

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

DATE: January 8, 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
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.

Approval of Agenda

Commissioner George made a motion to approve the agenda as presented. The motion was seconded by Commissioner Harrell 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.

- A. Approval of the December 11, 2018 regular and closed session meeting minutes
- B. Approval of the November 20, 2018 special closed session meeting minutes
- C. Approval of the November 26, 2018 special closed session meeting minutes
- D. Approval of Ordinance 2019-01 Amending the FY 2018-2019 Pay and Classification Plan

**ORDINANCE 2019-01
AMENDING FISCAL YEAR 2018-2019 ANNUAL BUDGET
Change to Pay Classification Plan**

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

WHEREAS, the Board of Commissioners approved an updated Pay Classification Plan in August, 2018; and

WHEREAS, the Town has updated the Pay Classification Plan to include a new maximum salary range for the Parks and Recreation Coordinator position; and

WHEREAS, the Pay Classification Plan in the budget ordinance will need to be amended to reflect the changes to the Parks and Recreation Coordinator position.

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

The FY 2018-2019 Pay Classification Plan be altered to reflect the following changes as attached. Attachment on file in the Clerk's office.

Adopted this the 8TH day of January 2019

- E. Approval of Ordinance 2019-02 Amending the FY 18-19 budget to appropriate funds to cover additional patrol vehicle expenditures

**ORDINANCE 2019-02
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, the Burgaw Police Department has an unmarked vehicle in need of a new motor; and

WHEREAS, the 2010 Dodge Charger Police VIN2B3CA2CV7AH316815 has been at Performance Dodge awaiting repair and a replacement motor has been located. The repair has been quoted at not to exceed \$4,000; and

WHEREAS, an appropriation from General Fund fund balance is required to complete the repair, therefore, additional revenue and expenditure will be recognized for the appropriation.

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
10-3900-00-900	Fund Balance Appropriated	\$4,000

Increase Budgeted Expenditure

Account Number	Account Description	Amount
10-5100-10-170	M&R Vehicles	\$4,000

Adopted this the 8TH day of January 2019

- F. Approval of Ordinance 2019-03 Amending the FY 18-19 budget to receive insurance proceeds from Selective Insurance

**ORDINANCE 2019-03
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, an officer with the Burgaw Police Department was involved in an accident on October 25, 2018; and

WHEREAS, the 2016 Dodge Charger Police VIN 2C3CDXAT0GH310596 has been deemed a total loss by Selective Insurance Co.; and

WHEREAS, the Town has been offered and will accept \$28,456.00 as loss settlement from Selective Insurance Co; and

WHEREAS, the Town of Burgaw would like to recognize \$28,456.00 from this settlement into the FY 18-19 budget, therefore, additional revenue and expenditure must be recognized; and

WHEREAS, the Town of Burgaw will appropriate \$7,863.65 from General Fund fund balance in order to purchase a new Dodge Charger patrol car from Performance Dodge quoted for purchase at \$36,319.65, therefore, additional revenue and expenditure will be recognized for the appropriation.

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	\$28,456.00
10-3900-00-900	Fund Balance Appropriated	\$7,863.65

Increase Budgeted Expenditure

Account Number	Account Description	Amount
10-5100-10-740	Capital Outlay	\$36,319.65

Adopted this the 8TH day of January 2019

SPECIAL DISCUSSION

Request to use Incubator Kitchen for Culinary Classes

Commissioner Harrell advised this discussion was about allowing students of the local high schools and Pender Early College to use the incubator kitchen for culinary classes instructed by Cape Fear Community College. He said since we already have the facility, this would be a good way to stretch community dollars and allow students that are interested in culinary courses use the facility. Commissioner Harrell introduced the guests from Cape Fear Community College that were present for this discussion: David Wilson, Mark Council, Jason Chaffin, and Kim Denning, NC Works Career Coach.

Commissioner Harrell asked Ms. Denning to give background on the culinary interest from the schools. She shared information about the classes and advised a survey completed revealed 36 students from Pender High School and between 20 to 50 students from Trask High School were interested in culinary courses.

After some brief discussion, Mr. Chaffin spoke in regards to the way the courses would be handled, setting the kitchen as an instructional site, etc. Commissioner Robbins clarified with Mr. Chaffin the culinary courses would also be available to Pender Early College students as well. Commissioner Dawson asked what the threshold would be for the number of students to hold a class at the kitchen. Mr. Chaffin advised typically it is 12-15 students per course. There was also brief discussion on the logistical details such as rentals at the depot, maintenance of the kitchen, insurance liability, etc.

ITEMS FROM THE MANAGER – James Gantt, Town Manager

FY 2019-2020 Budget Preparation Discussion

Mr. Gantt asked the board for their thoughts on how to proceed with the budget preparation for FY 2019-2020. Commissioner Harrell commented he is not sure a retreat is necessary, but would be willing to attend a retreat if other board members are in favor of having one. Commissioner Dawson suggested we have a one day workshop. Commissioner Robbins commented last year's budget preparation went smoother than it ever has and if we do a retreat, it should be divided into two days. Commissioner George agrees with Commissioner Robbins. Mr. Gantt advised he likes to start the budget process early. Mayor Cowan commented part of the manager's job is to meet with department heads and come up with a budget to present to the board. Commissioner Robbins requested Mr. Gantt to present a budget timeline to the board and get feedback. After brief discussion, it was decided for Mr. Gantt to come up with a timeline, meet with department heads and present the budget to the board later in the process.

Unified Development Ordinance Update Discussion

Mr. Gantt advised during his recent review of the town's Unified Development Ordinances, he noticed some of the ordinances put restrictive constraints on development and businesses. He advised he wants to see development and growth in the town. Therefore, he commented he has spoken with the planning staff and would like to rework some of the ordinances to make it more pro-development and pro-growth community. Mr. Gantt advised the rework of these amendments are a short term goal, with a long term goal of a complete rewrite of the Unified Development Ordinance. Mayor Cowan commented he believes the full board is pro-growth and whatever staff needs to do to make it easier would be appreciated by the board and developers. Commissioner Robbins commented he has always tried to be open minded and listened to requests. He is in favor of taking a look at the ordinance, but would personally not be in favor of infringing into the residential neighborhoods. He wants areas to stay zoned as residential and designated areas zoned for businesses. Commissioner Harrell said he agreed the town needs to look at the ordinances and make sure processes are streamlined as much as possible for developers. He also commented he does not want to encourage wholesale development, and agrees with Commissioner Robbins that the residential areas need to be kept separate. Mr. Gantt advised this update would not be changing any zoning districts, only the process of obtaining permits.

Other Items from the Manager

Mr. Gantt gave an update on the requested items from the Mayor and Board of Commissioners from the December 11, 2018 Board of Commissioners Meeting.

- The pot hole near Rogers Manufacturing has been taken care of.
- The laundry mat project is on-going. Mr. Hesse's recent priority has been trying to get the Old Jail issues resolved.
- The Parks and Recreation Coordinator position has been looked at and further discussion is needed (see below).
- The parking space issue on Fremont Street near the hospital is currently being worked on.
- The shipping containers at the corner of Dickerson Street and Satchwell Street are owned by Rainbow Remediation. They are aware the containers need to be moved and are in the process of doing same.
- The meter readings research requested has been done and Ms. Pope elaborated on the findings (see below).
- Research was done on the Courthouse Avenue project and the capital fund for same. This will be further addressed during the upcoming budget process.
- Staff will have a meeting with FEMA representatives on January 16th regarding expenses from Hurricane Florence and the items needed to move forward with the reimbursement process. Mr. Gantt advised the estimate received from DRC is expected to be around \$250,000 for debris clean-up. He also advised there may be a separate multi-fiscal year fund created so that these types of expenses won't impact the budgeting process.
- The pot holes near Westside Apartments on Dudley Street have been repaired.
- Work continues on the plan to recruit volunteer firefighters.
- Work continues on resolving the issues with the water meter lids. Mr. Gantt advised the issue is with the meter boxes that were not replaced when the new meters were installed. To save on costs, the locking mechanism was cut off of the lids and put back on the boxes once the new meters were installed. Mr. Moore is looking into the possibility of replacing lids with metal ones but wants to make sure this type of material will not interfere with meter readings.
- Currently working with USDA on the Emergency Watershed Protection Program regarding water flow improvements in the ditches, streams, creeks, etc. The program will assist with clearing of debris, but does not include infrastructure. Mr. Gantt advised due to Hurricane Florence, these types of improvements would be funded 100% by the USDA. Commissioner Harrell mentioned he has had some citizens share their concern with him regarding the down stream culverts and the possibility of them backing up. He suggested maybe there are grants to help with culvert improvements. Mr. Gantt agreed and commented he would like to see areas improved outside of town as well.

Parks and Recreation Coordinator Position Discussion

Mr. Gantt advised he has looked at the job description for the position and would like to obtain direction from the board. He asked the board if they are leaning more towards someone to handle sport related activities or someone

who can coordinate special events. He advised we currently do not have the facilities to handle a lot of sports activities. He advised we could possibly look into partnering with Pender County with use of the ball park facilities. Mr. Gantt also advised we need someone to handle the special programs and events as well. He feels both job duties are suitable for the town with the amount of work currently for this position. Commissioner Dawson commented we already have Burgaw Dixie Youth. Commissioner Harrell commented we also already have Pop Warner Football and advised we had a tennis program last year. He believes this could be expanded and believes there is potential for sport related activities. He commented the events are more crucial for us at this time. Commissioner Dawson commented she believes we need to keep reaching out into the community with activities, even for adults, during the summer and winter. Commissioner Robbins and Dawson agreed they would like to see this person do both sports activities and special events. Commissioner Robbins advised he was approached recently by someone in town about contracting with the town as an event coordinator. He commented we may need to look into this. Commissioner Dawson requested staff to research how other small towns handle these types of events and activities. Mr. Gantt advised he believes there is enough work between the two types of job duties for this position to handle. Commissioner Harrell requested Mr. Gantt to research the idea of contracting the special events if we don't find someone to fill the position soon. It was the consensus of the board for Mr. Gantt to advertise for a Parks and Recreation Director and if there is difficulty in finding a qualified candidate, he would look in to contracting out the special events as needed.

Meter Readings Research

Ms. Pope presented the board with info regarding various statistics from meter readings from prior fiscal years and year to date. *Item presented is on file in the clerk's office.* After explanation, Ms. Pope advised the meters appear to be doing what they should be doing in comparison with the old meter system. There was discussion about the I&I issue. Mr. Gantt advised staff will be working with the Rural Water Association to come down to look at the issue and do smoke testing if needed. Mr. Gantt said this would be no cost to the town.

OTHER ITEMS

Discussion on maintenance of the Burgaw Cemetery

Mr. Gantt advised he and staff are looking into the current condition of headstones, sinking ground, roadways, etc. He advised he plans to meet with some people in the future to see what can be done to resolve the issues based on the town's cemetery ordinance. Mr. Gantt advised he would gather more information and prepare a plan to share with the board in the near future. Commissioner Murphy asked Mr. Moore about the tree that was recently cut down and commented there is a hole left in the ground from the stump grinding. Mr. Moore advised this will be fixed soon. Commissioner Robbins commented we have lost a lot of trees over the recent years.

Discussion on future development

Mayor Cowan and Mr. Gantt spoke in regards of the availability of building lots in town. They advised all of the vacant lots in the latest development in town, Creekside, have been sold. Mr. Gantt advised ongoing plans to review infrastructure needs for future development continue.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Paving Discussion

Commissioner Harrell commented Giles Marshburn Road is top priority and suggest we inquire with the residents to see how they feel about speed bumps to reduce truck traffic. He also commented North Dudley Street and Bridgers Street between Dickerson Street and Walker Street need repaving as well. Mr. Moore advised the cost for the mentioned portion of Bridgers Street is \$199,000 and the cost estimate for Giles Marshburn Road is \$130,000. Commissioner Robbins asked about the ditching on Giles Marshburn Road. Mr. Moore advised the water would run to Highway 53 and West Bridgers Street Extension. There was brief discussion on the way Giles Marshburn Road would be paved and engineered in the future. Commissioner Harrell also asked about the end of West Satchwell Street near Durham Village. Mr. Moore advised this was done last year. There was discussion on Antoinette Drive being privately owned. Commissioner Robbins suggested the board go ahead and get the list determined and move forward. Mr. Moore advised the following streets are on his list for repaving: North Dudley Street between Bridgers Street and Wallace Street, North Bennett Street between Wilmington Street and McNeil Street, South McCullen from Wilmington Street to Fremont Street, North Bickett Street from Ashe Street to Wilmington Street, and Industrial Drive. Mayor Cowan commented he does not believe Bridgers Street is top priority as there are other

streets in worse shape. Commissioner Robbins asked Mr. Moore to prepare a repaving list with cost estimates to bring back to the board.

Other Items from Mayor and Board of Commissioners

Commissioner Harrell commented we have come to a halt with the Courthouse Avenue project and believes we should move forward with engineering. Commissioner Harrell made a motion to fund the engineering as requested by Mr. Westbrook (prior presentation). There was discussion regarding the type of engineering and what needs to be done. Commissioner Dawson agrees we need to move forward with the project but requested Mr. Gantt to review and become familiar with the project first. There was also discussion on how the street would be repaved to be more in line with the existing curb and sidewalk, as well as soil samples, etc. Commissioner Robbins advised he is ready to move forward since we have been talking about this project for years. Commissioner Harrell advised engineering would be the first step to see what we are dealing with. Commissioner George expressed his concern with what is under the street and contamination of the soil. Mayor Cowan advised there are contracts on two of the downtown buildings for redevelopment. Commissioner Harrell recommended we move forward with the engineering to see what kind of problems we may be dealing with regarding water run-off, etc.

After some discussion, Commissioner Harrell withdrew his motion as mentioned above. He requested Mr. Gantt to look into having an engineer take care of this project. He also stated he intends on making a motion at the February 2019 meeting to put forward money so the project can move forward. Mr. Gantt stated he would research this project.

BREAK 5:29 PM-5:38 PM

PUBLIC FORUM

Speakers:

Bobby Watkins commented in regards to cleaning up the cemetery and fixing the pot holes. He expressed his concern with cars possibly being damaged or someone getting hurt from the pot holes. Mayor Cowan and Commissioner Harrell assured Mr. Watkins this matter has been addressed and work will begin to resolve the issue.

Tony Swain, Regional Manager for DRC-Emergency Services, 408 N. Topsail Drive, Surf City, requested the board to extend the temporary zoning permit that was discussed and issued at the December 2018 meeting. He advised when his crews returned from Christmas vacation, there was a lot more construction and demolition debris on Highway 117. He also stated the rain has slowed progress down as well. Commissioner Harrell asked Mr. Swain how long of an extension he would need. Mr. Swain advised the end of February would be sufficient and would possibly be out of the area before then. There was brief discussion on the collection and disposal of the construction and demolition debris. It was clarified that DRC would continue to bring in vegetative and construction and demolition debris if the permit is extended. Mr. Rademacher commented he has discussed with Mr. Swain about placing gravel at the site due to the trucks going in and out to protect the roadway. Mr. Swain advised this request has been handled and the landowner would have crush top delivered the day of the meeting. Commissioner Robbins asked if any complaints had been received. Mr. Rademacher advised he has received a call from the Westside Apartment Manager. Commissioner Robbins made a motion to extend the zoning permit to allow hauling of debris in and out to February 28, 2019 with a new date for the environmental report to be due by March 14, 2019. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Other items from Mayor and Board of Commissioners continued

Commissioner Harrell commented the hole in the parking lot adjacent to the inspections building at the corner of Walker Street and Wilmington Street is in need of repair.

Commissioner George commented in regards to the New Year's Eve Blueberry Drop. He was amazed at the number of people there and thanked everyone who was involved. Commissioner Robbins agreed. Commissioner Harrell asked how much was spent towards the event. Mr. Gantt went through a list of the expenses and advised the Blueberry Festival gave \$1,000 and the town spent around \$2,000.

Commissioner Robbins reminded staff that we need to do something with the live oak tree at the former Bank of America building. He requested Mr. Gantt to contact the extension service to find out what is the best way to save the tree. Commissioner Robbins would like to see if there is some type of landscaping we can do around the tree to keep cars from parking under it. He would also like for us to move forward with curbing in the driveway at the tree. He also suggested showcasing it during the next Christmas season. Mr. Moore commented his department cannot do the curb and gutter, but has an estimate of \$5,311 to close in the driveway and connect the sidewalk from an outside contractor.

Commissioner Dawson thanked the Public Works Department on a good job taking down all of the Christmas decorations.

Mayor Cowan requested we put a fence up at the edge of our sidewalk on South Walker Street near the retention pond, as well as on the walking trail near the canal at Wallace Street.

Other Comments

Mr. Rademacher advised he and staff are moving forward with rewriting the ordinances, as well as speaking with developers on bringing development to town.

Mr. Staradumsky commented he has three or four people interested in the incubator kitchen that he will be meeting with soon. He also stated he is working on the Arbor Day Celebration.

Mayor Cowan asked the status on Dunkin Donuts. Mr. Rademacher advised they are currently working on a transportation study.

Mr. Hesse commented the plans review for O'Reilly Auto is complete and AutoZone is almost complete. He also advised Heritage Place is underway with plan reviews. He stated he stays busy with inspections and currently working on the repair issues at the Old Jail.

Chief Hock advised we should have the burgundy Dodge Charger that was discussed at last month's meeting back within a couple of weeks. He advised the new vehicle approved would probably take around a month to be complete. He also commented in regards to the current personnel status and turnover within the department.

PUBLIC HEARING – *Clay Jasper, Deputy Fire Chief*

Public Hearing – Consideration of amending the Town of Burgaw Code of Ordinances Chapter 6, Buildings and Building Regulations, Article II, Section 6-32 and Chapter 16, Fire Prevention and Protection, Article II, Section 16-31 to update the text to reflect the most recent 2018 North Carolina Fire Prevention Code

The public hearing opened at 6:05 PM.

Deputy Fire Chief Jasper gave an overview of the recommended change to the Town of Burgaw Code of Ordinances regarding reflecting the most recent 2018 North Carolina Fire Prevention Code. He advised the only amendment requested in the town code is to change year 2012 to reflect year 2018. He did advise there have been updates to the actual 2018 North Carolina Fire Prevention Code, but there are no major changes that would affect the town.

After brief discussion, the public hearing was closed at 6:09 PM.

Commissioner Harrell made a motion to approve Ordinance 2019-04 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2019-04 APPROVING AMENDED TOWN OF BURGAW CODE OF ORDINANCES

WHEREAS, the current language of Chapter 6, Article II, Section 6-32 and Chapter 16, Article II, Section 16-31 of the Town of Burgaw Code of Ordinances has adopted the previous version of the fire code and appendices; and

WHEREAS, the North Carolina Fire Code, the North Carolina Department of Insurance and the Insurance Services Office has recommended that all code enforcement agencies adopt the most current code and specific appendices, and

WHEREAS, the Town wishes to comply with the recommendations of the regulatory agencies listed above and provide a more consistent and effective fire prevention staff.

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

ARTICLE II. - REGULATORY CODES

Sec. 6-32. - International Building, Mechanical, Plumbing and Fire Code adopted.
That a certain document, of which are on file in the office of the Building Inspections Department of the Town of Burgaw, being marked and designated as the International Building, Mechanical, Plumbing and North Carolina State Building Code: Fire Prevention Code 2018 Edition and all Appendices, as published by the International Code Council and the North Carolina Code Council is hereby adopted as the code of the Town of Burgaw for regulating and governing the safeguarding of life, health and property in the occupancy of buildings and premises in the Town of Burgaw and its ETJ and providing for the issuance of permits; and each and all of the regulations, provisions, conditions and terms of such International Building, Mechanical, Plumbing and North Carolina State Building Code: Fire Prevention Code 2018 Edition and all Appendices, published by the International Code Council, on file in the office of the Town of Burgaw Inspections Department are hereby referred to, adopted and made a part hereof as if fully set out in this section.

ARTICLE II. - FIRE PREVENTION CODE

Sec. 16-31. - Adoption.
There is hereby adopted by the board of commissioners, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the North Carolina State Building Code: Fire Prevention Code 2018 Edition and all Appendices 2012 Edition and Appendices B, C and F, save and except such portions as are deleted, modified or amended by this article. Not less than three copies of such code have been and now are filed in the office of the clerk and such code is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the town and its extraterritorial jurisdiction (ETJ).

Adopted this the 8th day of January 2019.

ADJOURNMENT

Commissioner George 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