

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

DATE: August 13, 2013
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth T. Cowan
Mayor Pro-tem Howard Walker
Commissioners Jan Dawson, Wilfred Robbins, Charles Rooks and Elaine Tyson
STAFF PRESENT: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Rebekah Costin, Planning Administrator
Bill Fay, Director of Public Works
Louis Hesse, Building Inspector
Ashley Loftis, Finance Officer
Montrina Sutton, Chief of Police
Allen Wilson, Fire Administrator
MEDIA PRESENT: Stephanie Bowens, Star News
INVOCATION: Howard N. Walker, Jr., Mayor Pro-tem
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

Mayor Cowan commented that he has a request to add the appointment of a Planning Board member to the agenda under items from the Mayor and Board of Commissioners. He asked if there were any other requests for amendments to the agenda. There being no requests for amendments, Commissioner Robbins made a motion to approve the agenda as amended. The motion was seconded by Commissioner Walker and carried by unanimous vote.

Approval of Consent Agenda

Mayor Cowan asked if there were any requests for amendments to the consent agenda. There being no amendments, Commissioner Dawson made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote. The consent agenda and the following items were approved:

- Minutes of the July 09, 2013 regular session
- Ordinance 2013-13 Appropriating Fund Balance for Old Jail Improvements

ORDINANCE 2013-13
*AMENDING FISCAL YEAR 2013-2014
ANNUAL BUDGET*

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2013-14 on June 11, 2013; and

WHEREAS, the Town of Burgaw along with Pender County desires to preserve and renovate the former Pender County Jail located at 106 East Wilmington Street, Burgaw, NC 28425; and

WHEREAS, both parties recognize that the preservation and renovation of the Old Jail promotes the mutual interest of both entities; and

WHEREAS, the Town of Burgaw and Pender County agree to each contribute \$50,000 towards the cost of renovations with Pender County reimbursing the Town 50% of all renovation cost upon completion up to \$50,000; and

WHEREAS, a supplemental appropriation of Fund Balance into the appropriate line item is needed.

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

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-00-3900-900	Fund Balance Appropriated	\$100,000

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-00-6000-760	Old Jailhouse	\$100,000

Approved this 13th day of August, 2013.

SPECIAL REQUEST

Julie Harrell, Vice President of Burgaw Middle School PTO appeared before the Board to request use of the old EMS building for the haunted house fund raiser in late October. Carol Dupalevich, President of BMS PTO was also present. Ms. Harrell commented that since the old jail will not be available for use for the haunted house, they are requesting use of the old EMS building. There was a very lengthy discussion regarding the issues and limitations surrounding the use of the building. Mr. McEwen reminded the Board of the large amount of miscellaneous items stored in the building and the fact that there is nowhere to store those items if they have to be removed from the building.

After much discussion, Commissioner Robbins made a motion to allow the Burgaw Middle School PTO to use the old EMS building for their haunted house and that they will be required to use the interior office area and the full length of the western most bay only. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

DEPARTMENTAL ITEMS

Finance

Resolution 2013-24 Amending the Current Utility Billing Policy

Ashley Loftis, Finance Officer advised at the July 9th Board of Commissioners meeting, the commissioners adopted a Utility Billing Policy. Within this policy it stated that any citizen that wanted to open a residential utility account and chose to opt out of the credit check or did not have verifiable identification, would pay a security deposit of \$200. She advised that after this adoption, it was brought to her attention that our fee schedule states we should be charging \$250. However, since 2010 we have only been charging \$150. Apparently, in 2010 the budget ordinance was adopted and it showed within the fee schedule the \$250 deposit for not having verifiable identification. This information was not passed down to the Customer Service Representative; therefore the fee was never increased to the customers. Ms. Loftis said she is requesting amendment of the Utility Billing Policy to reflect the correct amount that should be charged to customers who opt out of the credit check or who do not have verifiable identification.

After a brief discussion, Commissioner Rooks made a motion to approve Resolution 2013-24 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

RESOLUTION 2013-24

A RESOLUTION AMENDING THE CURRENT UTILITY BILLING POLICY

WHEREAS, the Town of Burgaw Board of Commissioners approved the use of the Utility Billing Policy on July 9, 2013; and

WHEREAS, since this adoption an error was located pertaining to the residential utility customer deposit to be paid without verifiable identification; and

WHEREAS, currently the Utility Billing Policy states that any Town citizen who does not wish for the Town to administer a credit check or who does not have a social security number may pay a deposit in the amount of \$200; and

WHEREAS, the Town adopted Schedule of Fees states that any citizen without verifiable identification will pay \$250 security deposit for utilities; and

WHEREAS, this change will correctly reflect the residential utility security deposit without verifiable identification in accordance with Budget Ordinance 2013-09.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the Utility Billing Policy is hereby amended to reflect the changes below.

REQUEST FOR SERVICE

1. C. Online credit check. The current cost to the applicant is \$5.00. The customer may pay a deposit of \$200.00 \$250.00 and waive the credit check.

CUSTOMER DEPOSITS

1. Deposits for residential customers are determined by the online credit check and range from 0 to \$150.00 based on the results. The fee for the credit check and the deposit must be paid in full prior to services being connected. If a credit check cannot be completed because social security number is not provided, the deposit will be \$200.00 \$250.00.

Adopted this 13th day of August 2013.

Public Works

Resolution 2013-25 Authorizing a Contract with Southern Asphalt Company for Powell Bill Paving Priorities

Bill Fay, Public Works Director advised After evaluating the conditions of all town maintained roads the Streets Committee determined that the streets below were the paving priorities for the Powell Bill allotment for FY 13-14. The particular portions of these streets are listed below:

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>L</u>	<u>W</u>
Wright	Intersection at	Satchwell	80'	80'
Wright St	Wilmington	Bridgers	330'	5'
Dudley	Intersection at	Fremont	50'	24'
Wright St	Intersection at	Fremont	20'	60'
Dudley	Intersection at	Bridgers	45'	24'
S Bickett	Walker	Whrens	710'	20'
McCullen	Satchwell	Hayes	500'	20'
W. Satchwell	Bodenheimer	Vann	532'	20'
Pullen	Intersection at	S.Bickett	35'	20'
McRae	Hayes	Satchwell	500'	20'
Dudley	Hayes	Williams	500'	20'
Dudley	Wallace	Drane	500'	20'
S Dickerson St	Intersection at	Fremont	35'	9'

Fremont	Intersection at	S Dickerson	Cross	walk
Fremont	Intersection at	Wilmington St	Cross	walk

Mr. Fay advised the town received the following bids from paving contractors:

- 1) Southern Asphalt- \$131,365.00
- 2) Norris Construction- \$148,170.00
- 3) G&H Construction - \$161,435.00

Upon completion of his review he advised he is recommending approval of the attached resolution authorizing a contract with Southern Asphalt, Inc. for \$131,365.00 for paving and repair of the streets listed above. Mr. McEwen added that he would like to recommend that funding for the abovementioned request should be transferred from the General Fund (film revenues) to streets contracted services to cover the paving for this request thereby leaving the Powell Bill funds to be used on the Fremont Street project which is a much larger project.

After much discussion, Commissioner Rooks made a motion to approve Resolution 2013-25 and to transfer film revenue funds from the General Fund to the streets contracted services line item to pay for the streets paving priorities as listed above. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2013-25
Resolution Authorizing a Contract with Southern Asphalt Company for the Powell Bill paving priorities

Whereas, the Town of Burgaw Streets Committee has prioritized all Powell Bill eligible streets in an effort to determine the paving priorities for FY 13-14, and

WHEREAS, after reviewing all Powell Bill eligible streets, the attached list of streets and street segments have been identified as the town's FY 13-14 paving and repair priorities, and

WHEREAS, based on these identified priorities, the town solicited bids for paving and repair work for the attached list of streets, and

WHEREAS, a pre-bid meeting was held with interested contractors to walk through all listed paving priority sites and bid sheets were distributed, and

WHEREAS, based on the bid sheet the following bids were received:

- 1) Southern Asphalt- \$131,365.00
- 2) Norris Construction- \$148,170.00
- 3) G & H Construction - \$161,435.00

WHEREAS, based on received bids Southern Asphalt was the lowest bidder.

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

SECTION 1. The Town of Burgaw Board of Commissioners hereby authorizes a contract with Southern Asphalt, Inc. for \$131,365.00.

Section 2. The Town of Burgaw Board of Commissioners hereby authorizes the Mayor to execute the required contract with Southern Asphalt, Inc.

ADOPTED this thirteenth day of August, 2013.

ITEMS FROM ATTORNEY

Attorney Kenan advised he is working on the easements for the Methodist Church and will have those completed by the end of the week.

ITEMS FROM MANAGER

Ordinance 2013-14 Approving the Appropriation of Fund Balance to Pay Delinquent Taxes to Pender County Tax Office for Foreclosed Property Owned by Cumberland Management Group of NC

Mr. McEwen advised the Board that recently two tracts of land owned by Cumberland Management Group of NC were foreclosed on by the Pender County Tax Office. He said the two tracts are in the middle of the golf course and combined equal a little less than 7.5 acres. No bids were received that equaled the delinquent taxes owed to the Town and County so ownership will be conveyed to the Town and County jointly once the taxes are paid. The Town's share of the taxes is \$4,243.55. This amount must be paid to the tax office prior to the Clerk of Court allowing the deed to be released. A map of the properties is on file in the clerk's office.

After discussion, Commissioner Robbins made a motion to approve Ordinance 2013-14 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

ORDINANCE 2013-14

Ordinance Approving the Appropriation of Fund Balance (General Fund) to Pay Delinquent Taxes to Pender County Tax Office for Foreclosed Property Owned by Cumberland Management Group of NC

WHEREAS, the Pender County Tax Office recently held foreclosure sales for two parcels of land which are part of the former Coastal Carolina Country Club; and

WHEREAS, the foreclosure sales were held due to delinquent taxes owed to Pender County and the Town of Burgaw; and

WHEREAS, the Property Identification Numbers (PIN) for the foreclosed properties are 3239-12-6846-0000 (Tract #1) and 3239-03-8366-0000 (Tract #2); and

WHEREAS, the amount of delinquent taxes owed in regard to Tract #1 equals \$8,610.94, which includes \$3,826.60 owed to the Town of Burgaw with the balance owed to Pender County, and

WHEREAS, the amount of delinquent taxes owed in regard to Tract #2 equals \$944.41, which includes \$416.95 owed to the Town of Burgaw with the balance owed to Pender County, and

WHEREAS, the total amount of delinquent taxes owed to the Town of Burgaw for Tract #1 and #2 equals \$4,243.55, and

WHEREAS, upon being offered for sale by the Pender County Tax Office no bids were received that equaled the total amount of delinquent taxes owed to the Town of Burgaw and Pender County; and

WHEREAS, in the event that no bids were received ownership of the property defaults to the Town of Burgaw and Pender County upon both entities paying their respective portions of the delinquent taxes, and

WHEREAS, the Pender County Clerk of Courts Office requires that the delinquent taxes to be paid in full prior to releasing the deed, and

WHEREAS, the Town of Burgaw General Fund will be reimbursed for this appropriation upon the release of the deed, and

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

SECTION 1: Appropriate General Fund fund balance in the amount of \$4,243.55 to be paid to the Pender County Tax Office to pay the delinquent taxes owed on the following properties;

- 1) Tract #1-PIN 3239-12-6846-0000
- 2) Tract #2-PIN 3239-03-8366-0000

SECTION 2: Upon release of the associated deeds by the Pender County Clerk of Courts and processing and distribution of the tax proceeds by the Pender County Tax Office all net tax revenue proceeds associated with Tract #1 and Tract #2 shall be used to reimburse the General Fund.

Adopted this thirteenth day of August, 2013.

Resolution 2013-26 Endorsing Final Project Scope and Opinion of Cost Related to the Sidewalk Project along US Business 117 S/S Walker Street between Downtown and the Pender Adult Services Center

Mr. McEwen advised that over the last several months we have been working with Senator Rabon, Representative Millis, and Beau Memory who works for the President Pro-Tem's Office in the NC Senate to secure funding for the Senior Center sidewalk project. It appears that the NCDOT Board of Transportation will have contingency funds available to appropriate at their September meeting. In order to be placed on the agenda and considered for this funding Mr. Memory has requested a final resolution of endorsement be passed by the Town Board stating its support for the project as well as the estimated cost of construction.

Mr. McEwen advised the most recent opinion of cost provided by Margaret Gray of McKim and Creed is \$305,268.65.

Mr. McEwen said that upon approval of the attached resolution a letter requesting formal support for the sidewalk project will be sent to Beau Memory for inclusion on the September Board of Transportation agenda. Letters have already been sent to Senator Rabon and Representative Millis requesting their support of the proposed funding from the Board of Transportation.

After a brief discussion, Commissioner Dawson made a motion to approve Resolution 2013-26 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

**RESOLUTION 2013-26
Resolution Endorsing Final Project Scope and Opinion of Cost Related to the Sidewalk Project along US Business 117 South/South Walker Street between Downtown and the Pender Adult Services Center**

WHEREAS, US Business 117 South/South Walker Street has high volumes of both vehicular and pedestrian traffic, and

WHEREAS, due to its proximity to several residential neighborhoods and apartment complexes, US Business 117 South/South Walker Street provides a valuable connection to the central business district of downtown Burgaw, Burgaw Post Office, Pender Memorial Hospital, Burgaw Town Hall, Pender County Health Department and Social Services, and Pender Adult Services, and

WHEREAS, the current design and condition of US Business 117 South/South Walker Street is not suitable for pedestrian or bicyclists to use due to the existing pavement having insufficient paved shoulders, presence of deep ditches along both sides of the road close to the road surface, and inadequate right of way existing behind the ditches for people to walk or ride a bicycle, and

WHEREAS, pursuant to the attached map, the proposed sidewalk will begin on Satchwell Street near the Burgaw Post Office heading east before turning south along South Walker Street and eventually terminating at the Pender Adult Services facility, and

WHEREAS, last year the town hired McKim and Creed Engineering for the design and permitting aspects of this project, and

WHEREAS, all design has been completed and submitted for approval to NCDOT with the final encroachment agreement being expected for completion within 30 days, and

WHEREAS, in addition, the Town has recently completed extensive drainage and stormwater improvements along Satchwell Street which are needed in order to accommodate the proposed sidewalk, and

WHEREAS, the Town of Burgaw, Pender County, and the North Carolina Department of Transportation (NCDOT Rural Transportation Advisory Committee passed a resolution of support) have acknowledged the need for a sidewalk along US Business 117 South/South Walker Street due to the volume of pedestrians which use this road, and

WHEREAS, the town has all necessary easements requirement for the proposed sidewalk, and

WHEREAS, in light of the issues listed above, the Town of Burgaw and Pender County are requesting funding from the North Carolina Department of Transportation for the construction of a sidewalk from downtown Burgaw along South Walker Street which will terminate at the Pender Adult Center.

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

Section 1: The Town of Burgaw requests the support of the North Carolina Senate and House as well as the North Carolina Department of Transportation in securing funding in the amount of \$305,268.65 for the construction of the proposed sidewalk project.

Section 2: The Town Manager is hereby requested to mail an executed copy of this resolution to all applicable parties including Senator Bill Rabon and Representative Chris Millis.

ADOPTED this the 13th day of August, 2013.

Resolution 2013-27 Amending the Contract for Solid Waste Collection Services with Onslow Container Services (OCS) as it Relates to Recycling Services

Mr. McEwen advised that recently the Board discussed and gave preliminary approval to a proposal submitted by OCS regarding the replacement of the existing 18 gallon recycling containers with 64 gallon roll carts. He said the specifics regarding the proposed conversion are spelled out in a press release that will go out to the public if the Board approves this item tonight (copy of press release on file in clerk's office).

In regard to the existing contract with OCS any proposed changes to the contract require formal action by the Board via a resolution. The attached resolution includes the following changes to the initial contract with OCS entitled *Contract For Solid Waste Collection Services* (dated June 27, 2006) as well as any amendments executed since that time;

- 1) Price per residential customer for recycling services will increase from \$2.34/month to \$3.09/ month due to the 64 gallon containers being provided
- 2) The portion of the contract with OCS related to recycling services would remain in effect for 5 years for the date of the adoption of this resolution (expires on August 13, 2018). In addition, the monthly price for recycling services would remain fixed during this term. The renewal of services as well as the termination of this service shall be subject to all existing stipulations included in the original contract.
- 3) At the request of OCS a clause has been added that states that a pass through processing fee for recyclables may be charged to the Town in the future in the event that the processing center charges such a fee to OCS for disposal of recyclable goods. Fee would be paid upon receipt of proper documentation outlining the assessment of the processing fee from the processing center.

Attorney Kenan questioned the length of the contract and the fact that this change is longer than that of the original contract. There was a lengthy discussion regarding the reconciliation of the two components of the contract. Upon inspection of the original contract, Attorney Kenan advised the contract was originally entered into beginning August 1, 2006 and ending July 31, 2011. He advised the Board renewed the contract in December of 2010 for four years making the contract valid through July 31, 2015. He advised the Board that if they desire to make the contract so that solid waste and recyclables run at the same time, they would need to move to extend the contract until July 31, 2018 or they may let the contracts for the two types of waste to expire at separate times.

After much discussion, Commissioner Rooks made a motion to move forward by approving Resolution 2013-27 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. McEwen was then directed by the Board to negotiate a contract extension with OCS for five years for pickup of solid waste and recyclables to run concurrently through July 31, 2018 and to bring back a draft for Board review at a later date.

RESOLUTION 2013-27

Resolution Amending the Contract for Solid Waste Collection Services with Onslow Container Service (OCS) as it Relates to Recycling Services

WHEREAS, OCS has been providing solid waste and recycling services to the Town of Burgaw since 2006, and

WHEREAS, the Town of Burgaw has decided to replace the existing 18 gallon recycling containers with 64 gallon roll carts, and

WHEREAS, the proposed conversion will result in an increase in residential solid waste rates of .75 cents (increase from the current \$2.34 to \$3.09), and

WHEREAS, the conversion and subsequent increase was justified based on the following factors:

- Concerns by residents that the 18 gallon recycling bins do not provide enough capacity, and, at times forced, residents to discard recyclables into the regular solid waste roll carts. The new roll carts will provide 3.5 times the amount of capacity thus addressing these concerns.
- Concerns by residents that carrying the traditional bins was dangerous, particularly for elderly residents, and in effect discouraged recycling. The new roll carts will address these concerns.
- Concerns by residents that without a lid the current containers didn't prevent recyclables from being blown around during a storm thus resulting in the debris ending up in the ditches, street, and litter private property. The new containers will address these concerns.

WHEREAS, to lessen the cost to the customer, the town approved a proposal from OCS which will provide for the roll carts through a lease agreement with OCS rather than the outright purchase of the carts, and

WHEREAS, proposed conversion will follow the following schedule:

- The new 64 gallon recycling roll carts will be delivered to all existing residential customers between **August 26th and August 30th, 2013**.
- **September 4th, 2013**, will be the last day of curbside service for the existing 18 gallon bins. All residential customers are requested to place the bins near the edge of the street so that they can be collected by OCS.
- **September 11th, 2013**, will be the first day of service with the new roll carts for all residents west of the railroad right of way. (See attached map)
- **September 18th, 2013**, will be the first day of service with the new roll carts for all residents east of the railroad right of way, and

WHEREAS, the proposed conversion will initially only include residential customer, and

WHEREAS, commercial customers may request recycling roll cart service following start of the service on September 18th, 2013, and

WHEREAS, service to commercial customers may be denied if it is determined that sufficient off-street space on private property is not available.

WHEREAS, individual recycling roll carts will not be provided to residents who live in apartment complexes, and

WHEREAS, any existing commercial customer or residents of an apartment complex who currently uses a recycling bin will be allowed to continue to use their bins for recycling based on the original rate structure.

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

Section 1: The Board of Commissioners hereby amends the above stated contract to include the following changes:

- 1) Price per residential customer for recycling services will increase from \$2.34/month to \$3.09/ month due to the 64 gallon containers being provided
- 2) The portion of the contract with OCS related to recycling services would remain in effect for 5 years for the date of the adoption of this resolution (expires on August 13, 2018). In addition, the monthly price for recycling services would remain fixed during this term. All other aspects of the original contract or previous amendments shall remain in effect unless stated otherwise in this resolution.
- 3) At the request of OCS a clause has been added that states that a pass through processing fee for recyclables may be charged to the Town in the future in the event that the processing center charges such a fee to OCS for disposal of recyclable goods. Fee would be paid upon receipt of proper documentation outlining the assessment and payment of the processing fee from the processing center.

ADOPTED this the 13th day of August 2013.

Resolution 2013-28 Approving a Contract with McGill and Associates for an Application to the Drinking Water State Revolving Fund (SRF) for Touchless Meter Conversion and Water System Improvements

Mr. McEwen advised Mr. Bill Cowan with McGill and Associates is present to answer any questions regarding this issue. He reminded the Board that as part of the five year Capital Improvement Plan approved by the Board earlier this year, the conversion to touchless meters and addressing known water system deficiencies was listed as a high priority in FY 13-14. Mr. McEwen said there are several needed improvements on the water side such as water line improvements where lines are failing (esp. Fremont Street), permanent emergency generator with an automatic transfer switch at the North Smith Street well and conversion to touchless meters. He said this project could cost approximately one million dollars. He advised in order to address these issues we have explored funding options available to assist with this project.

Mr. McEwen said it appears that grant dollars for these types of projects are very limited due to several reasons and with the uncertainty surrounding the Rural Center funding there could be even less money available. USDA may have some grant funds available with low interest loans but in order to determine our eligibility a full application will need to be submitted.

Mr. McEwen advised one option we have found is State Revolving Fund (SRF) funding which, if approved, would provide the town with a 0% interest loan for a 20 year term. In recent years this program has become very competitive. Due to the competitive nature of this program the traditional grants and principle forgiveness options have been replaced with 0% interest loans with 20 year terms.

Mr. McEwen said this is a proposal to apply for State Revolving Funds (SRF). He also said the proposal includes a \$24,000 fee structure to prepare the engineering side as well as the application side for SRF. Mr. Cowan said this could be a zero percent interest loan for twenty years and that some of the street improvements may qualify for CDBG funding which could be a five percent match. Mr. Cowan advised the State is putting all of the SRF funds into infrastructure this year instead of scattered housing. He advised the 24k would come out of the water/sewer fund balance.

After much discussion, Commissioner Rooks made a motion to approve Resolution 2013-28 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

RESOLUTION 2013-28

Resolution Approving a contract with McGill and Associates for an Application to the Drinking Water State Revolving Fund (SRF) for Touchless Meter Conversion and Water Systems Improvements

WHEREAS, the Town of Burgaw has deemed certain water systems improvements as priorities, and

WHEREAS, these improvements include the conversion of all water meters to touchless technologies, and

WHEREAS, other improvements include water line replacements for several sections of deteriorating pipe as well as permanent generator back-up for the North Smith Street well station, and

WHEREAS, the State of North Carolina annually provides funding assistance through the Drinking Water State Revolving Fund (SRF) Program, and

WHEREAS, in recent years the program has become very competitive, and

WHEREAS, due to the competitive nature of this program grant and principle forgiveness options have been replaced with 0% interest loans with 20 year terms, and

WHEREAS, the deadline for submittal of an application is September 30, 2013.

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

Section 1: The Board of Commissioners hereby waives the Mini-Brooks Act for the project described as it relates to the requirements of G.S 143-64.31.

SECTION 2: The Board of Commissioners hereby approves the attached contract with McGill and Associates in the amount of \$24,000 for the design and SRF application in regard to the above described project. The funds required for this contract are hereby appropriated from the water and sewer fund balance.

ADOPTED this the 13th day of August 2013.

Request for Use of the Community House

Mr. McEwen advised the Chamber of Commerce is requesting use of the Community House at no charge for the tree lighting ceremony (Dec. 7th) and the Christmas parade (Dec. 14th).

Commissioner Robbins made a motion to provide the Community House at no charge to the Chamber of Commerce for use for the holiday events on December 7th and December 14th of this year. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Automatic Renewal of DRC contract

Mr. McEwen informed the Board that it is time for the automatic renewal of the DRC contract. He advised DRC handles logistics for removal of debris after disasters etc. He said the contract has an automatic renewal clause and he wanted know if there are any questions or objections. There being no objections to renewal of the contract with

DRC, Commissioner Tyson made a motion to approve the renewal. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Request for Donation of Surplus Chairs

Mr. McEwen advised he has received a letter of request from Connie Ives, Media Specialist at Burgaw Elementary School. Ms. Ives is requesting that the town consider donating the surplus chairs removed from the board room to the school to be used in the Media Center. After a brief discussion, Commissioner Dawson made a motion to donate the surplus chairs to Burgaw Elementary School. The motion was seconded by Commissioner Walker and carried by unanimous vote.

BREAK

Mayor Cowan called for a break at 4:50PM. The meeting reconvened at 5:05PM.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Re-appointment of Mike Taylor to the Depot Board

The Board was informed via a memo in their packets that in accordance with Ordinance 2012-16 which established the Burgaw Historic Train Depot Board and pursuant to the term limits imposed by said ordinance, Mike Taylor's depot board term will expire on August 31, 2013. The Town Clerk has spoken with Mr. Taylor and he advised he is willing to accept reappointment to the Burgaw Historic Train Depot Board. If re-appointed, Mr. Taylor's term will commence on September 01, 2013 and will be effective until the next annual meeting of the Historic Depot Preservation Foundation which will be in August of 2014.

Commissioner Robbins made a motion to reappoint Mike Taylor to the Historic Train Depot Board for a period of one year commencing on September 01, 2013 and ending on August 31, 2014. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Appointment of Planning Board Member

Ms. Costin advised there is currently a vacancy on the Planning Board due to the resignation of long time member Bob Boulis. She advised there are only two applications on file even though ads have been run frequently seeking volunteers. Ms. Costin requested that the Board select one of the applicants to fill the vacancy due to the frequency of lack of a quorum.

After a brief discussion, Commissioner Robbins made a motion to appoint Meg Franklin to the Planning Board. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

Plaques of Appreciation for former Planning Board Members

Mr. McEwen asked for the Board's permission to purchase plaques of appreciation for the long time planning board members that have recently resigned. After a brief discussion, it was the consensus of the Board to allow purchase of plaques of appreciation to be presented at a later Board of Commissioners meeting.

PUBLIC FORUM – No speakers

PUBLIC HEARINGS

Public Hearing #1

Consideration of a proposed amendment to the Schedule of Fees regarding a cost increase related to conversion from the 18 gallon recycle bin to a 64 gallon recycle roll cart – Ashley Loftis, Finance Officer

Mayor Cowan declared the public hearing open at 5:21PM.

Ashley Loftis, Finance Officer advised that over the last several months the Town has explored the possibility of converting from the existing 18 gallon recycling bins to 64 gallon recycling roll carts. After evaluating the factors related to the proposed conversion, the Board of Commissioners has approved a proposal submitted by our current solid waste provider, Onslow Container Service (OCS). In order to lessen the cost to the customer, the town approved a plan which will provide for the roll carts through a lease agreement with OCS rather than the outright purchase of the carts. The approved plan will only result in a 0.75 cents monthly increase in the customer's current solid waste bill.

Ms. Loftis advised the Town feels that the conversion and subsequent increase was justified based on the following factors:

- Concerns by residents that the 18 gallon recycling bins do not provide enough capacity, and, at times forced, residents to discard recyclables into the regular solid waste roll carts. The new roll carts will provide 3.5 times the amount of capacity thus addressing these concerns.
- Concerns by residents that carrying the traditional bins was dangerous, particularly for elderly residents, and in effect discouraged recycling. The new roll carts will address these concerns.
- Concerns by residents that without a lid the current containers didn't prevent recyclables from blowing around during a storm thus resulting in the debris ending up in the ditches, street, and litter private property. The new containers will address these concerns.

Ms. Loftis advised the following budget ordinance amendment changes our current fee schedule to reflect the increase in the residential customer's solid waste rate. The budget ordinance amendment also adds the note to commercial customers that they may request a recycling roll cart as well for the increased solid waste rate shown.

There being no discussion, Mayor Cowan declared the public hearing closed at 5:23PM.

Commissioner Dawson made a motion to approve Ordinance 2013-15 as presented. The motion was seconded by Commissioner Rooks and carried by unanimous vote.

ORDINANCE 2013-15
AMENDING FISCAL YEAR 2013-2014 ANNUAL BUDGET
Change to Schedule of Fees

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2013-2014 on June 11, 2013; and

WHEREAS, the Schedule of Fees in the budget ordinance included a \$17.00 charge for one 18 gallon bin for residential recycling along with a trash roll cart, and a \$34.00 charge for one 18 gallon bin for recycling along with two trash roll carts; and

WHEREAS, the Town has received concerns from residents regarding the size of the bin not having enough capacity, concerns about having to carry the bin, as well as concerns of no lid being provided; and

WHEREAS, the Town of Burgaw has partnered with Onslow Container Service to offer residents of the Town a larger, 64 gallon, roll cart for residential recycling; and

WHEREAS, the Town plans to lease the new roll carts through Onslow Container Service resulting in a fee increase of \$0.75 monthly on the customers' solid waste bill.

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

Attachment 1: The FY 2013-2014 Schedule of Fees be altered to reflect the following changes:

UTILITIES

Solid Waste	\$17.00	\$17.75 (residential: 1 roll cart & recycling roll cart)
	\$34.00	\$34.75 (residential: 2 roll carts & recycling roll cart)
	\$34.00	(commercial roll cart & recycling bin)*

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

Adopted this the 13th day of August, 2013.

Public Hearing #2

Consideration of a proposed amendment to the Schedule of Fees in regards to increasing commercial utility deposits – Ashley Loftis, Finance Officer

Mayor Cowan declared the public hearing open at 5:24PM.

Ashley Loftis, Finance Officer advised that currently the Town charges a flat rate deposit of \$100.00 for all commercial water customers. This rate is applied across the board to all prospective commercial customers regardless of credit (which is used with residential customers in order to determine the level of deposit) and/or volume of monthly usage. The problem created arises when accounts are closed or more importantly fall into delinquency and are disconnected by the town and the accrued bill (2 month equivalent) is greater than the \$100 deposit held. Ms. Loftis stated that on the residential side we have a mechanism to collect these funds through debt setoff. However, this mechanism is not available for commercial accounts since social security numbers are not required in order to establish service.

Ms. Loftis said our largest water users are commercial with some public entities (prison, hospital, schools, etc.) generating monthly bills as high as \$20,000 and private entities generating bills in excess of \$4000.00. She said considering the fact that these accounts would have to be delinquent for two billing cycles prior to being disconnected, the town's exposure is large given the amount of deposit held on these accounts.

Ms. Loftis advised after much research, the Town is considering a graduated deposit fee scale based on usage, and in addition, this structure is set up so that it will more closely reflect our monthly billing amounts as they relate to the deposits held.

Ms. Loftis said approval of Ordinance 2013-16 will change our current fee schedule to reflect the increase in the commercial utility deposit based on a graduated scale in relation to the customers anticipated usage or usage of a similar entity inside or outside the Town of Burgaw.

There being no discussion, Mayor Cowan declared the public hearing closed at 5:25PM.

Commissioner Robbins made a motion to approve Ordinance 2013-16 as presented. The motion was seconded by Commissioner Walker and carried by unanimous vote.

ORDINANCE 2013-16
***AMENDING FISCAL YEAR 2013-2014
ANNUAL BUDGET
Change to Schedule of Fees***

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2013-2014 on June 11, 2013; and

WHEREAS, the Schedule of Fees in the budget ordinance included a \$100.00 deposit for commercial customer utility accounts; and

WHEREAS, the Town has concerns that this deposit is not adequate for commercial customers based on their high volume of monthly usage and no credit check; and

WHEREAS, the Town of Burgaw would like to prevent the issue of not being able to collect on a delinquent account due to the fact that the commercial customer deposit is much less than the delinquent bill; and

WHEREAS, the Town plans to implement a new commercial deposit rate structure based on the anticipated usage of the business or similar existing business in the Town of Burgaw and the Town staff will consider the nature of the business conducted, number of employees, square footage of business, or the Town staff may consider businesses outside the Town of Burgaw with similar uses.

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

Attachment 1: The FY 2013-2014 Schedule of Fees be altered to reflect the following changes:

UTILITIES

Commercial Deposit

<u>Gal. Mth. Usage</u>	<u>Water Rate</u>	<u>Sewer Rate</u>	<u>Deposit</u>
0-3000 gals.	\$0.00463	\$0.00839	\$125.00
3001-9000 gals.	.00493	.00839	\$250.00
9001-25000 gals.	.00507	.00839	\$700.00
25001-50000 gals.	.00522	.00839	\$1250.00
50001-100000 gals.	.00522	.00839	\$2500.00
100000-**	.00522	.00839	\$2500.00 min.

*Per gallon rate based on current fiscal year’s approved budget for the Town of Burgaw.

** Deposits for high volume users will be determined on a case by case basis based on the best information available. For existing businesses that change ownership or discontinue service in one name and reestablish service in other name, the deposit will be based upon the average monthly usage over the last 12 months of service. For new businesses, deposits will be based on the anticipated usage, as determined by town staff, based on any existing similar uses present in the Town of Burgaw. Similar uses used for comparison will be determined based on the nature of the business conducted, number of employees, square footage of business, as well as other factors that are typically present with similar uses. Deposits may also be based on usage of similar businesses outside the Town of Burgaw.

Note: All previous balances associated with an existing business must be paid in full prior to the establishment of a new account in the event of a business relocating within Burgaw.

Adopted this the 13th day of August, 2013.

Public Hearing #3

Consideration of a proposed text change amendment to Article 12. Wireless Telecommunications Facilities, Section 4-9, and 14-20 regarding telecommunications facilities – Rebekah Costin, Planning Administrator

Mayor Cowan declared the public hearing open at 5:26PM.

Rebekah Costin, Planning Administrator advised that recently federal and state legislation has been passed concerning local review of wireless telecommunications facilities. The new legislation is meant to ensure that local governments do not prohibit or delay these facilities unnecessarily due to the growing importance of wireless coverage for the economy, public safety, and private needs. Earlier this year, the NC League of Municipalities distributed a model telecommunications ordinance meant to balance the needs of the telecommunications industry and the concerns of municipalities. The proposed text change amendment attempts to adapt the model ordinance to fit the needs of the Town of Burgaw and would replace the existing ordinance.

Planning Board Review. Ms. Costin advised at the July 18, 2013 Town of Burgaw Planning and Zoning Board meeting, the board approved the following statements (signed copies on file at the Planning Department):

Statement Regarding the Compliance of a Proposed Text Change Amendment to Article 12. Wireless Telecommunications Facilities with the Burgaw 2030 Comprehensive Land Use Plan

The proposed text change amendment is in conformity with the following portions of the Burgaw 2030 Comprehensive Land Use Plan:

- Economic Development Goal 1: To support the profitability and sustainability of existing businesses and industries
 - Work with the private sector to evaluate economic trends, opportunities, and needs of key industries, with the intention of anticipating issues and taking early action to avoid decline in the city’s commercial areas
- Economic Development Goal 2: To attract businesses and industries that will enhance the economic health and livability of the town
 - Facilitate private sector efforts to implement state-of-the-art technology, including communication technology, throughout the community

Planning Board Recommendation Regarding a Proposed Text Change Amendment to Article 12. Wireless Telecommunications Facilities of the Unified Development Ordinance

The Town of Burgaw Planning and Zoning Board recommends approval of the proposed text change amendment regarding Planned Unit Development Zoning Districts.

John Lyon, AT&T Regional Director of External Affairs for Eastern NC, commented that the model ordinance drafted by the NC League of Municipalities is being recommended for each municipality to consider and to modify the ordinance to fit the local culture of each municipality and its ordinances. He advised state regulations are being

brought up to federal standards thereby requiring changes on the municipal ordinances. Mr. Lyon advised the telecommunications industry has changed so much in the last ten years that upgraded ordinances will be required not from a coverage standpoint but also from a capacity standpoint. He also commented that the demand for mobile broad band is driving this ordinance change.

After a brief discussion, Mayor Cowan declared the public hearing closed at 5:35PM.

Commissioner Tyson made a motion to approve Ordinance 2013-17 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2013-17
APPROVING A TEXT CHANGE AMENDMENT TO ARTICLE 12 WIRELESS TELECOMMUNICATIONS FACILITIES
OF THE UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and

WHEREAS, federal and state legislation concerning local review of wireless telecommunications facilities has recently been passed; and

WHEREAS, Town of Burgaw's current wireless telecommunications facilities do not reflect these new laws; and

WHEREAS, wireless telecommunications facilities are necessary for the provision of reliable access to wireless services for the residents, businesses, and public safety operations in the Town of Burgaw; and

WHEREAS, the North Carolina League of Municipalities has worked with representatives of the telecommunications industry to develop a model ordinance that would be in compliance with new legislation and would aid in the rapid deployment of mobile broadband infrastructure to bring desirable state-of-the-art wireless services to the community; and

WHEREAS, the Town of Burgaw Planning Department has modified the model ordinance to reflect local land use concerns; and

WHEREAS, the Town of Burgaw Planning and Zoning Board has found that the attached text change amendment is in compliance with the Burgaw 2030 Future Land Use Plan; and

WHEREAS, at the Town of Burgaw's Planning and Zoning Board meeting on July 18, 2013, the Board voted to recommend approval of the attached text change amendment; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the attached text change amendment is consistent with the economic development goals of the Burgaw 2030 Comprehensive Land Use Plan;

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

SECTION 1: The Unified Development Ordinance is amended as attached.

SECTION 2. This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 13th day of August, 2013.

Public Hearing #4

Consideration of a proposed text change amendment to *Section 14-19 (D)* regarding the standards for a conditional use permit – *Rebekah Costin, Planning Administrator*

Mayor Cowan declared the public hearing open at 5:36PM.

Rebekah Costin, Planning Administrator advised the proposed text change amendment would add conformance to the Burgaw 2030 Comprehensive Land Use Plan to the standards a conditional use permit application must meet. Including this as a standard would give the board more leverage in imposing conditions on proposed development to ensure new projects are as high-quality as possible. This is one of the major reasons why the comprehensive land use plan was developed. Currently, the board can only impose conditions based on the recommendations of the NC Hwy 53 Corridor Study, which only affects a few properties, and the minimums of the Unified Development Ordinance.

Ms. Costin advised at the July 18, 2013 Town of Burgaw Planning and Zoning Board meeting, the board approved the following statements (signed copies on file at the Planning Department):

Statement Regarding the Compliance of a Proposed Text Change Amendment to Section 14-19 (D) Regarding the Standards for a Conditional Use Permit with the Burgaw 2030 Comprehensive Land Use Plan

The proposed text change amendment is in conformity with the following portions of the Burgaw 2030 Comprehensive Land Use Plan:

- Land Use Goal 4: To implement the policies and actions of the Land Use Plan

Planning Board Recommendation Regarding a Proposed Text Change Amendment to Section 14-19 (D) of the Unified Development Ordinance Regarding the Standards for a Conditional Use Permit

The Town of Burgaw Planning and Zoning Board recommends approval of the proposed text change amendment regarding Planned Unit Development Zoning.

There being no discussion, Mayor Cowan declared the public hearing closed at 5:37PM.

Commissioner Robbins made a motion to approve Ordinance 2013-18 as presented. The motion was seconded by Commissioner Walker and carried by unanimous vote.

**ORDINANCE 2013-18
APPROVING A TEXT CHANGE AMENDMENT TO SECTION 14-19 (D) OF THE UNIFIED DEVELOPMENT
ORDINANCE REGARDING THE STANDARDS FOR A CONDITIONAL USE PERMIT**

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and

WHEREAS, the Town of Burgaw Board of Commissioners has recently adopted the Burgaw 2030 Comprehensive Land Use Plan; and

WHEREAS, the Board of Commissioners desires conformity with the comprehensive land use plan be a standard for conditional use permits; and

WHEREAS, the Town of Burgaw Planning and Zoning Board has found that the attached text change amendment is in compliance with the Burgaw 2030 Future Land Use Plan; and

WHEREAS, at the Town of Burgaw's Planning and Zoning Board meeting on July 18, 2013, the Board voted to recommend approval of the attached text change amendment; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the attached text change amendment is consistent with the land use goals of the Burgaw 2030 Comprehensive Land Use Plan;

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

SECTION 1: The Unified Development Ordinance is amended as follows:

Section 14-19: Procedure for Conditional Use Permits

D. In reviewing the permit application, the Town Board of Commissioners shall find as a specific finding of fact and reflect in their minutes if the permit will comply with the following four standards based on the evidence presented during the hearing.

- (1) The use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;
- (2) The use meets all required conditions and specifications;
- (3) The use will not adversely affect the use of or any physical attribute of adjoining or abutting property, or the use is a public necessity; and
- (4) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Town of Burgaw Unified Development Ordinance, *Burgaw 2030 Comprehensive Land Use Plan*, and NC Hwy 53 Corridor Study.

Each board member shall determine whether or not the plan as presented will meet each standard as based on evidence presented in open meeting with a "yes" finding, indicating the standard is met, or a "no" finding, indicating the standard has not been met. If a board member determines that the standard has not been met, he or she will state for the record the evidence upon which that

determination is based. A majority vote will determine if the standard has been met for the purpose of granting or denial of a conditional use permit.

SECTION 2. This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 13th day of August, 2013.

Public Hearing #5

Consideration of a proposed text change amendment to *Section 4-10: Notes to the Table of Permitted Uses* regarding requirements for swimming pool fencing – *Rebekah Costin, Planning Administrator*

Mayor Cowan declared the public hearing open at 5:37PM.

Rebekah Costin, Planning Administrator advised that currently, the town's zoning ordinances require a 4-foot fence around an above-ground pool, which is not always required by the building code. She said that in 2008, a text change amendment was adopted that was meant to remove the additional regulation. However, while one of the "Whereas" statements read "four foot above ground pools with locking ladders are designed to meet the International Residential Code at purchase and the current Town of Burgaw Unified Development Ordinance [requiring a 5-foot fence] puts a burden on the homeowner to provide yet another barrier," the approved text change still required the 4-foot fence. Ms. Costin said the proposed text change amendment will bring the town's ordinances into conformance with the building code. She also stated the planning department has retained the language calling for protective fencing in the ordinance. This wording ensures that any fences or other protective barriers are included in the zoning permit for the swimming pool so they will be in compliance with zoning regulations for fences.

Planning Board Review. Ms. Costin advised at the July 18, 2013 Town of Burgaw Planning and Zoning Board meeting, the board approved the following statements (signed copies on file at the Planning Department):

Statement Regarding the Compliance of a Proposed Text Change Amendment to *Section 4-10: Notes to the Table of Permitted Uses Regarding Requirements for Swimming Pool Fencing with the Burgaw 2030 Comprehensive Land Use Plan*

The proposed text change amendment is not addressed by the Burgaw 2030 Comprehensive Land Use Plan.

Planning Board Recommendation Regarding a Proposed Text Change Amendment to *Section 4-10: Notes to the Table of Permitted Uses of the Unified Development Ordinance Regarding Requirements for Swimming Pool Fencing*

The Town of Burgaw Planning and Zoning Board recommends approval of the proposed text change amendment regarding Planned Unit Development Zoning Districts.

There being no discussion, Mayor Cowan declared the public hearing closed at 5:40PM.

Commissioner Dawson made a motion to approve Ordinance 2013-19 as presented. The motion was seconded by Commissioner Tyson and carried by unanimous vote.

ORDINANCE 2013-19

APPROVING A TEXT CHANGE AMENDMENT TO *SECTION 4-10: NOTES TO THE TABLE OF PERMITTED USES OF THE UNIFIED DEVELOPMENT ORDINANCE REGARDING SWIMMING POOL FENCING*

WHEREAS, the Town of Burgaw is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Town of Burgaw Board of Commissioners adopted the Unified Development Ordinance (UDO) and zoning map on December 12, 2000; and

WHEREAS, town ordinances are more restrictive than the state building code regarding swimming pool barriers and fencing; and

WHEREAS, additional regulations burdens homeowners unduly; and

WHEREAS, the Town of Burgaw Planning and Zoning Board has found that the attached text change amendment is not covered by the Burgaw 2030 Future Land Use Plan; and

WHEREAS, at the Town of Burgaw's Planning and Zoning Board meeting on July 18, 2013, the Board voted to recommend approval of the attached text change amendment; and

WHEREAS, the Town of Burgaw Board of Commissioners finds that the attached text change amendment is consistent with the general goals of the Burgaw 2030 Comprehensive Land Use Plan;

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

SECTION 1: The Unified Development Ordinance is amended as follows:

Section 4-10: Notes to the Table of Permitted Uses

⁵ Accessory Uses.

Swimming Pool.

In-ground *and above ground* swimming pools shall be permitted as an accessory use in the RA, R-20, R-12, R-7, R-7MH, O&I, or PUD zoning districts and shall be enclosed by protective fencing not less than four (4) feet in height or other approved barrier as allowed by the North Carolina State Building Code. Above ground pools shall be permitted as an accessory use in RA, R-20, R-12, R-7, R-7MH, O&I, or PUD districts and shall be enclosed by protective fencing not less than four (4) feet in height. Both in-ground and above-ground swimming pools must be in the rear of the principle structure and must be setback a minimum of ten (10) feet from the side and rear property lines.

SECTION 2: This amendment to the Unified Development Ordinance (UDO) becomes effective immediately upon adoption of this ordinance on this, the 13th day of August, 2013.

CLOSED SESSION

There being no further business for regular session, Commissioner Robbins made a motion to go into closed session Closed session pursuant to GS 143-318.11 (a) (3) for the purpose of attorney/client privilege. The motion was seconded by Commissioner Walker and carried by unanimous vote.

There was no action taken in closed session.

CLOSING COMMENTS

Mayor Cowan spoke briefly about the curb appeal of the downtown area. There was a brief discussion regarding the state of the downtown area and what could be done to remedy the problem. No action was taken on this issue.

ADJOURNMENT

There being no further business, Commissioner Rooks made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The meeting adjourned at 6:10PM.

Kenneth T. Cowan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk