

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

DATE: December 11, 2018
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: Kristin J. Wells, Interim Town Manager/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
Todd Rademacher, Planning Administrator
Kim Rivenbark, Deputy Clerk
Chad Staradumsky, Community Development Coordinator
MEDIA PRESENT: None
INVOCATION: Reverend Nick Smith
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Kenneth Cowan at 4:00PM. Mayor Cowan introduced James Gantt as the new Town Manager, who will begin on December 17, 2018.

Approval of Agenda

Mayor Cowan requested to amend the agenda by adding a discussion item regarding a debris issue. Since there are no comments from the manager, Mayor Cowan requested this discussion to occur as item #8. Commissioner Robbins also requested a closed session regarding personnel. Attorney Rivenbark recommended the board ask questions of those present regarding the debris issue and to refrain from discussion and expressing opinions. He recommends discussion on this matter to occur during closed session. Commissioner Robbins made a motion to approve the agenda as amended. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Approval of Consent Agenda

Commissioner Harrell requested an amendment to the November 13, 2018 regular meeting minutes by clarifying his comments in regards to the pipe under the road located at 1379 Penderlea Highway. He said he is aware this is a state owned road, but was asking for support from the town on behalf of the residents in requesting NCDOT to consider the change in pipe size. Commissioner Harrell made a motion to approve the consent agenda with the requested amendment. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

- A. Approval of the November 13, 2018 regular and closed session meeting minutes
- B. Resolution 2018-19 Approving Board Meeting Schedule for 2019

RESOLUTION 2018-19

**RESOLUTION TO ADOPT THE REGULAR MEETING SCHEDULE OF THE BURGAW TOWN
BOARD OF COMMISSIONERS FOR 2019**

WHEREAS, General Statute 160A-71 allows a board to fix a time and place for regular meetings; and

WHEREAS, General Statute 143-318.12 (a) requires the Board of Commissioners schedule of regular meetings to be kept on file with the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED that the following meeting schedule for the calendar year of 2019 is hereby adopted by the Town of Burgaw Board of Commissioners:

Tuesday	January 8, 2019	4:00 PM
Tuesday	February 12, 2019	4:00 PM
Tuesday	March 12, 2019	4:00 PM
Tuesday	April 9, 2019	4:00 PM
Tuesday	May 14, 2019	4:00 PM
Tuesday	June 11, 2019	4:00 PM
Tuesday	July 9, 2019	4:00 PM
Tuesday	August 13, 2019	4:00 PM
Tuesday	September 10, 2019	4:00 PM
Tuesday	October 8, 2019	4:00 PM
Tuesday	November 12, 2019	4:00 PM
Tuesday	December 10, 2019	4:00 PM

BE IT FURTHER RESOLVED THAT all meetings shall be held in the meeting room of the Burgaw Municipal Building unless otherwise posted.

Adopted: December 11, 2018

SPECIAL PRESENTATIONS AND REQUESTS

Mayor Cowan recognized Barry Klingel for his service to the town as a member to the Planning Board. Mr. Klingel has resigned from the Planning Board effective December 31, 2018. Mayor Cowan thanked Mr. Klingel for his service and presented him with a plaque on behalf of the board. Commissioner Robbins made comments regarding Mr. Klingel and thanked him for his service to the town. Mr. Klingel remarked about his tenure as planning board member and chairman.

OTHER ITEMS

Discussion – Temporary debris site at former Williams Lumber property

Stephen Owens, owner of the former Williams Lumber property, was present and commented in regards to allowing DRC to use the property as a temporary debris site. He advised he was approached by DRC to use the property to temporarily store debris during the post Hurricane Florence recovery efforts. Mr. Owens commented he was told by the DRC representative that proper permits had been obtained with the town, but later learned they had not. Mr. Owens advised he recently submitted a letter to the town requesting use of the property to be used as a debris site. He also commented he is aware there have been complaints received regarding the site. Mr. Owens commented they have allowed other people and organizations to use the shelter on the property during this recovery time after Hurricane Florence. He commented he understands DRC plans to be done and out of town by the end of January. He advised the county has said December 21st is their deadline for debris pickup and that all debris will be grinded and off of debris sites by January 21st.

After comments from Mr. Owens, Commissioner Robbins asked if the dates were firm in the contract. Mr. Owens advised he has not received a contract from DRC. He said he received request to use the property on November 27th and the deadline to have all debris removed from the site is January 21st. Mr. Owens advised he has seen the permit DRC has for another site and it says the state will come in after the deadline to test the site to make sure it was exactly the way it was when they started.

Commissioner Harrell asked if there would be more debris added to the pile. Mr. Owens commented DRC stopped bringing in debris when complaints were received and town discussion began.

Commissioner Dawson asked planning staff what type of permits should have been obtained and should there have been permits received from the county as well. Mr. Rademacher commented he doesn't believe they would need anything from the county. He said the town would have more than likely been able to issue a zoning permit with certain conditions such as screenings, rock in the driveway, etc.

Mr. Hesse commented in regards to the Arts Council cart mentioned in Mr. Owens' letter. He wanted to clarify that he called Sammy Williams to ask if the town could temporarily move the cart to the shelter at the former Williams Lumber site due to emergency situations for storing supplies in response to Hurricane Florence at the old EMS building.

There being no further questions from the board, Mayor Cowan advised further discussion on this matter would take place in the closed session.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Murphy advised he received a complaint about a pot hole on McCullen Street near Roger Manufacturing. He requested for Mr. Moore to look into getting this taken care of.

Commissioner Robbins asked the status of the laundry mat building that was recently purchased by the town. Mr. Hesse advised due to the hurricane he had not had a chance to get to this project. He is needing to get the demolition pricing and asbestos abatement done.

Commissioner Robbins commented he would like the Parks & Recreation Coordinator job description to be looked at with the possibility of changing the title from coordinator to director. He would like for staff and the manager to look at the job description to discuss any necessary changes.

Commissioner Robbins thanked Public Works for the town looking great.

Commissioner Dawson requested Mr. Moore and Mr. Rademacher to look into the sight issue at the intersection of Bennett Street and Fremont Street at the area of the new parking places recently installed by the hospital. She advised the parking places need to be reduced to three instead of four due to sight issues coming off of Bennett Street onto Fremont Street.

Commissioner Harrell thanked Commissioner Dawson and the Pender County Tourism staff for coordinating the Christmas events. He commented Commissioner Dawson was essential in the coordination and everyone did a great job.

Commissioner Harrell commented he has made the Planning Administrator aware there is a business on the corner of Dickerson Street and Satchwell Street that has shipping containers that need to be moved.

Commissioner Harrell commented on the meter reading system for the town's water bills. He said he would like to see comparative figures for what we are pumping and for what we are actually billing. He wants to see what the ratios look like now compared to the ratios prior to the newer meters. Ms. Pope advised she would get this information.

Commissioner Harrell asked if money was set aside for the engineering of the Courthouse Avenue project when it was first talked about. Ms. Pope advised she would need to look back on the minutes from a couple of years ago. Commissioner Robbins commented it was set as \$180,000 per year until the project was completed and believes this was set prior to year 2015. He remembers discussing this during a budget process, but it was never set as a line item. Ms. Pope advised she believes this money was set aside in the capital projects. Commissioner Harrell asked if the money would have rolled over from year to year. Ms. Pope advised this money would be in the fund balance since there was not a line item specifically created for Courthouse Avenue. Commissioner Harrell asked what the current fund balance is; Ms. Pope advised it should be around \$2.5 million.

Commissioner Harrell asked if the process has started with FEMA yet. Ms. Pope advised it has not at this point because we are still in the process of receiving invoices. It was mentioned there has not been an invoice received from DRC as of yet. Ms. Pope stated DRC should be the largest invoice and the only expenses transacted so far have been special hurricane payroll and incidental expenses during the hurricane. Commissioner Harrell asked if we had any estimates on the amount the invoice will be once received from DRC. Ms. Pope advised she has not had any direct contact with DRC; she believes the former Town Manager had been in contact with our representative, Tony Swain. She advised she will reach out to Mr. Swain.

Commissioner Harrell requested Mr. Moore to look into some pot holes on Dudley Street near Westside Apartments that need attention.

Commissioner Harrell asked Mr. Jasper how the responses are doing and how things are going in the fire department. Mr. Jasper advised it is hit and miss sometimes and some members have been displaced due to Hurricane Florence. Commissioner Harrell asked if the incentive program is doing its job so far. Mr. Jasper commented it is not. Commissioner Harrell stated we should start again and see what we can do different to get enough responders. He asked Mr. Jasper to look into this matter and gather information.

Commissioner Harrell commented he had previously asked to have the locks put back on the water meters but this has not been done. He said the meters came with locks and it was a mistake to have them removed. He commented there was a previous instance with someone getting hurt because of this issue and it could be a potential danger. He commented the locking mechanism is a safety device and when it is removed from a piece of equipment, it becomes a liability issue. He requested the locks to be put back on the meters. Mr. Moore advised he will take care of this matter.

Mayor Cowan asked about the \$40,000 that was mentioned in the last board meeting regarding the environmental reports on the Highway 117 corridor. A fund balance appropriation was approved in October for having preliminary environmental reports done in the area due to possible development in the future. At the November meeting, the former Town Manager advised the board this money would not be moved from fund balance because the interest for development has dropped since the hurricane. Ms. Pope advised the \$40,000 remains in fund balance at this time. Mayor Cowan commented he would bring up this issue again after the first of the year. He stated we do not need to forget this issue about investigating what we need to do to improve the infrastructure on the Highway 117 corridor. He advised there is more discussion occurring about development and would ask the new manager to look into bringing more information back to the board. Commissioner Robbins asked for an itemized list of possible development when this matter is discussed again.

Other Items

Police Department

Chief Hock advised the board of a recent incident with a wrecked patrol car that ended up being “totaled out” by the town’s insurance company. The insurance will be paying the town \$29,456 with a \$1,000 deductible. The difference between the vehicle being purchased new and what the insurance will pay the town is \$7,863. Chief Hock advised the police department has been short a vehicle since October and requests the board to approve the purchase of a replacement vehicle. This would be paid for out of fund balance and when the town receives the check from the insurance company, it would be placed back in fund balance. The approximate difference is \$7,863. Chief Hock advised Performance Dodge has a car on the lot that can be purchased, so the purchase and installment of equipment should take around a month. Commissioner Harrell asked if any of the equipment from the wrecked car is salvageable. Chief Hock advised he salvaged what he could but it’s basically only parts. Commissioner Robbins made a motion to allow Chief Hock to order the car and do a budget amendment to allow use of money from fund balance. The motion was seconded by Commissioner George and carried by unanimous vote.

Chief Hock also advised the burgundy Dodge Charger that has a blown motor is still at Performance Dodge. He advised they can replace the motor for \$4,000 and the department can use it as a spare vehicle. Chief Hock said the department currently does not have a back up car if one goes down. He requested the board for \$4,000 to replace the engine and keep the car as a back up. Commissioner George made a motion to appropriate \$4,000 to replace the engine. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Inspections

Mr. Hesse advised the board he will start the process over again at the beginning of the new year with the issues with abandoned houses in town.

Public Works

Mr. Moore asked for board direction regarding the paving of Bridgers Street. Commissioner Robbins asked if we had any money left in Powell Bill for this fiscal year. Ms. Pope advised the money in Powell Bill is already

budgeted. Commissioner Robbins asked if we should wait until warmer weather. Mr. Moore agreed. Commissioner Harrell suggested we put this on the list to do it with the first warm weather. Mr. Moore advised the cost would be \$208k. Mayor Cowan and Commissioner Harrell said Dudley Street between Bridgers Street and Wallace Street is in terrible shape. Commissioner Harrell commented it wouldn't be a bad idea to go ahead and start preparing the paving list for the next budget year. Mr. Moore said we still need to do Giles Marshburn Road.

Commissioner Robbins asked the board for discussion on paving at the January 2019 meeting so that plans can be made well in advance for the upcoming budget year. Commissioner Harrell agreed.

Other Items from the Mayor

Mayor Cowan advised the board he has recently received a letter from USDA regarding the canal project in the area of Timberly Lane/Highway 117. He said it is looking like the town will receive grant funding for this project. He also advised we need to look into including this into the next fiscal year budget.

Mayor Cowan also advised he has spoken with Congressman Rouzer's office regarding repairing the post office. He advised there has been discussion on the future of the post office, but are working the best they can to get construction under way.

PUBLIC FORUM

Speakers:

Mark Stafford, Vice President of DRC Emergency Services, spoke in regards to the debris site that was previously talked about at the beginning of the meeting. He requested use of the site as mentioned in detailed by Mr. Owens earlier in the meeting. Mr. Stafford advised they would be completely off the site on January 21st. Commissioner Robbins asked what hours the grinding would occur and how loud this process would be. Mr. Stafford advised they will be using a horizontal grinder which is less noise than a tub grinder and the grinding would occur during daylight hours. Commissioner Harrell asked if vegetative debris is what was being grinded; Mr. Stafford confirmed this was correct. Commissioner Robbins asked about the path of the trucks entering and exiting the property. Mr. Owens advised the trucks would be coming from the railroad right of way on Wallace Street, turn right into the back gate, make a loop, dump the debris and exit the same way they entered. Mayor Cowan advised there would be a closed session on this matter and we would respond to Mr. Stafford and Mr. Owens on the decision made by the board.

John Westbrook commented in regards to the improvements on Fremont Street with the Osgood Canal/Pender Memorial Hospital project. He suggested the town reach out to the state to assist with funding on improving the water flow under Fremont Street. He is concerned his house may one day get flooded because of water backing up and not flowing out of town. He believes stopping at Fremont Street with the project is a mistake and he thinks it should go through town to Wilmington Street/Highway 53 and so forth. He asked the board if they have decided what they are going to do with increasing the pipe size under Fremont Street. Mayor Cowan advised the board approved the additional funding to complete the project and that USDA is looking into providing funding for Timberly Lane/Highway 117 canal area. Commissioner Robbins advised the engineers have said once the project near the hospital is done, the culvert on Wilmington Street is wide enough to handle the flow. Mayor Cowan also commented there is discussion from NCDOT regarding the drainage issues at the exit 398 interchange on Interstate 40. Commissioner Harrell commented Wilmington Street/Timberly Street/Highway 53 are all state owned streets and the state is responsible for drainage past Fremont Street.

Mr. Westbrook also asked the board if there was any further information they needed from him regarding the Courthouse Avenue project so that a timely decision can be made. Commissioner Robbins requested Mr. Westbrook to get money figures to the clerk so that they can be disseminated to the board. Mr. Westbrook advised the figures for engineering was in the packet given to the board at the November meeting. There was clarification made on the figures that were included in the packet. Mr. Westbrook advised it would be \$25,000 for the initial engineering and cost estimates and \$39,500 is for the full scale engineering including landscape architect, etc. Mr. Westbrook advised his time would be less than \$1,000. The total including cost estimates is \$65,000 without much change.

BREAK 5:13 PM-5:30 PM

CLOSED SESSION – 5:32 PM

Commissioner Harrell made a motion to go into closed session pursuant to NCGS 143-318.11 paragraph (a) item (3) attorney/client privilege and NCGS 143-318.11 (a) (6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION RECONVENED – 6:12 PM

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

ADJOURNMENT

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

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk