

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

DATE: June 09, 2015
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Howard Walker
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Utility & Compliance Specialist/ORC
Bill Fay, Director of Public Works
Ashley Loftis, Finance Officer
Rebekah Roth, Planning Administrator
Wayne Briley, Interim Chief of Police
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: Bill Walsh, Star News
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Mulligan requested a motion to approve the agenda. Attorney Kenan requested to remove item 7 from the agenda to be held for consideration after holding a closed session to discuss a matter pertinent to the resolution. Chad McEwen, Town Manager also requested removal of item 9 from the agenda and to hold discussion regarding that matter during closed session as well. There being no further amendments, Commissioner Dawson made a motion to approve the agenda as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Approval of Consent Agenda

Mayor Mulligan requested removal of approval of the closed session minutes of the May 12th meeting from the consent agenda to provide time for late arriving Board members to read the minutes before approving. He advised the minutes will be read in the upcoming closed session. There being no further amendments, Commissioner Dawson made a motion to approve the consent agenda with the amendments as requested. The motion was seconded by Commissioner Rooks and carried by unanimous vote. The consent agenda and the following items were approved:

- A. Approval of minutes of the May 12, 2015 regular meeting and ~~closed session~~ and approval of minutes of the May 27, 2015 Budget Workshop**
- B. Ordinance 2015-11 Budget Ordinance Amendment – Christmas Wreaths**

*ORDINANCE 2015-11
AMENDING FISCAL YEAR 2014-2015 ANNUAL BUDGET
Increasing Revenues and Expenditures*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-2015 on June 10, 2014; and

WHEREAS, the Town of Burgaw approved the purchase of 10 additional double framed, lighted Christmas wreaths with bows to be added to the Town's Christmas wreath display throughout Historic Downtown; and

WHEREAS, these wreaths will be purchased from Mosca Design, Inc. at a reduced rate; and

WHEREAS, an appropriation from the General Fund fund balance in the amount of \$6,003 will be needed to cover this expenditure.

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

Section 1: The FY 2014-2015 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$6,003

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-6900-80-990	Burgaw Christmas Lighting	\$6,003

Approved: June 09, 2015

C. Resolution 2015-24 Authorizing Disposal of Fire Department Furniture

RESOLUTION 2015-24
AUTHORIZING DISPOSAL OF FIRE DEPARTMENT FURNITURE

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of two sofas and two chairs (furniture); and

WHEREAS, the current furniture will no longer be used by the Fire Department and should be declared surplus equipment of the Town of Burgaw; and

WHEREAS, North Carolina General Statutes 160A-267 allows municipalities to dispose of property by private sale by adopting a resolution; and

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

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

- 1. The Board of Commissioners does hereby decommission the furniture above issued to the Fire Department and does hereby declare them to be surplus fire equipment;*
- 2. Said property shall be sold by private sale in accordance with GS 160A-267. Upon completion of required publication of sale notice, if sale is not consummated within thirty days of advertising, property shall be placed on public auction with www.govdeals.com for sale to the highest bidder in accordance with GS 160A-270.*

ADOPTED this ninth day of June, 2015.

Interim Chief Briley introduced Thomas Padgett as our newest patrol officer.

Mayor Mulligan introduced Beth Lewis, Yoga instructor. Ms. Lewis advised she has been teaching the yoga classes that were originally set up by agreement between the Board and El Puente. She informed the Board that El Puente no longer exists and she is interested in continuing the yoga classes without the support of El Puente. Ms. Lewis advised she would like to continue on until the agreement runs out in November and needs to know what to do in order to be able to continue the classes.

Commissioner Tyson expressed several concerns about the situation regarding the fact that El Puente did not uphold the rules and guidelines that were set in place in the agreement. Commissioner Robbins said he was apprehensive about the agreement in the beginning but feels we need to do what we can to work with Ms. Lewis to continue this program. Commissioner Rooks advised he is in favor of continuing the program but desires for Pender County to uphold their commitment of paying for an instructor as they were in the past. He recommended that Mr. McEwen get with Ms. Lewis and set up an agreement to keep the program going. After much discussion, it was the consensus of the Board to continue on with the program with new guidelines and agreements with the instructors.

DEPARTMENTAL ITEMS

Finance – Ashley Loftis

Ordinance 2015-12 Budget Ordinance Amendment Accepting Insurance Proceeds from Selective Insurance

Ms. Loftis advised on October 15, 2014, a vehicle accident occurred in the parking lot of the Town Hall building. During this accident, a vehicle ran into the side of the building causing significant damage to the exterior as well as the interior. She said shortly after the accident occurred, an insurance adjuster with Selective came out to estimate the total cost of the damage. He estimated that the total replacement cost would be \$52,583.19. The Town was given \$38,867.42 in the onset so that we could begin making repairs to Town Hall. Once all work was complete and approved by the Town Building Inspector along with the Selective adjuster, the Town received the remaining amount of the replacement cost.

Ms. Loftis advised to date the Town is in receipt of \$52,583.19 (total replacement cost). Total expenditures for the repairs of Town Hall were \$51,631.48. The received revenues will need to be appropriated into the FY 14-15 budget to cover these expenditures. Her recommendation is the approval of the ordinance to recognize the \$52,583.19 into the FY 14-15 budget to cover the appropriate expenditures.

There being no discussion, Commissioner Rooks made a motion to approve Ordinance 2015-12 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

ORDINANCE 2015-12
AMENDING FISCAL YEAR 2014-2015 ANNUAL BUDGET
Increasing Revenues and Expenditures

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2014-2015 on June 10, 2014; and

WHEREAS, the Town of Burgaw experienced an accident where a vehicle ran into the side of the Town Hall building; and

WHEREAS, a Selective Insurance adjuster estimated that the total replacement cost of the damage would total \$52,583.19; and

WHEREAS, the Town has received \$52,583.19 to cover the cost of the repairs to Town Hall; and

WHEREAS, the Town of Burgaw would like to recognize \$52,583.19 from this settlement into the FY 14-15 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 2014-2015 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3730-00-800	Insurance Settlements	\$52,583.19

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-4200-00-150	M&R Buildings & Grounds	\$52,583.19

Approved: June 09, 2015

ITEMS FROM ATTORNEY – Robert Kenan

None.

ITEMS FROM MANAGER – Chad McEwen

None.

BOC MINUTES

JUNE 09, 2015

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Tyson advised she attended a Parks and Recreation meeting on Monday night and was disappointed first of all that there was not a quorum, but even without the quorum present the two members in attendance continued on and had the meeting with Ms. Roth presenting the Bike and Pedestrian Plan. There was much discussion regarding the violation of the open meetings law and the fact that the rules are not being followed. Mayor Mulligan advised he would speak to the members about the situation. There was also discussion regarding the possibility of reducing the number of members on the Parks and Recreation Committee due to the numerous times there has been no quorum present. Mayor Mulligan advised this issue will be discussed with the Parks and Recreation Committee prior to any changes being made.

Commissioner Dawson expressed concern about the traffic at the intersection at US 117 and NC Hwy 53 and the difficulty in getting through the light and making turns. There was much discussion regarding resequencing the lights. Mr. McEwen advised he will contact NCDOT to determine if they can do something to help.

Commissioner Robbins commented that he has observed there is a lot of speeding traffic in town and it seems to be getting out of hand. He requested heavier patrol and maybe more blue lights and pink slips.

Commissioner Robbins also expressed concern regarding the lot that was recently cleaned on Dickerson Street; he said it is holding a lot of water on the back side of the property. Mr. Fay was asked to check on this situation.

CLOSED SESSION

Mayor Mulligan suggested that the Board go in closed session at this time since we have to wait until 5:30PM to hold the public hearings. Commissioner Rooks made a motion to go into closed pursuant to NCGS 143-318.11 paragraph (a) (3) Attorney/Client Privilege and paragraph (a) (6) personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The Board relocated to the manager's office at 4:45PM for the purpose of closed session.

OPEN SESSION RECONVENED

Closed session was recessed at 5:30PM and the Board reconvened to open session in the meeting room.

PUBLIC FORUM

Suzette T. Dudley, 509 West Satchwell Street expressed concern about the fact that numerous Code Red Calls have gone out to the public concerning the street closures for the Blueberry Festival, but there were no calls regarding the rabid fox that was killed in her neighborhood recently. She advised she felt that the Town's priorities were not in order in the matter. Ms. Dudley also commented that since the former police chief was suspended there have been no police patrols in her neighborhood and she would like to see more patrols in the area. She commented there are numerous traffic violations as well as drug traffic in the area that needs attention.

PUBLIC HEARINGS – *Chad McEwen, Town Manager*

Public Hearing 1 – Consideration of Adoption of the FY 2015-2016 Budget for the Town of Burgaw

Mayor Mulligan declared the public hearing open at 5:40PM.

Chad McEwen, Town Manager presented the following budget message:

In accordance with Chapter 159-11 of the North Carolina General Statutes, I am pleased to submit the proposed Fiscal Year 2015-2016 Annual Budget Ordinance for the Town of Burgaw. The proposed budget establishes a tax rate of \$0.48 cents per \$100 of valuation and based on current valuations, .01 cent generates approximately \$27,137

Highlights of the FY 15-16 budget include the following:

- No ad valorem tax increase proposed

- No proposed increase in water or solid waste fees
- A 10% sewer rate increase is proposed to help offset the 17.5% rate increase the Town of Burgaw has incurred due to increases charged by Wallace (10% in FY14-15 and 7.5% proposed in FY 15-16).
- A 1.5% cost of living allowance (COLA) increase for town employees
- A \$20,000 merit pool for all full time permanent employees
- No net increase of full time employees for the Town (police department will lose one position and public works will gain one position)
- No general fund fund balance appropriation is required in order to address the funding obligations within the FY 15-16
- No water and sewer enterprise fund balance appropriation is required in order to address the funding obligations within the FY 15-16
- 8% increase in health insurance cost over FY 14-15
- 5% increase in property and casualty insurance over FY 14-15
- 30% increase in workers compensation insurance over FY14-15 due to recent claims
- Quotes for insurance pending from NC League of Municipalities

REVENUES AND EXPENDITURES

Estimated revenues for FY 15-16 were based on conservative estimates despite signs of positive growth in ad valorem, Powell Bill, and sales tax revenues. This expected growth is due to the recent construction of several new commercial businesses including Walmart, Murphy Gas, and Bojangles. The presence of these new commercial businesses will result in some significant increases in actuals received during the FY 15-16 fiscal year. From a line item perspective, most revenues sources are anticipated to remain relatively flat or incur a 5%-8% increase as compared to FY 14-15.

The Town of Burgaw continues to experience a financial boost related to the filming industry. Although the revenues anticipated and received in FY14-15 were substantially lower than the two prior years, the Town did receive approximately \$40,000 from filming fees and related activities. The continued long term uncertainty surrounding the state level filming incentives will require the Town to continue to modestly anticipate these revenues for FY 15-16.

After experience several years of below market health insurance renewals, the Town has been quoted an 8% increase for FY 15-16. Our renewal increase of 8% is significantly less than the quotes received by several other comparable municipalities. The efforts we have made of the last several years to improve our employee’s utilization of their coverage continues to reflect positively in our renewal rate. This renewal is based on the same health insurance plan being provided to the Town employees for the upcoming year.

In regard to property insurance our current provider has quoted a market rate renewal of 5%. No changes have been made in regards to our property insurance coverage deductibles or coverage levels.

Despite a 20% increase in workers compensation insurance for the 14-15 fiscal year, the Town has been quoted a renewal with another 30% increase. These increases are tied solely to Town’s claims experience over the last several years. Over the last three years the Town’s carrier has settled a couple large claims that had significant implications for our rating.

Due to these increases we have requested quotes from the North Carolina League of Municipalities. We anticipate these quotes being in within the coming weeks. Early indications are that the League of Municipalities will be able to provide a lower worker’s compensation quote than what was provided by our current carrier via the renewal.

CAPITAL IMPROVEMENT PLAN

In February, the Board of Commissioners held a Strategic Planning Session to discuss the capital priorities for the next five years. During this Strategic Planning Session all requested expenditures over \$5,000 were ranked in terms of priority and anticipated funding year. The Capital Improvement Plan (CIP), which was developed as a result of this meeting, will serve as a guidepost during the budget process for the next five years. For FY 15-16 the following capital purchases were prioritized and budgeted for:

<u>Capital Item</u>	<u>Estimated Cost</u>
• Town Hall Camera System	\$6,000
• Garage Upgrades	\$25,000
• Town Hall and Boardroom Renovations	\$15,000
• Arts Council Contract	\$15,000
• Sewer Rehab (Phase 2)	\$2.1M
• Public Drainage Improvements	ONGOING
• Street Paving	\$100,000
• Water System Rehab (CDBG grant)	\$400,000
• Touchless Meter Conversion and Water	
System Rehab (SRF loan/grant)	\$1.36M
• Hydrants at Lift Stations	\$10,000
• Phase 1 of NC 53 Corridor Plan (roundabout)	\$910,000
• Senior Center Sidewalk	\$400,000
• Village on the 18 Lift Station Rehab	\$30,000
• Tire Changer	\$4,000
• Police Tasers	\$7,000

• Protective Equipment for FD (4 sets)	\$10,000
• Computer Replacements (all depts.)	\$3,000
• Dump Truck (used)	\$40,000
• Email Hosting Service Upgrades	\$8,000
• Antivirus Server	\$5,000
• Asset Management Software (Utility Cloud)	\$9,000
• Public Works Maintenance Worker	\$30,000
• Promotion of Existing Public Works Employee	\$6,000
• Intern/Fellowship with UNCW MPA	\$10,000
• COLA (1.5%)	\$30,000
• Merit Pool	\$20,000

Please be advised that many of these capital expenditures scheduled for funding in FY 15-16 involve grants, designated revenue sources (i.e. Powell Bill), unencumbered funds through the Wallace sewer project, bond proceeds, and/or fund balance appropriations.

FUND BALANCE

In FY 09-10 the Board of Commissioners established a goal of retaining a fund balance goal of 25% of the town’s annual operating expenses. At this time it is estimated that the fund balance for the general and water and sewer fund are 63.2% and 69.8%, respectively.

SUMMARY

In summary, the proposed FY 15-16 budget insures the personnel and resources are retained to sustain the high level of services the residents have come to expect of the Town of Burgaw. Although the current economic environment presents several challenges in meeting these expectations, it also provides us with an opportunity to refocus our priorities to those services that are truly essential of a local government entity. Over the last several years the Town has undertaken several proactive cost-cutting measures that have enhanced the sound financial standing the Town has commonly been known to possess. These efforts will continue to provide the Town with greater responsiveness, efficiency, and utilization of its taxing authority.

Mr. McEwen advised the recommendation is the approval of the budget as presented.

Upon completion of the presentation, the floor was opened for discussion. Commissioner Tyson mentioned that she has a problem with paying the Pender Post-Voice an annual contract fee for the news box when the editor/owner does not even cover our meetings. She commented that he calls it the “paper of record” but he does not cover our meetings. There was much discussion regarding how we would handle the advertising without the box. Sylvia Raynor, Town Clerk advised that we could cut costs by not having the “box” but by buying our advertising as needed for public hearings and other public notices. After much discussion, Commissioner Tyson made a motion to not renew the contract with the Pender Post-Voice for the upcoming budget year. The motion was seconded by Commissioner Rooks. Commissioners Tyson, Rooks and Walker voted “aye”; Commissioners Dawson and Robbins voted “nay”. The motion carried three to two in favor of not renewing the Post-Voice contract.

There being no further discussion, Mayor Mulligan declared the public hearing closed at 5:55PM.

Ordinance 2015-13 Approval of FY 2015-2016 Annual Budget

Mayor Mulligan called for a motion on Ordinance 2015-13 approving the FY 2015-2016 Annual Budget. Commissioner Tyson made a motion to approve Ordinance 2015-13 approving the FY 2015-2016 budget. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2015-13
BUDGET ORDINANCE
FISCAL YEAR 2015-2016**

BE IT ORDAINED by the Board of Commissioners of the Town of Burgaw, North Carolina:

SECTION 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2015 and ending June 30, 2016 in accordance with the chart of accounts established for this town:

<i>GENERAL FUND EXPENDITURES</i>	
Governing Body	\$ 72,609
Administration	\$ 361,710
Depot	\$ 41,999

Incubator Kitchen	\$ 14,396
Police	\$ 833,321
Fire	\$ 405,928
Planning	\$ 112,318
Inspections	\$ 120,940
Powell Bill	\$ 116,976
Streets	\$ 227,353
Sanitation	\$ 336,961
Non Departmental	\$ 284,805
City Parks	\$ 55,405
Cemetery	\$ 43,357
Garage	\$ 93,596
Special Appropriations	\$ 109,402
Community House	\$ 9,850
Old Jailhouse	\$ 6,000
EMS Building	\$ 15,000
TOTAL	\$ 3,261,926

SECTION 2: It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2015 and ending June 30, 2016 at a tax rate of \$0.48 per \$100 valuation:

GENERAL FUND REVENUES

Ad Valorem Taxes	\$1,129,784
Unrestricted Intergovernmental	\$ 364,920
Restricted Intergovernmental	\$ 110,000
Permits and Fees	\$ 24,500
Sales and Services	\$ 301,450
Investment Earnings	\$ 1,040
Miscellaneous	\$ 32,300
Fund Balance Appropriated	\$ 0
TOTAL	\$ 3,261,926

SECTION 3: The following amount is hereby appropriated in the Water and Sewer Fund for expenditures consistent for the proper operation of the water and sewer utility for the fiscal year beginning July 1, 2015 and ending June 30, 2016 in accordance with the chart of accounts established for this fund:

WATER & SEWER FUND EXPENDITURES

Water Distribution	\$ 628,630
Sewer Collection and Treatment	\$ 421,449
Transmission Line	\$ 572,146
TOTAL	\$1,622,225

SECTION 4: It is estimated that the following revenue will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2015 and ending June 30, 2016 based upon a flat water rate of \$9.26 and a per 1,000 gallons rate per Attachment I and a sewer rate of \$9.23 per 1,000 gallons:

WATER & SEWER FUND REVENUES

Water Distribution	\$ 612,196
Sewer Collection and Treatment	\$ 993,029
Impact Fees	\$ 17,000
TOTAL	\$ 1,622,225

SECTION 5: There is hereby levied a tax rate of \$.48 per one hundred dollars valuation of property as listed for taxes as of January 1, 2015 for the purpose of raising revenue as listed by category of General Fund Revenues in Section 2 of this Ordinance. This rate is based upon an estimated rate of collection of 95%.

SECTION 6: The Finance Officer with the approval of the Town Manager is hereby authorized to transfer appropriations within a fund contained herein as follows:

- a. Transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b. Transfer amounts between departments of the same fund with an official report on such at the next regular meeting of the Board of Commissioners must be approved by the Town Manager. No transfers shall be made of any amount between funds appropriation within any fund without Board authorization.

- c. In an emergency situation the Town Manager in consultation with the Mayor or Mayor Pro Tem may expend funds from any source. The Board will be notified as soon as possible of the expenditure.

SECTION 7: The Finance Officer with the approval of the Town Manager is hereby authorized to carry-over in the appropriations for the fiscal year any previously approved purchase orders and accompanying budget authority.

SECTION 8: This ordinance includes Attachment I - Schedule of Fees, Attachment II - Pay and Classification Schedule.

Adopted this, the 9th day of June, 2015 by the Board of Commissioners of the Town of Burgaw.

**TOWN OF BURGAW
SCHEDULE OF FEES
FISCAL YEAR 2015-2016**

(ATTACHMENT I)

GENERAL

Copies – black and white	\$.05 each
Copies – color	\$.15 each
CD	\$1.00 each

UTILITIES

Utility Deposit (water, sewer)	\$0 - \$150.00 Based on Credit History \$250 without verifiable identification
Residential Credit Check	\$5.00
Commercial Deposit	
<u>Gal. Mth. Usage</u>	<u>Deposit</u>
0-3000 gals.	\$125.00
3001-9000 gals.	\$250.00
9001-25000 gals.	\$700.00
25001-50000 gals.	\$1250.00
50001-100000 gals.	\$2500.00
100000-**	\$2500.00 min
Master Meter Deposit	\$150.00 Per Unit in Multi-Family Complexes
Irrigation Deposit	\$25.00

Water Rate (inside city limits, incl. bulk)	
0-2000 gals.	\$ 9.26
2001-3000 gals.	.00463 per gal
3001-9000 gals.	.00493 per gal
9001-20000 gals.	.00507 per gal
20001- gals.	.00522 per gal

(outside city limits, incl. bulk)	
0-2000 gals.	\$18.54 per gal
2001-3000 gals.	.00927 per gal
3001-9000 gals.	.00987 per gal
9001-20000 gals.	.01015 per gal
20001- gals.	.01044 per gal

Sewer Rate (inside city limits)	\$ 18.46 .009229 per gal
(outside city limits)	\$ 36.94 .001846 per gal

Solid Waste	\$17.75 (residential: 1roll cart & recycling roll cart)
	\$34.75 (residential: 2 roll carts & recycling roll cart)
	\$34.00 (commercial roll cart & recycling bin)*

*Commercial customers may request recycling roll cart service in addition to their trash roll cart, for a total solid waste fee of \$34.75.

Vegetative/Construction/Demolition Debris pickup generated by services of a contractor Labor	\$30.00 per hour
	Backhoe \$40.00 per hour
	Dump truck \$25.00 per hour
Low Flow Device Credit	\$25.00 toilet
	\$20.00 shower, faucet

Connection Fees	(Inside city limits) (Outside city limits)
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	<u>Sewer</u>		<u>Water</u>	<u>Sewer</u>	<u>Water</u>
N/A		¾"	\$ 950	N/A	\$1,900
N/A		1"	\$1,100	N/A	\$2,200
N/A		Turbo 2"	\$1,500	N/A	\$3,000
N/A		Compound 2"	\$1,500	N/A	\$4,000
N/A		4"		\$650	\$1,300
Additional tap fee		\$250 if bore is involved			
Meter Purchase (installed)	¾"	\$250.00			
		1"	\$400.00		
		2"	\$1,300.00		
Irrigation Meter Connection			\$300.00	Connection from existing service ¾"	
			\$400.00	Connection from main line ¾"	
Administrative Fee (amended 9/12/06)			\$35.00	Charge for non-payment or disconnect	
Temporary Connect/Disconnect Fee			\$10.00	Clean up water - 3 day limit	
Inactive Account Fee			\$25.00	(3 months or less)	
			\$50.00	(greater than 3 months)	
Returned Check Fee			\$25.00		
Impact Fee*			\$4.89	water	\$10.00 Sewer
(based on 360 gal/day)					

CEMETERY

Cost of land	\$6.82 per square foot (standard lot is 4' x 11')
Perpetual Care per space	\$300.00 (in town) \$600.00 (out of town)

FILMING

Low Impact	\$300.00
Medium Impact	\$600.00
High Impact	\$1,200.00

Additional daily fee associated with filming at public property or building such as town park, Old Jail or Depot \$1000.00

FACILITIES

Depot Rental

Banquet Room:

Private/Commercial

Monday-Thursday	\$75/hour (2 hour minimum)
Friday-Sunday (8am – 12am)**	\$600 per day
Security Deposit (Refundable)	\$250

Public/Non-Profit*

Monday-Thursday	\$50/hour (2 hour minimum)
Friday-Sunday (8am – 12am)**	\$250 per day
Security Deposit (Refundable)	\$240

* See attached water/sewer fee schedule (as adopted April 12, 2011)

Depot Rental (cont.)

Conference Room:

Private/Commercial	\$35/hour (2 hour minimum)
Public/Non-Profit*	\$15/hour (2 hour minimum)

Dock Area:

Private/Commercial (8am – 12am)**	\$100 per day
Public/Non-Profit* (8am – 12am)	** \$50 per day
Cleaning Deposit (Non-refundable)	\$25

Open Area**

\$25

Reserving the day before an event for decorating:

Monday-Friday (if available)	\$15 per hour
Saturday or Sunday (if available)	\$25 per hour

*Non-profits must show proof of 501c(3) tax exempt status. All discounted events must contribute to the purpose and/or mission of the organization.

**Friday rentals may be pro-rated for a minimum 4 hours with the approval of the event center coordinator to allow for multiple rentals of the facility. A minimum 4 hour charge is required.

Burgaw Incubator Kitchen Rental

Kitchen Application Fee	\$25
Kitchen Orientation Fee	\$30
Cleaning & Security Deposit (Refundable)	\$150
Kitchen Rental Fees*	

	Prime Time (7am to 10 pm)	Off-Hours (10pm to 7 am)
Limited Use (fewer than 50 hours/month)	Burgaw Rate— \$16/hour	Burgaw Rate-- \$12/hour
	Out-of-Town Rate— \$20/hour	Out-of-Town Rate— \$16/hour
Heavy Use (50+ hours/month)	Burgaw Rate--\$14/hour	Burgaw Rate-- \$10/hour
	Out-of-Town Rate— \$16/hour	Out-of-Town Rate— \$12/hour

*The Burgaw rate is available for Burgaw residents, property owners, and business owners.

Overnight Freezer or Cooler Storage	\$10
Overnight Dry Storage	\$10/night or \$100/month
Culinary Classes	see Kitchen Rental Fees

Community House Rental Fee

Full Weekday (Monday-Thursday)	\$100 per day
3 Hours Weekday (Monday-Thursday)	\$30
6 Hours Weekday (Monday-Thursday)	\$50
Full Weekend day (Friday-Sunday)	\$150 per day
3 Hours Weekend (Friday-Sunday)	\$50
6 Hours Weekend (Friday-Sunday)	\$75
Security Deposit (Refundable)	\$100
Cleaning Fee (Non-Refundable)	\$50

Hankins Park Reservation Fee

\$25.00 Town Residents
\$40.00 Non-resident

Application filed with Chief of Police no less than three (3) days prior to scheduled event. Payment must be made to Town of Burgaw by 5:00 P.M. on the last business day prior to event. Fee is non-refundable, unless cancellation is due to inclement weather. Applicant's driver's license will be required as proof of residency.

LAW ENFORCEMENT

Report copy- black & white	\$ 0.05 each
Impound Storage Fee	\$ 10.00 per day
Vehicle Unlocks (exceptions for emergency)	\$ 10.00 per unlock
Officer Vehicle for Movie/Film	\$ 20.00 per hour
Officer Vehicle for Escort of Oversized Equipment	\$ 30.00 per hour (2 hour minimum)
Administration Fee- Escort	\$ 20.00 per escort
Bow Hunting Permit Fee	\$ 25.00

ANNEXATION

Voluntary Annexation(up to 100 acres)*	\$500.00
Voluntary Annexation (greater than 100 acres)*	\$1000.00

ZONING

Zoning Compliance Permit Fees	
New Construction, Additions, and Changes of Use	\$30.00
Home Occupations	\$10.00
Flood Development Permit	\$30.00
Sign Permit	\$30.00
Application for Conditional Use Permit	
General	
Not requiring technical review	\$250.00*
Requiring technical review	\$325.00*
Planned Unit Developments	
Fewer than 100 lots or dwelling units	\$500.00*

100-500 lots or dwelling units	\$750.00*
Over 500 lots or dwelling units	\$1,000.00*
Appeal to Board of Adjustment	\$250.00*
Application for Variance	\$250.00*
Application for Rezoning	\$250.00*
Application for Conditional Zoning (CZ)	\$325.00*
Application for Administrative Amendment to CZ District	\$30.00
Petition for Text Change Amendment	\$100.00
Subdivision Review	
Plat Review	\$30.00
Minor Subdivision	\$75.00
Major Subdivision	\$350.00
Plat Review Deposit	\$20.00 (hold for 15 days)
Flood Determination Letter	\$30.00
Zoning Determination or Compliance Letter	\$50.00
Petition for Street/Alley Closing	\$125.00**
Petition for Street/Alley Name Change	\$125.00**
Tree Removal Permit	\$10.00 per regulated or protected tree
Ordinance and Map Copies (printed, unbound)	
Unified Development Ordinance	\$25.00
Zoning or Other Map (17" x 22" or larger)	\$25.00
Land Use Plan	\$25.00

*Plus an additional fee of \$6.50 per property owner that is legally required to be notified of public hearing. All fees shall be collected at the time of filing the request.

**Plus an additional fee of \$6.50 per property owner abutting subject road or alley. All fees shall be collected at the time of filing the request.

BUILDING INSPECTIONS

Permits are required on all construction when costs exceed \$500.00, unless the construction is exempt under NC General Statute 160A-417.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a penalty of up to 100 percent of the usual permit fee and/or a fine of \$100.00.

Building fees shall be calculated on the basis of a realistic estimate of the construction cost of a building using the latest building valuation data compiled by the International Building Code for commercial and residential construction.

http://www.georgetown.org/pdfs/upload_pdfs/BuildingCodeValuationTable.1Feb06.pdf

BUILDING PERMIT

\$500.00-\$1000	\$ 40.00
\$1,001-\$3,000	\$ 50.00
\$3,001-\$6000	\$ 75.00
\$6,001-\$10,000	\$ 80.00
\$10,001-\$15,000	\$ 100.00
\$15,001-\$25,000	\$ 130.00
\$25,001-50,000	\$ 150.00
\$50,001 and over	\$ 150.00 plus \$5.00 per thousand dollars in cost

MANUFACTURED HOUSING PERMITS

SET-UP AND FOUNDATIONS

Singlewide home	\$ 125.00
Doublewide home	\$ 175.00
Triple wide home	\$ 250.00
Modular Home	\$ 45.00 per sq. ft.
Relocation of home	\$ 150.00
Electrical	\$ 60.00
Plumbing	\$ 60.00
Mechanical	\$ 60.00

*Marriage wall inspection required

MECHANICAL PERMIT

New Electric, gas or oil – 1st unit	\$ 80.00
Additional units	\$ 50.00
Change-outs no duct work	\$ 60.00
Change-out with duct work	\$ 75.00
Gas line pressure test	\$ 30.00 First + 5 each additional

Electrical to unit (same contractor)	\$ 20.00
Hood canopies – cooking areas	\$ 75.00
Walk-in coolers	\$ 50.00
Electrical to unit (same contractor)	\$ 20.00

PLUMBING PERMIT

RESIDENTIAL AND COMMERCIAL

0-12 fixtures	\$ 80.00
Each fixture over 12	\$ 5.00
Full Bathroom addition	\$ 50.00
Kitchen sink/washer hook-up	\$ 50.00
Water service connection	\$ 30.00
Sewer service connection	\$ 30.00
Hose bib	\$ 5.00
Laundry room	
Floor drain	\$ 5.00
Laundry tub	\$ 5.00

ELECTRICAL PERMIT

RESIDENTIAL (new construction)

200 amp service	\$ 80.00
201-400 amp service	\$120.00
401 amp and over	\$130.00 plus \$.30/A
Temporary pole	\$ 30.00

COMMERCIAL (new construction)

200 amp service	\$100.00
201-400 amp service	\$140.00
401 amp and over	\$150.00 plus \$.40 per amp
Temporary pole	\$ 30.00
Verification	\$ 30.00

COMMERCIAL (service upgrade)

200 amp service	\$ 75.00
201-400 amp service	\$100.00
401 amp and over	\$100.00 plus \$.40 per amp
Inspection for existing service	\$ 30.00

WIRING (no service change)

1-12 outlets	\$ 30.00
more than 12 outlets	\$ 50.00

SWIMMING POOL PERMIT

RESIDENTIAL AND COMMERCIAL

Pool inspection barriers	\$ 40.00
Electrical (grounding, pump, GFI)	\$ 30.00

INSULATION PERMIT

Inspection Fee	\$ 30.00
Multi-unit dwellings	\$ 30.00 each

MISCELLANEOUS FEES

Demolition	\$ 70.00
Re-inspection fee	\$ 30.00 for second failed inspection \$ 50.00 for third and subsequent failed inspection.

NOT READY

\$ 30.00 if three major discrepancies found (Inspection will be stopped)

FAILURE TO OBTAIN FINAL INSPECTION

\$100.00

(A final inspection must be requested upon completion of work)

FAILURE TO CORRECT DISCREPANCIES IN A TIMELY MANNER

Discrepancies for occupied buildings shall be corrected and inspected in 10 days or processing fee will be charged and the 10 days will start again.

Minimum building permit	\$50.00
Minimum electrical permit	\$ 30.00
Minimum electrical permit	\$ 30.00

Minimum plumbing permit \$ 30.00

EXPIRATION OF PERMITS

After obtaining the appropriate permits, the person in possession of the permits has 6 months to begin work as it is listed on the permit. If the person has not commenced construction in that period of time, the permit shall expire. The person will then need to purchase another permit and pay the corresponding fees. The permit will also expire if construction is suspended or abandoned for a period of 12 months or more after commencement of the initial construction.

FIRE MARSHAL

Fire Prevention Inspections and Permits

In order to preserve and protect public health and safety and to satisfy the requirements of North Carolina General Statute 160A-424, the Town of Burgaw will be conducting Fire Prevention Inspections and construction plan review on all commercial buildings within the town limits and it's ETJ on an annual basis. The purpose of these periodic inspections is to identify activities and conditions in buildings, structures and premises that pose dangers of fire, explosion or related hazards.

NEW BUSINESS AND MULTI-FAMILY PERMIT AND INSPECTION (Plan Review)

All commercial and multi-family properties will be permitted and inspected during the plan review and construction phases to verify compliance with the North Carolina Fire Code.

Up to 5,000 square feet	\$25.00
5,001 to 10,000 square feet	\$50.00
10,001 to 25,000 square feet	\$75.00
25,001 and over	\$100.00

FIRE SUPPRESSION AND NOTIFICATION SYSTEM PERMIT AND INSPECTION

A permit and inspection is required before any fire suppression and/or notification system is installed, removed, or altered.

Sprinkler System	\$100.00
Fire Alarm / Notification System	\$100.00
Other Suppression System	\$100.00

SPECIAL/HAZARDOUS USE PERMIT

Temporary kiosk or display	\$10.00
All tents meeting the permit requirements under Chapter 24 of the North Carolina Fire Code	\$25.00
Special Assembly	\$30.00
Cooking Event	\$30.00
Any Other Required Use Permit Defined in the NC Fire Code	\$30.00

FLAMMABLE / COMMBUSTIBLE LIQUID STORAGE TANKS (ABOVE AND BELOW GROUND)

Removal (per tank)	\$50.00
Installation (per tank)	\$50.00

INSPECTIONS

Annual Inspection	No-charge
Foster Home Inspections	\$30.00
Day Care Inspection	\$30.00

RE-INSPECTION FOR NON-COMPLIANCE

1 st Re-inspection	\$30.00
2 nd Re-Inspection	\$75.00
3 rd Re-inspection	\$150.00 and referral to Town Attorney

LIFE SAFETY CODE VIOLATIONS (definitions attached)

Any violation of the following requires an immediate citation

Overcrowding	\$500.00
Blocked Exit	\$200.00
Spraying Operation Not Compliant to Code	\$100.00

Any violation of the following upon re-inspection requires an immediate citation

Fire Alarm System Inspection/Maintenance	\$100.00
Fire Suppression System Inspection/Maintenance	\$100.00

Unauthorized Storage	\$100.00
Emergency Lighting Inspection/Maintenance	\$50.00
Fire Extinguisher Inspection/Maintenance	\$50.00
Use of Non-approved Heating Appliances	\$50.00

OTHER FIRE CHARGES

Unauthorized Burning	\$100.00
Key holder's Failure to Respond on Fire Alarm	\$100.00
Hazardous Event Standby i.e. Pyrotechnics, Open Burning, etc.	\$200.00

Definitions of Life Safety Violations
(Violation of any of the following code requirements renders a citation action)

1. Overcrowding - \$500.00 – Occupancy of a building in excess of the posted occupant load as defined in Section 1004 of the NC Fire Code.
2. Block Exit - \$200.00 – Any obstruction in the required width of a means of egress. (A means of egress is the continuous and unobstructed path of vertical and horizontal egress travel from any point in a building or structure to a public way, consisting of three separate and distinct parts: the exit access, the exit, and the exit discharge.)
3. Spraying Operation Not Complying to Code - \$100.00 – Spraying flammable or combustible finishes without a properly installed spray booth or approved spraying area.
4. Fire Alarm System Inspection/Maintenance - \$100.00 – Failure to have the required annual maintenance test conducted of the fire alarm system(s), all deficiencies corrected, and to have required documentation of test(s) available to the fire code official on site.
5. Fire Suppression System Inspection/Maintenance - \$100.00 – Failure to have the required annual maintenance test conducted of all the fire suppression system(s), all deficiencies corrected, and to have required documentation of test(s) available to the fire code official on site.
6. Unauthorized Storage - \$100.00 – The storage of flammable, combustible or hazardous liquids or materials improperly stored and/or without a permit.
7. Emergency Lighting Inspection/Maintenance - \$50.00 – Failure to provide documentation and/or to conduct the required emergency lighting tests set forth in Section 604.6 of the NC Fire Code.
8. Fire Extinguisher Inspection/Maintenance - \$50.00 – Failure to properly maintain and service required portable fire extinguishers.
9. Use of Non-Approved Heating Appliances - \$50.00 – The use of non-listed heating appliances and/or use in an unapproved manner or location.

WATER AND SEWER IMPACT FEE SCHEDULE

Use	Unit	ERU	Water Fee	Sewer Fee
Single Family Residential	Dwelling	1	\$1,760.80	\$3,600.00
Multifamily Dwelling (3 bedroom)	Dwelling	1	\$1,760.80	\$3,600.00
Multifamily Dwelling (2 bedroom)	Dwelling	0.85	\$1,496.68	\$3,060.00
Multifamily Dwelling (1 bedroom)	Dwelling	0.7	\$1,232.56	\$2,520.00
Barber & Beauty shops	Chairs	0.12	\$211.30	\$432.00
Churches, theaters & assembly halls	Seats	0.01	\$17.61	\$36.00
Coin operated laundry	Washers	0.8	\$1,408.64	\$2,880.00
Convenience stores	Commodes	0.57	\$1,003.66	\$2,052.00

Correctional institutions	Inmates	0.22	\$387.38	\$792.00
Day Care Center	Persons	0.03	\$52.82	\$108.00
Factories	Employees	0.05	\$88.04	\$180.00
Fast Food	Seats	0.1	\$176.08	\$360.00
Hospitals	Beds	1.25	\$2,201.00	\$4,500.00
Hotel/Motel without kitchen	Rooms	0.35	\$616.28	\$1,260.00
Nursery Home with laundry	Residents	0.4	\$704.32	\$1,440.00
Nursery home no laundry	Residents	0.22	\$387.38	\$792.00
Offices, warehouses	per 1000 sq. ft	0.05	\$88.04	\$180.00
Restaurants	Seats			
12 hours or less/day		0.02	\$35.22	\$72.00
more than 12 hour/day		0.05	\$88.04	\$180.00
Schools	Students	0.03	\$52.82	\$108.00
Shopping centers/stores	per 1000 sq. ft	0.3	\$528.24	\$1,080.00

**TOWN OF BURGAW
BUDGET YEAR 2015-2016
ATTACHMENT II
PAY CLASSIFICATION PLAN**

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
TOWN MANAGER	65,000.00	93,000.00
TOWN CLERK	39,892.00	60,000.00
FINANCE OFFICER	55,864.00	78,210.00
PERSONNEL TECH./DEPUTY TOWN CLERK	28,075.00	39,305.00
CUSTOMER SERVICE REPRESENTATIVE	23,961.00	33,545.00
ACCOUNTING TECHNICIAN	32,000.00	45,010.00
BUILDING CODE ADMINISTRATOR	46,429.00	65,500.00
PERMITTING TECHNICIAN	20,800.00	29,120.00
PLANNING ADMINISTRATOR	43,256.00	60,558.00

POLICE CHIEF	52,000.00	76,000.00
DETECTIVE	35,000.00	52,000.00
SERGEANT	32,000.00	40,000.00
CORPORAL	31,403.00	37,000.00
PATROL OFFICER	31,500.00	41,600.00
POLICE ADMINISTRATIVE ASSISTANT	20,800.00	29,120.00
PUBLIC WORKS DIRECTOR	44,700.00	62,580.00
ASSIST. DIRECTOR OF PUBLIC WORKS	40,170.00	59,000.00
PUBLIC WORKS ADMINISTRATIVE ASSISTANT	20,800.00	29,120.00
FOREMAN	25,697.00	37,500.00
UTILITY & COMPLIANCE SUPERVISOR/ORC	34,691.00	50,553.00
UTILITY TECHNICIAN	24,582.00	34,415.00
MECHANIC	28,198.00	41,200.00
MAINTENANCE WORKER I	20,800.00	29,120.00
MAINTENANCE WORKER II	23,564.00	36,792.00
FIRE ADMINISTRATOR	53,346.00	60,684.00
FIRE FIGHTER	25,000.00	39,352.00

Public Hearing 2 – Consideration of amendment of the Town of Burgaw Code of Ordinances Chapter 32 Article IV regarding parking along certain streets within the Town of Burgaw

Mayor Mulligan declared the public hearing open at 5:55PM.

Chad McEwen, Town Manager advised the proposed amendment to the Town’s Code of Ordinances is in response to several issues that have arisen regarding parking vehicles along residential streets and rights of way. The issues primarily surround these vehicles creating an obstruction to the traveling public, impairing sight lines, and damaging the shoulders of the road and sidewalks. Over the last several years we have had numerous complaints regarding these issues from residents as well as motorists who encounter these situations. He advised Ordinance 2015-14 addresses each of these issues and provides for a means of penalizing offenders. He reminded the Board that this item was discussed at last month’s meeting and would be brought back in a public hearing for today’s meeting. There being no discussion, Mayor Mulligan closed the public hearing at 5:56PM.

Ordinance 2015-14 Regarding parking along certain streets within the Town of Burgaw

Commissioner Tyson made a motion to approve Ordinance 2015-14 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**ORDINANCE 2015-14
Ordinance Regarding Parking Vehicles along Certain Streets in the Town of Burgaw**

WHEREAS, over the last several years, the Town has encountered several issues that have arisen regarding parking vehicles along residential streets and rights of way, and

WHEREAS, these issues primarily surround these vehicles creating an obstruction to the traveling public, impairing sight lines, and damaging the shoulders of the road and sidewalks; and

WHEREAS, NOW THEREFORE BE IT ORDAINED by the Town of Burgaw Board of Commissioners in order to address these issues and help protect the travel public, pedestrians, and prevent damage to the roadway, sidewalks, and rights of way it has become necessary to develop regulations regarding vehicle parking along streets and the adjacent rights of way; and

SECTION 1. The following amendment is made to the Town of Burgaw Code of Ordinances;

“Traffic and Vehicles

Chapter 32 Article IV- Stopping, Standing, and Parking

Section 32-125. Parking of vehicles in residential districts.

- (a) *It shall be unlawful for any person to park or stand any truck, semitrailer, truck-tractor, travel trailer, recreational vehicle, road tractor or related vehicle with a rated capacity of more than 2.5 tons upon any street or highway in a residential district except for the purpose of loading and unloading goods, merchandise, and/or equipment. Such exception shall only be allowed in instances where parking the vehicle and/or trailer on private property is not possible due to size constraints. These exceptions shall only be allowed during periods when items are actively being loaded or unloaded from the vehicle or associated trailer.*
- (b) *For the purpose of this section, residential districts shall mean those areas designated for residential zoning on the Official Zoning Map of the Town of Burgaw, on or after the effective date of this section, and to those areas solely dedicated for residential use by any ordinance or subdivision approval of the Town of Burgaw Board of Commissioners.*
- (c) *For the purposes of Section 32-125, “street” or “highway” shall be defined as all unimproved or improved areas within the relevant public right of way.*
- (d) *This section shall apply to the operator of the vehicle, registered owner of the vehicle, lessee of the vehicle or any person who causes the vehicle to be parked in violation of this section in connection with a commercial enterprise or other activity abutting the public street.*
- (e) *No parking of any vehicles, regardless of size or weight, shall be allowed when such parking causes damage to any portion of the street or public right of way. Any person, who commits a violation and in doing so causes damage to any street or area within a public right of way, shall pay all replacement, repair, labor cost to the Town of Burgaw. Upon a proper police report being filed for the associated damage, the Town may file a claim with the appropriate insurance company or allow the individual to pay for damages to be repaired by a contractor selected by the Town of Burgaw.*
- (f) *No parking of any vehicle, regardless of size or weight shall be allowed which presents a visual or physical impairment for the traveling public. The appropriate sight distance triangle shall be used to determine if impairment is present.*
- (g) *In addition to requirements in Section 32-125 (e), any person who commits a violation of Section 32-125 may also be charged criminally with property damage as well as assess a civil penalty in the amount of \$50.00.”*

Witness my hand and the corporate seal of said Town of Burgaw this the ninth day of June, 2015.

Resolution 2015-23 Waiver of Conflict of Interest by Client

Attorney Robert Kenan advised the Board that Resolution 2015-23 waives any conflict of interest regarding Ward & Smith, PA which is a law firm that represents the Town regarding the interlocal agreement with the Town of Wallace and also waives any conflict of interest regarding Ward & Smith, PA which also represents the applicant US Cellular who has submitted an application to have a special use permit for the location of a wireless communication tower within the corporate limits of the town. As a result of this potential conflict, Ward and Smith, PA has requested a waiver of the conflict of interest via this resolution.

Commissioner Rooks requested to be recused from the vote due to a personal interest in the cell tower application. Commissioner Tyson made a motion to approve Resolution 2015-23 as presented. The motion was seconded by Commissioner Dawson and carried by a vote of four “ayes” with Commissioner Rooks being recused from the vote.

RESOLUTION 2015-23
WAIVER OF CONFLICT OF INTEREST BY CLIENT

WHEREAS, the Town of Burgaw (“Town”) has engaged the services of Eric J. Remington, a North Carolina licensed attorney, who is employed with the law firm Ward and Smith, P.A. in its New Bern, North Carolina office; and

WHEREAS, the Town has retained the professional legal services of Eric Remington to advise Town of its rights under the interlocal agreement between Town of Wallace and Town to regarding the sanitary treatment of Town’s sanitary wastewater by the Town of Wallace; and

WHEREAS, Ward and Smith, P.A. represents its corporate client, U.S. Cellular, regarding an application for a conditional use permit for the potential location of a wireless communication tower within the corporate limits of Town; and

WHEREAS, there is a potential conflict of interest for the law firm of Ward and Smith, P.A. to represent Town regarding the interlocal agreement between the Towns of Burgaw and Wallace and for the firm to represent its corporate client, U.S. Cellular before the Town’s planning board and board of commissioners; and

WHEREAS, as a result of this conflict, Ward and Smith, P.A. has notified the Town through its Town Manager and Town Attorney regarding the conflict and requested the Town through its Board of Commissioners to consider waiving the conflict of interest based upon the following conditions: (i) that the attorney or attorneys from Ward and Smith, P.A. representing its corporate client, U.S. Cellular, shall refrain from sharing its file regarding U.S. Cellular's application for a conditional use permit to locate a wireless communication tower to Eric J. Remington, as well as refraining from any communication with Eric J. Remington regarding such application; and (iii) Eric J. Remington shall refrain from sharing the Town of Burgaw file regarding the interlocal agreement between the Towns of Burgaw and Wallace with any attorney or attorneys within Ward and Smith who are representing U.S. Cellular regarding its application for a conditional use permit to locate a wireless communication tower within the corporate limits of Town, as well as refraining from any communication with any attorneys assigned to represent U.S. Cellular regarding such application; and

WHEREAS, Town through its Board of Commissioners acknowledges the conflict referenced above and has been advised of such conflict by their appointed legal counsel, Robert C. Kenan, Jr.;

NOW, THEREFORE IT IS HEREBY RESOLVED that Town through its Board of Commissioners has been advised of the conflict stated above and that it hereby waives such conflict subject to the following conditions: (i) that the attorney or attorneys from Ward and Smith, P.A. representing its corporate client, U.S. Cellular, shall refrain from sharing its file regarding U.S. Cellular's application for a conditional use permit to locate a wireless communication tower to Eric J. Remington, as well as refraining from any communication with Eric J. Remington regarding such application; and (iii) Eric J. Remington shall refrain from sharing the Town of Burgaw file regarding the interlocal agreement between the Towns of Burgaw and Wallace with any attorney or attorneys within Ward and Smith who are representing U.S. Cellular regarding its application for a conditional use permit to locate a wireless communication tower within the corporate limits of Town, as well as refraining from any communication with any attorneys assigned to represent U.S. Cellular regarding such application.

IT IS FURTHER RESOLVED THAT the Town Clerk shall provide two (2) executed true copies of this Resolution to Ward and Smith, P.A. for the purpose of such Resolution being filed in the separate files of Ward and Smith, P.A. regarding the matter being represented by Eric J. Remington on behalf of the Town and the matter regarding U.S. Cellular's application for the location of a wireless communication tower within the corporate limits of the Town.

Adopted this the 9th day of June, 2015.

CLOSED SESSION RECONVENED

Mayor Mulligan advised we will return to the recessed closed session to continue discussion. Closed session reconvened in the office of the town manager at 6:05PM.

OPEN SESSION RECONVENED

Commissioner Tyson made a motion to go out of closed session. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Open session reconvened at 7:14PM.

ADJOURNMENT

There being no further business, Commissioner Tyson made a motion to adjourn. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The meeting adjourned at 7:15PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk