

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

DATE: July 9, 2019
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth Cowan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, and Vernon Harrell
BOARD MEMBER ABSENT: Commissioner 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
Tiffany Byrd, Deputy Finance Officer
Kim Rivenbark, Deputy Clerk/Interim Planning Administrator
Chad Staradumsky, Community Development Coordinator
Cody Suggs, Parks & Recreation Director
MEDIA PRESENT: None
INVOCATION: Reverend Nick Smith
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

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

Approval of Consent Agenda

Commissioner Harrell made a motion to approve the consent agenda. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

- A. Approval of the June 11, 2019 regular meeting minutes
- B. Approval of the June 11, 2019 closed session minutes
- C. Resolution 2019-16 Approving Membership with Interlocal Risk Financing Fund of North Carolina

**RESOLUTION 2019-16
RESOLUTION APPROVING MEMBERSHIP WITH INTERLOCAL RISK FINANCING FUND OF NORTH
CAROLINA**

WHEREAS, certain municipalities and other units of local government of the State of North Carolina, as defined in G.S. 160A-460(2), have agreed to create the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA and have agreed to pool the risks of their exposure to property losses and potential liabilities in the manner herein provided pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et seq.* (Part 1 of Article 20 of Chapter 160A); and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT: The Town of Burgaw elects to become a member of the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool For Property and Liability Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Fund and to abide by the terms and conditions of the Interlocal Agreement.

NOW THEREFORE, BE IT FURTHER RESOLVED

That the duly authorized officials of the Town of Burgaw are directed to execute in the name of the said unit the "Interlocal Agreement for a Group Self-Insurance Pool For Property and Liability Risk Sharing," a copy of which is attached to and made a part of this Resolution.

I certify that this is a true and correct copy of this Resolution, duly adopted by the governing body on the 9th day of July, 2019, as it appears of record in its official minutes.

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

Attorney Rivenbark stated there needs to be a discussion regarding the Arts Council lease agreement that ends on July 31, 2019. He advised staff's recommendation is for the town to take over the building, allow the Arts Council to use the building free of charge for various programs and to schedule all activities and events with the town. If the board decides to go along with the staff recommendation, Attorney Rivenbark suggested the use be handled in the same manner as the Community House with a Complimentary Use Policy. Other options would include renewing the current lease, revising the lease, or do nothing. Attorney Rivenbark asked for direction from the board on what they would like to do. Mr. Gantt explained his recommendation to renovate the building so that it can be used for a wide variety of activities with the town's Parks and Recreation Department, as well as use by the Arts Council and other organizations. Commissioner Harrell asked about the meeting that was supposed to occur between town staff and the Arts Council. Mr. Gantt advised there was a meeting regarding the needs and wants from the Arts Council. He also said they walked over to the building to visually see the layout and to talk about ideas. Mr. Gantt advised there needs to be a lot of work done to the building. Commissioner Harrell asked if the Arts Council would need a contract for certain uses of the building if the town takes over the building. Attorney Rivenbark stated a Complimentary Use Policy would be issued including certain uses as determined by the board. Commissioner Robbins asked if the office space issue would be any different than the county tourism office at the Old Jail. There was discussion about this and Attorney Rivenbark stated the issue would be other non-profit organizations requesting space and use of the building.

Commissioner Dawson commented she would like to see what we could do to allow space for both the Arts Council, as well as the Parks & Recreation Department. She also commented she does not believe there would be any issues with other organizations wanting to use the building, but those issues could be addressed at that time if necessary. Commissioner Dawson said she wants to move forward with the plan and renovations. She requested those involved with the project to meet and come up with a floor plan.

Mayor Cowan asked if there were other organizations currently using the building. Roxie Moore with the Arts Council spoke in regards to three other non-profit organizations that are currently using the building. There was discussion regarding use of the building by other non-profits, etc.

Commissioner Robbins commented about the office space. Attorney Rivenbark stated we should not single out any one organization. Commissioner Robbins wants to move forward with the project.

Rochelle Whiteside commented about the plans for joint use of the building with the town's Parks and Recreation Department. She stated they hope to be able to do joint scheduling with the town and the facility remain a community arts center. She also informed everyone of a sign that Art Beat has created and was ready to be placed on the building. Ms. Whiteside advised the Arts Council would need office space, space to build performance sets, storage space for costumes, etc. She stated if the building is used the way the Community House is with a Complimentary Use Policy, she sees multiple problems with that. She said if they do not have office space or storage, they would not be able to hold classes and continue theater performances.

Attorney Rivenbark stated the options for the board: Renew the current lease and only let the Arts Council use the facility, the town takes over the building and the Arts Council use the building by a Complimentary Use Policy subject to the board's conditions, or the lease will expire on July 31, 2019 and the town takes over the building like before. Attorney Rivenbark asked for direction from the board before he drafts any type of lease, contract, Complimentary Use Policy, etc. Commissioner Robbins stated he liked the option for the town to take over the building, be the key holder, and allow the Arts Council to use the facility.

James Malloy commented he believes the Arts Council will eventually be pushed out of the building. He stated if only one person has the key and the town is the only one scheduling, the Arts Council wouldn't be able to operate in full capacity. Mr. Malloy stated the Arts Council wants to have equal access.

Commissioner Harrell stated he would like to give the Parks and Recreation Department control of the building and give the Arts Council office and storage space. Attorney Rivenbark advised the board not to guarantee any group that is not affiliated with the Town of Burgaw anything. Commissioner Harrell commented we have done this in the past and have not gotten sued by anyone yet. Commissioner Dawson asked if we could lease a portion of the building and Attorney Rivenbark stated yes. Mr. Gantt commented there has not been any plans drawn up yet to determine space, etc.

Commissioner George recommended to move this item into closed session for further discussion.

ITEMS FROM THE MANAGER – James Gantt, Town Manager

Resolution 2019-17 Amending the Town of Burgaw Procurement Card Policy

Mr. Gantt presented Resolution 2019-17 Amending the Town of Burgaw Procurement Card Policy. He stated the town's purchasing card system will now be under the state's Bank of America purchasing card system which will allow the town to get rebates for purchases made on the new procurement card system. Due to this change, town staff has reviewed and revised the current procurement card policy. Commissioner Dawson asked if there is any type of pre-audit done before an employee makes a purchase. Ms. Pope stated anything over \$500 requires a requisition first. She said the new system allows for approvals, etc. for the system, but will be the responsibility of the department head to know how much money is in the budget. Mr. Gantt commented this system moves away from open accounts at businesses and allows staff to log in on the system to check real-time transactions, etc. rather than receiving an invoice or statement a month later. He stated the card limits can be adjusted at any time. Commissioner Robbins asked why the town will be using Bank of America; Mr. Gantt advised this is the state contract's bank and the system under Bank of America will integrate with our current finance software.

Commissioner Dawson made a motion to approve Resolution 2019-17 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2019-17 AMENDING THE TOWN OF BURGAW PROCUREMENT CARD POLICY

WHEREAS, the Town of Burgaw has adopted a personnel policy; and

WHEREAS, the policy should contain a procurement card section; and

WHEREAS, the Town wishes to amend the procurement card policy that outlines the protocol required to effectively manage the procurement card program.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW THAT:
The Town of Burgaw amends the procurement card policy as on file in the Clerk's office.

Adopted this the 9th day of July, 2019.

Other items from the Manager

Parking on the Railroad Right-of-way

Mr. Gantt advised he and staff have looked into parking options along the state railroad right-of-way. Staff recommended parking between Fremont Street and Satchwell Street along Dickerson Street. He stated this location would take minimal preparation since the ground is solid and in good condition. He commented the area could be paved or rocked; paving the area would cost around \$65k. Commissioner Harrell asked the exact location for the parking. Mr. Gantt advised staff is recommending parking on the railroad bed. After some discussion, it was the consensus of the board to move forward with this location and work on an encroachment agreement with NC DOT. Commissioner Robbins suggested to contact the Clerk of Court to advise them of the plan for additional parking.

Disaster Debris Sites

Mr. Gantt advised in order to get federal reimbursement for disaster events, the town must have their own designated debris site. It is staff recommendation to use the current town debris site for this purpose rather than establishing a new site for disaster debris. If there is a need for additional storage, we could request space on the railroad right-of-way. Mr. Gantt advised if the debris was piled as it should be, the town's debris site should be enough space. Commissioner Robbins made a motion to approve the current town debris site as the disaster debris site. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Commissioner Robbins recommended the town look into the possibility of contacting adjacent land owners so that we could eventually expand the debris site since the town is growing. Mr. Gantt stated he and staff have discussed this. It was the consensus of the board to move forward with contacting the adjacent land owners.

American Legion Building

Mr. Gantt advised Commissioner Dawson, Mr. Hesse, and himself met at the American Legion building to look at the renovations needed for the building as discussed at the June 2019 Board of Commissioners meeting. Mr. Hesse advised there is a lot of settlement and termite damage in the building. He commented it would be a major project and would cost a large amount of money to fix. There was comments regarding the history of the building and the desire to salvage if possible. Mr. Hesse stated if the board wanted to move forward with looking into this, he would recommend getting a contractor to evaluate the work that would need to be done and see how much money would be involved. Commissioner Dawson stated if the building had to be torn down, they could at least salvage the wood that is in good condition so that it could be used in a new building. Mayor Cowan suggested for Mr. Hesse to meet with Lonnie Davenport to discuss his findings and get feedback from the American Legion board. Commissioner Harrell commented in regards to how much money the town can spend on a private piece of property.

Speed Humps on West Satchwell Street

Mr. Gantt advised he and Chief Hock looked at the area where a speed hump was requested at the previous meeting. He stated there is a speed hump in the same area on Bodenheimer Street. Mr. Gantt advised the quote for installing two speed humps on West Satchwell Street would be \$1,600 (\$800 each). Commissioner Harrell recommended to install the speed humps since there have been prior issues with prearranged racing. After discussion, Commissioner Dawson suggested for town staff to verify the petition presented at the last meeting and research the issue further.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Planning Board Vacancy Discussion/Appointment

Commissioner Harrell made a motion to nominate Frederick Lewis to fill the Planning Board vacancy. The motion was seconded by Commissioner George and carried by unanimous vote.

Appointment of TDA Chairperson

Commissioner Robbins made a motion to nominate John Westbrook as Chairperson for the Tourism Development Authority. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Other items

Commissioner Robbins requested updates on the Osgood Canal project and the possibility of having a meeting with NC DOT regarding their culverts. He voiced his concerns about the improvements needed all the way through town. Mr. Gantt advised he has reached out to NC DOT and they will be looking into the improvements in the future. Mr. Gantt will reach out again to confirm the plans and details. Commissioner Robbins also requested a meeting with Pender County regarding the drainage improvements at Burgaw Creek and towards the interstate. Mr. Gantt advised there has been discussion about flying a drone in the area to see what the issues are. There was brief discussion regarding beaver dams being the issue. Commissioner Robbins requested for Mr. Gantt to stay abreast of the situation.

Commissioner Robbins asked for an update on the Courthouse Avenue project. Mr. Gantt advised this will be discussed in closed session.

Commissioner Robbins commented about a contractor that he had talked to and said that Town Hall was closed on or around June 27th. Commissioner Robbins asked if Town Hall was closed around this time, possibly during a department head meeting. Mr. Gantt advised Town Hall is not closed during the meetings. There was a good possibility the contractor saw the sign on the door about Town Hall planning to be closed for the July 4th holiday.

Commissioner Robbins commented about the possibility of purchasing “drive like your kids live here” signs to be placed around town and allow residents to obtain one free of charge. Mr. Gantt advised this could be part of a safety campaign along with the Police Department. Commissioner Robbins suggested to purchase about 200 signs in an attractive color such as lime green. Mr. Gantt and Chief Hock will look into this request.

Commissioner Dawson requested for dead limbs and dogwoods be cleaned up at the cemetery.

Commissioner Dawson requested for Mr. Moore to look into the possibility of removing one of the parking spaces at the corner of South Dudley and West Fremont Street due to sight issues.

Commissioner Harrell requested for Public Works to remove two dead dogwood trees at Harrell Park.

Commissioner Harrell commented about leasing electric vehicles. Mr. Gantt advised Enterprise does lease electric vehicles, but after looking at our fleet and recommendations from the Enterprise representative, electric vehicles would not be suitable for the town and they are much more costly. Commissioner Harrell stated his interest in electric vehicles was to encourage the town to create charging areas. He believes this would attract people with electric vehicles to come to our town.

Commissioner Harrell spoke about the possibility of establishing a tax incentive or grant program to encourage builders to take down condemned structures and construct a new home in its place. He would like research done regarding the legal and financial feasibility of this idea.

Commissioner George commented about the green water at US Highway 117 at Burgaw Creek.

BREAK 5:19 PM-5:29 PM

PUBLIC FORUM

Mayor Cowan requested Attorney Rivenbark to track the time to limit each speaker to three minutes.

Rochelle Whiteside, 315 West Bridgers Street, spoke about the arts in town and the desire for a partnership with the town’s Parks & Recreation Department at the Old EMS Building. She said if the Arts Council does not have a presence in the building for office space, staging, props, costumes, etc., the council would cease to exist.

Roxie Moore, 2171 Malpass Corner Road, spoke about the Arts Council working with non-profit organizations and their joint use of the building. She stated she is excited about the joint efforts with the town and hopes to keep her position as a volunteer for the scheduling of Art Beat.

James Malloy, 513 North Wright Street, spoke in regards to the Arts Council and his desire for the arts to stay in town to bring the community together.

Patricia Slomanski, 402 North McNeil Street, voiced her concerns regarding the mural on the side of the Old EMS Building. *A letter presented by Ms. Slomanski is on file in the Clerk’s office.*

PUBLIC HEARING #1

Consideration of an amendment to the official Town of Burgaw Zoning Map rezoning a 16.06 acre tract located behind State Employee's Credit Union and Excel Childcare off Hwy 117 Bypass from B-2 and O&I to O&I-CZ1.

Mayor Cowan opened the Public Hearing at 5:41 PM.

Ms. Rivenbark presented the request for rezoning. *Documents are on file in the Clerk's office.*

Attorney Rivenbark clarified Ms. Rivenbark's recommendation for Rhodes Avenue to be turned over to the town after it has been brought up to NC DOT standards.

Tom Harrington, representative for the project, was present to answer any questions.

Commissioner George asked about the wetlands being used as a retention pond for the parking lot run-off. Ms. Rivenbark stated there is a retention pond proposed in the project, and this is something that will be reviewed by NC DEQ.

Commissioner Harrell asked if there has been any discussion regarding moving the sewage pump to the front of the property opposed to the back. He also asked about accommodations for bicycle racks. Mr. Harrington stated the pump is to be located at the back of the project, but would look at possibly placing it at the front. He also stated bike racks could be included in the plan.

Commissioner Dawson asked for the applicant to include brick or stone on the front of the structures and would like this to be included as a condition. Mr. Harrington commented he would include this request.

Commissioner Harrell asked if any of this project would be subsidized housing. Attorney Rivenbark stated this cannot be considered as part of the decision for the project.

Commissioner Robbins asked if the units will be for sale. Mr. Harrington stated the units would be for sale, but unknown of a price range.

Mayor Cowan asked about a timeline for the project. Mr. Harrington stated best case scenario would be next spring to initiate the project.

Mayor Cowan closed the public hearing at 6:03 PM.

Resolution 2019-18 Adopting a statement regarding the consistency of the Crosswinds Development rezoning request with the Burgaw 2030 Comprehensive Land Use Plan

Commissioner Harrell made a motion to approve Resolution 2019-18 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2019-18
ADOPTING A STATEMENT REGARDING THE CONSISTENCY OF THE CROSSWINDS DEVELOPMENT
REZONING REQUEST WITH THE BURGAW 2030 COMPREHENSIVE LAND USE PLAN**

WHEREAS, applicant Crosswinds Development is requesting the rezoning of a 16.06 acre tract (PIN 3229-82-8889-0000) located off Highway 117 S and Rhodes Ave. from B-2 and O&I to O&I-CZ1 to construct a 90-unit townhome development; and

WHEREAS, Town of Burgaw planning staff have reviewed the proposed rezoning for consistency with the Burgaw 2030 Comprehensive Land Use Plan and presented their findings to the Town of Burgaw Planning Board and Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their June 20, 2019 meeting to recommend the adoption of a draft consistency statement to the Board of Commissioners; and

WHEREAS, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their July 9, 2019 meeting and find the requested rezoning with proposed conditions to be consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed conditional rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it sets aside environmentally sensitive areas, is designed to accommodate pedestrian traffic and recreation, and complies with the development recommendations of the Mixed-Use Transition land use designation. In addition, the proposed rezoning is reasonable and in the public interest because it contributes to the town's housing stock, and attracts new residents who will support and attract local businesses.

Adopted this 9th day of July, 2019.

Ordinance 2019-14 Approving an amendment to the Town of Burgaw Zoning Map Rezoning a 16.06 acre portion of parcel ID: 3229-82-8889-0000 located on US Highway 117 South and Rhodes Avenue from B-2 and O&I to O&I-CZ1 Conditional Zoning District

Commissioner George made a motion to approve the rezoning to include the conditions as stated in the staff report so long as the applicant agrees with conditions. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**ORDINANCE 2019-14
APPROVING AN AMENDMENT TO THE TOWN OF BURGAW ZONING MAP REZONING A 16.06 ACRE
PORTION OF PARCEL ID: 3229-82-8889-0000 LOCATED ON US HWY 117 S AND RHODES AVE. FROM B-2
AND O&I TO O&I-CZ1 CONDITIONAL ZONING DISTRICT**

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 official zoning map on December 12, 2000; and

WHEREAS, applicant Crosswinds Development is requesting the rezoning of a 16.06 acre tract Parcel ID: 3229-82-8889-0000 located on US Hwy 117 S and Rhodes Ave from B-2 and O&I to O&I – CZ-1 Conditional Zoning District to construct a 90-unit townhome development; and

WHEREAS, the Town of Burgaw Planning and Zoning Board voted at their June 20, 2019 meeting to recommend the requested rezoning subject to certain conditions; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the rezoning is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it sets aside environmentally sensitive areas, is designed to accommodate pedestrian traffic and recreation, and complies with the development recommendations of the Mixed-Use Transition land use designation; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the proposed rezoning is reasonable and in the public interest because it contributes to the town's housing stock, and attracts new residents who will support and attract local businesses.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT:
SECTION 1: The Town of Burgaw Official Zoning Map be amended and the parcel referenced above is hereby rezoned to O&I- CZ1 as described in the attached zoning district description and approve site plans and subject to the following conditions:

- *Rhodes Ave and associated sidewalk shall be dedicated to the public upon completion of the project.*
- *The pump station shall be dedicated to the Town upon completion of the last building.*
- *Water and sewer infrastructure shall be dedicated to the Town during the final plat stage.*
- *Blow-offs shall be located at the end of the water lines where they end at the parking lot ends or the line shall be looped.*
- *Any conflict between the approved plan and federal, state, and local regulations will not require changes to the property zoning and will be resolved during the subdivision review process.*
- *Parking stall depth shall be the required 19 feet.*
- *The recreation area shall be defined at the preliminary plat stage and shall be completely enclosed with a permeant fence of at least five (5) feet in height.*
- *Drive isles within the community shall be 26 feet wide.*
- *Tree survey shall be completed at subdivision stage and proper tree removal permits shall be obtained prior to tree removal.*
- *A trash dumpster shall be added for a total of three dumpsters located in the development.*

- *The Applicant shall obtain all required permits and approvals from NCDOT and NCDEQ prior to approvals for preliminary plat.*

SECTION 2: This amendment to the Town of Burgaw Official Zoning Map becomes effectively immediately upon adoption of this ordinance on this, the 9th day of July, 2019.

CLOSED SESSION

Commissioner Dawson made a motion at 6:05 PM to go into closed session pursuant to NCGS 143-318.11 paragraph (a) item (3) Attorney/Client Privilege. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Dawson made a motion at 7:03 PM to go back into open session. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

OPEN SESSION

Limited License Agreement for 2220 Stag Park Road

Commissioner Robbins made a motion to continue to allow use of the flood property located at 2220 Stag Park Road and to establish a new Limited License Agreement in the name of Margaret Jordan, since the original lease was in her husband's name of R.C. Jordan, who is deceased. The annual amount due would remain in the amount of \$35. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Old EMS Building Discussion

Attorney Rivenbark informed the public of the outcome from the discussion in closed session regarding the future use of the Old EMS Building. He stated the board decided not to renew the lease for use of the building by the Pender County Arts Council. The board instructed Attorney Rivenbark to create a Complimentary Use Policy with the town's Parks and Recreation Department as the key holder and allow the Arts Council to use the building for free and schedule use through the town. Attorney Rivenbark stated the Arts Council would be able to charge admission fees for events and activities under the Complimentary Use Policy. He also stated the board has decided to begin the early stages of completely renovating the building. The attic space can remain as storage for the Arts Council until renovations begin. Attorney Rivenbark advised he would set up a meeting with Mr. Suggs and Ms. Whiteside before July 31, 2019. There was clarification that use of the facility would remain the same until renovations, except the scheduling will be handled through Mr. Suggs after July 31, 2019, when the current lease agreement expires.

ADJOURNMENT

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

The meeting was adjourned at 7:08 PM.

Kenneth T. Cowan, Mayor

Attest: _____
Kristin J. Wells, Town Clerk