

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

DATE: January 09, 2018
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth Cowan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT: Joseph Pierce, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Alan Moore, Director of Public Works
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Jim Taylor, Fire Chief
Wendy Pope, Finance Officer
Karen Dunn, Planning Administrator
Kim Rivenbark, Community Development Coordinator
Zachary White, Parks/Recreation Coordinator
MEDIA PRESENT: None
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Commissioner Dawson made a motion to approve the agenda as presented. The motion was seconded by Commissioner Robbins. Motion carried.

Approval of Consent Agenda

Commissioner Robbins made a motion to approve the consent agenda. The motion was seconded by Commissioners Dawson and Murphy. Motion carried. The consent agenda and the following items were approved.

- **Minutes of the December 12, 2017 Regular Meeting and December 5, 2017 Closed Session**

SPECIAL PRESENTATION

Yoga Instructors – Burgaw Yoga

Beth Lewis, Yoga Instructor and Christina Hoffman, Dance2Fit Instructor advised they would like to give the Board an update on the classes currently being held in the Community House. Ms. Lewis advised they have been holding these classes since 2015. She commented that these wellness classes are building community and overcoming barriers. She advised there is no charge for these classes thereby causing no financial burden for those that attend. Ms. Lewis presented a brief overview of what is offered by the yoga class and advised they have an average attendance of seven to fifteen participants. Yoga classes are held on Tuesday and Thursday from 6:00 PM to 7:15 PM. Ms. Hoffman then presented a brief overview of the Dance2Fit class activities and advised they have an average attendance of twelve to seventeen participants with numbers increasing up to as many as forty participants in the spring. Dance2Fit classes are held on Monday and Wednesday from 7:00 PM to 8:30PM. Ms. Lewis advised both classes are provided at no cost to the participants and the instructors are paid \$30.00 per class by the Town of Burgaw. Ms. Lewis read several letters of gratitude from participants that she shared with the Board.

Ms. Lewis advised they have met with Mr. Pierce and Mr. White concerning the programs. The instructors were advised it is necessary to provide a new waiver provided by the Town and to submit the number of attendees of both classes on a monthly basis.

Commissioner Dawson commented that when the Town first discussed these programs, the intent was to provide these classes for the residents of Burgaw, not the entire county. She said we need to make sure these are residents of the Town of Burgaw. Ms. Lewis said perhaps we could charge out of town participants a small fee for the classes. Commissioner Dawson reminded Ms. Lewis our policy for use of the Community House does not allow events that charge a fee to enter or participate. Commissioner Robbins agreed with Commissioner Dawson that this should be for Burgaw residents only because these classes are funded by the town residents. Commissioner Harrell disagreed with limiting the classes to Burgaw residents. After much discussion, it was the consensus of the Board to table this item for further discussion until the next meeting.

DEPARTMENTAL ITEMS

Finance Department – Wendy Pope, Finance Officer

Resolution 2018-01 Consideration of Accepting Funds Allocated under DOT Supplemental Agreement ID#7616

Ms. Pope advised in November 2015, the Town entered into a project agreement with the NC Department of Transportation to construct a concrete sidewalk along West Satchwell Street to US 117 Business (Walker Street) & along US 117 Business (Walker Street) from West Satchwell Street to the Pender Senior Center. The DOT's original participation was \$306,000 however additional funds have since been requested due to the increased cost of construction. Ms. Pope advised DOT has agreed to additional funding for the project in the amount of \$294,000.

Ms. Pope informed the Board the Town of Burgaw has received the supplemental agreement from the NC Department of Transportation. This agreement, dated December 5, 2017, must be signed and sealed and returned to the department within 90 days accepting these additional funds.

Commissioner George made a motion to approve Resolution 2018-01 and to authorize the Mayor and the Town Clerk to execute the supplemental agreement on behalf of the town. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**RESOLUTION 2018-01
RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH
NC DEPARTMENT OF REVENUE FOR ADDITIONAL FUNDS TO CONSTRUCT SIDEWALKS
ALONG WEST SATCHWELL AND WALKER STREETS**

WHEREAS, the Town entered into a project agreement with the NC Department of Transportation, programmed under WBS Element 44493, on November 9, 2015; and

WHEREAS, the Department's original participation was \$306,000; and

WHEREAS, the Town of Burgaw has requested additional funds to complete the project; and

WHEREAS, the Department of Transportation agrees to reimburse the Town of Burgaw an additional \$294,000 of contingency funds, with the Town accepting responsibility for all costs that exceed the total estimated cost of \$600,000.

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

The supplemental agreement dated November 30, 2017 providing for additional funds of \$294,000 is accepted.

Approved: January 9, 2018

Fire Department – Jim Taylor, Fire Chief

Ordinance 2018-01 Consideration of a Request for a Fund Balance Transfer of \$3,100.00 to the Fire Department's Firemen's Expense Account

Chief Taylor advised he is requesting a fund balance transfer of \$3,100.00 to the fire department's firemen's expense account which is fund raising money collected by the fire fighters. The purpose of the request is to purchase supplies such as t-shirts, Leatherman-type combination tools for each member, six single size inflatable cots to be used by members during disasters and replenishing kitchen supplies such as utensils, cookware and dishware.

There being no discussion, Commissioner George made a motion to approve Ordinance 2018-01 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ORDINANCE 2018-01
AMENDING FISCAL YEAR 2017-2018 ANNUAL BUDGET
Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2017-2018 on June 13, 2017; and

WHEREAS, the Town of Burgaw Board of Commissioners committed fund balance for the purpose of funding Fire Department expenses in June 2012; and

WHEREAS, several purchases have been requested by the Fire Department related to Volunteer Firefighter gear; and

WHEREAS, a general fund fund balance appropriation is needed to authorize these Fire Department expenses in FY 17-18.

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

The FY 2017-2018 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$3,100.00

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5300-10-340	Firemen's Expense	\$3,100.00

Approved: January 9, 2018

Discussion to outline the fire department's request to purchase a new engine to replace two older fire engines

Chief Taylor reminded the Board of the fire department's request to purchase a new engine to replace two older fire engines. He said during the CIP process in 2014, the Board was notified that two fire engines were in need of replacement in the next 5 years, both estimated at a cost of \$500,000 each. During the NC fire department survey in 2015, the department realized that the needed fire flow to maintain our current ISO rating could be obtained with a larger pump capacity engine. This will allow us to purchase one engine and replace two in the fleet, thus reducing maintenance costs by eliminating one engine from service.

Chief Taylor advised buying an engine with a 2,000 GPM pump increased the cost to \$608,768, but allows the department to remove one from the fleet and prevent us from purchasing an additional engine in the next few years. We can save \$9,759 off of this price by paying for the chassis early. The terms of payment are \$574,689 due within five (5) days of receipt of the apparatus at C.W. Williams in Statesville, NC with the balance due at the time of customer pick up. The pricing in this proposal is good until January 27, 2018.

Chief Taylor said the department has passed the expected 20 year life span of the 1990 Grumman engine. This truck will be sold, but we expect to receive less than \$5,000. Our 1998 E-One/Freightliner has also reached the end of its life span and will be replaced in this process as well. This apparatus has a large two-stage pump that struggles to pass pump tests due to an undersized motor. This engine will have some residual value depending on the market and condition of the truck at the time of sale and could bring in the neighborhood of \$30,000.

Chief Taylor advised the process of finalizing specifications has taken almost 30 months. Grant funding for engine replacement is very competitive and difficult to secure. It may be possible to obtain low or no interest financing grants.

There was much discussion primarily regarding financing and down payment requirements. Commissioner Dawson requested that Chief Taylor provide the upfront out of pocket cost to the Board in the next weekly update. Commissioner Robbins felt that the fire department has done due diligence in the extensive hours taken to gather specs and costs for the truck. Ms. Pope advised they will seek financing options and find the most economical methods.

Commissioner Robbins made a motion to allow the fire department to move forward with the purchase of the new engine. The motion was seconded by Commissioner George and carried by unanimous vote.

Parks and Recreation Department – *Zachary White, Parks & Recreation Coordinator*

Update on Polar Express event

Mr. White advised the Polar Express was a great success. He said two hundred tickets were given out for attendees. He said the event reached over 15,000 people on Facebook. He advised most attendees were from Burgaw. They also collected one hundred pounds of canned food that was donated to Pender County Christian Services in lieu of charging a fee for entry to the event.

Consideration of renaming Wilmington Street Park B to Pecan Park

Mr. White advised he would like to name the small park on East Wilmington ‘Pecan Park’ because it has one pecan tree on the grounds and he has noticed citizens enjoying the pecans they have picked up around the tree. He also advised he plans to plant another pecan tree in the park for the Arbor Day event. He said since this is a small park it would be designated as a garden park.

Commissioner Harrell made a motion to name the park ‘Pecan Park’ and to have the Arbor Day event centered on this park. The motion was seconded by Commissioner George and carried by unanimous vote.

Community Easter Egg Hunt

Mr. White advised he is requesting a \$500 appropriation from the general fund for the Easter Egg Hunt. He advised we will be partnering with Pender County on this event since it is for this side of the county. He said the county has agreed to match what the town puts in. He advised the event will be hosted at Pender Memorial Park.

Commissioner Robbins made a motion to appropriate \$500 from the general fund for the Easter Egg Hunt for the Parks and Recreation Department. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Summer on the Square

Mr. White advised he and Mr. Pierce have discussed the possibility of having a ‘Summer on the Square’ event series to have something going in the downtown area throughout the summer. He said this could be concerts, movies, magic shows etc. He advised he is not asking for funding at this time but is asking for the blessing of the Board to move forward with planning the events. He advised Pender County Tourism and Pender Parks and Recreation is interested in being involved in this project as well.

It was the consensus of the Board to allow Mr. White to move forward with planning the “Summer on the Square” events.

Portable stage kit

Mr. White advised if we are going to have outside events that require a stage, he would like for the Board to consider purchasing a portable stage kit for such events. He said renting a stage for the size that we would need is not cost effective. He advised he is looking at a 12 X 24 portable stage kit. He advised this particular stage costs \$5124.13. After much discussion, Mr. White was asked to bring back more detail about the stage at the next meeting.

Planning Department – *Karen Dunn, Planning Administrator*

Consideration to reappoint five (5) regular and two (2) alternates to the Burgaw Board of Adjustment for three (3) year terms.

Ms. Dunn advised in accordance with Section 2-2 of the Burgaw Unified Development Ordinance, five (5) regular Planning Board members shall act in the capacity of the Board of Adjustment, in addition to its capacity as planning agency. Two (2) additional members of the Planning Board shall serve as alternates on the Board of Adjustment. All regular and alternate members of the Board of Adjustment shall be appointed by the Board of Commissioners and shall serve three (3) year terms. Upon the conclusion of their term, each member shall be replaced on the Board of Adjustment or reappointed.

Ms. Dunn advised the Board of Commissioners will need to appoint five regular members and two alternates to the Board of Adjustment. She also advised all regular and alternate members replaced or reappointed will be sworn in during the January 18, 2018 Board of Adjustment meeting.

After a brief discussion, Commissioner George made a motion to appoint Barry Klingel, Louis Davis, Jennifer Hansen, Meg Franklin and Zachary Rivenbark to the Board of Adjustment and to appoint William Smith and Connie Ives as Alternates. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Dawson commented there is some confusing language in the Unified Development Ordinance in reference to the appointment of the Board of Adjustment that conflicts with the state statute and asked Ms. Dunn to look into amending that portion of the text.

Update of public information meeting RE: Pender Memorial Hospital and Osgood Canal Stormwater Improvements project held by Scott Sigmon, WK Dickson's Stormwater Program Manager from the Raleigh office on Thursday, January 4, 2018 at 3:00 p.m. at the Burgaw Municipal Building Meeting Room

Ms. Dunn advised on January 8th Scott Sigmon and Carter Hubard, Engineers with W. K. Dickson were present to once again give an overview of the Pender Memorial Hospital and Osgood Canal Stormwater Improvements project. She advised nine people attended the meeting other than staff members and officials. The engineers gave a PowerPoint presentation with more detail than at the previous meeting. Ms. Dunn advised at the end of the meeting there were two property owners that requested that Scott Sigmon come back again to walk the ditch that runs from Campbell Street through the private property to Fremont Street and then to also look again at Cowan Street regarding the proposed improvements for that area. Ms. Dunn said Mr. Hubard has estimated the cost of bringing Mr. Sigmon back will be about \$1400. She advised the funding for the public meetings is being reallocated from other line items that have not been needed in this project. She advised initially public meetings were not included in that contract. She commented that the intent of these extra meetings was to focus on the property owners that still have concerns about the impact of the project on their property. She said we have all of the easements signed except for the Corcorans who now want Scott Sigmon to come back and walk the ditch with them again before they make any decision.

Mayor Cowan asked Ms. Dunn if this is a time sensitive matter because grant documents will expire. Ms. Dunn commented that the project timeline is such that we want to go ahead and let bids which is about a sixty day process. She said the Golden Leaf grant is not really on any deadline at this point. She said we are still within the time frame with moving forward on this project.

Attorney Kenan advised he and Ms. Dunn spoke with the engineers after the meeting yesterday and they advised they cannot proceed with letting the bids until they have all easements. Attorney Kenan spoke at length regarding the time line for this project when all easements have been signed. He said at this point if the Corcorans are not going to sign the easements, the Board will have to consider condemnation. He then explained the condemnation process in depth. He advised if they go with the condemnation that will be a sixty to ninety day process which adds more time to the project completion time and will probably push beginning of construction into autumn and hurricane season. He recommended that if the Board is not ready to start condemnation proceedings today that they go ahead and approve having an appraisal done on the Corcoran's property and if they don't sign the easements there will be a resolution on the agenda in February to go ahead and begin the condemnation process.

After much discussion and debate regarding the next step to take in this project, Commissioner George made a motion to get Scott Sigmon back down here to walk the property with the Corcorans one more time. The motion was seconded by Commissioner Robbins. Commissioners George, Robbins, Harrell and Murphy voted in the affirmative. Commissioner Dawson voted in the negative. The motion carried four to one.

BREAK: 5:26PM – 5:36PM

PUBLIC FORUM

No speakers were present for Public Forum.

ITEMS FROM ATTORNEY

None.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Re-appointment of Jake Arthur to Parks/Recreation Committee

Commissioner Robbins made a motion to re-appoint Jake Arthur to the Parks and Recreation Committee. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. Arthur's term will be two years (ending January 9, 2020).

Other items from the Board

Commissioner Dawson initiated a discussion with Mr. Moore regarding the street paving. She asked about the streets that are being looked at besides those on the original list. She mentioned that North Wright has been determined to be a state street and that Dudley, Clark and McRae have been looked at. Mr. Moore advised he has bids for those and also Lloyd Street which was requested by Commissioner George. Mr. Moore advised weather permitting we should be able to start sometime in February.

Commissioner Robbins said he wanted to mention a couple of items but was not ready for discussion today. He mentioned the sub-committees of the Board of Commissioners which currently exist as Buildings and Grounds, Policy and Finance and Infrastructure. He asked the Board to think about eliminating those three committees and structuring it in such a way that issues would go to the town manager and the town manager does the research, deciphers the information and sends it to the Board and then the full Board votes on it. Mayor Cowan advised that he and Mr. Pierce have discussed this as well and he commented that it is a very good idea and he is glad that Commissioner Robbins is in support of it. Commissioner Robbins advised he and Commissioner George have talked about it. Commissioner Robbins said he feels a simpler way to handle things rather than go back and forth between committees and staff and back to the Board.

Commissioner Robbins also mentioned that it seems to him that the duties of the Parks and Recreation Committee and the Promotions and Special Events Committee are overlapping and do we need both committees. He commented that maybe we should go to one committee with a broader responsibility. Mayor Cowan asked Zachary White, Parks and Recreation Coordinator if having these two committees in any way complicates his job. Mr. White advised the

committees do overlap and oftentimes he must go from one committee to another committee and then to the Board of Commissioners to accomplish a goal. Mr. White also mentioned there is a lack of communication between the committees and staff in regards to staffing and scheduling meetings and other requirements of their ordinance. After a very lengthy discussion, it was recommended that this issue be discussed and reviewed by Mr. Pierce and Mr. White and bring back further information at next month's meeting.

Commissioner Harrell asked if there has been any progress on the U-Haul business on Hwy 117. Ms. Dunn advised she has not been to the site since before the holidays but they were making progress before she left town for the Christmas holidays. She advised she would check them out tomorrow.

Commissioner Harrell requested that priorities for street clearing after a storm be set so that he could tell citizens when certain streets will be cleared. Mr. Pierce advised there will be a debriefing meeting about the storm tomorrow to try and work out some of these issues. He advised as a result of the meeting he plans to have a document that he can refer back to regarding storm related priorities.

Commissioner Harrell asked if we are ready to move forward with the demolition of the doctor's office on Courthouse Avenue. There was much discussion about this issue and what should be done with the property. Much of the discussion centered on putting a pocket park in that area with public restrooms. This item will be discussed in depth at a later date.

Commissioner George thanked the staff for the excellent job done during the recent snow storm.

ITEMS FROM MANAGER

Mr. Pierce stated that he is thoroughly impressed with the way staff handled the snow storm. He thanked all departments that worked to clear the streets and keep the citizens safe.

Mr. Pierce advised he has spoken with Alan Moore, Public Works Director and Matt Myslow, Assistant Public Works Director who both live ten to fifteen miles out of town. He said he had met with them prior to the storm and advised them to have their vehicles on hand but learned there is a ten mile limit for take home vehicles in the personnel policy. Mr. Pierce said he is recommending that the Board change that limit from ten miles to fifteen miles. He said this will allow both individuals to be able to take their vehicles home and to have a more immediate response to incidents. This will keep Mr. Moore (for example) from having to drive all the way to Burgaw to get his vehicle to respond to Chubb Road lift station (which is only five miles from his house) if there is a problem.

Commissioner George made a motion to amend Article IX, Section 10 of the personnel policy to read "use of take home vehicles shall be restricted to those employees who live within fifteen miles" and also to include "at the discretion of the Town Manager the privilege of a take home vehicle may be extended to any authorized personnel regardless of distance". The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Mr. Pierce announced there will be a going away party for Louis Hesse on Friday at noon in the fire department. He invited all the Board members to attend to thank Mr. Hesse and to wish him well in his new position with Pender County.

CLOSING COMMENTS

Commissioner Robbins asked Mr. Pierce if he has received many applications for the Building Inspector's position. Mr. Pierce advised he has received one application at this time. He commented that inspectors with Mr. Hesse's experience and credentials are in high demand and there is a limited pool out there to choose from. He said he is meeting with a possible candidate on Thursday. Commissioner Harrell said that brings up something else that he wants to discuss. He advised he wants all town employment descriptions to state a preference for a person who either lives in or is willing to move to Burgaw. He said if all other things are equal between two applicants that the one that already lives here or is going to live here gets the preference. Attorney Kenan advised that cannot be done and he reminded the Board that he has covered this in the past. Attorney Kenan said you must require it as part of the employment that the individual live within a certain geographical distance from the town. You can do that but

cannot do what Commissioner Harrell just said because that is discrimination. Attorney Kenan said if the position requires that any employee needs to live within a certain geographical distance of the town based on their responsibilities or response time then that needs to be in the job description so that when that goes out to any prospective employees, they will know that is part of the job.

Mayor Cowan said we need to make a decision on what we are going to do with the bank building. He said it will make a great welcome center and public rest rooms or either let's put that building back up for sale. Commissioner Dawson and Commissioner Robbins desired to concentrate on the property on Courthouse Avenue and during that process something good may come along for the bank building. Commissioner Harrell wanted time to consider what uses the town might have for the building before putting it back on the market.

Zachary White asked if he needs to be working on park designs for the Courthouse Avenue. He was encouraged to be looking at some things and be thinking about what could be done with that property.

Mr. Pierce asked how the Board feels about having a spring retreat to discuss the properties that the town owns just prior to the budget and also to discuss Capital Improvement Projects. Mayor Cowan wanted to discuss a strategic plan. Mr. Pierce advised that will be part of the process. Commissioner Robbins asked Mr. Pierce to bring some proposals to the board to that effect either in the update or via email.

ADJOURNMENT

Commissioner Robbins made a motion to adjourn. The motion was seconded by Commissioner Dawson. Motion carried.

The meeting adjourned at 6:25PM.

Kenneth T. Cowan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk