

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

DATE: March 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: Andy Pettigrew – The Pender Post
Stephanie Bowens – Star News
INVOCATION: Bryant Crosson, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

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

Approval of Consent Agenda

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

- Minutes of the February 12, 2013 regular meeting
- Minutes of the February 12, 2013 closed session

SPECIAL PRESENTATIONS

Scotty Wilkins with Utility Service Company appeared before the Board to share a presentation regarding mixing of municipal water stored in elevated tanks. Upon completion of a power point presentation and a brief question and answer session, Mr. Wilkins was asked to bring back a formal proposal for review by the Board.

Noah Harrell appeared on behalf of the Spring Festival Committee to read a letter from the committee requesting support from the Town for the 2013 Spring Festival. Mayor Cowan commented that these were the same requests as last year with the exception of use of the depot platform. Commissioner Robbins made a motion to approve the request by the Spring Festival Committee which includes a donation of \$500 and the use of the depot platform. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Andy Pettigrew, Editor of the Pender Post-Voice gave a brief overview of the news coverage provided by the Pender Post – Voice. He commented there had been some questions about coverage of the town’s news. Mr.

Pettigrew explained changes that have come about since the merger of the two newspapers and the manner in which news is reported.

DEPARTMENTAL ITEMS

Finance Items

Ashley Loftis, Finance Officer presented the following items:

Resolution 2013-06 Unpaid Taxes – Ms. Loftis advised each year when the Pender County Tax Collector reports outstanding property taxes owed to the Town a resolution must be passed ordering the county to advertise the tax liens for the outstanding taxes. Commissioner Tyson made a motion to approve Resolution 2013-06 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2013-06 REPORT OF UNPAID TAXES

WHEREAS, the Pender County Tax Collector has reported outstanding Town of Burgaw taxes of \$115,430.58 which are a lien on real property for 2012; and

WHEREAS, the Town of Burgaw Board of Commissioners wishes the tax collector to advertise the tax liens pursuant to the General Statute 105-369 (a).

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Pender County Tax Collector is ordered to advertise the tax liens for the outstanding 2012 taxes pursuant to General Statute 105-369(a).

Approved: March 12, 2013.

Resolution 2013-07 Approving Refinancing Terms for Tanker Truck – Ms. Loftis advised On September 24, 2012, the Finance Committee met to discuss debt payoff options in regards to the Town of Burgaw’s debt obligations. At the conclusion of this meeting, the Finance Committee recommended that the Board of Commissioners pay off certain debt and to refinance other debt. She advised this recommendation includes refinancing the Town’s Tanker Truck that is currently being financed through Rural Development with an interest rate of 4.00% and 13 years remaining until maturity. She advised BB&T has presented a proposal offering an interest rate of 2.69% and a maturity date of 2025.

There being no discussion, Commissioner Dawson made a motion to approve Resolution 2013-07 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Resolution 2013-07 Resolution Approving Financing Terms

WHEREAS: The Town of Burgaw (“Town”) has previously determined to undertake a project for the Refunding of the Rural Development Tanker Truck Loan, (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated February 7, 2013. The amount financed shall not exceed \$200,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.69%, and the financing term shall not exceed 15 years from today.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or

employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this twelfth day of March, 2013.

Resolution 2013-08 Approving Rate Modification for Depot Renovations Financed through BB&T – Ms. Loftis advised On September 24, 2012, the Finance Committee met to discuss debt payoff options in regards to the Town of Burgaw's debt obligations. At the conclusion of this meeting, the Finance Committee recommended that the Board of Commissioners pay off certain debt and to refinance other debt. This recommendation includes a rate modification from the current interest rate of 4.09% to a proposed interest rate of 2.49% on the depot renovation debt service through BB&T. Ms. Loftis advised the total debt savings on this item will be \$16,565.

After a brief discussion, Commissioner Rooks made a motion to approve Resolution 2013-08 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2013-08
Resolution Approving Terms of Re-financing**

WHEREAS, Burgaw, North Carolina (the "Town") has determined to change the terms of the Payment Schedules to that Financing Agreements and Deed of Trusts (the "Original Agreement") granted to F. Louis Loyd, III (the "Deed of Trust Trustee") for the benefit of Branch Banking and Trust Company ("BB&T") for contract # 9933000572-00003; and

WHEREAS, the changes to the terms of the Payment Schedule include revising the interest rate from 4.09% to 2.49% for loan 00003 maturing on 12-18-23; and

NOW, THEREFORE BE IT RESOLVED by the governing body of the Town of Burgaw, North Carolina that the proposed changes to the Payment Schedule of the Original Agreement are hereby approved and the officers designated to sign financing documents are hereby authorized and directed to take such action as may be necessary to effectuate such changes. All other terms and conditions of the Original Agreement and the Payment Schedule thereof remain in full force and effect.

Adopted this twelfth day of March, 2013.

Resolution 2013-09 Authorizing Use of the Community Building Rental Application – Ms. Loftis presented a proposed application and guidelines for the use of the newly renovated community building. There was a lengthy discussion regarding the guidelines for use of the building. Upon completion of discussion, Commissioner Rooks made a motion to approve Resolution 2013-09 with an amendment to the application by removing the lines stating that "counters, tables and floors are wiped clean" and "rest rooms are checked and cleaned" and that the name shall be changed to "Community House" instead of "Community Building". The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2013-09
A RESOLUTION AUTHORIZING THE USE OF THE COMMUNITY BUILDING RENTAL APPLICATION**

WHEREAS, the Town of Burgaw has renovated the Historic Community Building in order to allow citizens rental of this facility for special events; and

WHEREAS, the Finance Department has created the attached formal Rental Application, Usage Policy and Cleaning Checklist for the use of reserving the Community Building.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the attached Rental Application, Usage Policy and Cleaning Checklist be used to formally reserve the Community Building for special events.

Adopted this 12th day of March 2013.

Attachments on file in Clerk's office: Rental Application, Usage Policy and Cleaning List

Computer Software Update – Ms. Loftis advised she has received a proposal from Edmonds & Associates for new computer software. She reminded the Board that during the CIP discussions it was mentioned that she should look into other software options since there is much dissatisfaction with CSI (current provider) and it appears there will be some ongoing unexpected fees for the current software support. She presented a proposal from Edmonds & Associates and the quote for an upgrade from CSI (copies on file in the clerk's office). She advised that in addition to the CSI software upgrade the maintenance contract will also be increasing by as much as 25% and customer service has not been satisfactory at all. There was much discussion regarding rates, quotes and customer reviews of Edmonds and Associates. She advised this presentation was for informational purposes only. Mayor Cowan asked her to do further research and to bring it back at a later date.

BREAK 4:55PM – 5:05PM

PUBLIC FORUM

Jeaneene Harris, Principal at Burgaw Middle School appeared before the Board to request support for the Science Olympiad Team which will be traveling to the state finals on April 25th. Ms. Harris advised any support would be appreciated. After a brief discussion, Commissioner Robbins made a motion to approve a one-time donation of \$500.00 to support the Burgaw Middle School Science Olympiad Team at the state finals. The motion was seconded by Commissioner Walker and carried by unanimous vote.

Herb Harrell appeared before the Board to invite everyone to the 100th Anniversary of Harrell's Funeral Home which will be celebrated on Sunday, April 21st, 2-4PM at the funeral home.

PUBLIC HEARINGS

Public Hearing #1

Mayor Cowan declared the public hearing open at 5:10 PM.

Consideration of a text change amendment to Section 14-9: Notes to the Table of Area, Yard, and Height Requirements regarding fences in the front yard.

Ms. Costin advised that due to concerns regarding height and design of front yard fences, in 2007, the town adopted an amendment to the UDO requiring a conditional use permit for any front yard fence. She said a few people have inquired about front yard fences in the years since she has been with the town, but none have proceeded after learning of the CUP requirements. She advised the primary reason she hears for wanting a front yard fence is to discourage pedestrians from cutting across yards, especially in the western part of town where there are few sidewalks.

Ms. Costin reminded the Board that in December, Joe Bordeaux of 110 N. Smith St. spoke at the public forum at the Board of Commissioners meeting, requesting the board consider a text change amendment to allow him to put a fence in his front yard, and the board directed her to bring this issue to the planning board. She advised it seems the primary reason for adding the CUP requirement is to prevent inappropriate heights and materials, both of which could be addressed through UDO regulations rather than the CUP process, which includes a public hearing and \$300+ in cost. Ms. Costin advised the proposed text change amendment limits the types of materials that can be used for a front-yard fence and limits the height in residential areas. The amendment would still require a CUP for front-yard fences on commercial properties.

Joe Bordeaux who resides at 110 N. Smith Street advised he plans to put up a vinyl picket type fence and would like for the Board take this request into consideration.

Mayor Cowan declared the public hearing closed at 5:20 PM.

Commissioner Dawson made a motion to approve Ordinance 2013-02 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

ORDINANCE 2013-02
APPROVING A text change amendment to Section 14-9: Notes to the Table of Area, Yard, and Height Requirements regarding fences in the front yard

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and

WHEREAS, currently Section 14-9 of the UDO only allows front-yard fences as conditional uses; and

WHEREAS, the primary reason front yard fences were made conditional uses was to prevent inappropriate heights and materials, both of which could be addressed through UDO regulations rather than the CUP process, which includes a public hearing and application fees; and

WHEREAS, the Town of Burgaw has no current land use planning document that establishes policy guidance on this issue; and

WHEREAS, at the Town of Burgaw's Planning and Zoning Board meeting on February 21, 2013, the Board voted to recommend approval of the attached text change amendment;

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

SECTION 1. Section 14-9 of the Unified Development Ordinance is amended to read:

⁶Fences and Walls. A fence is any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences not exceeding a height of six (6) feet to be erected only in side or rear yards shall be exempt from the yard and building setback line requirements of this Ordinance, provided that no fence exceeding a height of four (4) feet will be constructed within fifteen (15) feet of any street right-of-way. In all cases, the corner visibility provisions of this Ordinance shall be observed.

All fences proposed in the front yard of any residential and/or commercial use must first obtain a conditional use permit pursuant to this Ordinance prior to construction. Also, any proposed side yard fence constructed along an existing street right-of-way must obtain a conditional use permit prior to construction of the proposed fence.

All front yard fences or walls for a residential use and fences along any street right-of-way shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, products created to resemble these materials, or a combination of any of these materials. In addition, no front yard fence or wall for a residential use shall exceed four (4) feet in height. Front yard fences for commercial uses are not allowed without a conditional use permit. A fence is considered to be a front yard fence if it extends beyond the front corner of the primary structure.

Only conforming industrial and business land uses (with the exception of an O&I zone) may have a solid or open fence or wall erected to a maximum height of ten (10) feet except as required by this Ordinance. An open fence or wall is one that has openings through which clear vision is possible from one side to the other on a horizontal plane, and such openings occupy fifty percent (50%) or more of the area of the fence or wall. A fence or wall that does not qualify as an open fence or open wall shall maintain a setback at entrances and exits of the site to provide an adequate sight distance easement as determined by the establishment of an isosceles triangle having legs of thirty-five (35) feet in length on each corner side of said entrance or exit. The same sight distance easement shall be applied to the corner of nonresidential lots that are characterized by a street intersection.

Licensed daycare centers and public and private schools are exempt from these requirements, provided that no fence exceeds six (6) feet in total height in the front, rear, or side yards. The fence shall be constructed of chain link or similar material to maintain visibility of the property for security reasons.

SECTION 2. This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 12th day of March, 2013.

Public Hearing #2

Mayor Cowan declared the public hearing open at 5:21PM.

Consideration of a text change amendment to Article III, Part I. Planning and Zoning Board regarding the number of seats on the planning board.

Ms. Costin advised in December, Marvin Moss resigned from the Planning Board leaving an empty ETJ representative seat. She said currently, we have two empty seats, one regular seat (vacated by Cliff Moore) and Mr. Moss's ETJ seat. Ms. Costin advised the Board that these recent events led her to bring back the discussion of the possibility of reducing the number of seats to the February 21 Planning Board meeting. It is difficult to fill empty planning board seats in general and especially difficult for the ETJ. She informed the Board that if they decide to decrease the size of the board to seven members, neither of these seats would need to be filled. She advised recently there have been issues with having a quorum at the meetings. With a seven member board, only four members would need to be present to have a quorum. Because of these practical issues, the Planning Board recommended approval of a text change amendment reducing the number of Planning Board seats. Ms. Costin advised the attached ordinance retains the possibility of having 2 non-resident seats on the board.

Commissioner Rooks asked if the Planning Board is in favor of this change. Ms. Costin advised they are in favor.

There were no speakers signed in for this hearing. There being no further discussion, Mayor Cowan closed the public hearing at 5:22PM.

Commissioner Rooks made a motion to approve Ordinance 2013-03 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2013-03
APPROVING A TEXT CHANGE AMENDMENT TO ARTICLE III, PART I. PLANNING AND ZONING BOARD
REGARDING THE NUMBER OF SEATS ON THE PLANNING BOARD**

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and

WHEREAS, the Planning Board currently has nine seats, seven regular and two to represent the town's extraterritorial jurisdiction (ETJ); and

WHEREAS, Planning Board seats, especially for the ETJ, have been difficult to fill in recent years; and

WHEREAS, there are currently two empty seats on the Planning Board, one regular and one ETJ; and

WHEREAS, the Town of Burgaw has no current land use planning document that establishes policy guidance on this issue; and

WHEREAS, at the Town of Burgaw's Planning and Zoning Board meeting on February 21, 2013, the Board voted to recommend approval of the attached text change amendment;

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

SECTION 1. Section 14-9 of the Unified Development Ordinance is amended to read:

ARTICLE 3. ADMINISTRATIVE MECHANISMS
PART I. PLANNING AND ZONING BOARD

Section 3-1: Created, Membership

- (A) A town planning and zoning board is hereby created under the authority of the G.S. Section 160A-361.
- (B) The Board shall be comprised of ~~nine (9)~~ seven (7) members, of which ~~two (2)~~ members one (1) member shall be a representatives of the extraterritorial jurisdiction and at least ~~five (5)~~ three (3) shall be residents of the town. No more than two (2) qualified non-resident business and/or property owners within the Town of Burgaw's jurisdiction may be appointed by the Board of Commissioners to serve at any one time.

Section 3-3: Meetings

- (A) Meetings of the Planning and Zoning Board will normally occur on the third Thursday of the month, or as determined to be necessary by the Land Use Administrator or Planning and Zoning Board Chairperson, at a time and place designated by the Board and shall be open to the public. In the event that no time sensitive matters are schedule for review by the Planning and Zoning Board, the Land Use Administrator, at their discretion, may cancel the regularly scheduled meeting.

(B) A quorum shall consist of ~~five (5) members of the Board~~ a majority of the full board, less any empty seats.
SECTION 2. This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 12th day of March, 2013.

Public Hearing #3

Mayor Cowan declared the public open at 5:23 PM.

Consideration of a text change amendment to Section 7-6: Sign Standards to allow LED window signs

Ms. Costin advised that over the past few months, she has noticed that at least half of the stores downtown have installed an LED or LCD open sign and several businesses in the highway business zoning district have also installed them in their windows. She advised that technically, no LED or LCD signs are allowed according to the ordinance because of the brightness, but because no permits are required to install window signs, this prohibition has been missed by many business owners. Rather than immediately proceeding to enforcement, she decided to bring this to the planning board for discussion. Because of the large numbers of business that have this type of sign and the cost that went into it, she suggested changing the ordinance to allow them, prohibit flashing of signs which is distracting and detracts from the downtown's character, and ramping up planning department efforts to inform businesses in advance if certain types of signs are prohibited. She informed the Board that the planning board recommended approval of this text change.

Commissioner Rooks commented that he has issues with businesses being restricted from advertising for the benefit of customers. He also commented that he needs clarification of the ordinance. There was a very lengthy discussion regarding allowed/non-allowed uses of these signs. There were no speakers signed in for this hearing. Upon completion of discussion, Mayor Cowan declared the public hearing closed at 5:35PM.

Commissioner Rooks made a motion to approve Ordinance 2013-04 with an amendment to delete item "e" from Section 2. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2013-04

APPROVAL OF A TEXT CHANGE AMENDMENT TO SECTION 7-6: SIGN STANDARDS TO ALLOW LED WINDOW SIGNS

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and
WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and
WHEREAS, the many business owners in town have installed window signs utilizing light emitting diodes (LED) or liquid crystal display (LCD) technology; and
WHEREAS, such signs are currently not allowed by the ordinance; and
WHEREAS, the Town of Burgaw has no current land use planning document that establishes policy guidance on this issue; and
WHEREAS, at the Town of Burgaw's Planning and Zoning Board meeting on February 21, 2013, the Board voted to recommend approval of the attached text change amendment;

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

SECTION 1. Section 14-9 of the Unified Development Ordinance is amended to read:

Section 7-6: Sign Standards

- A. **Illumination.** Unless otherwise provided, all signs may be either externally or internally illuminated subject to the following conditions:
 - a. Neither direct nor reflected light from any light sources shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
 - b. External lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into or cause glare onto a public right-of-way or any adjacent properties. In addition, such lighting shall be shielded to prevent the direct view of the light source from any residence, residential district, or public right-of-way.
 - c. Internal lighting shall be limited to lighting from behind to silhouette letters and figures or lighted internally with glass or plastic faces bearing the advertising message. Provided, however, that exposed neon tubing not exceeding fifteen (15) watts shall be permitted. Electronic signage utilizing light emitting diodes (LED) or liquid crystal display (LCD) technology shall not be allowed unless expressly permitted by another provision in this ordinance or unless used to display time, temperature, and/or fuel pricing.

- d. No sign may contain or be illuminated by flashing or intermittent light or lights that change in degree of intensity, except those that provide public information such as time, temperature, and date.
- e. ~~Freestanding signs and window signs may not be illuminated when the business is closed. Those signs advertising multiple businesses may not be illuminated when all the businesses advertised are closed.~~
- f. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, or weather conditions.
- g. *In the B-1 and B-2 zoning districts, incidental window signs (e.g. "open" signs) utilizing LED or LCD technology are allowed. Such signs shall not be illuminated by flashing or intermittent lights or lights of changing degrees of intensity and may not include scrolling text or pictures.*

SECTION 2. This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 12th day of March, 2013.

Planning Items

Resolution 2013-10 Approval of Joint Use Agreement for Osgood Canal and Greenway between Town of Burgaw and Pender County Health Department – Rebekah Costin, Planning Administrator advised Pender County Health Department has requested the town enter into a joint use agreement with them regarding the Osgood Canal Trail and Greenway. She advised joint use agreements between local organizations are being encouraged as part of the Community Transformation Grant program. Federally funded and administered at the state level, the Community Transformation Grant program aims to implement policy, systems, and environmental changes that support tobacco free living, active living, healthy eating, and high impact evidence-based clinical preventive services. Such agreements formalize partnerships between organizations, leverage existing infrastructure for greater community use, and may lead to future grant funding.

Ms. Costin informed the Board that the joint use agreement outlines a partnership where the town will allow the health department to use the greenway for special events and wellness initiatives, provide them with trail maps as they become available, and assist them in ensuring NCDOT and other regulations are followed during special events. The health department will, in return, help the town identify resources for increasing physical activity and will assist in any town wellness initiatives. (The executed agreement is on file in the clerk’s office.)

Commissioner Robbins made a motion to approve Resolution 2013-10 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2013-10
RESOLUTION TO APPROVE A JOINT USE AGREEMENT FOR OSGOOD CANAL TRAIL AND GREENWAY
BETWEEN TOWN OF BURGAW AND PENDER COUNTY HEALTH DEPARTMENT**

WHEREAS, the Town of Burgaw and Pender County Health Department are mutually interested in reducing chronic diseases, promoting healthier lifestyles, reducing health disparities, and controlling the health care spending of the citizens of Burgaw, and

WHEREAS, the Town’s Osgood Canal Trail and Greenway offers over two miles of walking and biking trails and is adjacent to eight small parks, and

WHEREAS, use of the Osgood Canal Trail and Greenway would assist Pender County Health Department in meeting its goals of protecting citizens’ health and wellness, and

WHEREAS, Pender County Health Department has public health resources not currently available to the staff of the Town of Burgaw that would benefit the town’s citizens and strengthen its wellness initiatives

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

The Board of Commissioners hereby approves the attached Joint Use Agreement for Osgood Canal and Greenway between the Town of Burgaw and Pender County Health Department.

ADOPTED this the 12th day of March 2013.

Discussion of draft Land Use Plan and Future Land Use Map - Ms. Costin advised that over the past 2 ½ years, the planning department has been working on a comprehensive land use plan to update background information on the town’s natural resources, demographics, and development trends and to assist in outlining a map for the town’s future initiatives and development. The planning board has reviewed most of the plan and will likely recommend approval of a completed draft at their April meeting. Ms. Costin said she would like to solicit comments, questions,

and areas of concern from the Board of Commissioners before the planning board makes their final decision. She commented that even though this document is prepared by the planning department and planning board, this plan is intended to be the commissioners' plan, to aid in their future decision-making regarding policies, initiatives, budgets, and legislation.

There was a lengthy review and discussion regarding the draft land use plan. No action was taken at this time.

ITEMS FROM THE ATTORNEY

Attorney Kenan advised the amendment to the occupancy tax bill has been filled with the legislature.

ITEMS FROM THE MANAGER

Old EMS Building

Mr. McEwen advised the building inspector and fire administrator have evaluated the old EMS building and it appears that it is not cost effective to upgrade the building for use. Mr. McEwen asked the Board to be thinking about what they feel is the best plan for the building and whether they want to keep it for storage, remove it or use it for some other purpose. He advised that since the new public works building is complete there is no longer a need for the old EMS building. Commissioner Robbins commented that he thought the plan was to tear it down. Commissioner Rooks wanted to get an estimate on remodeling and using the building for office space versus tearing down the building. After much discussion, it was consensus of the Board to allow the building inspector to get an estimate on cost of remodeling the building for office space. Mr. Hesse was asked to bring back an estimate to the next board meeting.

Film Issues

Mr. McEwen advised we continue to have requests from the film studios to use the water tank for filming. He explained the process that would have to be followed to allow this use including changing the current film permit to allow said use. There was much discussion regarding liability, residential concerns, safety concerns and fees for the use of the tower. Commissioner Rooks asked Mr. McEwen to check with Wilmington and Southport to see what their fees for use of the tower.

Commissioner Rooks suggested that a portion of the film fees be set aside for subsidizing street paving.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Appointment of Tourism Development Authority Members

Mr. McEwen advised the terms for the Tourism Development Authority (TDA) are expired. After a brief discussion, Commissioner Dawson made a motion to appoint Commissioner Robbins, Valiben Odedra and Chad McEwen to the TDA to serve a three year term ending on March 12, 2016. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

Commissioner Robbins commented on the good report from the Fire Department. Chief George advised they are using new software for reporting.

Mayor Cowan advised he is concerned about the future of the depot. He asked Commissioner Tyson where the depot board stands with their plan. She advised they have been working on an advertising plan and that the revenues for 2012 were up from 2011. Commissioner Tyson commented that she understands that the current kitchen tenant will be leaving shortly. Mayor Cowan asked for a plan of direction to be presented to the town board.

CLOSED SESSION

Commissioner Robbins 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 Walker and carried by unanimous vote.

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

OPEN SESSION RECONVENED

Upon returning to open session, Commissioner Rooks made a motion to instruct the attorney to settle the civil act filed by Central Builders against the Town of Burgaw for the sum of \$114,440.00 with monies to be paid upon completion of the warrantied punch list within thirty (30) days of March 12, 2012. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

ADJOURNMENT

There being no further business, Commissioner Rooks made a motion to go out of closed session. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

The meeting adjourned at 6:58PM.

Kenneth T. Cowan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk