

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

DATE: February 12, 2013
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth T. Cowan
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
Rebekah Costin, Planning Administrator
Bill Fay, Director of Public Works
Bill George, Fire Administrator
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Bill King, Chief of Police
MEDIA PRESENT: None
INVOCATION: Bryant Crosson, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Cowan asked if there were any requests for amendments to the agenda. Mayor Cowan advised that Stephen Owens has requested to speak to the Board regarding a sewer issue. Mayor Cowan said the presenter for item 8 will not be present, therefore he is requesting that the agenda be amended to allow Mr. Owens to speak when item 8 comes up. There being no further requests, Commissioner Walker made a motion to approve the agenda as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Approval of Consent Agenda

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

- Minutes of the January 08, 2103 regular Board of Commissioners meeting, minutes of the January 08, 2013 closed session and minutes of the January 29, 2013 special closed session were approved.

SPECIAL PRESENTATIONS

Sandra Harris, President, Pender County Christian Services – Community Garden – Resolution 2013-04

Sandra Harris, President of Pender County Christian Services (PCCS) appeared before the Board to request approval of Resolution 2013-04 which lends support to PCCS for its community garden program. She advised PCCS is seeking to establish a model community garden here in Burgaw to supplement the diet of the individuals they serve at the food pantry. She also said if the pilot project is successful, they hope to replicate the project in other communities throughout the county. Upon completion of Ms. Harris's presentation and a brief discussion, Commissioner Robbins made a motion to approve Resolution 2013-04 supporting Pender County Christian Services community garden initiative. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2013-04

RESOLUTION OF SUPPORT FOR PENDER COUNTY CHRISTIAN SERVICES COMMUNITY GARDEN INITIATIVE

WHEREAS, Pender County Christian Services has sought support from the Town of Burgaw, Pender County Division of Planning and Community Development, the Pender County Center of the NC Cooperative Extension, Pender County Department of Social Services, Southeastern Food Systems Program (Feast Down East), the Food Bank of Central and Eastern NC, the Pender County Health Department, and the UNCW Obesity Prevention Initiative to collaboratively develop a community garden program beginning in the Town of Burgaw and expanding to other population centers in Pender County, and

WHEREAS, a variety of grant funding is available to support the effort, including the funding of a part-time Community Garden Coordinator position that would be devoted to creating and implementing a replicable community garden program in the Town of Burgaw and expanding to other population centers in Pender County, and

WHEREAS, overweight and obesity are serious health issues in Pender County, attributable to limited access to fresh and healthy food options, with 57-61% of Pender County adults considered overweight or obese in 2006, according to the *2012 State of the County Health Report* from the Pender County Health Department, and

WHEREAS, community gardens make a significant contribution to the civic and cultural life of communities and create gathering places that bring people together across boundaries of age and ethnicity, and

WHEREAS, community gardens provide access to healthy, culturally specific food for people of all economic backgrounds, allowing residents to improve nutrition and lower food costs, and

WHEREAS, community gardens serve as a tool to fight obesity by positively contributing to the physical activity of participants, increasing access to nutritional foods, and serving as an important environmental and health educational tool, and

WHEREAS, community gardeners and their children eat healthier, more nutrient-rich diets than do non-gardening families, and

WHEREAS, community gardens provide positive attributes as urban green spaces: they beautify areas, build a sense of community among neighbors, abate criminal activity, and prevent trash accumulation, dumping, and littering, and

WHEREAS, community gardens empower residents to become more active in their communities, cultivating cross-cultural and intergenerational volunteers and leaders who come together to preserve open space and create gardens for the benefit of present and future generations.

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

Section 1: The Town of Burgaw Board of Commissioners hereby endorses Pender County Christian Services' efforts to obtain funding assistance for its community garden initiative.

SECTION 2: The Town of Burgaw will work with Pender County Christian Services and its partners to identify public and private land suitable for the community garden.

ADOPTED this the 12th day of February 2013.

Jennifer Rackley, Onslow Container Service – Recycling Services

Jennifer Rackley of Onslow Container Service (OCS) informed the Board she is here to present some options for recycling for the town. Ms. Rackley advised that due to heavier recycling loads in Burgaw they are going to make 68 gallon recycling roll out carts available to the town customers if the Board desires to make that change. She said the 68 gallon roll out carts will replace the current recycling bins and pick up will occur every two weeks instead of every week. Ms. Rackley also advised OCS can provide pick up for fluorescent lights, e-recycle items such as computers, televisions etc. as well as cell phones. Mr. McEwen advised that we have tentatively planned to move forward with the e-recycle items as soon as the new public works facility is completed. He said the biggest issue is the change to the recycle roll out carts. Mr. McEwen advised the negotiated price is 66 cents higher than the current recycling price. Mr. McEwen advised there has been much discussion regarding the logistics of the recycling project and that the project would have to be mandatory for all residents. Mr. McEwen advised this presentation is for informational purposes only and any decisions will be made at a later date.

Stephen Owens, Owens Nationwide Insurance Agency – Sewer Issues

Stephen Owens, owner of Owens Nationwide Insurance Agency on US Hwy 117 N appeared before the Board to complain about the recent sewer backups that have occurred in his building. Mr. Owens advised that in addition to

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his insurance business he also has two tenants in his building including a medical office and a hospice office. He advised he has had a total of four sewer backups in his office. He said that when he built his office he realized that he was on the end of the line but did not realize the potential issues. He advised he has spoken with the town manager and public works director and they have been helpful. Mr. Owens advised the line has been jetted frequently but the backups continue. He is seeking a permanent solution. After a very lengthy discussion, Mr. McEwen advised Chris Ford with Kimley Horn Engineering Firm will be contacted to help seek a permanent solution.

ITEMS FROM ATTORNEY

Attorney Kenan advised he has no items for open session but will have something for closed session.

ITEMS FROM MANAGER

Resolution 2013-05 Opposing Legislation That Provides For the Forced Taking of Municipal Water Systems

Mr. McEwen advised in recent years the North Carolina General Assembly has taken steps to intervene in a long standing dispute between the City of Asheville and the Metropolitan Sewer District of Buncombe County (MSD). These steps have included convening a special committee in 2012 to study the feasibility of a forced merger of the two entities and their respective enterprises under the common ownership of the MSD.

Mr. McEwen said that although North Carolina is considered a Dillon Rule state, the efforts of the General Assembly's efforts to force the transfer of the assets of one (i.e. City of Asheville Water System) to another entity is unprecedented and sets a bad precedent particularly for communities like Burgaw. Currently, our water system is a closed municipal enterprise, which means for the most part only town residents are served. However, the recent completion of the regional wastewater treatment project with Pender County and Wallace presents some concerns if the General Assembly takes the drastic step of the forced merger. He is recommending the approval of Resolution 2012-05 as presented.

After a brief discussion, Commissioner Rooks made a motion to approve Resolution 2012-05 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

RESOLUTION 2013-05 OPPOSING LEGISLATION THAT PROVIDES FOR THE FORCED TAKING OF MUNICIPAL WATER SYSTEMS

WHEREAS, Statewide legislation was introduced in the 2011 Session of the North Carolina General Assembly that would have forced the involuntary conveyance of a city-owned water system to a Metropolitan Sewer District; and

WHEREAS, prior to the beginning of the 2012 Session of the North Carolina General Assembly, the Legislative Research Commission recommended legislation that would force the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District; and

WHEREAS, the 2012 Session of the North Carolina General Assembly enacted legislation to begin the process of the forceful taking of a Municipal Water System; and

WHEREAS, it is anticipated that legislation will be introduced at the beginning of the 2013 Session of the North Carolina General Assembly that will force the transfer of a Municipal Water System; and

WHEREAS, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; and

WHEREAS, the forced taking of any local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for citizens here and across the State.

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

1. The Town of Burgaw Board of Commissioners is opposed to legislation that forces the transfer of any City's municipal water system to another entity.

2. The Town of Burgaw Board of Commissioners is convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of local government assets.
3. The Town of Burgaw Board of Commissioners is opposed to the forced taking of any local government infrastructure because such taking sets a dangerous precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for our citizens here and across the State.

Read, approved and adopted this the twelfth day of February, 2013.

In other business, Mr. McEwen advised the community building committee has met and the staff will have a draft application and policy for presentation at the March meeting.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Dawson commented that Johnson Park looks very nice.

Commissioner Rooks asked Mr. McEwen what response he got from the movie people regarding an incident that had been reported during filming of "Revolution". Mr. McEwen said the last contact he had was that the complainant was satisfied. Commissioner Rooks advised he had received a different version. He said he feels that staff is doing fine with the way they are handling the situations, but obviously the film crews are not doing what they are being asked to do before filming in town. He said they are not contacting the property owners as they promised and that the fees they pay don't outweigh the impact on the citizens.

Mayor Cowan commented that the Board can vote to not allow filming in town. Commissioner Rooks said he feels we need more stringent rules for filming. There was much discussion regarding penalties for violation of the guidelines. There was also discussion regarding revision of the application with more stringent guidelines and requiring more notice before a film event. Vernon Harrell and Karen Harding both spoke about the lack of communication and respect for private property.

After a very lengthy discussion, Attorney Kenan recommended that the film companies be tasked with providing more notice and to put together a plan that shows what property will be used. After more discussion, Mayor Cowan suggested that we move on and have the manager bring a recommendation to the next meeting. Mayor Cowan also asked that the manager provide financial statements to the Board regarding the expenses and profit for the town.

Mayor Cowan commented that the police department and fire department operated very effectively and saved lives at the recent fire at the Johnson Street Apartments. He commended both departments for a job well done.

Mayor Cowan reminded the Board of the special event at the Community Building regarding a presentation by the Historical Society on Saturday, February 23 at 10:30 a.m.

BREAK: Mayor Cowan called for a break at 5:07 PM. The meeting reconvened at 5:15 PM.

PUBLIC FORUM

SPEAKER: Vernon Harrell appeared before the Board regarding lack of advance communication to the customers/businesses before closing a street or shutting down utility service. He advised the incident that spurred this issue was when the movies came to town and the street was closed. He said they did not know about the closure in advance and did not know how long the closure was going to last. He said there needs to be a system in place to notify citizens and businesses in advance when there will be a street closure or a water/sewer interruption. Bill Fay, DPW advised if they have a planned job they do notify customers but if it is an emergency, they notify the town hall staff that they are shutting down water/sewer. He advised he will do his best when there are planned shutdowns to have someone go door to door to notify customers.

OTHER

Mr. McEwen asked the Board for clarification on whether or not to charge the Pender County Historical Society for the use of the community building on Saturday regarding a presentation to the town of historical pictures related to

the community building. The consensus of the Board was to not charge for the use of the building since the Pender Historical Society was making a presentation to the town.

CLOSED SESSION

Commissioner Dawson made a motion to go into closed session pursuant to NCGS 143-318.11 (a) (3) Attorney/Client Privilege and NCGS 143-318.11 (a) (6) Personnel. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

OPEN SESSION RECONVENED

Commissioner Tyson made a motion to go out of closed session. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Upon returning to open session the following motion was made:

Motion to change police chief's job description

Commissioner Tyson made a motion to amend the Town of Burgaw Personnel Policy regarding the police chief's job description to remove the requirement that the police chief must reside in the corporate limits of the Town of Burgaw and that such police chief shall reside within twenty miles of the court house square located within the Town of Burgaw. The motion was seconded by Commissioner Robbins. Commissioners Tyson, Robbins, Dawson and Walker voted "aye". Commissioner Rooks voted "nay". Motion carried 4-1.

RECESS MEETING

Mr. McEwen advised the Board that it will be necessary to recess this meeting until February 19, 2013 in order to discuss the proposed loan modifications which will cut the town's debt significantly. He advised the bond order will need to be approved on February 19th to expedite the process in order to get this item before the Local Government Commission on their March calendar for approval.

There being no further business, Commissioner Rooks made a motion to recess the meeting until February 19, 2013 at 8:30 a.m. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

The meeting recessed at 6:20 PM.

MEETING RECONVENED

The February 12, 2013 Board of Commissioners meeting was reconvened by Mayor Cowan on February 19, 2013 at 8:35 a.m. All Board of Commissioners members were present. An item from the manager was presented regarding a bond order for refinancing of debt by BB&T. Ashley Loftis, Finance Officer reviewed the process that would be required to continue with the refinancing project. She advised today's item is a step to say that the Board of Commissioners would like to move forward with refinancing water/sewer bonds.

After a brief discussion, Commissioner Rooks made a motion to approve the bond order authorizing the issuance of general obligation bonds in the maximum amount of \$600,000. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Bond Order for Refunding Bonds

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS IN THE MAXIMUM AMOUNT OF \$600,000

WHEREAS –

The Town of Burgaw has determined that refinancing a portion of the Town's outstanding general obligation bonds could provide savings to the Town. The Town has applied to the North Carolina Local Government Commission for its approval of the issuance of Town bonds to carry out such a refinancing, and the LGC has accepted the Town's application.

BE IT ORDERED by the Board of Commissioners of the Town of Burgaw, North Carolina, as follows:

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1. There are hereby ordered to be issued general obligation refunding bonds of the Town to provide for the refinancing of a portion of the Town's outstanding general obligation bonds, including the payment of related financing costs. In particular, the bonds to be refunded may include all or any portion of the Town's 1996 general obligation water and sewer bonds.
2. The maximum aggregate principal amount of the bonds issued for such purpose will be \$600,000.
3. Taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds so issued, to the extent other funds (such as utility charges) are not otherwise available and appropriated for such purpose.
4. A sworn statement of debt prepared by the Town's Finance Officer has been filed with the Town Clerk and is available for public inspection.
5. This Bond Order takes effect immediately.

Adopted this 19th day of February, 2013.

OTHER BUSINESS

Mayor Cowan advised he has received \$3500.00 for a donation for the community building. He advised he will present a check to the finance officer later today.

ADJOURNMENT

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

The meeting adjourned at 8:40 a.m.

Kenneth T. Cowan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk