

**TOWN OF BURGAW  
BOARD OF COMMISSIONERS  
SPECIAL MEETING**

**DATE:** October 19, 2018  
**TIME:** 1:00 PM  
**PLACE:** Burgaw Municipal Building  
**BOARD MEMBERS PRESENT:** Mayor Kenneth Cowan  
Mayor Pro-tem Wilfred Robbins  
Commissioners Bill George, Vernon Harrell, and Jan Dawson  
**STAFF PRESENT:** Joseph Pierce, Town Manager  
Kimberly Rivenbark, Deputy Clerk  
Zachary Rivenbark, Town Attorney  
Karen Dunn, Planning Administrator  
Chad Staradumsky, Community Development Coordinator

The meeting was called to order by Mayor Kenneth Cowan at 1:00PM.

**PUBLIC HEARING**

**Public Hearing 1 – Karen Dunn, Planning Administrator**

**Consideration of a text change amendment to Burgaw Unified Development Ordinance Article 1. General Provisions, Section 1-11: State of Emergency.**

Mayor Cowan declared the public hearing open at 1:02PM

Ms. Dunn presented that a major disaster declaration in NC was enacted on September 14, 2018 due to Hurricane Florence. The region sustained unprecedented catastrophic flooding and storm damage to residences, businesses, and infrastructure. Short-term allowance of temporary housing options and temporary suspension of provisions of the Burgaw UDO may be needed for residents to return to the community, repair their properties, and resume their lives. The proposed text change amendment aims to provide the resources to begin the recovery process after a “state of emergency” has been declared.

Ms. Dunn requested the following text be added to the Burgaw Unified Development Ordinance:

Section 1-11: State of Emergency

The provisions of this ordinance may be temporarily suspended during federal disaster “state of emergency” declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during “Imminent Threat Alert” declared by the U.S. Department of Homeland Security by resolution adopted by the Burgaw Board of Commissioners during a regular, continued, special or emergency meeting of the Burgaw Board of Commissioners. The Town Manager or designee may temporarily suspend the application of all or part of these rules during a state of emergency declared either by the Governor of the State of North Carolina, or by the Mayor, upon authorization by the Burgaw Board of Commissioners.

Any temporary provision of this ordinance shall require a permit and shall be allowed for a maximum of one hundred eighty (180) days after the date of the state of emergency or declaration occurs. The applicant may submit a written request to the Planning Administrator prior to the expiration of one hundred eighty (180) days for an extension to the time limit for circumstances when one hundred eighty (180) days is not sufficient. The Planning Administrator is authorized to grant an extension not to exceed three hundred sixty-five (365) days from the initial date of the declaration.

Upon the conclusion, lifting, and/or resending of the declared “state of emergency” by the authorized federal and/or state official, the provisions of this ordinance are reinstated without further action by the Town and shall be in full force and effect.

Ms. Dunn further explained that situations such as a family requesting a recreational vehicle to be placed on lots that are not currently zoned to allow recreational vehicles as well as the existing shelter located next to the Piggly Wiggly could be allowed by this text change. A permit would be issued allowing the use for 180 days and would be renewable for an additional 180 days.

There was a brief discussion by the board regarding the length of the permit. Mr. Rivenbark explained that the board can call another special meeting in the future to amend the text if the board feels that it is needed.

There being no further discussion, Mayor Cowan closed the public hearing at 1:25PM.

**Approval of Resolution 2018-18 – Adopting a statement of Consistency Regarding a Requested Text Change Amendment of the Town of Burgaw Unified Development Ordinance to Establish Section 1-11: State of Emergency.**

Commissioner George made a motion to approve Resolution 2018-18 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**RESOLUTION 2018-18**

**ADOPTING A STATEMENT OF CONSISTENCY REGARDING A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH SECTION 1-11: STATE OF EMERGENCY**

**WHEREAS**, applicant, Town of Burgaw Staff, has requested the town amend the Town of Burgaw Unified Development Ordinance to establish Section 1-11: State of Emergency; and

**WHEREAS**, planning staff has reviewed the proposed text change amendment for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

**WHEREAS**, the Town of Burgaw Planning and Zoning Board at their October 18, 2018 meeting recommend the adoption of the 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 October 19, 2018 special meeting and find the proposed text change amendment to be consistent with the Town of 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 text change amendment is consistent with the Town of Burgaw 2030 Comprehensive Land Use Plan because by establishing provisions to temporarily suspend the application of all or part of the provisions of the Burgaw Unified Development Ordinance during declared federal disaster “state of emergency”, the Board recognizes its role in supporting the health of its citizens through the provision of sanitation, water and sewer, public safety, fire protection, and planning services. This amendment aims to ensure safe and secure communities by developing regulations that target conditions contributing to the stability of individual neighborhoods and the community at large.

**Approval of Ordinance 2018-14 – Approving a Text Change Amendment to the Town of Burgaw Unified Development Ordinance to Establish Section 1-11: State of Emergency**

Commissioner Harrell made a motion to approve Ordinance 2018-14 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2018-14**

**APPROVING A TEXT CHANGE AMENDMENT TO OF THE TOWN OF BURGAW UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH SECTION 1-11: STATE OF EMERGENCY**

**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**, town staff have requested to establish provisos to temporarily suspend the application of all or part of the provisions of the Burgaw Unified Development Ordinance during a declared federal disaster “state of emergency”; and

**WHEREAS**, at their October 18, 2018 meeting, the Town of Burgaw Planning and Zoning Board voted to recommend approval of the proposed text change amendment to establish Section 1-11: State of Emergency, and

**WHEREAS**, the Town of Burgaw Board of Commissioners finds the proposed amendment consistent with the Burgaw 2030 Comprehensive Land Use Plan because by establishing provisions to temporarily suspend the application of all or part of the provisions of the Burgaw Unified Development Ordinance during declared federal disaster “state of emergency”, the Board recognizes its role in supporting the health of its citizens through the provision of sanitation, water and sewer, public safety, fire protection, and planning services. This amendment aims to ensure safe and secure communities by developing regulations that target conditions contributing to the stability of individual neighborhoods and the community at large; and

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

**SECTION 1.** The Town of Burgaw Unified Development Ordinance is amended as follows:

Article 1. General Provisions,  
Section 1-11: State of Emergency

The provisions of this ordinance may be temporarily suspended during federal disaster “state of emergency” declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during “Imminent Threat Alert” declared by the U.S. Department of Homeland Security by resolution adopted by the Burgaw Board of Commissioners during a regular, continued, special or emergency meeting of the Burgaw Board of Commissioners. The Town Manager or designee may temporarily suspend the application of all or part of these rules during a state of emergency declared either by the Governor of the State of North Carolina, or by the Mayor, upon authorization by the Burgaw Board of Commissioners.

Any temporary provision of this ordinance shall require a permit and shall be allowed for a maximum of one hundred eighty (180) days after the date of the state of emergency or declaration occurs. The applicant may submit a written request to the Planning Administrator prior to the expiration of one hundred eighty (180) days for an extension to the time limit for circumstances when one hundred eighty (180) days is not sufficient. The Planning Administrator is authorized to grant an extension not to exceed three hundred sixty-five (365) days from the initial date of the declaration.

Upon the conclusion, lifting, and/or rescinding of the declared “state of emergency” by the authorized federal and/or state official, the provisions of this ordinance are reinstated without further action by the Town and shall be in full force and effect.

**Adjournment**

Commissioner Harrell made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The meeting adjourned at 1:29PM.

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Kenneth T. Cowan, Mayor

Attest: \_\_\_\_\_  
Kimberly Rivenbark, Deputy Clerk