

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

**DATE:** June 11, 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  
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 Murphy and carried by unanimous vote.

**Approval of Consent Agenda**

Commissioner Robbins asked the May 14, 2019 regular meeting minutes be amended on page 8 and 10 to clarify reference to the “agricultural building” as “the old Burgaw high school agriculture building” and not “county agriculture building.” Commissioner Harrell also requested clarification on page 11 regarding the wastewater treatment plant generator to reflect his question to say “if there is a plan in place if it must be removed in the future due to the eroding of the bank at the canal.” Commissioner Robbins made a motion to approve the consent agenda with the requested amendments to the May 14, 2019 regular meeting minutes. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

- A. Approval of the May 14, 2019 regular meeting minutes
- B. Resolution 2019-11 Amending the Town of Burgaw Personnel Policy to reflect the position title of Deputy Finance Officer
- C. Resolution 2019-12 Adopting the newly revised Municipal Records Retention and Disposition Schedule
- D. Ordinance 2019-11 Amending FY 18-19 budget to recognize loan proceeds for the purchase of a new grapple truck for the Public Works Department

RESOLUTION 2019-11  
CONSIDERATION OF A RESOLUTION AMENDING THE TOWN OF BURGAW’S PERSONNEL POLICY

WHEREAS, the Town of Burgaw Board of Commissioners approved the use of the Personnel Policy on September 11, 2012; and

WHEREAS, on May 14, 2019 the Board of Commissioners approved to amend the *Accounting Technician II* job title to *Deputy Finance Officer*; and

WHEREAS, the Board of Commissioners wishes to amend the organizational chart and Article V Employment, Compensation, and Employee Performance, Section 12 Compensatory Time for FLSA Exempt Employees of the Personnel Policy to reflect the title change of *Deputy Finance Officer*; and

WHEREAS, the Board of Commissioners wishes to amend the Pay Classification Plan within the FY 18-19 budget to reflect the title change of *Deputy Finance Officer*.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Town of Burgaw Board of Commissioners hereby amends the Personnel Policy to reflect the changes attached.

Adopted this 11<sup>th</sup> day of June 2019.

RESOLUTION 2019-12  
ADOPTING THE NEWLY REVISED MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

WHEREAS, The Town of Burgaw desires to retain and dispose of public records in accordance with the laws of the State of North Carolina as set forth in the General Statutes; and

WHEREAS, The NC Department of Cultural Resources provides guidelines for proper retention and disposal of public records; and

WHEREAS, From the beginning of the records retention and disposition program the Town of Burgaw has adopted and followed the "Municipal Records Retention and Disposition Schedule" and any subsequent amendments; and

WHEREAS, The NC Department of Cultural Resources has recently revised and amended the records retention and disposition schedule to include provisions related to additional categories; and

WHEREAS, In order for the Town of Burgaw to implement the new guidelines for records retention and disposition the NC Department of Cultural Resources requires approval of the newly revised schedule by the Governing Board.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS that the Municipal Records Retention and Disposition Schedule revised on March 1, 2019 by the NC Department of Cultural Resources is hereby adopted by the Town of Burgaw Board of Commissioners and will become effective upon adoption of this resolution on June 11, 2019. All previously adopted versions of the schedule will be superseded by the adoption of said schedule.

Adopted this 11<sup>th</sup> day of June, 2019.

ORDINANCE 2019-11  
*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 Town of Burgaw approved the purchase of a new grapple truck in the amount of \$148,741.83 by the Burgaw Public Works Sanitation & Drainage Department; and

WHEREAS, financing for this purchase was provided through First Bank; and

WHEREAS, the terms of this financing are 7 years at 3.27% interest with annual payments of \$24,158.61; and

WHEREAS, the Town of Burgaw would like to recognize \$148,741.83 from loan proceeds into the FY 18-19 budget, therefore, additional revenue and expenditure must be recognized.

*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
10-3920-00-900	Loan Proceeds	\$148,741.83

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5800-30-740	Capital Outlay	\$148,741.83

Adopted this 11<sup>th</sup> day of June, 2019.

**DEPARTMENTAL ITEMS**

**Fire Department – *Clay Jasper, Deputy Fire Chief***

**Blocker Fire Truck - Discussion**

Deputy Fire Chief Jasper advised he brought back information regarding a fire blocker truck as requested at the May meeting. He commented the information is available in the agenda packet, along with pictures, and will be glad to answer any questions the board may have. Commissioner Harrell commented about the picture included in the packet in reference to the same style truck would be similar to the town's fire truck that would be used for the purpose of a blocker truck. Commissioner Harrell commented he misunderstood about the use of the ladder truck as a blocker truck. Mr. Jasper advised the ladder truck is the first responding truck to accidents on interstate. There was brief clarification on the reason why the ladder truck is taken to interstate. Mr. Jasper stated the ladder truck is taken to interstate for calls because it is the heaviest truck in the department. No further comments were made regarding the blocker truck information.

**Resolution 2019-09 Authorizing disposal of surplus property: (1) 1990 Gruman Fire Apparatus and (1) 1998 Freightliner/E One Fire Apparatus**

Resolution 2019-09 was presented at the May 14, 2019 meeting, but was tabled until information was presented regarding the blocker truck. There being no discussion, Commissioner George made a motion to approve Resolution 2019-09 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2019-09  
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of (1) 1990 Gruman Fire Apparatus and (1) 1998 Freightliner/E One Fire Apparatus; and

WHEREAS, said equipment has been in service for several years but, due to age and replacement by a new fire apparatus, it has been deemed obsolete; and

WHEREAS, North Carolina General Statutes §160A article 12 allows municipalities to surplus and dispose of property by adopting a resolution authorizing the sale; and

WHEREAS, it has been determined that each of these items retains value; and

WHEREAS, the following regulations are designed to secure for the Town of Burgaw the fair market value for the property and to accomplish the disposal efficiently and economically; and

WHEREAS, North Carolina General Statute 160A-266 permits the town to sell property through various methods;

NOW, THEREFORE, BE IT RESOLVED by the Town of Burgaw Board of Commissioners that:

1. The Board of Commissioners does hereby decommission (1) 1990 Gruman Fire Apparatus and (1) 1998 Freightliner/E One Fire Apparatus and does hereby declare this equipment to be surplus property.
2. The Board of Commissioners will sale property by the method which is in the best interest of the Town.
3. The Town of Burgaw will submit specifications of the equipment to other fire departments for sale.

Adopted this the 11<sup>th</sup> day of June, 2019.

**Parks & Recreation Department – Cody Suggs, Parks & Recreation Director**

**Depot Tenant Agreement – Feast Down East**

Mr. Suggs advised the Feast Down East depot agreement will expire in June. He commented Attorney Rivenbark has reviewed the agreement and no amendments are necessary other than the dates and possibly the rental rates, if the board wishes to amend those. Ms. Pope suggest we not go backwards from the current rate of \$6,000 as like the previous contract stated for year one at a rate of \$5,500. She advised the board they may continue the rate of \$6,000 or increase the amount if they so desire. Commissioner George made a motion to approve the agreement with year one and year two both at a rate of \$6,000 each year. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**Resolution 2019-13 Amending the Burgaw Community House rental policy**

Mr. Suggs gave an overview of his request regarding amending the Burgaw Community House rental policy. He changed the contact name and the beginning rental time to 8:00 AM instead of 7:00 AM to allow the cleaning crew time to clean following a rental the night before, prior to the next rental. Mr. Suggs commented the rental time for the depot begins at 8:00 AM as well. There being no discussion, Commissioner Harrell made a motion to approve Resolution 2019-13 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2019-13  
AMENDING THE BURGAW COMMUNITY HOUSE USAGE POLICY

WHEREAS, the Town of Burgaw Board of Commissioners approved the use of the Burgaw Community House Usage Policy on March 12, 2013; and

WHEREAS, the Parks & Recreation Director recommends changes to the existing policy concerning reservation procedures for the use of the building.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Burgaw Community House Usage Policy is hereby amended to reflect the changes attached.

Adopted this 11<sup>th</sup> day of June 2019.

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

**Resolution 2019-14 Approving annual use of the Burgaw Train Depot for the Veteran’s Day ceremony hosted by the Battle of Moore’s Creek Bridge Chapter of the Daughters of the American Revolution**

Per the request of the board at the May meeting, Attorney Rivenbark advised he drafted a resolution for the board to allow annual use of the depot by the Daughters of the American Revolution for the annual Veteran’s Day ceremony. Attorney Rivenbark commented he included a section within the resolution to request the organization to notify the town by September 1<sup>st</sup> of each year if they intend to host the ceremony at the depot. He advised the purpose of the resolution is so that the organization would not have to formally come before the board each year to request use of the depot. Commissioner George made a motion to approve Resolution 2019-14 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

RESOLUTION 2019-14  
RESOLUTION APPROVING ANNUAL USE OF THE BURGAW TRAIN DEPOT FOR THE VETERAN’S DAY CEREMONY HOSTED BY THE BATTLE OF MOORE’S CREEK BRIDGE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTIUON

WHEREAS, the Town of Burgaw recognizes the Battle of Moore’s Creek Bridge Chapter of the Daughters of the American Revolution has hosted the annual Veteran’s Day Ceremony at the Historic Burgaw Train Depot and adjacent flag poles on Veteran’s Day for many years; and

WHEREAS, the Town of Burgaw Board of Commissioners support the continuation of the Veteran’s Day Ceremony at the Historic Burgaw Train Depot and adjacent flag poles on Veteran’s Day each year; and

WHEREAS, the Town of Burgaw Board of Commissioners support the continuation of the Battle of Moore's Creek Bridge Chapter of the Daughters of the American Revolution as hostess for said Veteran's Day Ceremony for so long as they desire to host said ceremony; and

WHEREAS, the Town of Burgaw Board of Commissioners thanks the Battle of Moore's Creek Bridge Chapter of the Daughters of the American Revolution for their service they provide to the Town of Burgaw and greater Pender County community through their Veteran's Day Ceremony.

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

SECTION 1: The Battle of Moore's Creek Bridge Chapter of the Daughters of the American Revolution shall hereinafter be allowed to use the Historic Burgaw Train Depot and adjacent flag poles on Veteran's Day each year for so long as they desire to host said ceremony.

SECTION 2: The Town of Burgaw respectfully requests the Battle of Moore's Creek Bridge Chapter of the Daughters of the American Revolution to notify the Town of Burgaw if they intend to host the Veteran's Day Ceremony at the Historic Burgaw Train Depot and adjacent flag poles by the first day of September each year.

Adopted this 11<sup>th</sup> day of June, 2019.

### **ITEMS FROM THE MANAGER – James Gantt, Town Manager**

#### **Ordinance 2019-12 Approval of FY 2019-2020 Annual Budget**

Mr. Gantt advised the FY 2019-2020 budget was presented at the May meeting and requested the board to approve the proposed budget. Commissioner Robbins expressed his concern regarding the tax rate. He asked Ms. Pope for the current approximate amount in fund balance. She advised it is approximately \$2.5 million. Commissioner Robbins asked the approximate amount anticipated to go back into fund balance for FY 2019-2020. Ms. Pope advised due to prior expenditures, she anticipates approximately \$100k would be taken from the fund balance during FY 2019-2020. Commissioner Robbins expressed concern with the recent tax appraisals and suggested we consider lowering the tax rate by two cents. After some discussion, Mr. Gantt commented it is more difficult to increase taxes than it is to lower taxes. He also stated he does not want to use fund balance for operational expenses in the future.

After discussion on how to make the change within the budget, Attorney Rivenbark advised the board they need to make two separate motions. Commissioner Robbins made a motion to decrease the property tax rate identified in the proposed FY 2019-2020 budget from \$.46 to \$.44. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

After discussion regarding the future of water and sewer rates, Attorney Rivenbark stated a second motion was needed to take care of the \$65k deficit in result of the tax decrease. Commissioner Robbins made a motion to appropriate \$65k from the fund balance to cover the deficit in result of the tax decrease from \$.46 to \$.44. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Dawson made a motion to adopt Ordinance 2019-12 with the amendments approved above. The motion was seconded by Commissioner Harrell and carried by unanimous vote. *Due to length, ordinance is on file in the Clerk's office.*

#### **Request to formally assume ownership of the sidewalk on Clark Street**

Mr. Gantt advised Clark Street is a town owned street and requested the board to formally assume ownership of the sidewalk that was recently installed on the street. He advised Public Works has inspected the sidewalk and is in proper condition for the town to main it from this point forward upon adoption by the board. Mr. Gantt advised there have been some complaints regarding vehicles parking on the sidewalk. The town can enforce no parking once it assumes ownership. Commissioner Dawson asked what is in place if future developers damage the sidewalk. Mr. Gantt advised he is unsure of any type of regulations regarding this, but could include wording in the developer proposal at the time of development. Commissioner Harrell asked Mr. Moore if the sidewalk would have to be removed if curb and gutter were decided to be installed on the street in the future. Mr. Moore advised the sidewalk would have to be removed. Commissioner Harrell commented this is something to consider. Mr. Gantt advised we have looked into extending the sidewalk to Dickerson Street and would cost approximately \$15k-\$20k. There being

no further discussion, Commissioner Harrell made a motion to formally assume ownership of the sidewalk on Clark Street. The motion was seconded by Commissioner George and carried by unanimous vote.

### **Other items from the Manager**

#### **Parking on the railroad right-of-way**

Mr. Gantt advised he has spoken with the NCDOT Rail Division and advised an encroachment agreement could be done to allow parking on the railroad right-of-way. He stated the parking lots could be paved or rocked. Mr. Gantt advised there is also “talk” about the railroad coming back through town as like years ago. He said there is federal grant money available to NCDOT for this type of project and it is something they are looking at for the future. There was discussion regarding the railroad coming through town and how many crossings would be allowed in the town limits. Commissioner Robbins suggested we determine the right location along the railroad and start the encroachment process for parking. Commissioner Harrell commented the rail area between Fremont Street and Satchwell Street would be ideal for parking as the property drains well after it rains. Mr. Gantt advised he and Mr. Moore have looked at some areas along the railroad. He advised he will look into cost estimates for installing gravel and bring back information at the July meeting.

#### **Paving of Cowan Street**

Mr. Gantt advised he received a quote of \$50,700 to finish paving South Cowan Street between East Fremont Street and South Walker Street. This was a request from the May meeting to pave the entire block of the street since the contractors had paved a small portion in result of the Osgood Canal drainage improvement project. Mr. Gantt advised if we include the paving with the other street paving proposed in the upcoming budget year, the cost would be reduced some, but unknown of exact amount.

#### **Request received for the town to consider purchasing property owned by Horace Thompson**

Mr. Gantt advised he was contacted by Horace Thompson to see if the town would be interested in purchasing a piece of property he owns, located at the corner of East Satchwell Street and South Walker Street. Mr. Gantt advised Mr. Thompson requested the board consider purchasing the land so the town can take care of the ditch and maintain it on a regular basis. There was discussion regarding easements and town alleys around the location that was being discussed. It was the consensus of the board to allow Mr. Gantt to reach out to Mr. Thompson and ask for a price.

#### **Disaster debris clean up**

Mr. Gantt advised there was recently a meeting held by Pender County and NCDOT regarding debris clean up following disasters. Mr. Gantt advised the county is looking into having NCDOT clean and remove debris on all state owned roads after disasters. He commented NCDOT does not have contractors in place prior to disasters and will bid out the project post-disaster. Mr. Gantt advised there was discussion regarding towns possibly being interested in contracting with NCDOT to come into the town limits and clean up state owned roads. Mr. Gantt advised this would not benefit the town greatly as we would still need a contractor to clean up the town streets. He recommended the board continue as the town has always done by bidding out and having a preposition contractor in place and not using NCDOT. Mr. Gantt believes the clean-up would be done quicker by having our own contractor for debris clean-up. There was brief discussion regarding the NCDOT process of hiring a contractor after the incidents. Mr. Gantt advised the county has requested towns to identify debris sites separate from the county sites due to confusion during Hurricane Florence. Mr. Gantt advised he and town staff will be looking at sites and will bring back more information to the board. Commissioner Harrell asked if the railroad right-of-way could be considered in this type of situation. Mr. Gantt advised it may be a possibility but would have to be an encroachment agreement with NCDOT. There was discussion regarding the town having access to NCDOT ditches and reimbursement to the town for the routine maintenance. There was also discussion regarding white goods collection after a disaster. Commissioner Harrell commented if the white goods were in an accessible area, he knows a number of people that would be willing to haul the items away.

### **Other items**

Mr. Gantt advised there is a meeting scheduled with county staff regarding the proposed Law Enforcement Center to be built on 100 acres behind the prison. He advised this is a preliminary meeting on what type of services can be provided by the town.

Mr. Gantt advised he met with a reporter from WECT for interviews regarding the Burgaw Cemetery and the Old Jail. He commented these stories would be featured during WECT's Highway 6 tour scheduled for live news during the NC Blueberry Festival.

## **ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS**

### **Appointments of TDA Members**

Attorney Rivenbark stated he and Mr. Gantt have researched the request by the board at the May meeting in regards to increasing the number of members of the Tourism Development Authority (TDA). Attorney Rivenbark advised the current statute by local act states one third of the TDA members shall be in the lodging or hotel industry and one half of the members must be engaged in some type of tourism related field. Mayor Cowan commented on the statement made by Commissioner Harrell at the May meeting in regards to his opinion there should not be any of the members of the Board of Commissioners on the TDA. Mayor Cowan commented he would be happy to resign his position on the TDA, but he does not feel there is anything more related to tourism than the NC Blueberry Festival. Commissioner Harrell stated he still feels like we need as much input from the community as we can get. He feels this is one of the ways the board has drawn back from the community by having very few committees that are made up by members of the community. Commissioner Harrell commented he feels the more ideas we can get from a more diverse group, the better off we will be. Commissioner Dawson made a motion to appoint John Westbrook and Jennifer Hansen to fill the two vacant seats on the TDA because they are both very active in tourism and within the community. The motion was seconded by Commissioner Robbins. Commissioners Dawson, Robbins, Harrell, and George voted "aye." Commissioner Murphy abstained.

### **Other items**

Commissioner George commented on the purchase of the new grapple truck for Public Works. He said it was a wise decision and will be an asset to the town.

Commissioner Harrell commented the fee schedule needs to be adjusted to reflect wording regarding debris pick up with the grapple truck rather than reference to the front end loader and dump truck.

Commissioner Harrell stated he has serious misgivings about the K-9 unit that was approved in the budget. He feels there needs to be very strict guidelines established for the dog, such as when the dog should be used and should not be used. He stated, in no way shape or form, should the dog be used for crowd control. Commissioner Harrell stated he feels this is extremely important and if a crowd begins to gather where the dog is located, the dog should be removed. Chief Hock reassured the board the dog will not be a bite dog and it would not be used for crowd control, a person running on foot, etc. The dog will only be used for detection, tracking of missing persons, robbery suspects, and public relations. Chief Hock stated it was never his intention to have an aggressive dog. Commissioner Harrell commented he appreciated Chief Hock's comments and trusts his judgement and the judgement of the officers of the Police Department. Commissioner Harrell requested Chief Hock, Mr. Gantt, and Attorney Rivenbark to draw up guidelines for the use of the dog. Chief Hock stated there will be a separate section in the department's Standard Operating Procedures (SOP) for the use of the dog.

Commissioner Harrell asked Mr. Gantt about a parking study. Mr. Gantt advised he is currently looking into NC State University's program and other options to get prices, etc. Mr. Gantt stated he believes we could move forward with this over the next couple of months.

Commissioner Harrell asked about the status of the Courthouse Avenue project. Mr. Gantt stated since the budget has been approved, we can begin to move forward with "Requests for qualifications (RFQs)" and get pricing for engineering.

Commissioner Dawson asked about the status of the erosion issue at the canal. Mr. Gantt advised we have been approved for funding and are currently working on the required paperwork with the county. Attorney Rivenbark asked who is responsible for obtaining the Corp of Engineers permits. Mr. Gantt advised there is a long checklist the town and the county will be working through, and does not have that information yet.

Commissioner Dawson requested Public Works to edge the sidewalks on South Walker Street prior to the 5K at the upcoming NC Blueberry Festival.

Commissioner Robbins commented Pender Alliance for Teen Health is assisting with the festival by going door-to-door to pass out fliers on the 5K route. He asked if there was any way the town could assist with notifying the citizens via Code Red. After brief discussion, Mr. Gantt advised this is a possibility for the future. Mayor Cowan also commented fliers are being given out down South Wright Street for the car show, notifying the residents not to park on the street and will be able to get in and out from their driveways.

Commissioner Robbins asked the status on filling the director position at the Chamber of Commerce office. Mr. Gantt advised Arwyn Smith was hired to fill the position.

Commissioner Robbins asked Mr. Gantt for an update on the Planning Director position. Mr. Gantt advised we have done a couple of interviews and made an employment offer to a candidate but the offer was declined. A second interview was done, but the requesting salary from the candidate was higher than what we were anticipating. He commented we are still seeking applications at this time.

Commissioner Robbins asked Mr. Suggs about the Recreation Leader positions. Mr. Suggs advised he is currently working on rewriting the current job description to include more details regarding assistance with special events in hopes to broaden the applicant field. Commissioner Harrell asked the status on the yoga classes being held at the Community House. Mr. Suggs advised Abby Wilcox is teaching her class on Tuesday evenings at 6:00 PM and Beth Lewis is teaching her class on Thursday evenings at 6:00 PM, but is looking at moving her class up earlier in the day to attract different clientele.

Commissioner Robbins made positive comments on the new blueberry statue on the trail at the corner of NC Highway 53 and Timberly Lane. He and Commissioner Dawson requested the dog waste bag station be moved to a different location since it is currently behind the statue. There was brief discussion regarding positive feedback received from the citizens.

Commissioner Robbins expressed his concerns with outsiders bringing trash inside the town limits. He asked about the possibility of alerting the citizens to contact the Police Department if anyone sees this type of activity. He advised he has seen tires being left in town, as well as people dropping off garbage bags at the trash containers at Hankins Park.

Mayor Cowan commented the board does not need to lose sight of cooperating with the court system and the county to make an effort in maintaining the courthouse in down town. He stated this is critical and we need to be proactive.

## **BREAK 5:25 PM-5:35 PM**

## **PUBLIC FORUM**

John Terrell, 603 West Satchwell Street, spoke about speeding vehicles on West Satchwell Street. He stated there are children in the area and requested the town to consider putting speed humps on the street. He read a petition that has been signed by residents in the area of concern. *The petition was submitted to the Town Clerk for record.*

Stephanie Key, Pender County Tourism, stated Tourism currently has a reservation for the use of the depot for the annual Ghost Walk for October 25-26, 2019. Due to conflicts with homecoming at the local high schools on October 25, 2019, she requested to change the dates of use to October 11-12, 2019. She stated she has been in contact with Kelly Fox and Mr. Suggs with the town regarding the request. No comments or questions were made from the board.

Lonnie Davenport, 4335 US Highway 117 South, representing the American Legion, spoke to the board regarding the condition of the American Legion building at the end of South Wright Street. He stated he has received estimates in the amount of approximately \$60k to raise the building. He asked the board for advice and suggestions to assist with getting the building back to usable condition. Mr. Davenport commented there has also been discussion regarding placing a veteran's park near the American Legion building. Mayor Cowan thanked Mr. Davenport for his services and suggested the board to consider giving \$50k for the repairing of the American Legion building. Mr. Davenport stated he does not want to see the building demolished. He said it would be an honor to see the building raised and restored since it is a historical building. Commissioner Robbins stated he supports Mayor Cowan in his recommendation. Commissioner Robbins suggested to place this item on the agenda for the July meeting so that it gives Mr. Hesse and Mr. Gantt time to see the building and bring back information to discuss. He stated the building could be a great asset to the town as a partnership with the town recreation department. It was the consensus of the board to discuss this matter at the July meeting.

## **PUBLIC HEARING #1**

### **Consideration of an application submitted by Scotch Bonnet Solar, LLC for Conditional District Rezoning of a +/- 10.3 acre portion of Parcel ID: 3228-88-1880-0000 from R-20 to I-1 – CZ1 Conditional Zoning District.**

Mayor Cowan opened the public hearing at 5:55 PM and stated there are seven members of the public that have signed up to speak during the public hearing.

Ms. Rivenbark gave a presentation regarding the request by applicant, Scotch Bonnet Solar, LLC and explained the differences between this request versus the request made by the applicant in 2018. *Presentation documents on file in the Clerk's office.*

Brownie Newman, one of the two owners of Headwater Solar, gave a presentation regarding the request. He also stated the proposed project includes vegetation to benefit local beekeepers, as well as benefiting Pender Adult Services by the possibility of providing solar power at no charge to the facility.

Chris Sandifer, 3118 Green Road, Spring Hope, NC, Electrical Engineer for the project, briefly spoke about the project and stated the solar farm is safe and uses non-hazardous materials.

Attorney Rivenbark advised the board to refrain from discussion regarding Pender Adult Services or payment in lieu of taxes (*referenced in the letter by Headwater Solar on file in the Clerk's office, presented by Attorney Rivenbark*) during the time of questions and discussion.

Commissioner Harrell asked Mr. Sandifer for details in regards to the disposal plan once the life expectancy has been reached, which is around 20 years. He asked if there would be any kind of detrimental outflow from the facility after the disposal. Mr. Sandifer gave an overview of the decommissioning process and costs. He stated the panels would probably be removed and sold on secondary market.

Joe Teal, representing mother Victoria Teal who resides at 315 South Wright Street, spoke in support of the project.

Janna Quinn, recreational beekeeper, spoke in support of the project because of the landscaping proposed for beekeeping.

Tara Novakowski, member of the Pender County Beekeeper Association, spoke in support of the project because of the landscaping proposed for beekeeping and the convenient location.

Melanie Bradshaw, one of the property owners of the proposed solar farm, spoke in support of the project.

William McLean, Jr., family of the landowners, spoke in support of the project.

Mayor Cowan closed the public hearing at 6:34 PM.

### **Resolution 2019-15 Regarding the consistency with the Burgaw 2030 Comprehensive Land Use Plan**

Ms. Rivenbark advised there were two draft resolutions included within the agenda packet, “Draft A: Resolution 2019-15 Adopting a statement regarding the consistency of the Scotch Bonnet Solar, LLC rezoning request with the Burgaw 2030 Comprehensive Land Use Plan” and “Draft B: Resolution 2019-15 Adopting a statement regarding the inconsistency of the Scotch Bonnet Solar, LLC rezoning request with the Burgaw 2030 Comprehensive Land Use Plan.”

Commissioner Harrell made a motion to accept Draft A (consistency statement), Resolution 2019-15, in favor of the proposed solar farm. The motion was seconded by Commissioner Murphy. Commissioners Harrell and Murphy voted “aye” and Commissioners George, Robbins and Dawson voted “nay.” Motion was not carried.

Commissioner Dawson made a motion to approve Draft B (inconsistency statement), Resolution 2019-15, because she believes this is a stronger argument in the land use plan that it is intended to remain rural in nature. The motion was seconded by Commissioner George. Commissioners Dawson, George, and Robbins voted “aye” and Commissioners Harrell and Murphy voted “nay.” Motion carried.

RESOLUTION 2019-15  
ADOPTING A STATEMENT REGARDING THE INCONSISTENCY OF THE SCOTCH BONNET SOLAR, LLC  
REZONING REQUEST WITH THE BURGAW 2030 COMPREHENSIVE LAND USE PLAN

WHEREAS, applicant Scotch Bonnet Solar, LLC is requesting the rezoning of a 10.3 acre portion of tract (PIN 3228-88-1880-0000) located off Highway 117 S from R-20 to I-1-CZ1 to construct a 5MW photovoltaic facility; 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 May 16, 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 June 11, 2019 meeting and find the requested rezoning with proposed conditions to be inconsistent with the Burgaw 2030 Comprehensive Land Use Plan, unreasonable, and not in the public interest; and

WHEREAS, the Town of Burgaw recognizes agriculture and forestry as integral parts of the town’s economic and environmental health; and

WHEREAS, agricultural and forestry lands contribute to the small town character of the community; and

WHEREAS, the Town of Burgaw seeks to preserve, maintain, and support agriculture and forestry within its zoning jurisdiction;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the proposed conditional rezoning is inconsistent with the Burgaw 2030 Comprehensive Land Use Plan and Future Land Use Map because the subject property is designated as Rural Character on the Burgaw 2030 Future Land Use Map. Properties in this land use category are intended to remain rural in nature, with low density and a primarily agricultural character. The I-1-CZ-1 Light Industrial Conditional Zoning District does not maintain the rural character of the community and does not preserve, maintain, and support agriculture within Burgaw’s zoning jurisdiction.

Adopted this 11<sup>th</sup> day of June, 2019.

**Ordinance 2019-13 Approving an amendment to the Town of Burgaw Zoning Map Rezoning a +/- 10.3 acre portion of Parcel ID: 3228-88-1880-0000 from R-20 to I-1 – CZ1 Conditional Zoning District.**

Ms. Rivenbark explained what would need to be done if the ordinance was approved: the land use plan would need to be changed because of the motion carried stating inconsistency with the land use plan, as well as adding the condition regarding the Creekside subdivision developer’s request for a 6 foot vegetative buffer on the north side of the property.

Commissioner Harrell made a motion to approve Ordinance 2019-13 with the conditions stated by Ms. Rivenbark. The motion was seconded by Commissioner Murphy. Commissioners Harrell and Murphy voted “aye” and Commissioners Dawson, Robbins, and George voted “nay.” Motion was not carried.

## **OTHER ITEMS**

Mayor Cowan and Mr. Gantt spoke in regards to the façade grant. Mr. Gantt stated he would work on the guidelines and send out to the board prior to discussion and adoption. He asked if the board had any ideas or suggestions they would like to see. Commissioner Robbins commented about upgrades to the rear of the buildings. Mr. Gantt said any exterior of the building would qualify. Mayor Cowan presented pictures of the exteriors of downtown buildings. He commented there is a need to concentrate on the looks of the buildings in the downtown area. Mr. Gantt recommended the Planning & Zoning Board review the façade grant applications. Commissioner Harrell commented the prior façade grant program was set at \$1,500.

Commissioner Harrell requested Mr. Gantt look into pricing for speed humps on West Satchwell Street since we had a request during the Public Forum. Mr. Gantt commented we need to be careful with installing them on one street, when we would need to allow them on all streets throughout town. Commissioner Harrell commented there are already two humps on a street that comes into West Satchwell Street. Commissioner Robbins feels confident Chief Hock will look into the situation. Chief Hock advised there was a recent charge for prearranged racing on this street. Mr. Gantt advised he and Chief Hock will inspect the area and return to the board with cost estimates for installing speed humps.

## **CLOSED SESSION**

Commissioner Harrell made a motion at 6:52 PM to go into closed session pursuant to GS 143-318.11 (a) (6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Harrell made a motion at 7:15 PM to go back into open session. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

## **ADJOURNMENT**

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

The meeting was adjourned at 7:15 PM.

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Kenneth T. Cowan, Mayor

Attest: \_\_\_\_\_  
Kristin J. Wells, Town Clerk