

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

**DATE:** April 9, 2019  
**TIME:** 4:00 PM  
**PLACE:** Burgaw Municipal Building  
**BOARD MEMBERS PRESENT:** Mayor Kenneth Cowan  
Mayor Pro-tem Wilfred Robbins  
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy  
**STAFF PRESENT:** James Gantt, Town Manager  
Kristin J. Wells, Town Clerk  
Zachary Rivenbark, Town Attorney  
Alan Moore, Public Works Director  
Louis Hesse, Building Code Administrator  
Jim Hock, Police Chief  
Clay Jasper, Deputy Fire Chief  
Wendy Pope, Finance Officer  
Kim Rivenbark, Deputy Clerk/Interim Planning Administrator  
Chad Staradumsky, Community Development Coordinator  
Cody Suggs, Parks & Recreation Director  
**MEDIA PRESENT:** None  
**INVOCATION:** Reverend Nick Smith  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

Mayor Cowan requested to add item 8A: Ordinance 2019-06 Amending the FY 18-19 budget to accept insurance settlement resulting from the Pierce ladder truck accident. Commissioner Dawson made a motion to approve the agenda as amended. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**Approval of Consent Agenda**

Commissioner George made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

- A. Approval of the March 12, 2019 regular meeting minutes

**SPECIAL PRESENTATIONS/REQUESTS**

**Library Mural – Mike Taylor, Pender County Library Director**

Mike Taylor, Director of the Pender County Library, made a presentation about recent upgrades to the interior of the library and requested funding for a mural to be done on the wall in the children's section of the library. *Pictures of mural examples and pricing were included in the board members' agenda packets.* Mr. Taylor advised these types of murals are done by computer then printed on sheets and placed on the wall. Mr. Taylor commented he is aware the facility is a county operated facility, but it is a benefit for the residents of Burgaw. He clarified the pricing would not exceed \$4,000 for two murals. Commissioner Robbins asked if some of the money could come out of TDA. Mayor Cowan commented he does not see a problem with requesting TDA to contribute half of the costs. Commissioner Robbins commented he believes this project promotes development and the library is an economic engine for the town. Commissioner Robbins made a motion for the town to appropriate \$2,000 from the general fund and request the TDA to contribute \$2,000. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**Enterprise Fleet Management Lease Program – Doug Reville, Account Executive**

Mr. Gantt advised a representative from Enterprise Fleet Management approached Chief Hock months ago at a conference regarding the fleet lease program. He commented this is a cost saving program for all town vehicles, including police vehicles, public works vehicles, and other town vehicles. Doug Reville, Account Executive with Enterprise Fleet Management Lease Program, gave an overview of the program. After some questions and discussion, Mr. Reville advised there are no upfront costs and he would come back at least every twelve months with data and advise when to replace vehicles.

Mr. Gantt advised staff and himself have met and given Mr. Reville our current fleet information. He advised it is not much different than going to a bank and financing except the bank will not do the back end work such as selling the vehicle. Mr. Gantt advised we would still purchase the vehicles under the state contract pricing as we do now. Mr. Reville advised Enterprise holds the title and the vehicles are registered under the town. It was clarified that Enterprise would be purchasing the vehicles, the town would lease them monthly from Enterprise and when it is time to sell the vehicle, Enterprise would sell the vehicle, pay Enterprise a service fee of \$395, and the town would receive any and all equity involved in the sell.

Commissioner Robbins asked when the best time to go with the program if the board decided to do so. Mr. Gantt advised we currently have a unique situation in that we have insurance settlement money from a wrecked patrol car and it has been determined that the town could purchase two cars through Enterprise versus only able to purchase one like we have in the past. Commissioner Dawson asked about vehicle insurance. Mr. Reville advised insurance would be handled the same way we currently handle insurance on our vehicles.

After some discussion, Commissioner George made a motion to enter into the agreement with Enterprise Fleet Management for the replacement of two vehicles. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Attorney Rivenbark spoke in regards to insurance coverage on the vehicles. He expressed concern regarding which party would receive insurance settlements in the event the vehicle was wrecked. Mr. Reville advised the town would receive all settlements.

## **DEPARTMENTAL ITEMS**

### **Finance – Wendy Pope, Finance Officer**

#### **Cemetery Trust Funds – Update**

Ms. Pope advised she was asked at the March board meeting to bring back information regarding use of the cemetery trust funds. She provided the board with statutes regarding perpetual care trust funds and advised the principal can never be touched, but we can spend the income generated from that amount. Staff has researched the cemetery records on file and have determined the principal balance to be equal to \$119,201.88. The fund balance restricted to cemetery trust as of June 30, 2018, has the balance equal to \$154,479. The difference of \$35,277.12 is interest accumulated over the years on these funds, and available for use of the maintenance of the cemetery. Ms. Pope commented we can look at our fee schedule and change the fee we receive for perpetual care to cemetery revenue. Ms. Pope advised perpetual care fees are \$300 for in town residents and \$600 for out of town residents.

There was discussion regarding funding for cemetery street paving and where the funds would come from. At a prior meeting, the board was advised the costs for paving the cemetery streets would be \$80,694. After some discussion, Commissioner Dawson made a motion to use the amount of \$35,277.12 from the cemetery trust fund restricted amount to pave the cemetery roads. The motion was seconded by Commissioner George and carried by unanimous vote. Commissioner Dawson also made a motion to amend the budget for the current fiscal year to pay the difference of \$46,000 for the paving. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

### **Other items from Finance**

#### **Ordinance 2019-06 Amending the FY 18-19 budget to accept insurance settlement resulting from the Pierce ladder truck accident**

Ms. Pope advised we have received the insurance settlement in the amount of \$83,692.16 to help cover the costs of the repair to the Pierce ladder truck from an accident. She requested the board to accept these funds into revenue and increase expenditures to pay for the repair. Commissioner Harrell made a motion to accept Ordinance 2019-06 as presented. The motion was seconded by Commissioner Murphy and carried by unanimous vote.

**ORDINANCE 2019-06**  
**AMENDING FISCAL YEAR 2018-2019 ANNUAL BUDGET**  
*Increasing Revenues and Expenditures*

**WHEREAS**, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2018-2019 on June 12, 2018; and

**WHEREAS**, a collision on Interstate-40 caused damage to the Pierce Ladder truck that required significant repair and equipment to be replaced; and

**WHEREAS**, the Town has received \$83,692.16 to help cover the cost of the repair; and

**WHEREAS**, the Town of Burgaw would like to recognize \$83,692.16 from this settlement into the FY 18-19 budget, therefore, 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 2018-2019 budget be altered to reflect the following changes:

**INCREASE BUDGETED REVENUE**

Account Number	Account Description	Amount
10-3730-00-800	Insurance Settlements	\$83,692.16

**INCREASE BUDGETED EXPENDITURE**

Account Number	Account Description	Amount
10-5300-10-170	M&R VEHICLES	\$83,692.16

**Adopted** this 9<sup>th</sup> day of April 2019.

**Item from the Mayor**

Mayor Cowan requested the board to excuse him from the meeting as he has another meeting to attend. He stated he would like to speak about Giles Marshburn Road before leaving the meeting. Mr. Gantt advised the road is in definite need of repaving and it is on the top of the list for the upcoming budget. He advised he has spoken with Mr. Moore about temporarily fixing the issues until it can be paved. They are also looking at the drainage situation in the area. Mr. Gantt advised we are working with NCDOT since both ends of the road join with state roads.

Mayor Cowan turned the meeting over to Mayor Pro-tem Robbins at 4:50 PM.

**Parks & Recreation – Cody Suggs, Director**

**Parks & Recreation Survey Results**

Mr. Suggs advised during his first week of employment he sent out a survey to get feedback from the citizens regarding recreation in town. He gave an overview of the results. *A copy of the survey results is on file in the clerk's office.* Mr. Suggs advised he plans to increase the marketing of events and place flyers around town. He advised he has met with the principals of the elementary school and middle school and both are on board to allow the town to hand out flyers to the students, as well as put out signs in the drop-off/pick-up lines. Mr. Suggs advised he plans to

establish more frequently occurring youth and family programs, as well as retiree age programs. He also plans to work on increasing the fitness, wellness and athletic programs.

Commissioner Dawson commented one of the complaints listed on the survey was regarding the Osgood Canal Trail and it not being clean. Mr. Suggs advised this is being addressed and the issue is with some trash on the other side of the canal, which is hard for staff to get to. Mr. Gantt advised this is left from the flooding during Hurricane Florence. He advised we are currently working on figuring the best way for staff to get it cleaned.

Commissioner Robbins commented the survey was good. He mentioned word of mouth is a good way to get information out. He also commented about the digital sign the board spoke about previously, but was waiting to see what DOT did with the intersection improvements first.

There was brief discussion regarding the recently formed walking club. Mr. Suggs advised there was about eight people for the first week. The second week didn't do so well, but staff has discussed changing the meeting times and locations.

### **Public Works – Alan Moore, Director**

#### **Resolution 2019-02 Approving Water Shortage Response Plan**

Mr. Moore advised he brought this item back to the board after some changes were requested by the board at a prior meeting. Commissioner Harrell requested “normal usage” be defined on page two. He also asked why we have drought surcharges. Mr. Gantt advised such rates are a penalty for people who abuse the water usage while in a drought. Commissioner Harrell asked how the industrial customers are effected since they are not mentioned in the plan. Mr. Gantt recommended for the board to approve the plan with adding the definition of “normal usage” and in the meantime, he would research the effect on industrial users.

There was brief discussion regarding the definition of “normal usage” and it was determined to define same as “average water usage for the customer.” Commissioner Harrell made a motion to adopt Resolution 2019-02 as presented, with the addition of “normal usage” being defined as “average household usage.” The motion was seconded by Commissioner Dawson and carried by unanimous vote. *The plan is on file in the clerk's office.*

#### **RESOLUTION 2019-02 APPROVING WATER SHORTAGE REPSONSE PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Burgaw, has been developed and submitted to the Board of Commissioners for approval; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Burgaw that the Water Shortage Response Plan entitled, Town of Burgaw Water Shortage Response Plan dated March 2018 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requests by the Department in accordance with the statute and sound planning practice.

**Adopted** this 9<sup>th</sup> day of April 2019.

## **Grapple Truck Discussion**

Mr. Moore advised the debris in town is not getting any better. He advised the department used a grapple truck during a demo recently and thinks it would be a good investment for the town. He advised currently the department is using two backhoes, four trucks, and up to seven employees every Friday to pick up debris throughout town. Mr. Moore commented it is a safety concern the way it is currently being done. He advised the cost to run the backhoes is \$2,000 on tires per backhoe, lasting two to three months. Mr. Gantt advised he saw the employee operating the grapple truck, and appears to be a lot safer than the way it is currently being done. He also advised staff has discussed picking up debris on Mondays as well. With the grapple truck, the pick up would be a lot smoother and quicker. Mr. Moore commented he is looking at doing debris pick up on Monday, Wednesday, and Friday if the board decides to purchase the truck.

Commissioner Robbins asked about the cost of the truck. Mr. Gantt advised the demo truck is available for \$8,000 less than a new one. He advised if we moved forward with the demo unit, it would be \$147,880. Mr. Gantt said he has looked into financing it. Mr. Moore advised there is currently a three-year warranty with the truck. After brief discussion, Commissioner Dawson made a motion to approve the purchase of the grapple truck with a seven-year term with First Bank in Wallace. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

## **Drainage on Bridgers Street – Update**

Mr. Moore advised he has looked into the drainage issue on Bridgers Street. The town has a fifteen-foot easement on the ditch and he has spoken with a tree service to come in and clear the fifteen feet the town has. He commented he would like to replace the structures on Bridgers Street, pipe the ditch down to Ashe Street, then towards Wright Street. He advised the cost for this would be \$23,000. He said the pipe size would be increased. Commissioner Harrell asked how the drainage will affect the houses behind the ditch. Mr. Moore said there would be a structure at the little ditches leading to the ditch that will be piped.

Mr. Gantt advised there are limited reserve funds, but will try to work through those funds first and then come back to the board if there is a need for additional funds, if the board would like to proceed with the project. Commissioner George made a motion to move forward with the project. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

## **ITEMS FROM THE ATTORNEY – *Zachary Rivenbark, Town Attorney***

Attorney Rivenbark commented in regards to the town owned property on Courthouse Avenue. He requested the board to move forward with their plan with the lot. He said people are parking on the lot and there are bricks in the dirt. He commented it is a huge liability for the town, and if continues to stay as its current state, someone may get hurt. He suggested the lot be roped off for now. There was discussion regarding the old doctor's office being torn down and how the materials were hauled away and future plans with the nearby store fronts being remodeled. Mr. Hesse commented there is supposed to be a dumpster going on the lot for the remodeling. Mr. Gantt advised he met with Mr. Moore at the site shortly after he started working with the town and they discussed getting the lot leveled, seed it and put some sort of rope fence around it to keep people from parking on it while grass is established. Commissioner Robbins stated he liked Mr. Gantt's idea and has no problem with putting the dumpster on the corner of the lot. It was the consensus of the board to have Mr. Gantt proceed with his plan.

## **ITEMS FROM THE MANAGER – *James Gantt, Town Manager***

### **Resolution 2019-06 Amending the Personnel Policy**

Mr. Gantt advised he has brought back this item with a limit of the amount of sick leave to transfer in and out. He advised the cap is 5 years. There were no other changes from the presented amendments from the prior month's meeting. There being no discussion, Commissioner George made a motion to approve Resolution 2019-06 as described below, including the amendments to the personnel policy as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**RESOLUTION 2019-06  
AMENDING THE CURRENT PERSONNEL POLICY**

**WHEREAS**, the Town of Burgaw Board of Commissioners approved the use of the Personnel Policy on September 11, 2012; and

**WHEREAS**, the Town Manager recommends changes and new policies to replace existing policies and procedures within Article VII, Section 3, Transfer of Leave Sick/Vacation Leave; and

**WHEREAS**, the Town Manager recommends changes and new policies to replace existing policies and procedures within Article VII, Section 5 Reinstatement and Transfer of Sick Leave; and

**WHEREAS**, the Town Manager recommends changes to Annex 6, the Shared Leave Policy of the Town of Burgaw Personnel Policy.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the Town of Burgaw Board of Commissioners hereby amends the Personnel Policy to reflect the changes attached. *(on file in the Clerk's office)*

**Adopted** this 9<sup>th</sup> day of April 2019.

**BREAK 5:25 PM-5:35 PM**

**PUBLIC FORUM**

*No one was present to speak during public forum.*

**Other items from the Manager**

Mr. Gantt gave the board an update on a recent meeting with NC DOT regarding the improvements to Walker and Wilmington Streets. He advised there was discussion at the meeting regarding the plans for underground utilities in the area of the improvements. Mr. Gantt advised the major issues are with the stop lights at Walker Street and Wilmington Street and the installation of an additional light at Wright Street and Wilmington Street. He advised these will be stop lights on the beams, not hung by wire. The plan is for a let date of July 2020 to start construction. Commissioner Robbins commented there has been a desire for an informational sign to go somewhere near Town Hall. He said the project was put on hold to see what NC DOT was going to do with the intersection improvements and to keep it in mind for the relocation of infrastructure.

Mr. Gantt advised he is meeting with a filming group with "Uncle Frank" about a filming permit. The group is wanting to do filming for one day in Burgaw, possibly at Adam's Tire and on Courthouse Avenue.

Mr. Gantt advised the board he has received an invitation for the third annual Global Day Celebration, A Walk Around the World at Burgaw Elementary School on Friday, April 12<sup>th</sup> if anyone is interested in attending.

**PUBLIC HEARING**

**Consideration of text amendments of the Town of Burgaw Unified Development Ordinance to amend Section 2-4: Land Use Administrator, Section 3-1: Common Requirements, Section 3-2: Reserved, Section 3-6: Conditional Zoning Amendments, Section 6-2: Definitions of Basic Terms, Section 8-2: Table of Permitted Uses, and Section 8-5: Supplemental Regulations for Conditional Uses.**

Mr. Gantt advised this public hearing was opened at the March 12, 2019, regular Board of Commissioners meeting and continued through the March 26, 2019, special Board of Commissioners meeting. Mr. Gantt requested the board to close the public hearing. *For more information regarding this public hearing, please refer to the March 12, 2019 and March 26, 2019 minutes.*

Commissioner Dawson made a motion to close the public hearing. The motion was seconded by Commissioner Harrell and carried by unanimous vote. The public hearing was closed at 5:42 PM.

Mr. Gantt advised the board should pass Resolution 2019-07 regarding the statement of consistency, but should deny Ordinance 2019-05 regarding the approval of the text amendments. Commissioner Harrell made a motion to approve the resolution as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Dawson made a motion to deny Ordinance 2019-05. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mr. Gantt advised once he hires a new Planning Administrator, this person can review the UDO and bring recommendations back to the board. Commissioner Dawson requested to make sure the Planning Board refers to the zoning map when reviewing the amendments.

#### **Other items**

Mr. Gantt advised the board there was a fund balance appropriation approved for \$20,000 for the plan to research infrastructure needs on Highway 117 By-pass at the last board meeting. He advised there are currently funds in reserve to cover this so there is no need for a fund balance appropriation at this time.

