

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

DATE: April 11, 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: Chad McEwen, Town Manager
Sylvia W. Raynor, Town Clerk
Robert Kenan, Town Attorney
Anthony Colon, Director of Public Works
Louis Hesse, Building Inspector
Jim Hock, Chief of Police
Alan Moore, Assistant Director of Public Works
Wendy Pope, Finance Officer
Karen Dunn, Planning Administrator
Kim Rivenbark, Permitting Technician
Kristin Wells, Deputy Clerk
Allen Wilson, Fire Administrator
MEDIA PRESENT: None
INVOCATION: Nick Smith, Chaplain
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Eugene Mulligan at 4:00PM. Mayor Mulligan congratulated Chad McEwen, Town Manager for his recent award for Cape Council of Governments Manager of the Year.

Approval of Agenda

Commissioner Harrell made a motion to approve the agenda. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Approval of Consent Agenda

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

- **Minutes of March 14, 2017 regular meeting**

SPECIAL REQUEST

Pender County Historical Society – *Jeanette Jones, President*

Jeanette Jones thanked the Board for their support of the Pender County Historical Society and Museum in the past. She briefly reviewed the work that has been done through donations from several donors including the Town of Burgaw. She advised there is still much work to do and asked if the Board would consider a \$5000 donation for the upcoming fiscal year.

Commissioner Robbins commented that the donations for the museum typically come from the Tourism Development Authority (TDA) instead of the town general fund. Mr. McEwen and Attorney Kenan both commented that because there is currently not an industry representative (Burgaw Motel owner) on the TDA board the funds in the TDA account cannot be used. Pete Cowan, Chair of the TDA advised they are working toward getting the new owner of the Burgaw Motel on board so the TDA can move forward with funding projects. This item was tabled until the TDA can be fully staffed and a decision can be made.

DEPARTMENTAL ITEMS

Finance – Wendy Pope, Finance Officer

Resolution 2017-12 Approving a contract with S. Preston Douglas & Associates, LLP for the Town of Burgaw’s annual financial audit

Ms. Pope advised at the conclusion of the FY 15-16 audit, the town’s contract with Thompson, Price, Scott, Adams & Company ended. She submitted a Request for Proposal (RFP) to a list of firms provided by the Local Government Commission (LGC) which have experience in conducting municipal audits in years past.

Ms. Pope advised the proposals received were evaluated based on experience, qualifications of personnel, audit approach, and lastly cost. The following three firms submitted proposals while several other firms declined to submit a proposal.

	<u>FY 16-17</u>	<u>FY 17-18</u>	<u>FY 18-19</u>
<i>Bernard Robinson & Company, LLP</i>	\$17,900*	\$18,700*	\$19,600*
<i>Thompson, Price, Scott, Adams & Co., P.A</i>	\$12,500	\$12,500	\$12,500
<i>S. Preston Douglas & Associates, LLP</i>	\$11,000	\$11,000	\$11,000

Ms. Pope said the quote from Bernard Robinson & Company includes the cost of preparing the separate Tourism Development Authority financial statements. In the prior fiscal year Thompson, Price, Scott, Adams & Co was paid \$1,750 for the TDA audit; S. Preston Douglas & Associates estimates the cost of preparing the reports for the TDA at \$1,950. Therefore, the proposed amounts total approximately \$14,250 for TPSA and \$12,950 for SPD&A.

Ms. Pope informed the Board after careful review of these quotes, she feels the best fit for the Town of Burgaw audit would be S. Preston Douglas & Associates, LLP. She also commented their proposal came in \$1,500 under budget compared to the current year’s budgeted amount of \$12,500. Ms. Pope recommends the approval of the resolution approving a contract with S. Preston Douglas & Associates, LLP for the Town of Burgaw’s annual financial & compliance audit.

Commissioner Robbins made a motion to approve Resolution 2017-12 approving a contract with S. Preston Douglas & Associates, LLP for the town’s annual audit. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

**RESOLUTION 2017-12
RESOLUTION APPROVING A 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,** requests for proposals were issued for financial and compliance audit services and proposals received were evaluated initially on experience and qualifications of personnel and, secondarily, on audit approach and costs; and
- WHEREAS,** three proposals were received as follows:

	<u>FY 16-17</u>	<u>FY 17-18</u>	<u>FY 18-19</u>
Bernard Robinson & Company, LLP	\$17,900	\$18,700	\$19,600
Thompson, Price, Scott, Adams & Co., P.A	\$12,500	\$12,500	\$12,500
S. Preston Douglas & Associates, LLP	\$11,000	\$11,000	\$11,000

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

The audit contract for the 2016-2017 audit and preparation of financial statements is awarded to S. Preston Douglas & Associates, LLP in the amount of \$11,000 for Fiscal Year 2016/2017.

Approved: April 11, 2017

ITEMS FROM ATTORNEY – *Robert Kenan, Attorney*

None.

ITEMS FROM MANAGER – *Chad McEwen, Town Manager*

Splash Pad Discussion – Results of Town Manager’s meeting with Pender County Manager

Mr. McEwen advised that he, Mayor Mulligan, Commissioner Dawson and Karen Dunn met with Randell Woodruff, Kyle Breuer and Dee Turner regarding the splash pad and discussed the possibility of the splash pad project being built at Pender Memorial Park. He advised the county is looking into the purchase of more land as well as applying for grants for the projects. He said it was a positive meeting and something that they are receptive to in terms of a partnership with the town. He said there are many details to be defined but there is much opportunity there to make improvements to the park that will benefit the town and the county.

Commissioner Dawson commented that Pender County Commissioner Brown is expecting to make contact on Thursday with the landowner regarding the twenty two acres of land that the county would like to purchase for additional space for the park.

Commissioner Harrell said he was told by a citizen that the Land and Water Conservation fund may have grants available for outdoor recreation.

Karen Dunn, Planning Administrator advised they discussed Parks and Recreation Trust Fund (PARTF) grants at this meeting.

Railroad Signal Location Discussion

Mr. McEwen referenced a railroad signal that has been stored in a rail car for several years. He said Mike Taylor is under the impression that the signal was going to be relocated to a bed that is outside the Chamber of Commerce Office. He advised that was discussed years ago but has not been brought to this board for final approval.

After a brief discussion, Commissioner Harrell made a motion to follow the wishes of the Depot Foundation and place the signaling device next to the depot. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Letter from AT&T re: underground utilities study

Mr. McEwen advised he has received a letter from AT&T stating that they will require a \$2500 payment in advance to study and do cost estimates for the underground utilities projects for their facilities that are currently located on the poles. He said this is basically the same process that Duke Energy required for their quotation preparation charge. He advised this must be done before they start the process of preparing documents to determine costs for capital to do the conversion. He advised if the Board desires to move forward with the project an appropriation of \$2500 will be required.

Commissioner Harrell commented that he was surprised at the cost of putting utilities underground and it is more than he would be willing to spend on something of that nature. He said he thinks this is not a necessary expenditure at this time.

Mayor Mulligan said he thinks we should have an infrastructure meeting to decide what we want to do on Courthouse Avenue because since the splash pad has been removed from that area there are many options available. The infrastructure board was instructed to set a date to discuss the matter further.

Creekside Sidewalk Discussion

Mr. McEwen advised he has had email contact with the owners of Creekside on South Walker Street regarding their portion of the sidewalk that will be connected to the proposed sidewalk to the senior center. He advised Mr. Milam's email states that they (the developers) do not recall a requirement to build the sidewalk in front of Creekside before the town installs the sidewalk to the senior center. Mr. McEwen advised according to Resolution 2011-68 the requirement by the Board was for the member-managers of Creekside, LLC to be allowed twenty four months from January 01, 2012 to construct said sidewalk to be located parallel to Walker Street. Mr. McEwen also reminded Mr. Milam that a sidewalk in front of Creekside was part of the plat for the development and must be installed to satisfy the requirements of the plat approved by the Board. Mr. Milam's email stated that they plan to construct their sidewalk when the town builds the sidewalk to the senior center.

Commissioner Dawson said she has concern that if the owners were to sell the subdivision that the new owners will be required to put that sidewalk in. Mr. McEwen advised there have been inquiries about the subdivision and he has relayed to the interested parties that the sidewalk is a requirement.

Mayor Mulligan was concerned that the Creekside sidewalk would not be finished when the town's sidewalk is finished thereby causing a break in the walkway. Commissioner Robbins said it depends on where it starts. Mr. McEwen also advised there will be requirements by the Corps of Engineers regarding the crossing of the creek that must be worked through before the Creekside owners build their sidewalk. He said we don't need to wait and find out at the last minute that there are things that will delay progress because we are waiting on the Corps of Engineers for something.

Mr. McEwen said he needs guidance from the Board as to what to do next. There was much discussion regarding several issues that could arise. Mayor Mulligan asked if the Board can do anything legally if the owners violate the subdivision requirements that were approved during the permitting process. Attorney Kenan advised he will have to look into this further because he was not apprised of this situation until just now and needs time to do some research before making any comments.

Spring Festival Funding

Mr. McEwen said the Board needs to make a decision as to whether or not to pay the full \$1500 donation to support the Spring Festival from the General Fund or pay only \$1000 and wait until the TDA vacancy is filled to get the remaining \$500 from TDA funds.

After a brief discussion, Commissioner Robbins made a motion to fund the full \$1500 from general fund for the Spring Festival. The motion was seconded by Commissioner George. Commissioners Robbins, George, Dawson and Murphy voted "aye". Commissioner Harrell abstained from voting. Motion carried.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Miscellaneous Items from BOC

Commissioner George – none

Commissioner Harrell requested an update on the Community Development/Parks and Recreation position. Mr. McEwen advised he plans to talk about that issue in closed session. He said he has a proposal for the Board to review.

Commissioner Harrell inquired about the status of the insurance money for the accident in front of Cripple Creek. Mr. McEwen said our insurance company has denied the claim and NCDOT has also denied the claim. He said the town can either go along with that or provide the individual with the funds to cover expenses. There was much discussion regarding right of ways and what belongs to whom. Mr. McEwen said it is up to the Board to decide if they want to pay the claim regardless of whose responsibility it is. No decision was made at this time.

Commissioner Harrell said he has been speaking with a member of the Presbyterian Church about the possibility of using their parking lot for off street parking for county employees in order to free up parking downtown. He asked if there is any interest among the board to pursue this in some fashion. Commissioner Robbins asked if that would be a county commission issue. Commissioner Harrell said it's got to start somewhere and the county commissioners have no interest in parking in Burgaw. He said this is essentially a fishing expedition to see if there is any interest. Commissioners Harrell, Robbins and Murphy gave a nod of approval to pursue this issue. Commissioner Dawson was unsure and Commissioner George said "no".

Commissioner Dawson – Discussion regarding Police Salaries

Commissioner Dawson advised in February she requested that Chief Hock gather some information for her in light of the fact that we are losing some of our good officers. She advised the information is in the packets and she asked Chief Hock to explain the information so the Board can better understand what some of the issues are and what we can do to improve the salaries of our officers to maintain the ones we have and help with any recruiting of new officers in the future.

Chief Hock advised we have lost some valuable officers in the last few months. He advised that currently there are more positions available than there are applicants. He said since we started advertising in January we have only received seven applications and after review all were found to be ineligible for employment with the exception of the seventh application which he has just started to sort through to see if this person is qualified.

Chief Hock referenced the letter in the packet that explains the research that he has done regarding comparison salaries with other similar agencies. He advised the starting pay for each agency is listed and the Town of Burgaw is at the bottom of the list with the lowest starting salary. The list also includes the take home vehicle policy for each agency. Chief Hock advised the information includes starting salaries and average salaries from several comparable towns/agencies. He advised the Town of Burgaw salaries are roughly \$3800 lower than the average salaries for comparable towns/agencies. He said we are losing good trained officers to other agencies and we cannot get the applications because we cannot compete with other agencies. Chief Hock said he is requesting to increase our starting salary in order to draw qualified applicants.

Commissioner Dawson asked if Chief Hock plans to make any changes to the take home car policy which is currently set at ten miles from town hall. He said increasing the distance for take home will help draw interest for new applications. He said the take home car is an incentive because it saves the officer from having to drive a personal vehicle to work. He advised some jurisdictions use miles and others use the chief's discretion in deciding how far an officer can drive to and from home.

Commissioner Dawson commented that the starting pay requested would be \$36,000 per year. Chief Hock said raising our starting pay to \$36,000 would be an increase of \$4,500. In order to keep consistency with-in the department, all officers should receive the same increase. He advised taking the 11 officers into account (excluding him) would be an increase of \$49,500 plus benefit percentages with an approximate total of \$69,300. He advised another possible incentive would be a combination of salary increase and amendment to the take home vehicle policy.

Mayor Mulligan spoke at length regarding the issues and why officers have left. There was much discussion regarding salaries, take home car incentives and housing allowances to live in Burgaw. Mayor Mulligan said he doesn't want to be here talking about this next year and wants to know if there is any other way to approach this issue. He said he believes that if our salaries go up everybody else's will go up and the officer's salaries will continue to climb and officers will continue to move for more money. He said he doesn't think Burgaw can compete with beach communities that have more tax base than Burgaw. He said we need a more innovative way to handle this other than just increasing salaries. He suggested guaranteed money later than sooner. He said if the officer knows that in two years he will receive an increase that he will stay. He commented that we are the minor leagues and Commissioner Dawson and Chief Hock disagreed with him. Chief Hock said we have the same issues as the big cities, just in smaller numbers and we have the same obligation to serve all the citizens regardless of what their houses are selling for. Mayor Mulligan said if we need to increase the amount we pay, then maybe we should decrease the number of officers we have so we can pay officers more money. Mayor Mulligan suggested that if we

had no police department at all we would have the exact same coverage as the county because we pay the county. Commissioner Robbins stated that he has lived out in the county and knows how long it takes for a deputy to arrive on scene; if we have a problem in town our police department is there within minutes. He said that is like comparing apples to oranges.

Commissioner Dawson asked how much of an increase would it take to fund the salaries proposed by Chief Hock today. Chief Hock said for all officers including himself it would take \$54,000 to cover the increase requested with the funds coming from the general fund.

Mayor Mulligan said he thinks this discussion needs to be continued later. Commissioner Dawson said she fears that if we don't do something now we are going to lose more officers. She said she is ready to give them an increase in pay if that's what it is going to take.

Commissioner Dawson made a motion to approve the \$4500 increase for each one of our officers with the money coming out of the general fund fund balance. Mayor Mulligan said "it doesn't come out of the fund balance". Commissioner Dawson said it will come from fund balance and asked Ms. Pope if that is correct. She said if you start it right now, yes it will. Mr. McEwen said we have a significant amount of hire lag and we need to find out how much we have. Ms. Pope said there is probably enough lag in the budget to cover this increase. She advised for the next year we will budget the money from the general fund revenues. Commissioner George seconded the motion and commented that he is tired of losing good people. Commissioner Harrell asked if we are not even going to consider housing allowance or any other way of correcting this problem. Commissioner Dawson said we can consider that during budget time but they are losing officers right now. Commissioner Robbins said he likes the idea of giving the chief discretion regarding the take home car policy. Commissioner Harrell said this isn't part of our current discussion when what we are voting on is the raise and at this point he thinks that is more than is necessary and he was hoping for a little less than that; he said he is willing to vote on an increase but would like to stage that increase and to join it with other incentives like take home cars or housing allowance. Commissioners Dawson, George and Robbins voted "aye". Commissioner Harrell voted "nay". Commissioner Murphy did not vote. Motion carried.

Amended Motion Request: Mayor Mulligan requested at the May 9, 2017 meeting to have Commissioner Dawson amend her motion (above) regarding the increase in police pay because he felt there was ambiguity in the motion as stated above.

New Motion: Commissioner Dawson made a motion to approve a \$4500 increase for each of the officers with the money coming out of the hire lag from the police department. The motion was seconded by Commissioner George. Commissioners Dawson, George, Robbins and Murphy voted "aye". Commissioner Harrell voted "nay". Motion carried.

Commissioner Robbins - none

Commissioner Murphy - none

Mayor Mulligan advised the muralist that will be painting the wall on the arts council building will be here on the twentieth of April and would like to present the draft to the Board for approval of the mural design. He asked if the Commissioners would be willing to meet on the twentieth of April for review of the proposed art work. It was the consensus of the Board to meet at 8:00 AM on Thursday, April 20, 2017 in the meeting room.

Review of Applications and appointment for vacancies on Promotions/Special Events Committee

Mayor Mulligan advised they have received two applications for the vacancies on the Promotions and Special Events Committee. He said the first applicant is John (Pete) Johnson. Mayor Mulligan nominated John Johnson for a seat on the Promotions/Special Events Committee. Commissioner Robbins made a motion to appoint Mr. Johnson to the Promotions/Special Events Committee. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Mr. Johnson will serve a three year beginning April 11, 2017 through April 11, 2020.

Mayor Mulligan nominated Holly Koff for the Promotions/Special Events Committee. Commissioner Harrell made a motion to appoint Ms. Koff to the Promotions/Special Events Committee. Commissioner Dawson commented that in the past we have not allowed members within the same household to serve on committees. There being no second for the motion, the motion failed.

BREAK: Mayor Mulligan called for a break at 5:30PM. The meeting reconvened at 5:45PM.

PUBLIC FORUM

Speakers:

Charles Rooks: Mr. Rooks (105 N Bennett Street) complimented the Police and Fire Department for their hard work and dedication. He advised he has listened to the discussion regarding the salaries for the police department and feels that they should be paid more in order to keep good employees. He advised he appreciates the Town Board's decision and this is the way town monies should be spent. Mr. Rooks commented that there is a very simple fix for the intersection of Wilmington and Walker Streets since it doesn't look like NCDOT is planning to do anything about the roundabout. He said he is requesting that the Town Board pursue expansion of the intersection since we already have surveys and easements done. He said that intersection can be made a lot safer with just by changing the radius on the inside of the corner. Mr. Rooks asked if the Board has checked with NCDOT regarding the turning lanes on NC Hwy 53 that he mentioned last month.

Mr. McEwen advised he and Ms. Karen Dunn have since met with NCDOT and Ms. Dunn will bring him up to date on the issues. Ms. Dunn advised by June 24 NCDOT expects to have additional alternatives and the roundabout is not necessarily out at this time. She advised they also talked to them about designing some turning lanes on 117 at Wilmington Street, Fremont Street and South Walker Street and truck routes in general through town. She advised they have given them a lot of research to do. Mr. McEwen advised they also spoke with DOT regarding the requested turn lanes on NC Hwy 53 West.

Mr. Rooks said the no through trucks route on Bridgers Street to his knowledge has never been put on the books and that it would be difficult to enforce that issue. He advised it is inconvenient for trucks to follow several different streets to get around the no through trucks signs on Bridgers Street. Mr. McEwen advised they also spoke to NCDOT about the no through trucks issue and were advised that NCDOT will get back to them with some answers in the near future.

Mr. Rooks thanked staff for looking into these issues at his request.

Monique Kirby: Ms. Kirby (114 N Cowan Street) advised she is a member of the Promotions/Special Events Committee which has been tasked with finding events to take place at the depot and the community house. She said it is difficult to find someone to manage the two buildings so the committee has been researching alternatives to promote both venues. She advised Tammy Bunn is a photographer and she has created an events planning committee with the ability to use Instagram and facebook to reach out to a broader audience to advertise the venues to make money for the town. Ms. Kirby advised Ms. Bunn would charge \$50.00 per month to monitor a facebook page and \$60.00 per month to do Instagram. She also provides the ability to show the venues when town staff is not available. She could show the buildings after hours and on weekends for \$15.00 per hour with a two hour minimum. She also has the ability to hire someone for \$150.00 per day to be present at an event to unlock/lock the doors and be there for whatever questions may arise from the renter. Ms. Kirby advised she has spoken to Ms. Rivenbark and Ms. Dunn in Planning and they too could be administrators to the facebook page and monitor it. She said she just wanted to put this before the Board to see what they think about it. She also commented that the funding would come from the budget for the promotions/special event committee.

Commissioner Dawson said she has a couple of questions. She asked Ms. Rivenbark if she keeps up a website for the depot. Ms. Rivenbark advised she manages the depot section of the town's website. She advised all the forms and information needed is on the website. She advised the community house is handled by Kristin Wells in the same manner. Ms. Rivenbark advised she makes appointments and shows the depot between 8AM and 5PM Monday through Friday. She advised she unlocks and locks for events during regular business hours and after hours events are handled by the police department.

Commissioner Dawson asked how Ms. Bunn would be covered from a safety standpoint since she would be there late after hours. Mr. McEwen advised she would be an independent contractor and not subject to our insurance. Ms. Kirby said that Ms. Bunn will not be the person monitoring the events because she hires another person to take care of that. Commissioner Robbins asked if the Promotions/Special Events Committee has approved this concept. Ms. Kirby advised they have approved it. Ms. Rivenbark commented in regards to the facebook that since she is the person that handles the depot she prefers to be the main point of contact for questions instead of an outsider.

After much discussion, it was recommended that Ms. Bunn, Ms. Dunn and Ms. Rivenbark meet and work out the details of the request for facebook and Instagram and the decision to hire a monitor for events and someone to show the depot after hours could be worked out and brought back to the Board.

PUBLIC HEARING – Karen Dunn, Planning Administrator

Continuation of Public Hearing from March 14, 2017 - Consideration of an application for a text change amendment to add ‘office, general’ to the Table of Permitted Uses.

Karen Dunn, Planning Administrator advised at the March 14, 2017 meeting, the Board of Commissioners continued the public hearing to receive additional information regarding parking standards and detailed maps delineating where general office uses would be permitted throughout the town in the O&I, B-1, and B-2 zones. The current parking standards applicable in the UDO for “Offices, General or Professional” are as follows:

Article 9. Off-Street Parking and Loading

Section 9-1: Exemptions

The off-street parking and loading requirements shall apply to all districts with the exception of the area shown on the Official Zoning Map of the Town of Burgaw as the Off-Street Parking and Off-Street Loading Exemption Area.

Section 9-2: General

- A. **Off-Street Parking Requirements.** There shall be provided at the time of the erection of any building; or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area or before conversion from one type of use or occupancy to another, permanent off-street parking spaces in the amount specified by this Ordinance. Such parking space may be provided in a parking garage or properly graded open space. No off-street parking or loading shall be permitted in a required street yard (at least 8 feet in width) or open space, except in the case of a single- or two-family dwelling.
- B. **Minimum Parking Requirement.** Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. Required off-street parking area for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this Ordinance are met. Each automobile parking space shall have the following minimum dimensions:

Angle (degrees)	Stall Width (feet)	Curb Length per Car (feet)	Stall Depth (feet)
0	8	23	8
20	8	23 ½	14
30	8	16	16 ½
45	8	11 1/3	19 1/6
60	8	9 1/3	20 ½
70	8	8 ½	20 5/6
90	8	8	19

- C. **Combination of Required Parking Spaces.** The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one half (1/2) of the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night and on Sundays.
- D. **Remote Parking Space.** If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use.
- E. **Separation from Walkways, Sidewalks, and Streets.** All parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device to prevent vehicles from intruding into these areas.

Section 9-3: Minimum Parking Requirements

The following off-street parking space(s) shall be required and maintained:

Offices, General or Professional One (1) parking space for every 300 square feet of gross floor area.

Having completed her presentation to include the above information as well as PowerPoint info showing the detailed maps requested by the Board delineating where general office uses would be permitted throughout the town in the O&I, B-1, and B-2 zones, there was no further discussion and the public hearing was concluded.

Commissioner Robbins made a motion to approve Resolution 2017-11 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

**RESOLUTION 2017-11
ADOPTING A STATEMENT OF CONSISTENCY
REGARDING A REQUESTED TEXT CHANGE AMENDMENT OF THE TOWN OF BURGAW
UNIFIED DEVELOPMENT ORDINANCE TO ADD OFFICE, GENERAL AS A PERMITTED USE**

WHEREAS, applicant, Town of Burgaw Staff, has requested the town amend the Town of Burgaw Unified Development Ordinance to include Office, General as a permitted use; and

WHEREAS, planning staff has reviewed the proposed text change amendment for consistency with the Town of Burgaw 2030 Comprehensive Land Use Plan and has presented those findings to the Town of Burgaw Planning Board and the Town of Burgaw Board of Commissioners; and

WHEREAS, the Town of Burgaw Planning and Zoning Board at their February 16, 2017 meeting recommend the adoption of the 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 April 11, 2017 meeting and find the proposed text change amendment to be consistent with the Town of 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 Town of Burgaw 2030 Comprehensive Land Use Plan because allowing Office, General as a permitted use will support existing businesses and attract new businesses that will enhance the economic health and livability of the town.

Adopted this 11th day of April 2017.

Commissioner Harrell made a motion to approve Ordinance 2017-07 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

**ORDINANCE 2017-07
APPROVING A TEXT CHANGE AMENDMENT TO ALLOW OFFICE, GENERAL TO THE TOWN OF BURGAW
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 official zoning map on December 12, 2000; and

WHEREAS, town staff have requested to allow Office, General as a permitted use in the B-1, B-2, and O&I zoning districts; and

WHEREAS, at their February 17, 2017 meeting, the Town of Burgaw Planning and Zoning Board voted to recommend approval of allowing Office, General as a permitted use, and

WHEREAS, the Town of Burgaw Board of Commissioners finds the proposed amendment consistent with the Burgaw 2030 Comprehensive Land Use Plan because allowing Office, General as a permitted use will support existing businesses and attract new businesses that will enhance the economic health and livability of the town. The board also finds that the proposed text change amendment is reasonable and in the public interest because it allows for office type businesses that might not otherwise be permitted by the "use specific" table of permitted uses; and

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

SECTION 1. The Town of Burgaw Unified Development Ordinance is amended as follows:

Section 6-2: Definitions of Basic Terms

Office, General: An establishment primarily engaged in the day-to-day administrative or clerical services for businesses or other organizations, with little to no walk-in traffic from the general public.

Section 8-2: Table of Permitted Uses

Uses ⁹	NAICS	RA	R-20	R-12	R-7	R-7MH	PUD ²	O&I	B-1	B-2	I-1	I-2	C/P
<i>Office, General</i>								X	X	X			

SECTION 2. This amendment becomes effective immediately upon adoption of this ordinance on this, the 11th day of April 2017.

Adopted: April 11, 2017

Mayor Mulligan asked for a motion to adjourn this meeting to go into closed session. The motion was made by Commissioner Dawson and seconded by Commissioner Harrell. Motion carried.

CLOSED SESSION – 6:12PM

Pursuant to GS 143-318.11 (a) (3) Attorney/Client Privilege regarding PATRICK O’CONNELL, an individual, Plaintiff against TOWN OF BURGAW, NORTH CAROLINA; JIM HOCK in his individual capacity acting as chief of police for the Town of Burgaw, North Carolina, Defendants and pursuant to GS 143-318.11 (a) (6) Personnel

OPEN SESSION RECONVENED – 7:30PM

Commissioner Dawson made a motion to reclassify the Operator in Responsible Charge (ORC) position in public works to a Maintenance Worker I position and advertise the Maintenance Worker I position. The motion was seconded by Commissioner George. Motion carried.

ADJOURNMENT

Commissioner Dawson made a motion to adjourn the meeting. The motion was seconded by Commissioner Murphy and carried by unanimous vote. The meeting adjourned at 7:31PM.

Eugene Mulligan, Mayor

Attest: _____
Sylvia W. Raynor, Town Clerk