

VERBATIM MINUTES

TOWN OF BURGAW BOARD OF COMMISSIONERS REGULAR MEETING

DATE: July 12, 2016
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Eugene Mulligan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Wendy Pope, Finance Officer
Rebekah Roth, Planning Administrator
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 at 4:00PM by Mayor Eugene Mulligan.

Approval of Agenda

Mayor Mulligan: Item 4, approval of the agenda. Can I have a motion to approve the agenda?

Commissioner Harrell: So moved:

Mayor Mulligan: Second?

Commissioner Dawson: Second.

Mayor Mulligan: Any discussion? All in favor?

*All ayes; motion carried.

Approval of Consent Agenda

Mayor Mulligan: Approval of the minutes of the regular and closed session of June 14, 2016. Can I have a motion to approve Item 5?

Commissioner Robbins: So moved.

Mayor Mulligan: Second?

Commissioner Harrell: Second.

Mayor Mulligan: Any discussion? All in favor?

All ayes. None opposed.

The consent agenda and the following items were approved:

- Minutes of the regular and closed sessions of the June 14, 2016 meeting

Special Request for the addition of a dance class at the Community House - Christina Hoffman

Christina Hoffman: I wanted to add another dance fitness class on Monday evenings from 7PM to 7:45. The Wednesday class is going really well; we have had 21 individuals with averages around 17 to 18. The numbers are increasing and I have spoke with people coming; they expressed a need to have another class so I am asking for approval for Monday evenings.

Mayor Mulligan: Any questions from the board?

Commissioner Robbins: How many do you generally have on Wednesday?

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Christina Hoffman: Well, I mean when we started out it was lower, but lately it has been 21, I think it was 17 and then we were averaging 10 for a while but it has been increasing. I have a lot of teenagers and a wide variety, wide age group of people coming to it.

Mayor Mulligan: Any further questions? To be honest with you I really felt this should be through the Parks and Recreation Committee, just a policy. I don't know if this is anyone else's opinion or not.

**Commissioner Dawson:* I don't have a problem with it. I make a motion to approve it.

Mayor Mulligan: So you are making a motion to approve the Monday night class. "Are you making that motion"?

Commissioner Dawson: Yes".

Commissioner Robbins: I second the motion.

Commissioner Harrell: How long will this class continue?

Christina Hoffman: I will start in September and I guess through the end of the year. I guess it's up to how long I would hopefully . . . I think the class that I am doing right now started in April and they told me the entire year so maybe the same time the other class ends to make it easier.

Mayor Mulligan: Can you remember if that is calendar year or fiscal year?

Wendy Pope: It is fiscal year. It was in the budget for the fiscal year.

Chad McEwen: If you do, we will have to make an appropriation. How much is the class?

Much inaudible discussion. All talking at once.

Chad McEwen: If she starts in September that's ten months so that will be \$1200.

Mayor Mulligan: And the town board will be getting this from fund balance?

Chad McEwen: Fund balance appropriation.

Mayor Mulligan: Okay, I have a motion in front of the Board to grant this request. Any further discussion on that?

Commissioner Harrell: So just to make sure we are all on the same page; it starts in September and ends at the end of June?

Chad McEwen: That's what Ms. Hoffman mentioned that she would offer the class through that time, is that correct?

Christina Hoffman: So September through the following year? June? Yes.

Mayor Mulligan: Further discussion? All in favor: All ayes. None opposed.

**The motion carried by unanimous vote.*

Mayor Mulligan: I need a motion for fund balance appropriation in the amount of \$1200. Is that right?

Chad McEwen: Yes sir.

Mayor Mulligan: Can I have a motion?

**Commissioner Dawson:* So moved.

Mayor Mulligan: Can I have a second?

Commissioner Robbins: Second.

**Mayor Mulligan:* Any further discussion? All in favor? All ayes. None opposed. Motion carried.

Mayor Mulligan: Congratulations, there Ms. Hoffman. Thank you very much for the job you are doing over there.

Christina Hoffman: We are enjoying it, it's been a lot of fun and community coming together, we are just having a lot of fun, so.

Mayor Mulligan: Inaudible comment.

Special Request by Village on Eighteen property owners regarding burned out condominium building – Sherry Manley

Sherry Manley: I would like to have an update from Mr. Louis Hesse regarding the progress on the burned out condominium building on East Wilmington Street Extension.

Louis Hesse: When the building burned there was insurance involved and the whole building was totaled out for insurance purposes. Getting that settled delayed everything a few months and then Daniel Jordan decided to take off the top story and try to rebuild the remaining floors but that has since changed because the bottom story was too damaged to repair. Mr. Jordan then decided to demolish the whole building. At that point a buyer came in to purchase the building but also wanted to buy the whole area and build all the condos intended for the property. That was delayed until it came to a point that I went to Mr. Jordan and advised him that this has gone on long enough and something must be done. Mr. Jordan then got a permit to demolish the whole building. Since that time he has had several bids, has settled on a contractor, hired a contractor and the contractor has been in the process of getting state permits to transport debris across the county line because we don't have any place to take it and New Hanover County won't take it. Since then the purchase is about to close now and I asked Mr. Jordan if the sale of the

property will affect the start date of the July demolition. Mr. Jordan advised his expectation is to go ahead and demo the property himself and that will be part of the purchase because that is between him and the buyer. As of now demolition will begin on July 28th. The purchaser intends to rebuild the condominiums as well as the others that were originally planned for that property.

Sherry Manley: Are the original plans available for review.

Rebekah Roth: I have the plans and they are also available at the Register of Deeds office.

Mayor Mulligan: Has the second phase of the condominium project already been approved, there's no time line on the approval of that?

Rebekah Roth: It was all approved as one project so the way we have always interpreted it is that the permit is valid for what was originally approved as long as the permit doesn't expire. Since part of it has been built it would never expire. After it is demolished, within that six month time frame as long as they are showing progress towards working on the original project it still remains an active project.

Sherry Manley: So it doesn't expire as long as they are working on it?

Rebekah Roth: Correct.

ITEMS FROM ATTORNEY – Robert Kenan

Arts Council Lease

Attorney Kenan: What you have before you is a lease for the Arts Council which is basically the same lease that was done two years ago when the Board approved the leasing of the EMS building to the Arts Council. In March of this year the Board approved renewing that lease for an additional five years. Under North Carolina law when you are doing a lease greater than three years it must be in writing and it must be recorded with the Register of Deeds. This is basically the same lease as before with the exception of the lease term being from August 1st of this year through July 31st of 2021 and they are responsible for their own utilities. There is no monthly lease or annual lease payment based on the Board's vote in March 2016.

Commissioner Robbins: Is this the same lease except for the time frame?

Attorney Kenan: It is except for the time frame and we took out that portion that dealt with the town paying for the utilities. In the first lease the town agreed to pay \$15,000 per year towards the utilities.

Commissioner Robbins: If we go for the same time frame like three years then we don't have to go through recording and all that?

Attorney Kenan: If it is three years or less you don't but based on your recent vote you voted on a five year lease.

Mayor Mulligan: I was under the impression that the \$4,500 that we reduced from \$15,000 was still to be applied to utilities.

Chad McEwen: That was my understanding that they still want to pay utilities on it.

Mayor Mulligan: Only \$4,500.

Attorney Kenan: \$4,500 per year. Okay.

Mayor Mulligan: For utilities, insurance and their basic cost just because basically we gave them \$15,000 the first year and then as we saw exactly what they used we just re-assessed it. We didn't see the point in tying up \$15,000 per year so we reduced it to \$4500 which still included insurance and utilities if I am not mistaken and Chad says I am not. Can this be changed now?

Attorney Kenan: Go ahead and change it and vote on it.

Commissioner Robbins: Would it be easier for everybody and less expensive if we do three years instead of five?

Attorney Kenan: The only difference would be that you would not have to record the actual lease at the Register of Deeds. That would be the only change. You still need to have something in writing.

**Commissioner Robbins:* I make a motion to approve it as presented except for doing it for three years so we won't have to file anything and with what you just mentioned about the payment of the utilities; is that included in it?

Attorney Kenan: I will have to put the \$4500 there for the utilities and insurance.

Commissioner Harrell: There is one other change that needs to be made on the second part of the lease where there is a statement about verbal communication from landlord to tenant shall be made either to Rochelle Whiteside, Sadie Pollock or Harold Pollock. The Pollock's are basically removing themselves.

Attorney Kenan: I need to know under paragraph 17 is who gets the notice.

Commissioner Harrell: It should be left open as the president and vice president because that changes. That is probably the way it should be worded.

Commissioner Robbins: Has Mr. Pollock resigned from the council (before we strike his name)?

Commissioner Harrell: I don't think he has resigned but I think they are getting ready to take a step back. The whole idea is that this is a three year lease so rather than specifically putting those people down he was thinking to go more towards the actual office holders.

Attorney Kenan: Should the notice go to the president or vice president of the corporation?

Commissioner Harrell: Yes.

Attorney Kenan: Shall any verbal communication from the landlord to tenant be made to the president of the organization?

Commissioner Harrell: I believe there is also a vice president.

(Commissioner Dawson – inaudible).

Mayor Mulligan: So there's no conflict between three years or five years in making a new vote today?

Attorney Kenan: You can change that.

Mayor Mulligan: So, I have a motion. Do I have a second?

Commissioner Dawson: I second the motion with changes discussed above.

Mayor Mulligan: Any further discussion: All in favor? All ayes. None opposed. Motion carried.

**Copy of the lease will be on file in the clerk's office.*

Other items from Attorney to be announced

Attorney Kenan: I have no other items to discuss in open session.

ITEMS FROM MANAGER – Chad McEwen

Resolution 2016-29 Approving a Contract with Southern Asphalt, Inc. associated with the Paving of Portions of North Walker, East Ashe, East Batson, and South Bodenheimer Streets

Chad McEwen: You have before you a resolution considering a contract with Southern Asphalt associated with paving portions of four roads, North Walker Street, East Ashe Street, East Batson Street and South Bodenheimer Street or portions of those streets. The exact areas are listed under items 1 -4 in the background information. These sections of road from what I and Bill Fay have gathered are actually the worst in town in terms of their conditions. Several sections of these roads are pot holed all the way to the sand/clay base through the sub-base; it is completely compromised. The cost related to fixing these roads because they are so bad is substantial if you look at a block per block cost. This is probably some of the most expensive repairs to roads that we are going to encounter. We discussed several times about while Southern Asphalt is in town with the milling machine and they have provided us with unit pricing for the Fremont Street repairs is to get them also to address these priorities. Bill and I have been around the roads in town and these are the ones that we are recommending that you consider paving as part of the work when Southern Asphalt is here. This is not an exhaustive list of all the roads in town that need attention; I said have a list of roads that Bill and I generated that include some roads from 2014 that were low priorities that have moved up the line because of the amount of time that has passed and their condition. These are the ones in the most need right now given the current condition. The price provided by Southern Asphalt is just shy of 100k; we ask that you include a 15% contingency for unforeseen circumstances which would bring the total to \$114,784.00 which is below what was budgeted this year in capital outlay for Powell Bill paving with \$128,712.

Commissioner Dawson: Bill, when the list was created a couple years ago with the high, medium and low priority have we have taken care of all the high and medium priorities on that list.

Bill Fay said we have. They were listed as 1, 2 and 3 and the 1s and 2s have already been done.

Commissioner Dawson: Are these the only ones that were left on that low priority row or were there additional ones on the low priority?

Chad McEwen: Both; there are some from that 2014 list that were 3s that are still 3s in mine and Bill's opinion.

There are some that are higher priority than that because of their condition and how fast they are deteriorating. If you look at the list from 2014, Walker Street wasn't even on that list. Fremont of course was on there but Walker Street has disintegrated over the last two years.

Commissioner Dawson: The section of Hayes between Wright and Dickerson Streets where they did all the work on that lot; that section of Hayes is in bad shape.

Chad McEwen: Hayes from Walker to Bodenheimer needs some level of attention. Some areas need to be completely milled out. The section between Smith and the section through the ball park is all to pieces. I don't know

if it is from all the vehicles that went in there to renovate the park when they did the expansion or if it is a result of the BST treatment over it and they did not do a good leveling course on it. The length of Hayes Street from Walker Street on needs some level of attention and that's on this list. The way to look at this is the four listed here are 1s (the highest priority). This list I am going to give you, they are not as bad in my opinion as the 1s but they need attention. South Vann Street, McCullen Street, several sections of Bodenheimer, North Wright Street north of Wilmington Street all the way to Wallace Street needs attention. We wanted to provide you with priorities within the budget for Powell Bill for this year. If you want to do some that are on this list it will take a fund balance appropriation to do that.

Commissioner Robbins: On three of these there are three one half blocks; what do you mean by "to one half block"?

Chad McEwen: Basically the half block or 250 feet. For Batson Street from 117, come back to where DOT paved and had the radiuses paved and come back one half of that block; it basically needs to be completely taken out and put binder in.

Commissioner Robbins: So you will leave all the rest of the street like it is.

Chad McEwen: The other half of the block looks fine. It is the same with Ashe Street.

Commissioner Dawson: How is it going to look when you get in there and start doing all that milling and paving, how will the other half look?

Chad McEwen: It will look like one half is new and the other is not.

Commissioner Robbins: It will look like we ran out of money.

Chad McEwen: We can go the whole block but my thought is that if the half block remaining is in good shape and there are sections of town that the roads are almost as bad shouldn't we use that money towards that? We can pave block to block but it is all related to cost.

Mayor Mulligan: When we discussed this yesterday, Bill you said there are roads that are taken care of in a timely fashion that will not require milling and material and that you can just do overlay, is that correct?

Bill Fay: That is correct.

Mayor Mulligan: In the case of these two half blocks will it be possible to mill half a block and just do the overlay on the second half if they are deemed as good a condition as you are suggesting?

Bill Fay: Yes.

Mayor Mulligan: It would reduce the cost significantly for the second half of the block.

Bill Fay: That's correct.

Commissioner Harrell: Was there some reason why this wasn't brought before the infrastructure board.

Chad McEwen: No, we talked about it in the CIP about the annual paving priorities; we talked about it in the budget in terms of the annual paving amount that is going into capital. We talked about it in the Capital Project Ordinance when paving Fremont Street. This time of the year we usually do the paving priority list and then if the board so chooses sends it back to committee and they bring their list or either take our list and grade it. In my experience it usually is never started at the committee, we usually gather a list (Bill and I) and provide it to the Board and if the Board wants to send it to committee they do that.

Mayor Mulligan: I know that in CIP we put away \$128,000 of Powell Bill and I presume most of that will go toward the project on Fremont Street, but I am with Commissioner Harrell, this is \$114,000 and on Monday when I asked Chad for a priority list he couldn't get one and you said that I should go to Bill and I went to Bill and the list I got was stuff that was completed. Bill doesn't have a list. I don't doubt for one second these streets need repaving but to come to a commissioner's meeting with a request for \$114,000 when we had an infrastructure board meeting two weeks ago and two months of budget meetings shows that we need to change our policies in regards to when we look at our roads. We should look at them in regards to what we are going to spend the following year so we can budget further and that the street committee then checks the list that you provide them with. You guys are out and about and would have the expertise. The list that you provide them with, let them go and have a look at them with their own list, go to the infrastructure board and they can pick them out and then come to a board meeting. He said it is \$114,000 and it is a lot of money just to walk in and ask the commissioners who got this on Friday to make a decision.

Chad McEwen: This item was in the update, we talked about it as part of Fremont Street that we were going to get the contractor while he is here with the milling machine which costs \$12,000 a day to do these millings.

Mayor Mulligan: We knew we were going to do Fremont, all I am saying is that when we make a list that the list gets to the infrastructure board streets committee and they prioritize and get with you and have that discussion and then come to the board as opposed to coming to the board for \$114,000 cold.

Commissioner Dawson: I think that part of these roads was looked at when I was on the streets committee and they had already been prioritized.

Mayor Mulligan: I didn't see these roads, the two half blocks on the 2014 list.

Commissioner Dawson: I am pretty sure some of them were on there.

Chad McEwen: Batson Street is on there as is Fremont.

Commissioner Dawson: Mr. Rooks and I were on the committee at the time this list was done.

Bill Fay: The list I provided, I was trying to get something quickly.

Mayor Mulligan: I didn't have the list.

Bill Fay: No you left the office with the list and in a couple of minutes after you left to look over the list and focus on that I saw that I had prioritized 1,2 and 3 and quickly identified which ones have been completed with the 1s and 2s and the 3s which had not. Since that time we have had deteriorations of other roads that are.....

Mayor Mulligan: I understand, all I'm saying is that I asked for a list yesterday, I haven't seen it and none of this comes to the infrastructure board when we had a meeting two weeks ago". We need to plan a little bit better and put it through the channels before we bring it before the town board, it is \$114,000 and I would wait for the infrastructure board to look at it. I don't have any doubt that this is all justified it should go through the process. Anyhow that's my comment.

Karen Harding: Where is Cowan Street on the priority list? There is a big section that is marked to be done and we have two sink holes.

Chad McEwen: Bill Fay has Cowan Street to be pot holed; it's not scheduled for overlay.

Mayor Mulligan: I'm sorry what was the question; have you repairs on Cowan Street between Fremont and Walker?

Bill Fay: it is not on the priority list for 2014, but there is an area that needs attention.

Karen Harding: So it is on the 2015 list, 1, 2 or 3?

Mayor Mulligan: He is saying it is not on any list to be redone but it is on the list for repair. He said does that answer your question? She replied yes.

Mayor Mulligan: do I have a motion to adopt the resolution?

Commissioner Harrell: So moved.

Mayor Mulligan: Second?

Commissioner Dawson: Second.

Mayor Mulligan: Any discussion?

Mayor Mulligan: All in favor?

Commissioner George: This is for paving, right?

Mayor Mulligan: Yes sir.

Commissioner Robbins: One question. With overlay like you suggested, for the whole street

Mayor Mulligan: You are talking about expanding upon this, so what do you think?

Commissioner Robbins: Chad, what do you think it would cost?

Chad McEwen: If we do an inch and half overlay for 250 feet, I don't know.

Bill Fay: Give me a minute while I figure this out. (During the wait there was much inaudible discussion among the board members.) A ball park figure is \$18,000 for 400 feet of street 20 feet wide with an inch and half of overlay roughly \$20.00 per square yard.

Mayor Mulligan: Do you think the extra 15% we put into the original contract will make sure that we finish?

Chad McEwen: No, we need to add more contingency; it needs to be a pure 15% of whatever you anticipate. You also have to remember if we go from Bickett to McNeil that's more than 250 feet, I think. That is not a standard block length on Ashe Street.

Commissioner Dawson: What is 15% of \$117,812.

Chad McEwen: It is \$135,483.

Commissioner Dawson: I make a motion to amend Resolution 2016-29

Sylvia Raynor: Commissioner Harrell has a motion on the floor that has been seconded by Commissioner Dawson.

***Commissioner Harrell and Commissioner Dawson agreed to withdraw the first motion.*

**Commissioner Dawson:* I make a motion to approve the \$135,483 for Resolution 2016-29 for the purpose of paving to include the overlay.

Mayor Mulligan: We have a resolution to amend the contract to include the overlay to the next intersection of Ashe and Batson and to approve the contract with Southern Asphalt for that and then we will deal with the money side of the resolution. Do we need a fund balance appropriation?

Chad McEwen: You will need a fund balance appropriation of about \$10,000 and that will spend all the Powell Bill money in capital outlay.

Mayor Mulligan: Is there a second?

Commissioner Robbins: Second.

*All ayes. Motion carried.

Mayor Mulligan: Do I need a resolution for the appropriation of fund balance which is \$10,000”?

Commissioner Robbins: So moved.

Commissioner Murphy: Second.

*All ayes. Motion carried.

RESOLUTION 2016-29

Resolution Approving a Contract with Southern Asphalt, Inc. associated with the Paving of Portions of Walker, Ashe, Batson, and Bodenheimer Streets

WHEREAS, sections of the above listed roads are in need of repair and paving, and

WHEREAS, the specific sections of these roads are described below:

- 1) North Walker Street-from Bridgers Street north to Wallace Street
- 2) East Ashe Street- from 117 repaving to ½ block west (*amended to Bickett Street*)
- 3) Batson Street- from 117 repaving to ½ block west (*amended to McNeil Street*)
- 4) South Bodenheimer Street- from Satchwell intersection to ½ block south (*amended to Hayes*)

WHEREAS, in regards to the above described paving, Southern Asphalt, Inc. agreed to provide the same unit pricing as was quoted for the milling and resurfacing work that was recently awarded for the repaving of Fremont Street, and

WHEREAS, Southern Asphalt, Inc. quoted a price of \$99,812.75 for the above described milling and resurfacing work.

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

SECTION 1: The Board of Commissioners desired to extend paving from half blocks to full blocks in the items listed above which will increase the cost of paving said streets as reflected in Section 2. .

Section 2 : A contract with Southern Asphalt, Inc. for \$117,812.75 is hereby authorized to complete the paving priorities discussed above.

SECTION 3: A contingency amount of \$17,671.91 (15%) of the total contract amount is hereby authorized to address unforeseen circumstances that might arise as part of the paving described above.

SECTION 4: The Town of Burgaw Board of Commissioners hereby authorizes the Manager to execute the required contract with Southern Asphalt.

ADOPTED this the 12th day of July 2016.

Resolution 2016-30 Amending the Town of Burgaw’s Personnel Policy – Job Descriptions

Chad McEwen: Resolution 2016-30 has several amendments related to job descriptions and the pay classification plan as well as the town organizational chart. The parks and recreation coordinator’s position is added with the job description, the corporal crime diversion officer is added as well. Pay ranges associated with these positions have been added to the pay classification plan in the budget. The utility technician position has been amended under the organizational chart and the patrol officer job has been amended in the context of which individual those positions answer to. The current corporal position is attached and amended to reflect changes in who that position reports to as well. Some housekeeping items have been changed regarding the coding of those positions which is basically a number that is used consistent with the N C League of Municipalities salary study. Copies of the salary study are included as well. Some of the salary ranges for those positions have been requested to be amended to reflect the minimum and maximum ranges that are listed in the League of Municipalities salary study which is provided every year for towns within 2,000 to 5,000 in population. There are several amendments in here. I will answer any questions that the board may have regarding the proposed amendments.

Commissioner Robbins: Regarding the term ‘crime diversion’ isn’t that what all the officers do?

Chad McEwen: Jim and I talked about this several times regarding how to classify that position. The answer to the question is yes because all of them have crime diversion responsibilities. Our understanding of what the Board wanted for this position, specifically the focus on that title seemed to be more appropriate than a patrol officer with a special assignment. I mentioned to Chief Hock that we could have a patrol officer and their assignment is crime diversion and drug interdiction. This is a title that Chief Hock came up with as well as a job description that meets the needs and the intentions of the board in adopting this job.

Commissioner Harrell: I expressed my opinion about the parks and recreation position that I would prefer it to be a community development position. I know it has been referred to as sort of a social worker position and that is not what I have in mind at all. In my opinion having someone organize a basketball game is nice but at the same time you can take that same group of children and bring them to the fire department and show them a potential for joining our organization and providing them with a future potential job and service to their community. That is much more desirable. I think this position has potential to be a great asset to the community if it is something more than just parks and recreation. I would urge the commissioners to seriously consider this; at this point we funded it for six months, I feel that is a reasonable amount of time to give a demonstration of usefulness of a community development position and would appeal to you to change this into a community development coordinator and a recreation coordinator to give this position time to show its value to the community.

Mayor Mulligan: If you were to change the name and the primary tasks of this class for this position, what would you take out and what would you put in?

Commissioner Harrell: A number of the things that I would take out is (at least personally) is maintaining and performing administrative responsibility for parks and recreation and basically maintaining parks is a public works job. Basically this job is described as parks and recreation; as a matter of fact the educational experience is recreation management, exercise science, physical education or related field and is completely away from anyone that has any sort of organizational skills beyond just recreation. Unfortunately I did not bring a copy of the community development position that I wrote before but it was much more oriented towards building community resources and introducing people to the resources that we have.

Commissioner Robbins: Where does it say that they have to maintain the parks?

Commissioner Harrell: On the first page about three quarters of the way down, it says "Maintains and performs a variety of administrative responsibilities in support of Town facilities, parks and recreation operations" and he is not sure exactly what that means.

Commissioner Dawson: I think it means (because on the county level) this position must maintain whenever there is any activity, not that the position goes out there but that they just have to keep track of the scheduling of the different parks/properties etc. Kristin and Chad will have to answer that question.

Chad McEwen: What I had in mind with that is that if there is a person who also goes to the parks other than public works that sees equipment that is in need of repair that they would communicate that to public works to have that work done or if they see that there needs to be weed eating done at one of the parks, they would not do the weed eating but would report it to public works. That is the eyes and ears aspect that Bill Fay wanted.

Commissioner Robbins: That was addressed in the in the section that reads "coordinate facility and equipment repair in maintenance".

Chad McEwen: Administrative responsibilities could be advertising if there is a special event at a park. In regards to programs, events, services, parks and recreation operations could mean this person could help get advertising for the splash pad out, could coordinate CodeRed messages that go out, mailers or any amount of things that we do including assisting Rebekah on the west side parks plan.

Commissioner Robbins: Is it possible to add into the tasks something, a line item like Commissioner Harrell is suggesting.

Commissioner Dawson: Could it be changed to be called Recreation/Community Development Coordinator?

Commissioner Harrell: I am fine with that. The whole idea is that I don't want the position limited to just organizing basketball games or shuttling kids to the pool. I want this person to be able to see situations that need attending to such as a group that wants to have a block party but they don't know how to organize it or that there are things that need to be done to draw people together with the resources that we already have. It's not just recreational.

Commissioner Robbins: I am confused because isn't that what recreation coordinators do anyway?

Commissioner Harrell: said it is to some extent that recreation does act as a catalyst to create a community but there's more to it than that.

Commissioner Robbins: This is a start, I realize there was talk several years ago about where we need to go with recreation and we are finally getting there. I do not want to overcomplicate this job.

Commissioner Harrell: I don't want it too simple either. I understand but I want it to be the type of job that has specific goals and the goals can be met. At the same time I would like for it to also be a little more open ended than that.

Mayor Mulligan: How would you change the educational experience?

Commissioner Harrell: That is one of the big things that I do not want it to be recreation management, exercise science, physical education or related field. That needs to be broadened out a little bit. An associate's degree is important, a bachelor's degree is preferred but specifically those fields should be favored over other fields that are

towards education or something of that nature. Basically by keeping ourselves in the recreation or physical education spectrum of education that we are missing potential.

Commissioner George: How long is the trial period?

Commissioner Harrell: Six months.

Commissioner George: I think we should go with it as it is and try it and see how it works; it might not work at all.

Chad McEwen: That brings up a question that we need to have an understanding about the Board's intention; you keep saying it is a six month period so is it a temporary position, temporary part time position or a six month run to see if it works and possibly fund it for another six months as a permanent part time position.?

Commissioner Harrell: What we originally discussed was a six month contract job somewhere in the lines of a \$15,000 contract for six months that was paid on a weekly basis, but at any rate it was a contract position. As far as part time to me it would require a full time job.

Chad McEwen: Are you anticipating that it will be a permanent part time position?

Commissioner Harrell: No, six months, contract position.

Attorney Kenan: If it is a contract position, then you are not amending the town's personnel policy because that's not a position within the town; that is a contracted service.

Commissioner Dawson: I think it should be temporary, part time. I thought we discussed a thirty hour week.

Commissioner Harrell: I thought it was a full time position.

(Brief period of inaudible discussion with several persons speaking at once.)

Attorney Kenan: If it is a contract position you will be paying a contract price, no federal taxes, no state taxes, no retirement or insurance benefits.

Commissioner Harrell: At one time we had discussed providing a vehicle, a red vehicle that we wanted to get rid of.

Mayor Mulligan: We actually voted to do that.

Commissioner Harrell: When we talked about this I put it forward as something other than a parks and recreation position. He asked if there is any support for that at all.

Commissioner Robbins: I would like for it to be parks and recreation.

Commissioner Murphy: I support community development.

Commissioner Dawson: I remember it being discussed as parks and recreation previously.

Commissioner Harrell: I understand the desire to keep it as a simple position such as parks and recreation at the same time I would like to be able to put some other responsibilities in the job other than just having said organizing basketball games. This is potentially partnering with other organizations in the community such as schools, civic organizations and the fire department.

Mayor Mulligan: At this stage are we going to come up with a concrete job description and educational requirement to put to a vote here or for further discussion. We have a primary class but if there is something else that you feel that you need to put in there you are going to have to come up with some form or method of either putting in or taking out the tasks or education and then we are going to have to have an agreement.

Commissioner Harrell: I am willing to forego whatever primary tasks that I was interested in as long as we at least change the educational requirements that have been put forward in this job description that we have been given.

Mayor Mulligan: What is your recommendation?

Commissioner Harrell: My recommendation is to not restrict it to recreation management, exercise science, physical education or related field in that description.

Mayor Mulligan: To?

Commissioner Harrell: I'm sorry, why do we need to restrict it?

Mayor Mulligan: No, no, no, to broaden it to what?

Commissioner Harrell: Why do we have to put those restrictions in there at all?

Mayor Mulligan: Just any associate's degree?

Commissioner Harrell: That we have an associate's degree or preferred bachelor's degree and we consider them all, yes.

Commissioner Dawson: I wonder what kind of applications we will get.

Commissioner Harrell: We will only get more rather than less.

Commissioner Dawson: Kristin, do you have any suggestions for anything that can be added to this if we take out recreation management.

Kristin Wells: I don't know, you are going to have a hard time finding someone for a temporary position, but you don't want people applying that have no related experience either.

Commissioner Robbins: Reword the education experience and say recreation management, exercise science, physical education or related field is preferred. At the very onset we have to let them realize that we are looking for this type of background.

Commissioner Harrell: Okay, I guess that is the best that I get and I'll take it.

Mayor Mulligan: I am waiting for a motion.

**Commissioner Harrell:* I make a motion that we have a Parks/Recreation Community Development Coordinator with the job description here and the restrictions removed from the educational experience so we have an associate's degree or a bachelor's degree with no restrictions. That's my motion.

Mayor Mulligan: Is there a second?

Commissioner Dawson: Will you repeat the last part of your motion?

Commissioner Harrell: That we basically have the same job description but we remove the recreation management, exercise science, physical education or related field as descriptions on associate's or bachelor's degree.

Commissioner Dawson's next comment was inaudible.

Mayor Mulligan: We don't have a second. What if we do as Commissioner Robbins suggests and use "recreation management preferred" so you are not eliminating it?

***Commissioner Harrell:* I put forward a motion that was not seconded. I will put forward a second motion that is the same as the first and we add "recreation management preferred" with the associate's degree or bachelor's degree.

Commissioner Robbins: Are you going to add the community development?

Commissioner Harrell: The title will say Parks and Recreation and Community Development Coordinator.

Commissioner Robbins: Second. Are we all on the same page about the temporary position?

Chad McEwen: Is it a contract employee?

Commissioner Dawson: I want temporary part time and you can revisit that if necessary.

Chad McEwen: This position cannot work 40 hours per week due to restrictions on taxes, retirement etc. This person cannot work 800 hours in six months and then you renew it and they can only work 200 more hours for the remainder of the year.

Mayor Mulligan: I suggest 30 hours per week.

Commissioner Robbins: What is wrong with going full time?

Mayor Mulligan: We have \$30,000 in the budget; we started with \$16.00 per hour for the job.

Chad McEwen: We would have to make an appropriation for more money in that department. *(There were several minutes of inaudible discussion among the Board members at this time.)*

Commissioner Robbins: If it goes full time how long will it go?

Chad McEwen: Do you mean temporary full time?

Commissioner Robbins: Yes.

Chad McEwen: How much are you going to pay per hour? *(There were several minutes of inaudible conversation among the Board members.)*

Chad McEwen: If they work six months staying within the budget of \$30,000 you can pay up to \$28.00 per hour but that is not a \$28.00 per hour position.

Commissioner Dawson: Is there is enough appropriated for temporary full time?

Chad McEwen: What do you want to pay per hour?

Commissioner Dawson: I think Commissioner Harrell wants to pay \$16.00 per hour.

Chad McEwen: At \$16.00 per hour for six months that comes to \$16,640.

Commissioner Harrell: Sounds reasonable.

***Commissioner Harrell then withdrew his second motion.*

Commissioner Harrell: I make a motion that we have a position as defined under our Parks and Recreation Coordinator to be a Parks and Recreation Community Development Coordinator as described in the handout with the educational experience including recreation management preferred, exercise science, physical education or related field; the job will be a full time six month position paying \$16.00 per hour to begin on August 1st and run six months.

Chad McEwen: There is no way we can hire someone by August 1st.

Commissioner Harrell: August 15th.

Commissioner Dawson: September 1st.

Chad McEwen: We have to start the process for advertising.

Commissioner Harrell: Okay, September it is.

Commissioner Dawson: I will second the motion but do we have to say “temporary full time”. She seconded with the addition of temporary full time.

**Motion carried.*

Mayor Mulligan: The fact that we just went through three months of budget, we knew these positions were coming up and an amendment of the policy for both job descriptions and pay classes in my opinion it should go through the policy finance board. Some of these moves are very insignificant and others quite complicated insofar as when we did discuss in the budget process the crime diversion officer in my recollection it was never discussed and change of pay rates for three positions in the police department were not discussed. I am surprised these things have not gone through policy and finance.

Chad McEwen: The Board can refer them to policy/finance. The personnel policy says *(He was interrupted)*

Mayor Mulligan: I recommend these items be referred to policy and finance.

Commissioner Harrell: Considering what we just went through for that one position, it sounds like a reasonable thing to do.

Commissioner Robbins: Has everybody had a chance to read over it and does anybody have any problems, major problems with this right now?

Commissioner Harrell: As a matter of fact I have issues with something in the salary study regarding the towns that we are compared to like Wrightsville Beach; do we compare ourselves with Wrightsville Beach?

Chad McEwen: The personnel policy says that the pay classification plan is supposed to be based on geographical towns as well as towns in our similar class related to our population. The salary study that is in here is provided by the NC League of Municipalities and we have always based our salaries on trying to stay within that market. When the police department realignment was done last year, the patrol officer position got an increase, but what that did was to compress the corporal, sergeant and detectives positions that are above that. So, what we have now are patrol officers that are above the minimum of the next salary range above them. He said we didn’t adjust because at that time there weren’t people in those categories so we needed to go back and adjust them accordingly; the personnel policy says that we are supposed to base our salary ranges and pay classification plan on the geographical market and population market.

Commissioner Harrell: I guess in response to your questions, I have no questions.

Commissioner Robbins: This is my take on it. This is the time to discuss it now and we have all had a chance since Friday to review it, look at it, if you got a question, bring it up now and we can vote on this and move forward rather than send it to a committee, that’s the way I feel.

Commissioner Harrell: I was wondering why the patrol sergeant has been given such a jump in salary compared to the detective sergeant.

Chad McEwen: I will defer that question to Chief Hock.

Chief Hock: The way our chain of command goes is we have two sergeants with one that I plan to be over that crime diversion officer and both of them have to be a little more skilled and have the knowledge, training and experience than a patrol officer. The detective sergeant has more background in investigations and the patrol sergeant supervises more people. The patrol sergeant is supervising seven people and the detective sergeant is only supervising one. The job descriptions are going to be different. They both have the title sergeant in them but they are two completely different monsters. The detective goes out and does his interviews, his background and puts it all together; then he does the D.A.’s report, testifies in court more and deals more with felony investigations versus what they do in patrol. The patrol sergeant has just as much responsibility just a different scope because they are actually basically immediately supervising seven officers.

Commissioner Harrell: Basically I have looked at the patrol sergeant classification and it’s been given a raise of \$15,000 at the top end, why the big jump.

Chief Hock: We are going off of the pay study that Chad referred to.

Mayor Mulligan: That pay study that you refer to, we are still as we stand within that pay study?

Chad McEwen: In what regard, the minimum and maximum? Our minimum and maximum without these amendments doesn’t match the League study range. Our minimum range is below our class’s minimum range. Our existing upper range is below our class’s upper range.

Mayor Mulligan: Our range is not the lowest in the range or not the highest in the range.

Chad McEwen: You have to look at the average.

Mayor Mulligan: Well somebody has to be low and somebody has to be high, we have to be in the middle.

Chad McEwen: We are trying to be average. We took the cumulative average, low end (the minimum) and the cumulative average, high end (the maximum) and that's what those numbers reflect. That is consistent with what our personnel policy says that the pay classification plan should say.

Commissioner Harrell: I still contend that there is a problem there and we can't possibly compare ourselves to someplace like Wrightsville Beach and yet we are.

Mayor Mulligan: Emerald Isle, towns that are west of I-95.

Mayor Mulligan: The crime diversion officer, in all the discussion we have had about this officer, the word corporal was never used. He would actually have to have prior law enforcement experience although I am not saying that a corporal couldn't do this job but I do not recall in the discussions in policy and finance the term corporal being used and the job description being as restrictive as saying it must be a corporal or the person that we appoint be a corporal and so again I don't know where this came from.

Chief Hock: Like we discussed this morning this officer needs to be somebody that knows patrol techniques, traffic stop law, when you can search, when you cannot search. They need to know the narcotics trade, signs, evidence all that kind of stuff. They also need to know the players in the game, who the known drug dealers are and what to look for. It needs to be somebody that is experienced. I said from the beginning it needs to be an experienced officer. The reason we started with \$31,500 is to replace that experienced officer that we will move into that position so basically the \$31,500 for that new position would be for a new patrol officer to take over that position. I cannot post the position until you approve the job description. We are a small, close knit department, we know who is interested and who is not interested. The person that is interested would do a very good job at it and you said this morning (speaking to the Mayor) you believe he would as well because of the rank he currently holds, you would almost have to demote him if he took on the added responsibilities of this position. That's why in the organizational chart what I am proposing is to move that position, that corporal position over under the detective because it is a specialized position and we won't have a patrol corporal at this time. I explained to Commissioner Harrell this afternoon as well, the way our structure is right now, the way it is written, our patrol officers are supposed to report a corporal. We have one corporal and two on shift. We have four shifts called A, B, C & D. The corporal on A shift is only relieved by B shift; he never works the same days as C & D shift. It is hard for that person to supervise officers that he has no interaction with or very little interaction with other than training days. That's why we are trying to streamline and put all those officers answering directly to a patrol sergeant and that corporal will switch over and fall under the detective sergeant because they are going to have to work hand in hand because of their job descriptions and what they are trying to accomplish.

Mayor Mulligan: I don't disagree with the changing of the chain of command but if it was the case that a corporal is promoted to this position I don't see that this position could not be done by a corporal or sergeant or whatever but he doesn't know that this should be restricted by calling it a corporal's position. Furthermore, I think we had this discussion this morning and I do not agree with the policy of promoting from within only. I think that to limit the talent pool by just promoting somebody from within without looking outside is a mistake. That is not to say for obvious reasons somebody who works for the department already would know the players and so on and so forth and knows that we are getting ready to have this position filled and a detective sergeant position filled. I think it would be a mistake on our part not to cast a broad net and find out who is available, again the best man gets the job and the guy who works for us might very well be the best man but it is a disservice not to cast that broad net in my opinion. The guy you know who works for you and you have confidence in him and who has shown propensity for doing the job would be at an advantage but not to look at anybody else in my opinion is a mistake. I think you will be restricting your talent pool; it's not a good idea. There are two issues and I don't know if the commissioners have any comments on either of them or whether it should be a corporal's position and whether these positions should be advertised outside and of course is the salaries, should they be changed.

Chief Hock: I would like to add just one more note. With this restructuring I am not asking for anybody right at the pay ranges or looking to be amended, but I haven't asked for any raises for the officers; as far as a person going from the corporal position to a diversion program, there is no increase in pay for that classification.

Mayor Mulligan: I know that these are lateral moves and I know that our officers are already well within these ranges even the new ones, I am aware of that.

Commissioner George: This is the Town of Burgaw, we know what we need, Chief Hock has gone through and put down what he needs and me as a commissioner sitting here I trust him and I trust Chad as the manager to do the best job they can for the Town of Burgaw. This is Burgaw, it is not Wrightsville Beach, it is not Surf City or whatever. We've got the talent in the department, they are good people and if they need to be moved around to another position then let it be so. We've got the talent, every one of them are good officers because I have worked with them and that's all I have to say.

Mayor Mulligan: Any comments from any other commissioners? Are you prepared to go ahead with what is proposed here?

**Commissioner Robbins:* I make a motion to approve Resolution 2016-30 as presented by the staff.

Commissioner George: Second.

Motion carried by unanimous vote.

**RESOLUTION 2016-30
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, the Board of Commissioners wishes to amend the Personnel Policy based on the attached additions of job descriptions: *Corporal-Crime Diversion Officer* and *Parks & Recreation Coordinator*.

WHEREAS, the Board of Commissioners wishes to amend the Personnel Policy based on the attached amendments of job descriptions: *Utility Technician*, *Corporal*, and *Patrol Officer*.

WHEREAS, the Board of Commissioners wishes to amend the Personnel Policy based on the attached amendment to the Town Organizational Chart reflecting the amendments stated above.

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 12th day of July 2016.

Ordinance 2016-12 Amending FY 2016-2017 Annual Budget – Change to Pay Classification Plan

Mayor Mulligan: Item 12, Ordinance 2016-12 Amending FY 2016-2017 Annual Budget – Change to Pay Classification Plan. Do I have a motion?

**Commissioner Dawson:* So moved.

Commissioner Robbins: Second.

Commissioners *Dawson, Robbins, George and Murphy* “aye”.

Commissioner Harrell: Abstain (abstention counts as a yes).

Motion carried.

**ORDINANCE 2016-12
AMENDING FISCAL YEAR 2016-2017 ANNUAL BUDGET
Change to Pay Classification Plan**

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2016-2017 on June 14, 2016; and

WHEREAS, the Pay Classification Plan in the budget ordinance did not include the Corporal – Crime Diversion Officer nor the Part-time Parks and Recreation Coordinator which were approved for hire during the FY 2016-2017; and

WHEREAS, the Town has updated the Pay Classification Plan to include these two new positions; and

WHEREAS, the Pay Classification Plan has been amended to correctly reflect the job descriptions for Detective Sergeant, and Patrol Sergeant; and

WHEREAS, the minimum and maximum salary range for these Police department positions have been amended to align with salary ranges across the State.

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

The FY 2016-2017 Pay Classification Plan be updated to reflect the newly created Positions of both the Corporal – Crime Diversion Officer and the Part-time Parks and Recreation Coordinator, and to reflect the updates to the Police department positions and associated salary ranges. (Due to length, attachments are on file in the clerk's office)

Approved: July 12, 2016

Resolution 2016-31 Amending Article VII, Sections 3 and 5 of the Personnel Policy

Mayor Mulligan: Resolution 2016-31 Amending Article VII, Sections 3 and 5 of the Personnel Policy.
Commissioner Dawson: I have one question. From what we just approved do we need to go back and amend the Parks and Recreation Coordinator to Parks and Recreation and Community Development Coordinator?
Chad McEwen: I have changed that.
Mayor Mulligan: Do I have a motion on item 13?
**Commissioner Harrell:* I make a motion to approve Resolution 2016-31.
Commissioner Dawson: Second.
Motion carried.

RESOLUTION 2016-31
Consideration of a Resolution Amending Article VII, Section 3 of 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, the Board of Commissioners wishes to amend the Personnel Policy based on the attached amendments to *Article VII, Section 3, Transfer of Leave Sick/Vacation Leave.*

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. (Due to length, attachments are on file in the clerk's office)

Adopted this 12th day of July 2016.

Resolution 2016-32 Amending Article III, Section 7 of the Town of Burgaw's Personnel Policy

Mayor Mulligan: Resolution 2016-32 Amending Article III, Section 7 of the Town of Burgaw's Personnel Policy. Do I have a motion?

**Commissioner Dawson:* I make a motion; I has reviewed it and checked with the other personnel policies we have in our county and I am recommending it with the manager's suggestion and as well as our personnel clerk.

Commissioner Robbins: Second.

Motion carried by unanimous vote.

RESOLUTION 2016-32
Consideration of a Resolution Amending Article III, Section 7 of 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, the Board of Commissioners wishes to amend the Personnel Policy based on the attached amendments to *Article III, Section 7, Pay Increases.*

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. (Due to length, attachments are on file in the clerk's office)

Adopted this 12th day of July 2016.

Other Items from Manager to be announced

Mayor Mulligan: Are there any other items to be discussed?

Chad McEwen: No sir.

BREAK 5:30 – 5:40PM

Presentation of proposal for Splash Pad on Court House Avenue – Meg Smith

Mayor Mulligan: Meg Smith will present a proposal for a splash pad on Court House Avenue.

John Westbrook: That the two greatest single resources we have in the downtown area is the court house and the depot and what an opportunity we have to now do something of significance connecting the two. That is essentially

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what we are about today. There have been numerous plans done over the last thirty years. I won't go into that but some of you may know about it and others not. Now is the time to act. I just want to be helpful.

Mr. Westbrook: Before I even start, I want to take the time to thank Jim and the police department and say "we love you and we care about you". These are difficult times we are facing and you face difficult times and I wanted to say personally you have enhanced my life. I was enjoying my wife's birthday party when I got a call from security saying that my door has been breached. I was getting ready to sit down to dinner and what am I to do, leave everybody and come. I asked if the police department has been contacted, they said no. They called the police department and they checked out the situation and found that all the doors were locked and called me back and let me know that everything was fine and I was able to go on and enjoy my wife's birthday. It's Burgaw way of life and I treasure that and so thank you.

Chief Hock: Thank you, sir.

Mayor Mulligan: Just before you start Meg, you (Chief Hock) have a new officer that's coming on, Mr. Grant Simme. Please stand up and introduce you to all our citizens and our town board. Is this your neck of the woods?

Grant Simme: I am from Hampstead.

Mayor Mulligan: Is this your first time as a police officer?

Grant Simme: Yes, sir.

Mayor Mulligan: Okay, well you are standing in a good spot and like Mr. Westbrook was saying we have a very good tight knit (inaudible) here and a tight knit community so I am sure you will be an asset to us. Nice to meet you, thank you very much. Any comments from the commissioners?

Congratulations and welcome from several board members.

John Westbrook: There is one step further that I want to emphasize. When we did the study back in 2008; this is one of the drawings that was done. One of the major things that came out of that was the identification of places where people could live on the second floor in stores downtown. In my view we have got to change the whole makeup of downtown. What we have done to identify this is a form of enhancement and at that time we didn't even know about the splash pad at that time. By doing this the opportunities that we are opening up particularly along Fremont Street to Wright Street are incredible. What we are getting is a benefit; it is much more than just a building and these facilities. Keep that in mind and it needs to be the best it can be. With that he is going to turn this over to Meg and he will assist her with the drawings.

Clerk's note: Unfortunately due to the softness of Meg Smith's voice and background noise in the room the recorder did not pick up her comments clearly. Her presentation will be summarized instead of verbatim. Her presentation is depicted in drawings that are on file in the clerk's office.

Meg Smith thanked the Board for allowing her to speak today. She presented conceptual drawings of the proposed splash pad for the Court House Avenue area. The drawings were rendered by John Westbrook. She advised that this project has been in the planning stages for several months and has finally come together with the aid of the Promotions and Special Events Committee, the Parks and Recreation Committee and the Court House Avenue Revitalization Committee appointed by Mayor Mulligan. The plan is divided into four phases with the splash pad being the first phase. The plan includes the purchase and removal of the medical office currently located on Court House Avenue as well as detailed streetscaping with changes in parking, lighting and landscaping. The splash pad will be placed on the property where the medical office currently stands. Ms. Smith reviewed the plans thoroughly with the assistance of Mr. Westbrook answering many questions asked by the Board. There were several questions from the Commissioners regarding the plans.

Commissioner Dawson asked if a section the alley could be closed up as shown on the plans. Is that something we can legally do? Ms. Smith said there is a grease trap there. Mr. McEwen advised there is another grease trap there as well and Commissioner George mentioned there are some gas tanks there too. Mr. Wilson had some reservations about fire access through there and egress for emergency services. Mr. Wilson said they will have to study the scale plans to be certain but there will have to be twenty feet wide regardless. Commissioner Robbins asked if having the ladder truck would allow access. Mr. Wilson said there are fire codes that govern access restrictions and he will have to study the plans to scale to assure

that we meet fire code. There were many questions regarding parking depicted on the plans, but Mr. Westbrook said many of these items can be changed and worked around.

Ms. Smith said she wanted to ask about making this a capital project. Mayor Mulligan said first we need commitment from the Board that this is going to be the location. He advised the Commissioners will have to approve the concept so we can go about looking for grants and fund raising. Commissioner Dawson said we are in the process of working out logistics of the Hankins Park location discussed previously and the Court House Avenue location being discussed today. Commissioner Harrell said he is in favor of the Court House Avenue location and he feels that we need to essentially make a commitment.

Commissioner Harrell made a motion to accept the conceptual drawing as something we are relatively happy with and that we put the splash pad in that area. Commissioner Robbins said he agrees with Commissioner Harrell but how can we do this when we don't own the property? Attorney Kenan said there is nothing wrong with adopting a concept, but as far as making it a capital project at this point in time in the process we are not there; maybe later on in the budget but not at this point. Mr. McEwen advised this is a CIP priority; it just doesn't have a capital project ordinance which spells out the scope and cost. Commissioner Robbins seconded the motion as a concept. The motion carried by unanimous vote.

PUBLIC FORUM –Mayor Mulligan I am going to alter the agenda for one moment and move item 20 up, public forum, and since no one has signed up for public hearing we will go straight back to our regular agenda after public forum.

Speakers:

Mary Ruth Pyland: I am 74 years old, I was born here in Burgaw, graduated school here, gave birth to two boys and I want to be buried here beside my daddy and my mama. I bought this piece of land the day my daddy died and in 1976 I bought my piece of land because I want to be with my daddy and my mama. I have the paper showing that I have bought it and I don't know when I am going to die but I want to be prepared in some areas and that is to have everything paid for and arranged so that when I pass from this world my boys will not have the problems and strain and stress that we had whenever our daddy and mama passed away. I am very sorry it had to come to this. I went to see about getting a tree cut down that is on my property, it was a small tree whenever I first bought it, now it is bigger and right there next to my daddy. I forgot to bring my pictures but I heard they had some. I would like for it to be okay, I will pay for another tree over there somewhere. I just want to be next to my daddy and mama. They also have others near us now that was not there; none of these markings was there when my daddy died. Through the years, like everybody else you get worked up to something you don't think about what the future is going to bring and then all at once it hits you that I have to be buried there, I got a big tree there. I found out that ya'll don't pay for it to be removed, that's fine. I have somebody lined up to do this and take it away. There was other people that have passed in front of where I will be buried, they could easily make the tree fall away from the graves. Anybody that is going to do this knows how to handle their trees and everything so if there was to be a problem I would see that it was fixed.

Mayor Mulligan: Thank you Ms. Pyland. Bill Fay would you speak about this?

Bill Fay: I think Ms. Pyland covered it well. The photograph is worth a thousand words, that's why I provided it to you. I told Ms. Pyland that it needed to come to the board that we could not just remove it; because she wanted that tree removed public works could not remove it. That's really all I have to say about it.

Mayor Mulligan: Does the person who removes this tree have to bonded?

Chad McEwen: We only deal with bonded and insured tree removers because if not we have the issue of workers compensation.

Commissioner Robbins: It looks like a chance seedling to me that grew there; it was not planted. Is there room to plant another tree behind this site?

Sylvia Raynor: We would have to research the map to see what has been purchased back there to see if there is any vacant space.

Commissioner Robbins: The lots don't go all the way back to that tree line.

Sylvia Raynor: I don't think so but in some areas they do and others they don't. We have to look at it to be sure.

Commissioner Robbins: Isn't this at the end of Cowan Street.

Bill Fay: Yes, it is by the treatment plant.

Commissioner Robbins: Since she has offered to plant another tree in its place; that's what makes that cemetery unique. Even though it was a chance seedling, many were planted out there by families through generations.

Mary Ruth Pyland: That was the only tree and it was just sprouting up.

Mayor Mulligan: Are there any reservations from any commissioners if Ms. Pyland removes this tree and replants another tree in an area designated by the town?

Commissioner Robbins: Ms. Pyland is that was okay with you?

Mary Ruth Pyland: Yes.

**Commissioner Harrell:* I make a motion to allow Ms. Pyland to remove the tree with a bonded tree removal service and replace that with a tree at some appropriate spot in the cemetery.

Commissioner Dawson: Second.

**Motion carried.*

Mary Ruth Pyland: I ask that the town pick the spot to place the tree.

Barbra Dee: I live at 106 West Court House Avenue and I enjoy living in this town and what brought me to this town was the blueberry festival and seeing how neat and how even coming on 40 how well manicured this town was even from the small house to the big house, it did not matter and that's what brought me back from living at Surf City to be somewhere in between my grandchildren at Surf City and Wallace. It just so happened there was this for sale sign on the door and I got a chance to walk on a Sunday around the town and see around the block that I was looking at and maybe just see how to peek in the windows upstairs. I enjoyed just observing from the area what was there and I said maybe just the door might be open and it was. I opened the door and I knew right then this was where I wanted to live. Since then I have replaced windows and get my own little draft going on and one side of the building is shaded and I enjoy a \$35.00 light bill sometimes in the spring and the fall. I want to say thank you for all this crazy woman has called about as they call me sometimes especially to the department of our people that are here protecting us day in and day out. I do not have any family members that do this, what you guys do, deputies over at the annex and here at the court house seeing what our (*inaudible*) do. Just the other week we had a case here that was very stressful to live that close to and I'm counting fifteen cars in the back window and me filming and I'm waving at them and they get their (*inaudible*) out but knowing that I'm that well protected and the ones that do know me I just say thank you, I love you, I love to . . . what Anthony and his special man up here is doing in our town and how they clean up every day in the hot humid weather and extremely cold. For all of you that through the voices of people coming in here and want something done to better or to help taking that into consideration and making this town better, I am going to be working on a tee shirt that makes this Burgaw, Pender County a destination station. We have the second oldest depot in the nation so they say, and to make the court house and court house avenue to become somewhere where people can stop in five hours early to get a room at the beach and have bicycles they can ride, I can look on that little scene there, and just want support and energies to come into our town. They can take a break, they're early, they can ride, they have the splash pad and it's going to be positive for them to go and get in the sun and burn and then come back to Burgaw to shop and more little niches coming to these empty buildings and our town, our communities to support us to get from being in the backwoods loving the countryside and maybe the tourists can route these buses to come from certain beaches to bring in people and the quaint little shops that could come and set up and have a little niche. It's going to take lots of support, lots of optimism and I just want to say thank you all for listening and if anyone does come in to you with a suggestion, just support them say that might work, don't shoot it down and our negative will come out. Chief, Fire Marshal, Chad all of you I suggest all of us working together not as departments but as a family and supporting one another. I thank you for all that you guys have done and just want to say love ya'll, be safe and anything we can do just say so.

Mayor Mulligan: Thank you very much Miss Barbra.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Discussion Item – Results of the Infrastructure Meeting

Mayor Mulligan: Item number 17 discussion item; I'm sorry items from the Mayor and Board of Commissioners. Board of Commissioners, I will start on my right.

Attorney Kenan: Mr. Mayor you did skip item number 17.

Mayor Mulligan: No, I haven't, I went from 16 to 20 and I am moving back now to 17. I have items from the Mayor and Board of Commissioners.

Attorney Kenan: That's number 18, Mr. Mayor.

Mayor Mulligan: Okay, it's put down backwards. Let's go to the discussion item 17 results of the infrastructure board meeting.

Crosswalks

Commissioner Robbins: Mr. Manager if you would help me as we move along in case I forgot something. We talked about the crosswalk outside the library. I hope everybody has read what we have talked about and what we have proposed. Any questions? We talked about putting up two no parking signs there on South Cowan Street where that crosswalk is because of people parking there from the Murphy's house back over to the library. Did we say back away ten feet?

Commissioner Harrell: No, it was fifteen.

Commissioner Robbins: Is it ten or fifteen?

Chad McEwen: I'm looking in the minutes. Is it ten? Yes it says ten feet in the minutes.

Commissioner Harrell: It does say ten feet.

Chad McEwen: That would basically be putting a sign northbound and southbound as you approach the crosswalk.

Commissioner Robbins: What is the pleasure of the Board? How do you feel about it?

Commissioner Harrell: I make a motion that we put in the ten feet setback from the crosswalk, no parking.

Commissioner Dawson: Second.

Mayor Mulligan: Any further discussion? All in favor? All "aye". None opposed. Motion carried by unanimous vote.

Parking at Sheriff's Office

Commissioner Robbins: We also discussed the parallel parking at the sheriff's office. As you all well know, every board has had the opportunity to attack this problem. It hasn't gotten any better but we did come up with the idea of four parallel spots, one on the east side and one on the west and angled in the middle. Did not we, how did you verbalize it Commissioner Harrell?

Commissioner Harrell: We made the angle a little more acute.

Commissioner Robbins: We talked about putting compact car parking only parking spots on a few of the spaces; we talked about a lot of things. Moving stop bars out, freshly painted parking space lines. We are getting ready to revitalize Fremont Street and doing this at the same time would be advantageous. I would recommend that the town talk to the county to get everyone on the same path with this even they don't own the street. Just let them know what we are proposing.

Chad McEwen: In the minutes it was two parallel parking spaces on each end, total of four, two on each end.

Commissioner Robbins: That's what we have proposed.

**Commissioner Harrell:* I make a motion that we adjust the parking spaces in front of the sheriff's department to accommodate four parallel parking spaces two on either end and the angle parking be made more acute to prevent large trucks from being in the road and I think we said we are going to limit the angle parking spaces to compact cars.

Chad McEwen: How we would handle this would be (I am talking about the construction aspect of it) when they pave the road rather than put the spaces back in handle it as a change order with the contractor that's doing Fremont Street.

Mayor Mulligan: Can I have a second?

Commissioner Murphy: Second.

Mayor Mulligan: Any further discussion? All in favor. (All "ayes") None opposed. So moved.

Bicycle Corral

Commissioner Robbins: Possibility of a bicycle corral in the town center. This took up a lot of discussion; we talked about these places all around town before and there never has been a good place to do this. I think Mr. Mayor came up with the idea of a trial between South Wright Street and Fremont Street on that corner beside the office of Attorney Jackie Newton so we would have a corral. Is that correct?

Commissioner Harrell: Yes.

Commissioner Robbins: We would have a temporary corral, will not be anything permanent, it would be temporary to try it.

Rebekah Roth: That was the idea and I went out and measured the bike rack that was donated by Walmart because that is what we had discussed placing there as long as there is sufficient space and unfortunately I discovered the

parking space that we are considering is one of the few handicap spaces downtown so what I am planning on doing is looking at a couple of other options right there in that area at that corner. I can put that together and get that to you in your weekly update so we wouldn't have to worry about taking up that space, yet we can go ahead and get something in place to make sure it is something that is really needed by the town and we will kind of keep an eye on how much it was used to see if maybe it is something we really need to spend a lot of time investing in. If that's ya'll's pleasure.

Commissioner Robbins: Could we not move the handicap parking spot?

Rebekah Roth: The way they are designed is to provide that side access for vans and I understand since that's one of the areas where there is a bulb out, it is one of those unfortunate things but the same things that are good for bicycles are good for handicap parking spaces. So I think the other side of the street might be an option and I'm also going to look at the spaces on Fremont Street but I will try to put together something for you so you have several different options and bring it back to you in the weekly update either this week or next week.

Commissioner Harrell: So we will take that up at the next meeting?

Crosswalks signs

Commissioner Robbins: It's alright with me. Crosswalks signs, we talked about a lot of crosswalks throughout town and the problems, especially that people are not abiding by the law and stopping to allow people to cross. A lot of it has to do with a lack of knowledge of having to stop there. We decided to recommend to the Board that we place a pedestrian island with a cross walk sign in the middle of Fremont and Cowan Street as well as a parallel parking space on Fremont Street; that being on the southwest corner of Cowan Street. Has everybody got that pictured in your mind? We talked about it and we would really to do it on Wilmington Street but since we don't own the street we will try doing this at a very heavily traveled part of the walking trail, it's kind of in front of Attorney Kenan's office there. It would be placed in the middle of the street. That was our recommendation. I can't remember how big the cement slab would be placed out there where the sign would be.

Chad McEwen: Three to four feet, maybe three feet.

Commissioner Harrell: We were actually talking about just an asphalt buildup.

Chad McEwen: Almost like a speed bump but for the purposes of just putting a sign in it, a sign in it in the cross walk.

Commissioner Robbins: So that was our recommendation.

Mayor Mulligan: Can I have a motion for that?

**Commissioner Harrell:* So, I make a motion that we have two islands, one in the middle of Fremont and one in the middle of Cowan that designates the crosswalk spaces and we have a parallel parking space in front of Mr. Kenan's office.

Mayor Mulligan: Cowan, where at?

Commissioner Harrell: The library designated crosswalk.

Mayor Mulligan: The library side.

Commissioner Harrell: Yes.

Chad McEwen: Is that parallel space replacing an existing angle space there.

Commissioner Harrell: I believe it is.

Commissioner Robbins: Yes. To soften the sight line.

Chad McEwen: Okay, so replace one angle with one parallel or two angles with one parallel?

Commissioner Harrell: It might have to be two angles, replace whatever is necessary to put in a parallel parking space.

Commissioner Robbins: That's on the north west side, is that correct?

Commissioner Harrell: No it would be the south west at Mr. Kenan's office. That's where his apartment is obscuring the sight lines.

Mayor Mulligan: Would you put that in the form of motion?

Commissioner Dawson: Could I ask a question about the island or whatever you call it. Will that be marked in such a way that people will know what they are getting ready to come up on?

Chad McEwen: It would be probably yellow and maybe what we had talked about, just visualize as maybe the size of one of those tables, maybe tear drop shaped, in the center it would be asphalt level in the cross walk but the front of it will be elevated and the back of it will be elevated. Does that make sense? It will be yellow and there will be a sign in the middle that says state law pedestrian in (Interrupted by inaudible group conversation at board table). It would still have the sign that says state law; pedestrians in right of way have the right of way. I don't know exactly what it says and it has a little guy walking across the street.

Attorney Kenan: Where are you going to put it?

Chad McEwen: One in the middle of Fremont heading into town at Cowan and one on Cowan heading north across the intersection at Fremont.

Mayor Mulligan: Could put that in a comprehensive motion?

Commissioner Harrell: I thought I had. Didn't I do that?

Sylvia Raynor: He did all of that, he covered all that.

Mayor Mulligan: Do I have a second?

*The motion was seconded by Commissioner Dawson.

Mayor Mulligan: Any further discussion?

*The motion carried by unanimous vote.

Commissioner Robbins: We got the crosswalks; did we get them completed as well in that motion as well?

Chad McEwen: That was just the crosswalk signs.

Commissioner Robbins: So we talked about adding two more crosswalks, one on the east side and one on the west side of the intersection crossing Fremont Street. Has everybody got a visual on that?

Attorney Kenan: What is the cross street?

Mayor Mulligan: Dickerson, sorry Walker.

Karen Harding: We discussed that there is no crosswalks in any of those, we thought there was one on the court house side, there is no crosswalk at any of them.

Commissioner Robbins: There's not one at the Presbyterian Church?

Karen Harding: I thought there was too, I went back and checked. Nothing.

Commissioner Robbins: I swear I thought there was. Didn't there used to be?

Commissioner George: Yeah, there was, used to be.

Mayor Mulligan: Inaudible comment.

Commissioner Robbins: We do need, I mean that is the most important one. Coming from the church over to the court house square. I think.

Commissioner Harrell: I do agree.

Commissioner Robbins: So if we add that and put the one and stripe out additional crosswalks and one on the east side and one on the west side of the intersection so we would have three crosswalks there.

Chad McEwen: So the crosswalk would physically cross Walker Street. Okay, if that is the intention of the Board maybe the best thing to do is add that into the RFP that Rebekah is doing because that will require DOT encroachment.

Commissioner Robbins: But we can go ahead and take care of the other two.

Commissioner Harrell: Excuse me, but wasn't that still there, Bill, didn't you say at one point there was a crosswalk there? Crossing from the church to the court house?

Commissioner George: Yeah, needs to be. It was just two lines, it wasn't a hash in the street.

Commissioner Harrell: So having already had that there at one point, could we not reline it?

Chad McEwen: They are not going do that, they will require an encroachment if you put markings across that road. Usually they replace everything but it might have been so long ago and the design now is not just the two rows that has the cross hatching in the middle. It is a standard design but they still require the encroachment permit.

Attorney Kenan: It is more of a formality than anything, is that right?

Chad McEwen: A formality that costs money.

Commissioner Dawson: Are you ready for a motion?

Mayor Mulligan: Yes, please.

Commissioner Dawson: I make that motion that it will be three crosswalks at the east and west side of that intersection, of Walker and Fremont.

Mayor Mulligan: Which is the side you are not doing?

Commissioner Harrell: South side of Walker.

Mayor Mulligan: Okay, do I have a second?

Commissioner Harrell: Second.

Mayor Mulligan: Do I have any further discussion?

Chad McEwen: Okay so you are going to do the north side of Fremont on Walker, the east side and west side of Fremont on Walker, I'm sorry, the east and west side of the intersection on Fremont.

Commissioner Harrell: And the north side of Walker.

Chad McEwen: So the two on Fremont, I guess we could do those as a change order with the paving because he will already be here doing all the other striping. Is that what you want us to do?

Commissioner Robbins: Yes.

Chad McEwen: Okay.

Mayor Mulligan: All in favor? All “aye”. None opposed. Motion carried.

Public Art

Commissioner Robbins: Public art. There was a lot of discussion here as well. You know at the last board meeting we talked about . . . we had a presentation from Ms. Jones and the blacksmith over at the museum about the possibility of putting public art around town. I think everybody was in favor of it. It got referred to a committee. We have come back with a lot of ideas, nothing really concrete except for the possibility, and I stand to be corrected but maybe contacting the blueberry festival and seeing if they would interested in partnering with the town about building some type of artwork representing a blueberry or blueberry plant and placing it down in a very nice manner at the Timberly Lane/53 triangle. That’s the only thing we really were concrete on. We talked about murals on the annex, we were very much in favor of it but I don’t remember it being a

Commissioner Harrell: Yeah, but that was the piece of art that we were interested in was the blueberry logo which the blacksmith had given us a drawing of. Yes it was (inaudible) that we would want to be a possible partner with the blueberry festival committee and place it at the entrance to town that most of the blueberry festival goers will pass.

Commissioner Robbins: With that one thing in mind somebody from the blueberry festival did contact me, I ran into them and they are very much in support of it but they would like to have more of a say in what the plant or the berry would be and light it, landscape it and . . . (Inaudible)

Commissioner Harrell: (Inaudible due to truck passing.)

Commissioner Robbins: They are very much in favor of working with us. All we need is a go ahead to allow the manager to contact him and sit down to negotiations with whomever

Chad McEwen: Their issue and they are correct, this picture that was put in the update is not correct in how these blueberries grow. I think the same person you talked with brought it to my attention, the leaves are actually supposed to be on the bottom of it but it actually works better because it covers up those braces that hold those berries up. I went to the blueberry meeting last night and talked with them a little bit about it. They are willing to partner. The new design which makes it three dimensional, has the base with Burgaw, home of the NC blueberry festival on it is much more involved from the artist’s standpoint. The new cost is \$4000; the Blueberry Festival will pay for half of it. That will require the town to commit \$2,000. That’s just the construction of this and installation. It’s not the landscaping and lighting.

Commissioner Robbins: We have already got the electricity there.

Commissioner Dawson: What size approximately would that be?

Chad McEwen: It’s around 4 by 6, the main portion and the leaves would extend out further from what Craig told me.

Commissioner Harrell: So is that something that we would also need to the state about?

Chad McEwen: No, we own that little tract of land there. If we put it on that triangle we won’t have to.

**Commissioner Dawson:* I make that motion that we approve the artwork as proposed and that we will appropriate \$2,000 to go towards the construction

Chad McEwen: Can we, since the Blueberry Festival is adamant that they want the leaves on the bottom to reflect what it looks like so what I was going to do was get Craig to redraw it with the leaves and how it would look and give it to the Blueberry Festival and the town board.

**Commissioner Dawson:* Okay, design with the approval of the Blueberry Festival we will appropriate \$2,000 for the purchase of the art piece.

Mayor Mulligan: Do I have a second?

Commissioner Robbins: Second.

**Mayor Mulligan:* Further discussion? All in favor? All “ayes”, none opposed. Motion carried.

Murals on buildings

Commissioner Robbins: Ms. Roth talked about murals on older buildings downtown and a suggestion about placing or the possibility of a mural on the side of the court house annex because it has newer brick. That’s one thing that we have to be careful of when we think about painting on buildings is the old brick and the way it is it would just fall out. The mayor brought that to my attention a few months ago. So with the new brick being on the side of the annex, of course the county owns that building and we would have to get their permission but does the town want to move forward with researching that? Our first move would be contacting the county to get their okay and then kind of

taking a look at it and what we would want to be put on there. It is a very prominent place a lot of people go by there every day.

**Commissioner Harrell:* So, I make a motion that we contact the county and pursue the possibility of putting a piece of artwork on the court house annex.

Mayor Mulligan: Can I get a second?

**Commissioner Robbins:* I will second it. I will say and Chad made a good suggestion about the possibility of an Ivey Hayes reproduction, Ivey Hayes being a very prominent hometown son here in Burgaw and prominent blueberry artist, not only just blueberries folklore in general. That would be a good possibility.

Attorney Kenan: You are going to have two because you have Minnie Evans.

Commissioner Robbins: That's true. Good point, Robert.

**Mayor Mulligan:* Any further discussion? All in favor? All ayes. Motion carried.

Stop signs on North McNeil Street

Commissioner Robbins: We did talk about the splash pad and we have already gone over that. I have spoken to one of the owners of the property on Court House Avenue and we are still not in negotiations but we are still talking and maybe that will be discussed later on tonight in closed about the acquisition of property. Commissioner George who was in attendance as a citizen requested that the town look into the feasibility and the probability of putting two stop signs on McNeil Street. I will let you address that Commissioner George if you like about the two stop signs on McNeil Street and why and where.

Commissioner George: Ashe Street and Bridgers Street to hold down traffic from speeding. It's almost as bad as it is on Wilmington Street. I have contacted everybody that lives along North McNeil Street except for Bob Dees and Patricia Slomanski and the people that bought J. B. Lewis's house. I could not get up with either of those three families. Everybody that I talked to says "praise the Lord" so there you go.

Commissioner Robbins: Commissioner Murphy lives on McNeil as well.

Commissioner Murphy: Inaudible comment.

Commissioner George: Do you want to put one on Batson Street as well, James?

Commissioner Murphy: There's one there.

Commissioner George: I mean stopping on McNeil.

Commissioner Murphy: Yes.

**Commissioner George:* That will be three. That will be a three way stop through there. I'll make that motion.

Commissioner Murphy: It is kind of close to Bridgers Street.

**Commissioner George:* Yeah, we'll go with the two.

Commissioner Murphy: Just two.

Commissioner Robbins: I think what we talked about and the same happened I know on Cowan Street and a lot of the other streets here in town where people live, is that especially early in the morning and late in the afternoon, they are cutting through going to work or getting off work and they use it as a cut through rather than traveling the main arteries.

Commissioner George: Yesterday morning I was walking and they came in from Lloyd Street off the highway, he was driving a black Escalade or Avalanche and he say me and he gunned it right on till he got to Bridgers Street and he stopped and he had his hand out the window, he looked at me right straight in the eye and mashed it to the floor. I was over there between Bridgers and Wilmington and he went all the way through, cut down and went down behind the hospital and I hear him every time he hit a stop sign and he was running about 50 mph when he passed me.

**Mayor Mulligan:* Is this in the form of a motion?

**Commissioner George:* I did.

**Mayor Mulligan:* You had three in it.

**Commissioner George:* Two. Ashe Street and Bridgers Street.

Mayor Mulligan: Second?

Commissioner Murphy: Second.

**Mayor Mulligan:* Any further discussion? All in favor? All ayes. None opposed. Motion carried.

Corner of Campbell and Fremont Streets

Commissioner Harrell: You missed the reflectors at Campbell and Fremont.

Commissioner Robbins: I'm sorry. This was a difficult one because we have had two accidents down there in the past year and no accidents there five years prior to it. There is a problem right there as you turn off Fremont Street onto Campbell Street going out towards the hospital. We talked about putting up reflectors, that doesn't seem to be

working, it's just a quick fix. The Mayor suggested we pipe the ditch from the corner of that street all the way down to Ms. Bradshaw's driveway. I think somebody questioned whether or not we should do that now or wait until we get more involved in Fremont Street, I can't really remember.

Mayor Mulligan: I think we recommended that we just go four feet, just easing the corner there. *(Inaudible comment about Fremont Street)*

Commissioner Robbins: We are just trying to ease that corner for now. Okay. That's what we are recommending is to just put a four foot culvert down there just to ease that corner. That way everybody won't be cutting short across the culvert.

Mayor Mulligan: Can I have a motion?

Commissioner Harrell: I make a motion to put in a four foot section of culvert at the corner of Campbell Street and Fremont Street on the southwest corner of the street.

Mayor Mulligan: Can I have a second.

Commissioner Dawson: Second.

Mayor Mulligan: All in favor? All ayes. None opposed. Motion carried.

Other items from Mayor and Board of Commissioners

Mayor Mulligan: Other items from the Mayor and Board of Commissioners. Commissioner George. I think I will start on my right this time.

Commissioner George: I have already my two cents in there.

**Commissioner Harrell:* Yes indeed, *(inaudible comments)* so basically I would like to address the idea of the town attorney and his input on the conditional permit and **I would like to make a motion that the town attorney be directed to include his legal opinions on conditional use permits in writing in conjunction with the planning department report.*

Commissioner Robbins: So what you are asking is to get that

Commissioner Harrell: When there is a conditional use permit applied for that the town attorney will include his legal opinions in written form in the planning department report.

Commissioner Robbins: Planning Department, I thought you said Planning Board.

Commissioner Dawson: The planning director.

Commissioner Harrell: Right there's the planning and then the legal opinion from the town attorney. I have spoken with Mr. Kenan and he says this will not be a problem for him.

**Commissioner Robbins:* I will second that motion.

Mayor Mulligan: Just one comment on that. You know every Friday, once a month I get this package and I have to cancel my weekend and then I have to be the one to run around and see as many of the town employees that I can catch up with to verify and discuss the agenda and all these things that we have in this packet. To further Commissioner Harrell's point this is the same sort of notification the town attorney gets. I hear every Friday or Thursday afternoon, don't bother me, I'm too busy from our town clerk because she is under pressure getting all of this thing put together for that. In that guise I think that at some stage we ought to consider pushing back the deadline for the agenda for these meetings. What time is the agenda deadline now?

Sylvia Raynor: Nine o'clock on Tuesday morning.

Mayor Mulligan: I think the agenda should be pushed back to the week before on say Wednesday to give the Commissioners an opportunity and the town attorney particularly in the light of what Commissioner Harrell has just said, the town attorney gets the package, reviews the package and this way he gets a chance that he has full five days to contact the relevant people as regards whatever is in that package as opposed to getting it on Friday afternoon and if he gets started on Friday but he canceled his life for the weekend just like we have to cancel our weekend he gets a chance to read it and this way he again is going to be looking for somebody on Monday to try to divulge any flaws that are in it and we will be far better served if this package came out on the Monday, or the Tuesday or even the Wednesday of the week before the town meeting and give us an opportunity to plan and do our due diligence and read and comprehend and discuss with all relevant people as to what we have to do. That is my recommendation.

Commissioner Harrell: We have a motion and a second on the floor.

Mayor Mulligan: I beg your pardon?

Commissioner Harrell: We have a motion and second on the floor.

Mayor Mulligan: For what?

Commissioner Harrell: For the town attorney to be directed to include legal

Mayor Mulligan: We are still in discussion here. So that would be my recommendation on that with regards with what Mr. Harrell has just proposed. Further discussion on this?

Attorney Kenan: Mr. Mayor, I think you have two different issues. You've got Commissioner Harrell's motion and second from Commissioner Robbins. Go ahead and vote on that and then if you are looking at setting a new agenda deadline then you need to maybe seek a motion on that move forward for a second on that.

Mayor Mulligan: Sure and I don't disagree except for one thing and that would be that if we adopt this motion then you would be required to get with the planner before the package goes out which in turn will increase the cost to the town in regards to preparing the package as opposed to if you had the opportunity to review the package you could achieve the same thing. That's my thought on it for what it's worth. You get a chance to have a look at a special and see, you get a chance to go and see the planner, you get a chance to say look even before we make this package available to the public, even though you say to the planner, look this won't work, this, this, we have to make an alteration and we have Wednesday, Thursday, Friday and Monday to make that alteration if necessary. That would be my only thought on it with regards its effect on this particular motion.

Rebekah Roth: Just for my clarification, could the legal opinion go with the staff report that is turned in two weeks prior to the meeting or with the packet information which is done the week prior?

Mayor Mulligan: That is I guess what we are discussing right now is whether the attorney would get with you in preparing the package or whether he would just (which he has always done) just examine the package itself and if he sees (inaudible) then he has time to alter it before the meeting as opposed to how we do it now. Robert might be busy Friday, he might be busy Monday and so the opportunity, expand the opportunity for all who have to review this package, expand the time and the opportunity for them to review that package and to make any consultations with staff or attorney that they need to make. Up to now you have always prepared our conditional use for the most part they are perfect, it's only once in a blue moon that we do have a conflict and by having the packet available for everybody on Wednesday, everybody has the opportunity to study it, if there are any problems then they have the opportunity to react and adjust.

Rebekah Roth: The only reason why I'm wondering is because of the time line that is set out in the development code that is by ordinance. We need to make sure that any modifications to when the agenda or the staff packets go out are still in agreement with that ordinance or else we have to go and do a text change in order to be able to meet all those. If the legal opinion is coming either I send Robert my information prior to sending out staff reports, I can do that or if you wanted me to send out the staff report and then Robert provide his legal opinion to be included in the Board packets then neither of those will require changing the ordinance and so that is what I am trying to figure out how it would work. I'm just trying make sure we are not doing something that is not in agreement with that ordinance and that the agenda deadlines making sure that with the planning board deadlines and when their meetings are scheduled that we have the ability to meet what our code currently says in terms of the time line for application.

Mayor Mulligan: How does it work now?

Rebekah Roth: In terms of time lines for applications?

Mayor Mulligan: Yes.

Rebekah Roth: For conditional use permits the deadline if they go straight to the Board of Commissioners is four weeks in advance.

Mayor Mulligan: Do the conditional uses go before the planning board?

Rebekah Roth: Some of them do. Some of them with technical review go in front of the planning board. In that case the application deadline is dated by ordinance it is not just a policy decision so the deadline is the Friday before the planning board meeting and the subsequent commissioners meeting is when the public hearing is held, however that has to be sufficient time between when the planning board decision is made in order to advertise for the Board of Commissioners agenda and by pushing back that agenda date if it goes back too far there is not going to be sufficient time to know whether or not that's going to be on the agenda or not and to incorporate any changes that the planning board has made. So that would probably be the only thing.

Mayor Mulligan: Define too far.

Rebekah Roth: Well the deadline for (and I guess we could advertise regardless of what the planning board said) but if the agenda deadline is the day before the planning board meeting then you wouldn't be able to know what the planning board said in your agenda packet.

Mayor Mulligan: The planning board meets on the third Thursday.

Rebekah Roth: Sometimes we have as a much a week and sometimes we only have about two days for turnaround time depending on the months fall.

Sylvia Raynor: I have to have at least four full days preferably five to prepare the agenda packet. I would have to set my agenda deadline. If you want your packets on Wednesday morning at 9:00 then I have to start back on Tuesday of the week before so that's putting the packet beginning two weeks prior to your board meeting which most of the time in that time span is when a lot of agenda items are coming in.

Mayor Mulligan: People have to plan. Just because you decide you want put something on the agenda two days beforehand or a week beforehand you just need better plans.

Sylvia Raynor: All that means is that it will have to wait until the next month.

Mayor Mulligan: If you set a deadline then that deadline will be met by those who wish to be on the agenda.

Rebekah Roth: You just need to change the development code to change the timeline for applications if you all wanted to do that in order to reflect the fact that instead of having an August planning board meeting and then on the September agenda, it would be the August planning board meeting and then the October agenda.

Sylvia Raynor: (To Ms. Roth) You have to back your (schedule) up even more than I do.

Attorney Kenan: I am willing to get Rebekah's staff report because I need that first and then I am willing to put my report as part of your package that goes out in your agenda packet. That would give me time from the time she sends out the staff report. That gives me about a week to prepare my report that goes into your agenda packet.

Commissioner Harrell: Which is what I had in mind when I

Mayor Mulligan: Sure, but that doesn't help any of us. You know the whole staff get the weekend off and I got to work. You have to work Monday and you have to work Friday and so when do you have time to do due diligence on your package?

Commissioner George: There's too many minutes to read.

Mayor Mulligan: Pardon me?

Commissioner George: There's too many pages of minutes to read which is not necessary. We don't need that verbatim stuff. If I want to know it, I'll come up here and get the tape.

Mayor Mulligan: But the tape is destroyed once the minutes are wrote.

Commissioner George: No they are not.

Sylvia Raynor: They are held for a short time.

Mayor Mulligan: Again, define short time?

Sylvia Raynor: Quasi-judicial bed and breakfast I would not dispose of, others when the meetings went there was no major problems those I can delete at any time. I don't always get around to it like the day after but eventually they will be deleted.

Commissioner Robbins: You could summarize them and we could make it a directive that you hold the tapes for ten years.

Sylvia Raynor: You can do that but the problem with holding them that long is that media changes and as media changes then I have to carry all those over to a different medium in case cd's go out, flash drives go out; it's all got to be continually moved and caught up. It can be done I'm certain.

Commissioner Robbins: The law says all you have to do is provide access to them so if they are on a tape you have a tape recorder that someone could come in listen to them.

Sylvia Raynor: Technically we are not required to keep them. We follow the State Records Destruction and Disposition Schedule and in that schedule when you (the board) voted to approve that schedule that also approved deleting the recording after the minutes have been approved. Your written minutes are the only document that the state accepts as the written proof.

Commissioner George: That's a summary; you don't have to put verbatim in there.

Sylvia Raynor: Verbatim minutes are not required. The reason your minutes are being done the way are is because in November I was not here, there was a big discussion while I was out sick and I was not here to defend myself and somebody wanted verbatim minutes and more detail because they didn't think that I was putting enough detail and that's why I have been doing them that way. I will tell you all I do is minutes, minutes, minutes. I have ten thousand other things that I am not getting done because of verbatim minutes. I would like to be able to do a general account.

Mayor Mulligan: Commissioner Dawson has to leave.

Commissioner Dawson: Are you prepared to vote on this?

Commissioner George: I will make that motion.

Sylvia Raynor: We have a motion on the floor that we have to deal with before we move.

Commissioner Harrell: As I was saying the motion that I had put together was to include the legal agreement in the packet, so if you don't mind if we separate that into a separate issue so

Mayor Mulligan: Sure! Sure! Sure! I have a motion, do I have a second?

Sylvia Raynor: We have a second.

Mayor Mulligan: All in favor. All ayes. None opposed.

Commissioner Harrell: Included in the packet.

Sylvia Raynor: Are you talking about agenda packet, planning packet or staff report? Which packet? There are three packets; we need which packet we are talking about.

Commissioner Harrell: My concept was the agenda packet.

Sylvia Raynor: I will put that in the motion so we will know which packet we are talking about.

Commissioner Harrell: Thank you very much.

Commissioner Dawson left the meeting at 7:15PM.

Mayor Mulligan: Okay, now Commissioner Robbins

Commissioner Harrell: Actually we wanted to go back and deal with

Mayor Mulligan: We can when it comes up under items under the Mayor, I wanted to give the opportunity for them to have their say and then I Let them air what they have to say and then certainly we will go back to what we were discussing.

Commissioner Robbins: No, sir. Nothing.

Commissioner Murphrey: No.

Mayor Mulligan: Okay, so back to the moving of the agenda package deadline. Has anybody got any suggestions, you understand what my concerns are and the way they affect us all. Personally I would like to move the agenda deadline. I am open to suggestions.

Commissioner Robbins: I see your point but the only I see is that we are a small town and I just don't want us to get bogged down saying you are going to have to wait two months for anything to get done.

Mayor Mulligan: So move it up two days.

Commissioner Harrell: I like Wednesday better than Friday, personally. It takes a while to read all this. Then it goes back to how it would affect the planning department and the planning board if we moved the agenda packet back two days from Friday to Wednesday.

Rebekah Roth: (Speaking to the clerk) So your deadline would be Friday?

Sylvia Raynor: No my deadline would have to be before Friday because you (the board) are talking about Wednesday morning and my deadline would have to be the Wednesday before.

Rebekah Roth: So again, having a Thursday planning board meeting on those months then unless Sylvia gave me a special dispensation.

Sylvia Raynor: Most of time with the planning board you know in advance what you are going to have and if you already have everything written out. If it is going to be a public hearing we pretty much know that it is a matter of whether they vote for it or they don't vote for it. That could be squeezed in. I would have to reserve space because I have to number resolutions and ordinances. We would have to get together and work it out and first thing Friday morning (after the Thursday night meeting) you (Rebekah) will have to get your items to me so I can put it on the agenda in order. If I have to get this out by Wednesday, I have got to be getting ready by Friday so I can pull it all together on Monday. It will crunch us time wise for that week.

Mayor Mulligan: Is there some problem moving the planning board meeting?

Rebekah Roth: I think it will be easier for me and Sylvia to work out ours than to try to get the people on the planning board to figure another night when they are all available.

Sylvia Raynor: There is also the issue of the building being reserved for other night meetings on a regular basis that might bump somebody.

Mayor Mulligan: Just work it out.

Sylvia Raynor: We will have to if that's what the board wants.

Commissioner Robbins: We might need to hear what the others staff members have to say like the fire chief or police chief.

Allen Wilson: The only issue I see with it that has already been brought up is that it is just a few more days that something could come up that doesn't get brought up. I know that the board has had issues with things coming up that was not on the agenda. From my perspective I think there will be more items that will have to wait another month or may have to get brought up in those other items.

Commissioner Robbins: I remember several years ago at the county commissioners they passed a policy that nobody could bring up anything that is not on the agenda. I think that stagnated the county government to some degree when you cannot bring up anything that just happened two or three days that needs to be addressed. We are a small town, we can move quick and I just don't get in a position

Commissioner Harrell: Well that's what we are doing now, items from the mayor and commissioners

Commissioner Robbins: Something has to be put on the agenda for us to address it. I don't have any problems as long as staff there are no issues with the staff or the manager.

Chad McEwen: As a matter of practice I don't bring items up under items from the manager that are

Commissioner Robbins: You are in charge of the overall everything; do you see any problems with moving it back to Wednesday?

Chad McEwen: It just shrinks the time line between the last meeting and the deadline to get stuff to Sylvia. We will work around it.

Sylvia Raynor: The one difference that just flashed through my mind and this is going to affect the police department is typically the weekly updates and the agenda packets go out on Friday at the same time, that's one trip. This will cause them to do a Wednesday trip and a Friday trip and that's something Jim might want to speak to.

Jim Hock: If the Board approves it we'll make do with it.

Mayor Mulligan: Okay can I have a motion? Will someone make a motion to move the agenda deadline?

**Commissioner Harrell:* I would like to make a motion to move the agenda deadline to Wednesdays so we can get our agenda packet Wednesday before the meeting.

Mayor Mulligan: Can I have a second?

Commissioner Murphy: I will second.

Mayor Mulligan: Any further discussion on this? All in favor?

(Inaudible comment)

**Commissioners Harrell, Murphy and Robbins "aye". Commissioner George "nay". Motion carried.*

Mayor Mulligan: Let's try it out. If it causes way too many problems, we see if we can close it again, but try to give it a walk.

Mayor Mulligan: And this is probably, Mr. George the answer to your question as regards to why do the minutes. On the last meeting Attorney Kenan said I didn't tell you that you couldn't consider it, I just said the ordinance didn't *(inaudible)* that. In the minutes of the meeting on that question, basically you were saying in your legal opinion that this is off the table for conditional use permit. Attorney Kenan advised the only item you can consider as part of this conditional use permit is a bed and breakfast as well as an additional apartment in the back if you want to allow it for residential use. That's for the record just to clear that up. And that is why I like to have to minutes so that I can see what the intention of what's going on.

Commissioner George: Can't you listen to the tape?

Mayor Mulligan: Listening to the tape is impossible, have you ever tried to listen to that tape?

Sylvia Raynor: I can put that on a flash drive for you if that's what you want. If you will relieve me of having to verbatim minutes because by pushing my deadline you have cut out a week of my time for me to do minutes.

Mayor Mulligan: If you can put in on a flash drive for everybody that's okay but it's going to have a cost.

Sylvia Raynor: It's going to be like the last time I gave you one. You will go and download it on your computer and bring the flash drive back to me. I will write your name on it and I will be looking for it.

Commissioner Robbins: How do you do that? How would you put it on a flash drive?

Sylvia Raynor: The way this system is set up it must be converted from the type file that it is to a WAVE file and then that WAVE file can be downloaded to a flash drive. The flash drive is played on you media player on your computer just as if you are listening to music or whatever. It's very clear. The other option that we have is downloading the recording from this camera so you can have the audio and video if you desire to see everyone.

Mayor Mulligan: I am all in favor of technology so I personally do not have a problem with having a flash drive like with a summary account of the minutes and having a flash drive once a month so I can listen to the tape and judge what the minutes reflect and make sure I get everything.

Karen Harding: I think as far as thumb drives the public able to go on line and see the minutes they are much more thorough and it gives you a much better understanding of what's going on. The minutes have gotten very vague because there was a lot of there was a lengthy conversation, there was a brief conversation, there was it the summary I would be at the meeting and read the minutes and it didn't reflect the meeting the meeting that I perceive so by actually spelling it out more then it's like it's the same meeting. So if you are here and then you can read it it's the same thing it's not concise so much that lengthy discussion doesn't tell anybody

Mayor Mulligan: So tell me this.

Commissioner Robbins: That means a long time.

Karen Harding: I mean is that whose definition of lengthy is that subjective is that five minute is that fifteen minutes?

Commissioner Robbins: If the commissioners understood it that's all what is supposed to be, right?

Inaudible discussion between Karen Harding and Mayor Mulligan.

Mayor Mulligan: But, but, but why can we not get Ms. Sylvia some help in typing the minutes of the meeting, I mean.

Sylvia Raynor: It's just not that easy.

Commissioner Robbins: If you have a flash drive wouldn't that be (interrupted)

Mayor Mulligan: Are we going to make the flash drive available are you going to be able to download from the website?

Commissioner George: Is it on the website:

Sylvia Raynor: No, that's what you did not approve.

Commissioner George: I mean the technology?

Sylvia Raynor: No, we had that option and it was not approved by the Board. The livestreaming. That was the part that was too much money.

Commissioner George: If somebody wants to get the minutes to the meeting can they come over here and bring a flash drive and you put it on?

Sylvia Raynor: The flash drive must be one that the town purchases and I would have to sell it to them because . . .

Commissioner George: I mean if they brought their own.

Sylvia Raynor: Not unless it is in a package that has not been opened because we can't just stick any flash drive in there because of security.

Commissioner Robbins: But people can come over here and get the minutes.

Sylvia Raynor: They can get the minutes, the minutes are on the website, they are posted on the website every month.

Mayor Mulligan: I think that the pundit is that the minutes are thorough, the minutes are excellent, they reflect exactly what is going on and they give the public a good view of what going on in the meetings. They are excellent. They were not as detailed and were not as good. I can only compliment you on how excellent the minutes are. When I read these minutes, because I will be honest when I walk out the door of this room and I have forgotten half of what went on because of the I've got to look at this and I've got to look at that but these are excellent minutes and I really appreciate the job you have done to go back to the more vague minutes I think would be a disservice to everybody particularly that you do post your minutes on the website.

Sylvia Raynor: At the same time, I will be in a terrible time crunch. I spend all day, every day, month in, month out sitting in that chair doing minutes and physically, I will be honest with you, it is killing me.

Mayor Mulligan: Again, I don't understand why this part of your job cannot be assisted by another person. I don't understand why not.

Sylvia Raynor: No one else is going to minutes the way I do. Everybody sees things in a different light and a different way. I am a clerk, I was trained, I typically go with what the law says and the laws says you have to give general account which is a little of background. Really the only thing you have to print the motions with a little of background and the motions and that is all I am required by law to do. I am going above and beyond here and I would like for this to be settled tonight one way or the other for you to tell me what it is you want me to do with these minutes.

Mayor Mulligan: I personally want you to continue the way you are going on.

Sylvia Raynor: I want a motion one way or the other.

Commissioner Harrell: I have gotten a lot out of the minutes like they are as well. I move to keep the minutes the minutes the way they are.

Sylvia Raynor: So you want verbatim minutes, is that what you want?

Commissioner Harrell: I like the minutes the way they are.

Mayor Mulligan: Can I have a second?

Commissioner Murphy: Second.

Mayor Mulligan: Any further discussion? All in favor?

Commissioner Murphy and Commissioner Harrell "aye"

Commissioner Robbins and Commissioner George "nay"

Mayor Mulligan broke the tie with "aye". Motion carried.

**Note: Pursuant to GS 160A-75 because Commissioner Dawson was not properly excused from the meeting with a motion and vote by the Board it was not necessary for Mayor Mulligan to break the tie because in accordance with the law Commissioner Dawson should have been counted with an abstention or a yes since she was legally still present at the meeting.*

Mayor Mulligan: I do see your dilemma, Ms. Sylvia. I think in conjunction, I think we should have a discussion, large discussion and as to how to help you or get you help doing all the things that you are required to do.

Sylvia Raynor: I have Kristin to help me. There are just some things, but she is busy too.

Mayor Mulligan: I understand that.

Sylvia Raynor: My issue is that doing minutes is not my only job. I am three years behind on work right now because all I have done is go to meetings, set meetings and schedule meetings, events.

Commissioner Robbins: Especially the cemetery.

Sylvia Raynor: The cemetery is one of the things that I am so far behind on.

Commissioner Robbins: I just like the summary, I am the summary type person, that's me.

Commissioner Harrell: Can we put the recording on the website?

Sylvia Raynor: No. The live streaming would have been the best answer to that.

Commissioner Harrell: The livestreaming we can access at any time?

Sylvia Raynor: At any time you want to see it.

Commissioner Harrell: Can we talk to our IT guy about it.

Sylvia Raynor: He can't do this. You will have to go through the people that maintain our website.

Mayor Mulligan: So that is something we may have to revisit.

Sylvia Raynor: There is more to it than just pulling it into the website.

Commissioner Harrell: I am asking because I don't know. So can we talk to our website people and see if there is some less expensive alternative?

Chad McEwen: We talked to them.

Sylvia Raynor: We went through that process when we talked about the livestreaming presentation. That is pretty much your option. It was around \$13,000.

Chad McEwen: That did not involve the hard drive to store it.

Attorney Kenan: You would need a pretty large hard drive to store it because it is a large amount of data.

PUBLIC HEARING

Public Hearing - Rebekah Roth, Planning Administrator

Consideration of an amendment to the Town of Burgaw Code of Ordinances Chapter 14, Environment, Article II, Nuisances, to allow for specified civil penalties for violations.

Mayor Mulligan: Item 21 Consideration of an amendment to the Town of Burgaw Code of Ordinances, Chapter 14, Environment, Article II, Nuisances, to allow for specified civil penalties for violations.

Rebekah Roth: Are you ready for me? This was the item that was tabled at last month's meeting. It has been reviewed by the policy and finance board in the past. Basically right now the town's nuisance ordinances only outline us abating a nuisance if someone doesn't do it on his own. The letter that we send out basically read that if you do not mow your property by such and such date, we will do it for you. That has not proven to be a real big inducement for anybody especially people who were out of town because you know even if we are charging them for it that means that they don't have to find a contractor themselves, they don't have to do any legwork themselves. They just wait for the time to expire and for us to take care of it. What we have recommended is to charge a civil penalty or have the ability to charge a civil penalty of \$50.00 per day to provide another tool for us to convince people that it's a good idea to go ahead and take care of their property sooner rather than later not to try to rely on the town to do it. It also helps us in situations where we might have hoarding or large pieces of property where even if we need to do something, we wouldn't have the manpower or the capacity to actually go out and do that large of a project so this serves as a little more of an inducement something beyond what policy and finance recommended that we did add retrospectively that we are also to consider is the ability for people once they do abate their nuisance to have the ability to come and ask for the accrued fees to be waived. The whole purpose of the fees is to get people to go ahead and take care of the issue, it's not to raise money. If they take care of the issue then we found it a bigger inducement to have the ability to ask the commissioners to waive any fees they have accrued rather than trying to go through the debt process to collect on something that has already been taken care of. Attorney Kenan did look over this last month and what was in your packet includes any of his revisions that he deemed necessary.

Attorney Kenan: Basically what I did in section 14.33 I eliminated the last paragraph that was in the ordinance which was paragraph c under section 1 because it was very vague dealing with chronic violators, so I eliminated that and the rest of it is just some word changes throughout the other portions of the ordinance and that's it. Just to make it a little clearer. Section 1 in the proposed ordinance that you have is the where the provisions that Rebekah had in

your last agenda packet and in Section 2 of that ordinance is the changes that have been made by myself and section 3 says that if adopted it becomes effective on today's date.

Rebekah Roth: The chronic violator's portion that was something that the state allowed several years ago for constant nuisances that something we have never had the ability to really utilize adequately in the past because by the time someone approves three violations within a calendar year it's just really hard to do especially if we are having to wait months at a time trying to get someone to clean up their property. Hopefully if we have civil penalties we won't need to go in and abate quite as many issues as well because that was the only thing it was allowing me to do was to go in and to abate without providing notice.

Commissioner Harrell: That is the definition of a chronic situation, is three in one year?

Rebekah Roth: Three in one calendar year and then after that time from that date forward then you just go in and clean up their property without notifying them. That is kind of what we are trying to get away from.

Karen Harding: So you want to go after everyone that doesn't clean up their property or are you still only to go after people who somebody complains about?

Rebekah Roth: We are generally complaint driven so if someone comes in and complains then we go and look at the property to see if it is a violation. If something comes up where the town limits the problem or anything like that or we have the ability to go ahead and cite somebody but we do not have a program in place where we are going to go out and patrol and look at properties at this point.

Commissioner Murphy: I had a lady approach me on Sunday about the property beside her residence which is beside Harrell's Park and if she has problems she can contact you?

Rebekah Roth: Yes. We will go out and inspect to see if it meets the definition of a nuisance and if it does we would send that property owner notice that they need to clean it up within a certain time frame.

Commissioner Murphy: Inaudible

Rebekah Roth: We try to allow for that within the deadlines that we give, the ordinance says 15 days unless that is not appropriate especially if someone lives far away we try to give a few weekends so that have the whole time to find someone to take care of it. We generally send it certified and first class mail because we have found that sometimes with certified mail if the address is bad it will be returned until after the deadline is passed which also causes an issue. We have had success with people as far away as New Jersey cleaning up properties cleaning up properties locally.

Commissioner Robbins: This is going to help the town if we do this. This is going to help us.

Attorney Kenan: This is an enforcement tool to try to entice people to clean up their properties without incurring any kind of cost from the town.

Rebekah Roth: Even if it is a financial burden people will have the ability to come to you once it is mitigated and ask for those fees to be waived so it's not say if someone is elderly or on a limited income and it takes a while to get it cleaned up it doesn't mean that they are out lots of money it just means that it needs to be requested through you to waive those fees.

**Commissioner Robbins:* I make a motion that we make a motion that we approve this as presented. I don't see any problem.

Mayor Mulligan: Is there a second?

Commissioner Murphy: I second it.

Mayor Mulligan: Further discussion? All in favor? All "ayes". None opposed. Motion carried.

** Approved - Ordinance 2016-11 Amending the Town of Burgaw Code of Ordinances Regarding Chapter 14 Environment, Article II Nuisances*

Mayor Mulligan: We need to go over the ordinance and approve it.

Sylvia Raynor: That's what he just did. He moved to approve it. Right?

Commissioner Robbins: 2016-11 Yes.

**ORDINANCE 2016-11
AMENDING THE TOWN OF BURGAW CODE OF ORDINANCES
CHAPTER 14, ENVIRONMENT, ARTICLE II, NUISANCES**

WHEREAS, the Town of Burgaw (hereafter "the Town") 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 Code of Ordinances Chapter 14, Article II defines certain conditions as nuisances and outlines procedures for investigating and abating said notices; and

WHEREAS, the current nuisance ordinances do not provide for specific penalties to violators who refuse to abate identified nuisances; and

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

SECTION 1. The Town of Burgaw Codes of Ordinances Chapter 14, Environment, Article II, Nuisances now reads,

Section 14-33. Notice and order to abate nuisance

- a) If a determination is made that such condition constituting a public nuisance exists, the code enforcement officer shall notify in writing the property owner and occupant of the property, if applicable, by United States Postal Service certified mail and first class mail of such conditions and shall order the abatement thereof within fifteen (15) days of such notice, unless such time frame is determined to be impracticable by the town manager due to the nature of the nuisance.
- b) If after due diligence, a respondent's address cannot be determined, then the required notice shall be published at least once in a newspaper having general circulation in the town and posted conspicuously on the property where the condition exists. The notice shall order the abatement of the public nuisance within fifteen (15) days of such notice, unless such time frame is determined to be impracticable by the town manager or their designee due to the nature of the nuisance. Informal notice to the property owner or occupant may also be issued, but written notice as described above shall be required before the town may abate said nuisance.

Section 14-35. Abatement of nuisance by town and penalties

- (a) Any person continuing to violate any provision or requirement of this article after notice of violation has been issued, or any person willfully failing, refusing, or neglecting to comply with any such provision or requirement shall, in addition to any other remedy, be issued a notice and citation for which a civil penalty of \$50 shall be assessed for each offense, with each and every day of violation after the abatement deadline being a distinct and separate offense.
- (b) After the penalty citation is served, there shall be no requirement for further notice of penalties being due for that violation.
- (c) Upon determination by the Town Manager or designee that the violation(s) have been rectified, the person(s) liable may request that the Board of Commissioners reduce or waive all accrued fines and/or penalties as related to the violation(s).
- (d) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within the time period established by the written notice of violation or at the appeal hearing, if applicable, the town manager or his designee may cause such condition to be removed or otherwise remedied by having employees of the town or an independent contractor employed by the town go upon such premises and remove or otherwise abate such nuisance.

Section 14-36. Cost of abatement charged to owner

The actual cost incurred by the town in removing or otherwise remedying a public nuisance plus 25% of actual cost levied as an administrative fee shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the code enforcement officer to mail a statement by certified and first-class mail of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days of such notice. If mail is not accepted or is returned, the code enforcement officer shall post the statement on the subject property with instructions that such charges are due and payable within thirty (30) days of such notice.

SECTION 2. That the Town of Burgaw Codes of Ordinances Chapter 14, Environment, Article II, Nuisances containing the written amendments should now read as follows:

Section 14-33. Notice and order to abate nuisance

- c) If a determination is made that such condition constituting a public nuisance exists, the code enforcement officer shall notify in writing the property owner and occupant of the property, if owner and occupant are not the same, by United States Postal Service certified mail and first class mail of such conditions and shall order the abatement thereof within fifteen (15) calendar days from the date of such notice, unless such time period is determined to be impracticable by the Town Manager or their designee due to the nature of the nuisance.
- d) If after due diligence, a respondent's address cannot be determined, then the required notice shall be published at least once in a newspaper having general circulation in the Town and posted conspicuously on the property where the condition exists. The notice shall order the abatement of the public nuisance within fifteen (15) calendar days from the date of such notice, unless such time period is determined to be impracticable by the Town manager or their designee due to the nature of the nuisance. Informal notice to the property owner or occupant may also be issued, but written notice as described above shall be required before the Town may abate said nuisance.

Section 14-35. Abatement of nuisance by town and penalties

- (e) Any person who willfully fails, refuses, or neglects to comply with any such provisions of this article after notice of has been given to them, in accordance with Section 14-33, shall, in addition to any other remedy, be issued a notice and citation for which a civil penalty of \$50 shall be assessed for each offense, with each and every day of violation after the abatement deadline being a distinct and separate offense.
- (f) After the civil penalty citation is served on the violator, there shall be no requirement for further notice of penalties being due for that violation.
- (g) Upon determination by the Town Manager or their designee that the nuisance violation(s) have been abated, the violator(s) receiving the civil penalty citation may request, in writing, that the Board of Commissioners reduce or waive all accrued fines and/or penalties as related to the violation(s).
- (h) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within the time period established by the written notice of violation or at the appeal hearing, if applicable, the Town Manager or their designee may cause such condition to be removed or otherwise remedied by having employees of the Town or an independent contractor employed by the Town go upon such premises and remove or otherwise abate such nuisance.

Section 14-36. Cost of abatement charged to owner

The actual cost incurred by the Town in removing or otherwise remedying a public nuisance plus 25% of actual cost levied as an administrative fee shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the code enforcement officer to

mail a statement by United States Postal Service certified mail of such charges to the owner or other person in possession of such premises with notice that such charges are due and payable within thirty (30) days of such notice. If mail is not accepted or is returned, the code enforcement officer shall post the statement on the subject property with instructions that such charges are due and payable within thirty (30) days of such notice.

SECTION 3. This amendment to the Town of Burgaw Code of Ordinances becomes effective immediately upon adoption of this ordinance on this the 12th day of July 2016.

Mayor Mulligan: Well good, we are done. So without anything further I will adjourn the meeting and go into closed session.

CLOSED SESSION – Pursuant to GS 143-318.11 (a) (3) Attorney/Client Privilege (7:30PM)

No motion was made to go into closed session.

OPEN SESSION RECONVENED – Commissioner Harrell made a motion to return to open session. The motion was seconded by Commissioner Murphy. Motion carried.

**Commissioner Harrell:* I make a motion to waive the civil penalty given to Patrick J. O’Connell by the Burgaw Police Department on June 18, 2016 and for the town attorney to send a letter to Mr. O’Connell advising that the town will waive the civil penalties.

**Commissioner Murphy:* Second Motion carried by unanimous vote.

**NOTE: Commissioner Dawson returned during the closed session: Time not recorded.*

Sylvia Raynor: I can’t leave here without telling you how unhappy I am with the decision you made tonight. Not only did you cut my length of time to get agendas done, you have required me to do verbatim minutes which I will probably be the only clerk in the state that must do that. It’s outside the law, it’s outside the recommendations, it’s outside the teaching of the School of Government. I want you to know I am going to do my job as long as I am here but it’s going to be difficult. I am already doing work at home at night and on weekends, I worked the Fourth of July holiday so I could get those minutes to you and now you have turned around and you have done this. I just want you to know that I am not happy about it. That’s all I have to say about that.

Commissioner Dawson: I must have missed something.

Sylvia Raynor: You weren’t here but they voted after you left and the tie was broken and I now have to do verbatim minutes.

Mayor Mulligan: So what was the second issue?

Sylvia Raynor: The second issue is about Mr. Walker. Commissioner Robbins asked me to take care of doing something for him; I have spoken with Mrs. Walker and as of today she has asked to hold off on the event in honor of Mr. Walker until September. They have a lot going on right now and need a little time. I will let you know when everything is planned.

ADJOURNMENT

Commissioner Dawson made a motion to adjourn. The meeting was adjourned at 9:05PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk

