

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

**DATE:** October 9, 2017  
**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:** Sylvia Blinson, Interim Town Manager  
Sylvia W. Raynor, Town Clerk  
Robert Kenan, Town Attorney  
Alan Moore, Director of Public Works  
Louis Hesse, Building Inspector  
Jim Hock, Chief of Police  
Jim Taylor, Fire Chief  
Wendy Pope, Finance Officer  
Karen Dunn, Planning Administrator  
Kristin Wells, Deputy Clerk  
Zachary White, Parks/Recreation Coordinator  
Kimberly Rivenbark, Community Development Coordinator  
**MEDIA PRESENT:** None  
**INVOCATION:** Nick Smith, Chaplain  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

Commissioner Dawson made a motion to approve the agenda as presented. The motion was seconded by Commissioner Harrell. Commissioner Robbins requested to have a closed session regarding personnel at the end of the meeting. The motion carried unanimously as amended with a closed session at the end of the meeting.

**Approval of Consent Agenda**

Commissioner Harrell made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. The consent agenda and the following items were approved:

- **Minutes of the September 12, 2017 regular and closed sessions**

**DEPARTMENTAL ITEMS**

**FINANCE – Wendy Pope, Finance Officer**

**Ordinance 2017-18 Amending the FY 17-18 budget to provide funding for additional audit services by S. Preston Douglas and Associates, LLP**

Ms. Pope advised due to the Town's loan of \$1,306,397 from the NC Drinking Water State Revolving fund to complete the Water Distribution Rehabilitation project, we are now in the threshold that requires the extra evaluation of the Town's financial compliance with the State agency regulations. She said when the audit engagement contract was approved and signed earlier this year, the contract did not include the extra time and expense that would be required in completing the Single Audit. Ms. Pope advised she has received an updated audit contract from S. Preston Douglas and Associates, LLP changing the annual fee from \$11,000 to \$13,000. She informed the Board that a general fund fund balance appropriation is required to authorize the increased expenditure.

Commissioner Robbins made a motion to approve Ordinance 2017-18 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ORDINANCE 2017-18  
**AMENDING FISCAL YEAR 2017-2018 ANNUAL BUDGET**  
*Increasing Revenues and Expenditures*

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

**WHEREAS**, the Town of Burgaw is required by the State Single Audit Implementation Act to evaluate the performance of the unit with regard to compliance of all applicable federal and State agency regulations; and

**WHEREAS**, the Town of Burgaw must renegotiate the audit engagement with our auditors S. Preston Douglas and Associates, LLP, and therefore additional fees will be incurred which were not in the original budget; and

**WHEREAS**, this will require a general fund fund balance appropriation to budget for audit fees for this compliance verification.

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

Section 1: The FY 2017-2018 budget be altered to reflect the following changes:

**INCREASE BUDGETED REVENUE**

Account Number	Account Description	Amount
10-3900-00-900	Fund Balance Appropriated	\$2000

**INCREASE BUDGETED EXPENDITURE**

Account Number	Account Description	Amount
10-4200-00-450	Contract Services	\$2000

**Approved: October 9, 2017**

**Resolution 2017-25 Accepting the revised contract with S. Preston Douglas & Associates, LLP for annual audit**

Ms. Pope advised this resolution is a formality of accepting the revised contract with S. Preston Douglas and Associates, LLP for the additional audit work.

Commissioner Dawson made a motion to approve Resolution as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**RESOLUTION 2017-25**  
**RESOLUTION APPROVING A REVISED CONTRACT WITH S. PRESTON DOUGLAS & ASSOCIATES, LLP FOR ANNUAL AUDIT**

**WHEREAS**, the Town is required by the Local Government Commission (LGC) to conduct an annual financial audit; and

**WHEREAS**, an audit for fiscal year 2016-2017 will be due by October 31, 2017; and

**WHEREAS**, the audit contract for the 2016-2017 audit and preparation of financial statements was awarded to S. Preston Douglas & Associates, LLP in the amount of \$11,000 for Fiscal Year 2016/2017 on April 11, 2017; and

**WHEREAS**, S. Preston Douglas & Associates, LLP has submitted a revised audit contract for the Fiscal Year 2016-2017, in the amount of \$13,000, to perform the additional evaluations as required by the State Single Audit Implementation Act

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

The revised audit contract for the 2016-2017 audit and preparation of financial statements is awarded to S. Preston Douglas & Associates, LLP in the amount of \$13,000 for Fiscal Year 2016/2017

**Approved: October 9, 2017**

**PARKS AND RECREATION – Zachary White, Parks and Recreation Coordinator**

**Pender Memorial Park/PARTF Grant Update, Update on Dog Park Proposal, Recommended Tennis Court Rules**

Mr. White gave an update on the new facebook page. He advised that currently there are 174 “likes” and last week we reached 3,595 people. He advised the Boo Bash has reached over 13,000 people. He also advised National Walk to School Week was posted and it reached 2500 people. He commented that the facebook page is working well in keeping people informed.

Mr. White advised there were about sixty people at the Pender County Parks meeting and there was a lot of positive feedback. He said the surveys are still out and there is still time to turn in a survey. He advised there will be several stakeholder meetings public meetings in the future. He advised the grant is due in May.

Mr. White advised he is still working on the dog park proposals. He said we have a potential donor that would like to donate trees and shrubs.

Mr. White referenced a handout he had presented to the Board with proposed tennis court rules. He advised the original courts did not have a set of rules but with the large amount of money that is being spent to refurbish the courts it is necessary to set some guidelines. There was much discussion regarding the rule that states that no private lessons may be offered. It was agreed that Mr. White could move forward with the rules except for the private lessons and to wait and see if it becomes a problem.

Mr. White advised that registration has been set for the Junior Try Tennis program. He advised lessons will start on November 2<sup>nd</sup>.

Mr. White advised he would like to place a display board at the tennis courts. He advised this board would hang on the fence and would provide the capability of advertising upcoming events. He advised the cost of the board is approximately \$500. After discussion, Commissioner George made a motion to approve \$500 for the purchase of the display board. The motion was seconded by Commissioner Robbins and carried by unanimous vote. Commissioner George made a motion for the funds for the display board to be taken from the general fund. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**ITEMS FROM ATTORNEY – Robert Kenan, Attorney**

**Resolution 2017-26 To Accept for Dedication the Portion of Street within the 900 Block of West Satchwell Street into the Town’s Municipal Street System**

Attorney Kenan advised Resolution 2017-26 provides that West Satchwell Street by Durham Village Apartments can be accepted into the town’s streets system and thereby begin to receive to Powell Bill funds to make improvements to the street after acceptance once the Powell Bill map has been updated.

Commissioner Dawson made a motion to approve Resolution 2017-26 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

**RESOLUTION 2017-26**

**RESOLUTION TO ACCEPT FOR DEDICATION THE PORTION OF STREET WITHIN THE 900 BLOCK OF WEST SATCHWELL STREET INTO THE TOWN’S MUNICIPAL STREET SYSTEM**

**WHEREAS**, the portion of the street located within the 900 Block of West Satchwell Street has not previously been dedicated to public or to the Town for inclusion within the Town’s Municipal Street System; and

**WHEREAS**, the portion of the street located within the 900 Block of West Satchwell Street has been surveyed and mapped and shown as that certain sixty foot (60’) wide street lying between Lots 129-135 and Lots 136 and 142, as shown on the survey map entitled “Resubdivision of R.B. Moore Estate” recorded in Map Book 1, at Page 98 in the Office of the Pender County Register of Deeds, State of North Carolina with such street being plated and surveyed since March 1943; and

**WHEREAS**, the portion of the street located within the 900 Block of West Satchwell Street has been improved and been in existence on the ground since at least 1981;

**WHEREAS**, the portion of the street located within the 900 Block of West Satchwell Street has not previously been dedicated to the public and/or accepted into the Town's municipal street system; and

**WHEREAS**, the portion of the street located within the 900 Block of West Satchwell Street has not previously been accepted or made a part of the State of North Carolina highway system; and

**WHEREAS**, the Town is desirous of wanting to accept said street within the Town's municipal street system so that it can maintain and control said street for the benefit of the public; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF BURGAW THROUGH ITS BOARD OF COMMISSIONERS** accepts that portion of the street located within the 900 Block of West Satchwell Street into the Town's Municipal Street System and for such street to be utilized for those purposes set forth within North Carolina General Statute § 160A-296.

**Adopted this the 9<sup>th</sup> day of October 2017.**

### **Revised Incentive Grant Program**

Attorney Kenan advised that per the Board's request at the September meeting he has revised the Incentive Grant Program agreement between MOJO Properties, LLC and the Town of Burgaw. Attorney Kenan advised that MOJO did not avail itself of Skip Green's services to acquire grants to obtain extra jobs so therefore this grant agreement has removed any reference to any monies to be paid to Skip Green and Associates for any of his services related to any job creation grants for the benefit of MOJO. He advised this agreement provides for the repayment of property taxes for ten years up to the amount of \$7500 per year beginning in 2018 and also for repayment of impact fees which the town approved at the last meeting. Commissioner Harrell made a motion to approve the agreement as presented. The motion was seconded by Commissioner George and carried by unanimous vote. (Grant documents are on file in the clerk's office.)

### **Discussion – Ten Year Parking Lot Agreement with Burgaw United Methodist Church is expiring**

Attorney Kenan informed the Board that the ten year parking lot agreement between the Burgaw United Methodist Church and the Town of Burgaw is expiring in November. He advised he has contacted a member of the church's board of trustees and they met and agreed to renew the contract for the next ten years. He advised the only item to be removed will be the bus lot across the street because we don't use or maintain that lot and there is no reason to keep that in the agreement. Attorney Kenan advised he will bring back the formal agreement for approval at the next meeting.

### **ITEMS FROM MANAGER – Sylvia Blinson, Interim Town Manager**

#### **Discussion – Tennis Courts Drainage issues**

Ms. Blinson advised the most cost effective way to drain water off the tennis courts to avoid any issues with adjacent property owners will require an appropriation of \$3,000 for the installation of a second French drain. She advised Public Works used supplies on hand to put in one French drain but does not have enough supplies for the second French drain. Ms. Blinson advised she is requesting \$3,000 from non-departmental reserve to replace the stone used by public works for the first drain. She advised this will allow public works to complete the second French drain and to have leftover product to be used for other projects around town. Commissioner Dawson made a motion to approve a \$3,000 appropriation from non-departmental reserve for purchase of rock to be used for a second French drain at the tennis courts. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

## **Streets closures request for Pender High School homecoming parade**

Ms. Blinson deferred this item to Chief Hock. Chief Hock advised Pender High School will be holding their homecoming parade on Friday, October 13<sup>th</sup> from about 3:45PM – 5:00PM. He said they will be using the same route that they use each year. He advised they have complied with all permits and there are no problems anticipated. Commissioner Harrell made a motion to approve the street closures as requested. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

## **ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS**

**Commissioner Murphy** asked for an update from Mr. Hesse on the nuisance abatement property located on North Wright Street. Mr. Hesse advised we are waiting for the asbestos survey results which show that asbestos will have to be removed. He said he gave them a week or two to get that done and then the demolition will be done.

**Commissioner Robbins** requested that Mr. White bring back an update at the November meeting regarding the activities at the Community House for yoga and dance because he has had some questions regarding attendance, times, instructors, and money spent for instructors, etc.

**Commissioner Robbins** asked Mr. Moore if the large tree in the canal behind Cowan Street on the walking trail could be moved. Mr. Moore advised Mr. Tomassetti has looked at it and he will get with him about what it will take to remove the tree.

**Commissioner Robbins** asked if we are going to discuss street paving tonight. Mr. Moore advised all the contractors are coming in on Friday to do core samples. Commissioner Robbins asked if everyone has turned in their priority sheets. Mayor Mulligan asked Mr. Moore if there are any definitive priorities at this time. Mr. Moore said they plan to do core samples on West Satchwell Street, North Wright Street and North McRae Street. Mayor Mulligan said that is a start and if necessary we can do a second round afterwards.

**Commissioner Robbins** asked if we can repair the issues on Bridgers Street in front of the churches. Mr. Moore advised if North Wright Street is approved for paving, the contractor is going to be asked to go 100 feet off each intersection to take care of the issue.

**Commissioner Dawson** advised Mr. Hesse that she would like to move forward with the potential rental of the Bank of America building to the North Carolina Department of Motor Vehicles (NCDMV). Mr. Hesse advised he was asked to get some costs for general maintenance items that will be required. He advised it will take at least an extra \$2500 per year to cover those issues. He spoke at length regarding the items requested by NCDMV and advised there is a lengthy list of requests some of which would be difficult for the town to provide. Mr. Hesse commented that he has not heard anything from them recently and he thought they would be at the meeting today but they are not present. Ms. Blinson was asked to look into the financial side of this issue to see what could be done to come to some agreement with NCDMV.

**Commissioner Harrell** advised he will be putting in the first application for the Our Town, Our Schools volunteer program this week to see how the program goes. He said if all goes well he hopes to get further applications to go through the police department to get more volunteers for the program.

**Mayor Mulligan** introduced Jim Taylor who was recently hired in the position of Fire Chief.

**Mayor Mulligan** asked if there have been any easements done for the drainage behind the Bradshaw, Nasrallah and Corcoran properties. Attorney Kenan advised the survey work and the drafts of easements have been done by Mr. Thompson. Attorney Kenan advised he has to do the actual easements and they will be ready for signatures.

**Mayor Mulligan** asked if the cost of expanding the drains on those easements was included in the scope of the drainage project. Attorney Kenan advised that cost was not included in the scope of the project. He advised the engineer basically half did the measurements on it and there was nothing formal within the documents with the

engineer to produce the actual easements and when they were requested to do so, the engineers advised that is not within their scope. For that reason we had to hire a local surveyor to determine those easements.

#### **Discussion – Appointment of new member to Promotions/Special Events Committee**

Mayor Mulligan advised Emily Baker has applied for the vacancy on the Promotions/Special Events Committee. Commissioner George made a motion to appoint Ms. Baker to the Promotions/Special Events Committee. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Ms. Baker will fill a three year term on the committee.

#### **BREAK 4:49PM**

#### **CLOSED SESSION**

Due to the length of time between the break and the public forum/hearings, Commissioner Robbins made a motion to go into closed session at 4:50PM. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

#### **CLOSED SESSION RECESSED**

Commissioner Harrell made a motion to recess closed session to reconvene at a later time tonight. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Closed session recessed at 5:25PM.

#### **OPEN SESSION RECONVENED 5:30PM**

Upon reconvening to open session Mayor Mulligan said he needs a motion to appropriate \$17,400 from the general fund fund balance with \$12,400 going to the Parks and Recreation salary line item and \$5,000 to pay for insurance deductibles to Selective Insurance Company. The motion was made by Commissioner Harrell. The Motion was seconded by Commissioner George and carried by unanimous vote.

#### **PUBLIC FORUM**

Chelsea Pryor of 5404 Sirius Drive, Wilmington, NC informed the Board that she wants proof of jurisdiction of everybody within the territory. The town attorney explained to Ms. Pryor that the corporate charter which is granted by the NC General Assembly creates every town in the state and gives each town jurisdiction. Ms. Pryor insisted that she wanted proof and the Mayor and the Attorney continued to explain to her how those decisions are made by the state and that if she needed further information she would have to approach the State. She still insisted that she needed the proof. She was advised to look at the town's charter on the town's website. She was then advised that if she needs further proof she would need to get an attorney to help her with this matter. She was also advised to contact the Secretary of State.

Mike Pearsall resides at 213 Bodenheimer Street, Burgaw. Mr. Pearsall advised he is concerned about the drug infestation in his neighborhood. He mentioned motor vehicle violations, people hanging out on the streets and trespassers on his property. He asked for more patrols in the neighborhood. He also requested a street light to be put up near the vacant lot owned by the town. Mr. Hesse was asked to look into getting a street light added in this area. Chief Hock advised he has been in contact with the apartment complex owner in that area and they are working on some things that may help.

#### **PUBLIC HEARINGS**

#### **PUBLIC HEARING #1**

**Consideration of approval of an ordinance regarding the regulation of Fats, Oils and Grease (FOG) for non-residential uses under which the Town can take enforcement against users without properly installed, operated and maintained grease traps or interceptors – Alan Moore, Director of Public Works**

The public hearing opened at 5:45PM.

Mr. Moore advised the Town of Burgaw was issued a Wastewater Collection System Permit which requires that the Town develop and implement an enforceable fats, oils and grease program for non-residential users under which the Town can take enforcement against users who have not properly installed, operated and maintained grease traps or grease interceptors as directed or otherwise violated the terms of the local ordinance pertaining to fats, oils and grease. Mr. Moore said the majority of dry weather SSOs (sanitary sewer overflows) are caused by grease.

Commissioner Robbins asked if there are issues out there now. Mr. Moore said they do hot spot jetting once per month due to grease issues.

Commissioner Dawson asked if there are any restaurants that are currently in violation. He advised that is the reason we need this ordinance in place so they will have the authority to check on and enforce those violations.

Mayor Mulligan stated that he has spoken with Mr. Moore about this. Mayor Mulligan said that when the grease gets into the pipes it causes overflows of grease and everything else which ends up in the drains. He said if fecal matter gets into our drains the town can be heavily fined for that. He said we are trying to stop this from happening. Mayor Mulligan questioned the variance fee of \$250 which is mentioned in the Fats, Oils and Grease Ordinance as well as the amended fee schedule in the attached budget ordinance. He said he feels that amount is steep for a variance. Mr. Moore advised this ordinance is modeled after another in the state and the fees can be adjusted if the Board so desires. Mr. Moore advised the variance will be allowed or disallowed by the public works director. Mayor Mulligan asked why a variance would be issued. Mr. Moore replied that one restaurant may not need to be pumped as often as a neighboring restaurant and in that instance they could ask for a variance from the required schedule for less pumps and more savings. After a lengthy discussion, Mayor Mulligan and Commissioner Harrell stated that they don't think the \$250 variance fee is fair. It was the consensus of the Board to move forward with approving the Fats, Oils and Grease Ordinance but tabling the Fee Schedule amendment until further research can be done on the application fee for the variance. Commissioner Dawson asked Mr. Moore to check with other jurisdictions regarding the reasons for having an application fee for the variance and what they charge.

The public hearing ended at 5:55PM.

#### **Ordinance 2017-19 Adopting the Fats, Oil and Grease (FOG) Regulations for the Town of Burgaw**

Commissioner Dawson made a motion to approve Ordinance 2017-19 Adopting the Fats, Oils and Grease Regulations. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

#### **Ordinance 2017-20 Amending the Fee Schedule to Include Additional Fees Related to the Enforcement of the Fats, Oils and Grease Ordinance**

Commissioner Harrell made a motion to table any action on Ordinance 2017-20 Amending the Fee Schedule until further information can be collected. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

#### **PUBLIC HEARING #2**

#### **Consideration of an application of a text change amendment revising Article 14 - Flood Damage Prevention Ordinance. Applicant, Town of Burgaw Staff, is requesting a text change to revise and update Article 14 – Flood Damage Prevention Ordinance – *Kim Rivenbark, Community Development Coordinator***

The public hearing opened at 5:57PM.

Ms. Rivenbark presented the following background information for this hearing.

#### **Background:**

BOC MINUTES  
OCTOBER 9, 2017

The Town of Burgaw adopted the initial Flood Insurance Rate Map (FIRM) on 1/19/2000. Since this date, the Town of Burgaw has been required by NFIP to follow certain Federal flood regulations listed in 44 CFR 60. NFIP requirements are the minimum criteria a community must follow to remain in the program. The results of non-participation in NFIP are: 1. Inability to get flood insurance, 2. Greater exposure to devastating flood losses, 3. Lack of control over development that increases the community's flood risk, and 4. Unavailability of most forms of disaster assistance in the Special Flood Hazard Area.

At the July 11, 2017 meeting, the Board of Commissioners voted unanimously for the Planning Department to pursue enrolling the Town of Burgaw in the Community Rating System (CRS). The CRS Program recognizes and encourages community floodplain management activities that exceed the minimum NFIP standards. The first step in this process is to update the current Flood Prevention Ordinance and incorporate higher standards.

#### **Flood Damage Prevention Ordinance Corrections/Changes**

In order to enroll the Town in the CRS program, several corrections and changes need to be made to the Flood Damage Prevention Ordinance. The Town's ordinance closely follows the North Carolina State Model Ordinance. Several updates have been made to the State model since the last time the Town's Flood Damage Prevention Ordinance was last adopted in 2007. These updates are NFIP regulations that the State has decided to include in the model ordinance to further clarify regulations to developers and property owners. Several references have also been corrected to refer to the correct section of the UDO.

In addition to the revisions listed above, the Certified Floodplain Manager is also requesting the following revisions (they are highlighted in yellow on the ordinance):

1. Section 14-11 Designation of Floodplain Administrator.
  - The current ordinance lists the Director of Inspections and/or the Planning Administrator as the Floodplain Administrator. "Or their designated agent" is being added so the Director of Inspections and Planning Administrator may designate a certified floodplain manager to full-fill this role.
2. Section 14-2 Floodplain Development Application, Permit, and Certification Requirements – Certification Requirements
  - The current ordinance requires that an elevation certificate be required prior to construction, after the reference level has been established, and after completion of construction. This proves to be costly to the property owner and in most cases is very unnecessary. The staff recommendation is that an elevation certificate may be required as determined by the Floodplain Administrator prior to the start of construction and after the reference level is established. The "As-Built" Elevation Certificate is required.

#### **Higher Regulation**

3. Substantial Improvement
  - NFIP Regulations require that any combination of repairs, reconstruction, rehabilitation, addition, or other improvements of a structure taking place during any 1 year in which the cost equals or exceeds (50%) of the market value of the structure before the improvement or repair is started must comply with the standards for new construction.
  - Recommended higher regulation – "...taking place during any 5 year cumulative period for which the cost equals or exceeds 50% of the market value of the structure."
    - i. The State recommends a 5 or 10 year cumulative period
4. Substantial Damage
  - NFIP Regulations require that damage of any origin sustained by a structure during any 1 year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred must comply with the standards for new construction
  - Recommended higher regulation – "...damage of any origin sustained by a structure during any 5 year cumulative period..."
    - i. The State recommends a 5 or 10 year cumulative period
5. Regulatory Flood Protection Elevation
  - NFIP Regulations require that all structures and equipment be built "at" or "above" Base Flood Elevation (BFE). The BFE is an estimated 100-year flood level that is determined by FEMA and is noted on flood maps.
  - Recommended higher regulation – require that all structures and equipment be built 2 feet higher than the noted Base Flood Elevation for all flood zones to provide an extra layer of protection and life safety.
    - i. The State recommends 2 feet.

Ms. Rivenbark advised she has presented a completely revised flood damage prevention ordinance with numerous changes marked in red. She said the State of North Carolina has updated their ordinance that requires changes in our ordinance. She reminded the Board that this ordinance only affects those properties that are located within the special flood hazard areas shown on the maps that she has presented. She reviewed a large number of changes that have been changed in the state model thereby requiring the same for our ordinances. The primary changes that she discussed are listed in the background data provided above. Ms. Rivenbark showed several examples of flooding in her PowerPoint presentation as well as in depth information regarding the technology used to determine Base Flood

Elevation (BFE). She spoke at length regarding Substantial Improvement, Substantial Damage and Regulatory Flood Protection Elevation.

During this very lengthy presentation there was much discussion and interaction between the Board members, Ms. Rivenbark and other staff members. In the end the revised ordinance was approved as presented but due to the length of the documents only the ordinance is shown and the thirty one page attachment mentioned in the ordinance is available in the clerk's office. The Board was very complimentary of Ms. Rivenbark's thorough presentation regarding flood damage prevention.

The public hearing closed at 6:27PM.

Commissioner George made a motion to approve Resolution 2017-27 Adopting a Statement of Consistency Regarding a Proposed Amendment to Update and Revise Article 14 of the Unified Development Ordinance – Flood Damage Prevention Ordinance. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**RESOLUTION 2017-27  
ADOPTING A STATEMENT OF CONSISTENCY REGARDING A PROPOSED AMENDMENT TO UPDATE  
AND REVISE ARTICLE 14 OF THE UNIFIED DEVELOPMENT ORDINANCE – FLOOD DAMAGE  
PREVENTION ORDINANCE**

**WHEREAS**, the State of North Carolina recently updated the State Model Flood Ordinance in 2017; and

**WHEREAS**, the town desires to update Article 14 of the Unified Development Ordinance - Flood Damage Prevention to closely follow the newly updated 2017 State Model Ordinance; and

**WHEREAS**, the town also desires to implement higher standards with the addition of a two foot freeboard and five year cumulative substantial damage and improvements; and

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

**WHEREAS**, the Town of Burgaw Planning and Zoning Board voted at their September 21, 2017 meeting to recommend the adoption of a draft consistency statement to the Board of Commissioners; and

**WHEREAS**, the Town of Burgaw Board of Commissioners reviewed the staff report and draft consistency statement at their October 9, 2017 meeting and find the proposed amendments to be consistent with the Burgaw 2030 Comprehensive Land Use Plan, reasonable, and in the public interest;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the proposed text change amendment is consistent with the Burgaw 2030 Comprehensive Land Use Plan because it promotes the participation in the National Flood Insurance Program and Community Rating Systems to better protect the town's flood prone areas and to improve the affordability of flood insurance for property owners and residents. The board also finds that the proposed text change amendment is reasonable and in the public's interest because it strengthens regulations on development in floodplains to protect adjacent property owners and prevent economic losses during flood events.

**Adopted this 9<sup>th</sup> day of October, 2017.**

Commissioner Dawson made a motion to approve Ordinance 2017-21 Approving an Amendment to Update and Revise Article 14 of the Unified Development Ordinance – Flood Damage Prevention Ordinance. The motion was seconded by Commissioner George and carried by unanimous vote.

**ORDINANCE 2017-21  
APPROVING AN AMENDMENT TO UPDATE AND REVISE ARTICLE 14 OF THE UNIFIED DEVELOPMENT  
ORDINANCE – FLOOD DAMAGE PREVENTION 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 official zoning map on December 12, 2000; and

**WHEREAS**, the State of North Carolina recently updated the State Model Flood Ordinance in 2017; and

**WHEREAS**, the town desires to update Article 14 of the Unified Development Ordinance - Flood Damage Prevention to closely follow the newly updated 2017 State Model Ordinance; and

**WHEREAS**, the town also desires to implement the higher standards with the addition of a two foot freeboard and five year cumulative substantial damage and improvements; and

**WHEREAS**, at their September 21, 2017 meeting, the Town of Burgaw Planning and Zoning Board voted to recommend approval of the proposed amendments to update and revise Article 14 – Flood Damage Prevention Ordinance; and

**WHEREAS**, the Town of Burgaw Board of Commissioners find the proposed amendment consistent with the Burgaw 2030 Comprehensive Land Use Plan because it promotes the participation in the National Flood Insurance Program and Community Rating Systems to better protect the town’s flood prone areas and to improve the affordability of flood insurance for property owners and residents; and

**WHEREAS**, the Board of Commissioners finds that the proposed attached text change amendment is reasonable and in the public interest because it strengthens regulations on development in floodplains to protect adjacent property owners and prevent economic losses during flood events;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the attached amendment becomes effective immediately upon adoption of this ordinance on this, the 9<sup>th</sup> day of October 2017.

**Adopted on October 9, 2017.**

*\*Attachments on file in the clerk’s office*

**ITEM FROM THE MANAGER**

Sylvia Blinson, Interim Town Manager commented that in the weekly update she had asked the Board about an online map for the depot advertisement and she has not received any guidance from the Board on that item. After discussion, Commissioner Harrell made a motion to approve payment for the map advertisement but to request that that ad be printed in color. The motion was seconded by Commissioner George and carried by unanimous vote.

**CLOSED SESSION**

Commissioner George made a motion to reconvene to the recessed closed session. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Closed session reconvened at 6:37PM.

**OPEN SESSION RECONVENED**

Commissioner Robbins made a motion to reconvene to open session. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Open session reconvened at 7:19PM.

**ADJOURNMENT**

Commissioner Harrell made a motion to adjourn. The motion was seconded by Commissioner Dawson and carried by unanimous vote. The meeting adjourned at 7:20PM

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Eugene Mulligan, Mayor

Attest: \_\_\_\_\_  
Sylvia W. Raynor, Town Clerk