a politician and it was suggested that we contact Karen Fussell, Division Engineer with NCDOT. He advised all the municipalities in the county have DOT roads and issues and she could relate to those issues. After a brief discussion, Commissioner Rooks made a motion to have the Town Manager to confirm with Karen Fussell to speak at the annual Pender County Municipal Association meeting. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

### **ITEMS FROM MAYOR**

Mayor Mulligan requested to move the time for public hearings from 5PM to 5:30PM because we have to keep shifting the agenda around. Commissioner Robbins made a motion to move the public hearings to 5:30PM (effective December 9, 2014). The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Mayor Mulligan addressed Chief Sutton and stated that he has her monthly report that reads there were twelve downtown walks last month. He said as far as he knows the Board asked Chief Sutton in the spring that we have two walks, thirty minutes per officer, per shift in public areas where they walk around and interact with the public. He asked her to explain why there are only twelve downtown walks. Chief Sutton advised the report is for the month prior and she advised they were really low on staff so two walks per day was a bit much. She advised she had officers in training. Mayor Mulligan said training should encompass a downtown walk. Chief Sutton said it would but not two walks. Mayor Mulligan asked if there are two police officers on duty at all times. Chief Sutton said "we try". Mayor Mulligan advised over the last four months he has not seen a consistent following of the directive by the Commissioners regarding the walks and the interaction with the public. Mayor Mulligan said to Chief Sutton that they have discussed the walks and interaction with the public and that Chief Sutton agreed with his reasoning behind having these walks with the officers interacting with the public but it is not reflected in the report or any

other reports since she has been asked. He said he said he has not heard a good reason for not having the walks. Chief Sutton said she is not making any excuses, officers have multiple duties during a shift and they have been stretched thin since June. Mayor Mulligan said a directive from the Board of Commissioners is not something we get to choose based on whether we are busy or not. He advised Chief Sutton that is obligatory for her to carry out the instruction of the Board. She advised she has expressed this requirement to her officers verbally and in emails and they have been doing downtown walks but they have not been doing two of them. Mayor Mulligan commented “you’re the boss, make sure they do!”

Commissioner Rooks commented that he would like to revisit this for a moment. Commissioner Rooks said he is not always one to defend the police department but realistically you have two officers on duty basically so when you have one being trained is he riding with an officer? Chief Sutton responded “sometimes, yes but not always”. She said he will ride with an officer for about two weeks and once he is on his own he is still being shadowed by the trainer. Commissioner Rooks asked Mayor Mulligan how much walking downtown would be enough, what part of downtown do we need to walk in? Commissioner Rooks said maybe he would like to have an officer walk around his grain elevator; there are also the bypass businesses. Commissioner Rooks said he understands the mayor’s concern that we have asked for something and now the police department is not doing it but how reasonable is the request. Mayor Mulligan responded that we did not ask for downtown walks, I asked as you (the Commissioners) asked for walks where the officers get out of the car and interact with the public whether it’s at Brown’s, Scotchman, Food Lion, the parks or anywhere. Commissioner Rooks asked Chief Sutton if that is what she understood regarding the directive. Chief Sutton advised she understood it to be downtown walks. Commissioner Rooks said he understood that it would mean for example, an officer getting out of the car and going into Food Lion. He said they may be complying with something that they don’t realize they are complying with, but the officers getting out of the car, I can see that. Commissioner Rooks commented that he feels like the mayor is dissatisfied but that’s what we voted on. Commissioner Robbins said he feels that Commissioner Rooks is just trying to qualify the issue. Commissioner Rooks said he is trying to qualify and say “what are we really asking her”. Commissioner Rooks said he doesn’t feel “downtown walks” is clear. Commissioner Robbins said he thinks the Mayor wants a police officer twice a day to maybe drive into the Piggly Wiggly parking lot, get out of his car, walk around for a few minutes and if he goes inside, fine. He said maybe that same day he goes to the First Citizens Bank and just walks around. Commissioner Robbins said he thinks that what the Mayor wants not just walking downtown. Commissioner Rooks said he would see these examples as police interacting with the community. He also said if a police officer parks his car at Ray’s barbershop and walks all the way to Alley Cats, he said they would need to move the car because if they get a call at the bank on the bypass, they have to get back to the car; there must be some reason in this situation.

Mayor Mulligan advised that what he wants is for Chief Sutton to make the argument to us, not us making the argument for her. He said you as a Board directed her to do this, if she feels that this is too heavy on the police department she should come back and make the argument that you (Commissioner Rooks) just made which is perfectly acceptable but to just ignore the instructions that the you the Board gave her, all he is asking is for Chief Sutton to come back and have the negotiation and give us a point of position as to why you are not doing what you are instructed to do. He said he has no problem with her disagreeing but he has a problem with her not doing as she was asked to do by the full Board and not coming back and telling us why and why we need to change our minds. Mayor Mulligan said it is not the position of your employees to decide to cherry pick their duties. Chief Sutton said that is not what they are doing. She feels certain that those officers stress getting out of their car and walking downtown but there are days, that one officer is in court all day, leaving one officer on the street and she is the backup. Mayor Mulligan said he has no problem with her argument but make it; don’t wait six months and ignore what you have been asked to do. Come and make your point to the Board and let us know what your position is and the Board can have a better idea of how to work with you. Chief Sutton said they have not ignored the walks, ignoring it is not doing it at all. She said they are walking but may not necessarily record each walk. Mayor Mulligan said not doing the two walks per day that was asked for by the Board is not acceptable.

Commissioner Rooks asked if we need to make a change in the request. He also commented that we need to quit beating her up about something this small because the only Board member I hear complaining is you, Mr. Mayor. Mayor Mulligan said he is the one that is supposed to be watching what is going on. Commissioner Rooks said that’s fine but after a while you are beating a dead horse. Mayor Mulligan said all he asking is for Chief Sutton to

bring to us a point and position paper as to why or how many times you can walk around, why you can, why you can't; that's all I am asking.

Commissioner Rooks said he is ready to make a change right now. Mayor Mulligan asked if he wanted to make a change without any information from Chief Sutton. Commissioner Rooks said she gave us the information; she is shorthanded on staff. Commissioner Rooks said he hears what she is saying and basically Mayor Mulligan does not want to accept her answer. Mayor Mulligan stated that he has not gotten an answer; this is the first time it has been brought up.

Commissioner Rooks stated that he would like to make a motion to get clarification on what is considered a walk so Chief Sutton can document said walks. (The motion died for lack of a second, discussion continued.) Commissioner Rooks said "if an officer gets out of his car and has contact with the public is that a walk?" Chief Sutton said the officers go up to businesses during the course of their day but they don't document that as a downtown walk. Commissioner Rooks said they need to be documenting it. Commissioner Rooks also commented that if she has time the chief could also go out and do some of these visits. Commissioner Rooks said to Mayor Mulligan that all this means is that they will be documenting what they have done; the documentation has not been there. Mayor Mulligan commented that's what I am asking for. Commissioner Tyson said to Chief Sutton "it's not just downtown, Burgaw consists of a bigger area than just downtown". Commissioner Rooks said if an officer gets out of his car to check on something, he is basically interacting.

Mayor Mulligan asked if there were any further comments from the Board. Commissioner Walker said let's move on. Commissioner Robbins said we need to move on.

Mayor Mulligan advised the last thing he would like to comment on is Bluetooth for police department vehicles. He asked if the new police car will have Bluetooth capability. Chief Sutton advised it is not. He asked if she has checked the price of fitting the cars we currently have with Bluetooth. Chief Sutton advised that as of today she has found a company in Wilmington that will install the necessary equipment in each car for about \$300.00 per car. Mayor Mulligan said this is not something we need to make a decision on today but something we need to discuss. He advised Bluetooth technology will allow police officers to use the phone while keeping both hands on the wheel. He said this is not only a safety issue but sets a good example for the public to not see officers using a cell phone while driving. He commented that the public works director and second in command should have this technology as well. Ashley Loftis advised the town's cell phones are not Bluetooth capable and would have to be replaced. Commissioner Tyson asked in light of time if the finance officer and the police chief could look into the matter and bring it back at a later date. Commissioner Rooks stated that not holding the phone is only part of the problem and that even hands free the driver is concentrating on the conversation and is distracted from the driving. He said it goes back to personal judgment and people using good common sense.

## **ITEMS FROM BOARD OF COMMISSIONERS**

Commissioner Tyson asked Chief Sutton if the rest rooms at Hankins Park are being opened and closed by the police and if the issue has been settled. Chief Sutton said they only open and close on weekends and public works takes care of them during the week. Bill Fay advised the restrooms are open day and night because he has had no reports of vandalism. Commissioner Tyson said she was reading the guidelines for Hankins Park and was just wondering how that was being handled.

Commissioner Robbins asked for the public information digital sign to be placed on the December agenda for discussion.

Commissioner Robbins asked when the Christmas lights will be turned on. Mr. Fay advised the lights will be turned on Wednesday before Thanksgiving with the exception of the Christmas tree and the magnolias on the court house square. He advised on Friday, November 28 at 6PM there will be a tree lighting ceremony at which time the Christmas tree and the magnolias will be lit up.

Commissioner Robbins commented was sitting in a doctor's office reading a magazine called "WILMA" and he happened to see a picture of Ashley Loftis, Finance Officer who won the public service category of "Women to

Watch". Commissioner Robbins said it make him proud to see one of our own being honored. He asked everyone to give Ms. Loftis a hand for her accomplishment.

**ADJOURNMENT**

There being no further business, Commissioner Robbins made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The meeting adjourned at 7:10PM.

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Eugene Mulligan, Mayor

Attest: \_\_\_\_\_  
Sylvia W. Raynor, Town Clerk