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

**Commissioner Harrell** asked for clarification on the paving schedule established at a prior meeting. Mr. Gantt advised this schedule is for consideration during the upcoming budget year. He said we will not be able to fund all of the paving, but will prioritize the ones needing repaving.

**Commissioner Harrell** advised Mr. Moore he has received a few complaints about the weeds in the sidewalks in the downtown area. Mr. Moore advised this is being taken care of.

**Commissioner Harrell** asked if anyone has heard from Cape Fear Community College regarding the culinary classes requested to be held at the incubator kitchen. Mr. Gantt advised staff has not, but requested Mr. Staradumsky to reach out to the college to make sure they do not need any further information from the town.

**Commissioner Dawson** asked the status of Planning Administrator employment applications. Mr. Gantt advised there have been a few received but he does not want to settle. He commented he prefers the title of Planning Director and may change the job title in hopes to bring in more qualified applicants.

**Commissioner Dawson** asked Mr. Hesse the status of the old jail. Mr. Hesse advised the county's contractor was cleaning the contents out of the building the day of the meeting.

**Commissioner Murphy** commented Due Seasons Florist is moving to the former Hart's Florist building. He said the owner is planning to have a grand opening at the new location and wanted to know if it was possible to block off the portion of Fremont Street in front of his new location on June 1, 2019. Commissioner Murphy said the owner would only need it closed about 3 hours. Chief Hock advised there is no problem with blocking off the road, but would need to get it approved by the board. There was brief discussion regarding parking for the attendees. It was the consensus of the board to advise the owner to come at the May 2019 meeting to request the street closure. Commissioner Harrell recommended the owner consider asking for permission to use the railroad right-of-way for parking. Chief Hock recommended the entire block of the street be closed so vehicles won't need to turn around.

**Commissioner Robbins** asked the status of the blueberry art to be placed at the triangle on the corner of Highway 53 West and Timberly Lane. Mr. Hesse advised the base has been built and the cap is on. He called the gentleman and he expressed he is extremely busy at work and did not know when he would get around to finishing the art.

**Commissioner Robbins** spoke about the status of the Courthouse Avenue plan. He stated he and Commissioner Harrell were appointed to be on a committee to assist with moving forward with the project. Commissioner Robbins

advised he and Commissioner Harrell met recently at the site and said it's their opinion to move forward with engineering. He commented there are two poles on the street where major power lines are going across the street. They feel like the utility lines should be placed underground. Commissioner Harrell commented having the lines underground would make a big difference. He also commented he and Commissioner Robbins both like the plan that was previously presented by John Westbrook, including bollards on the street with water and electricity for food trucks. Commissioner Harrell said this would be the perfect place as a centralized location for food trucks. Commissioner Dawson commented she thought CP&L came and did an estimate years ago for underground utilities. Mr. Hesse commented he believes it was close to a million dollars. There was discussion on the impacts of moving the utilities underground and details of redoing the sidewalks. Commissioner George reminded the board an environmental agency needs to come in to check the soil to determine it is not contaminated. Commissioner Dawson asked if there were any grants available for this type of project. After discussion, Commissioner Robbins said he and Commissioner Harrell believe Mr. Westbrook's plan would be beneficial to the town, but the street needs redesigning first. He stated it is their opinion to move forward with engineering. Mr. Gantt gave an overview of the engineering and bidding process. Commissioner Harrell made a motion to move forward with gathering bids for engineering of Courthouse Avenue. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Commissioner Dawson requested to keep the cost as low as we can. Mr. Gantt commented in regards to the extent of the engineering and advised he would gather information for the board.

### **Other Items**

Chief Hock gave an update on the trailer issue on Wright Street that was brought up at the prior board meeting. Chief Hock advised he has spoken with the tenants and they are a military family renting right now. He advised there is no driveway at the residence and the trailer is not a violation of our ordinances. Chief Hock said he and the owner of the trailer are trying to work on relocation. There was brief discussion on possible relocation of the trailer on town property. Commissioner Robbins suggested we look into changing our ordinance for the future. Mr. Gantt advised staff can research the issue.

Commissioner Dawson commented there are some street signs that need to be cleaned or replaced. Commissioner Robbins commented there is a planning and zoning sign on South Dickerson Street coming into town that needs to be straightened.

### **ADJOURNMENT**

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

The meeting was adjourned at 6:23 PM.

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Kenneth T. Cowan, Mayor

Attest: \_\_\_\_\_  
Kristin J. Wells, Town Clerk