

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

DATE: November 13, 2018
TIME: 4:00 PM
PLACE: Burgaw Municipal Building
BOARD MEMBERS PRESENT: Mayor Kenneth Cowan
Mayor Pro-tem Wilfred Robbins
Commissioners Jan Dawson, Bill George, Vernon Harrell and James Murphy
STAFF PRESENT: Joseph Pierce, Town Manager
Kristin J. Wells, Town Clerk
Zachary Rivenbark, Town Attorney
Alan Moore, Public Works Director
Louis Hesse, Building Code Administrator
Jim Hock, Police Chief
Clay Jasper, Deputy Fire Chief
Wendy Pope, Finance Officer
Todd Rademacher, Planning Administrator
Kim Rivenbark, Deputy Clerk
Zachary White, Parks & Recreation Coordinator
Chad Staradumsky, Community Development Coordinator
MEDIA PRESENT: None
INVOCATION: Reverend Bryant Crosson
PLEDGE OF ALLEGIANCE: All

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

Approval of Agenda

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

Approval of Consent Agenda

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

- A. Approval of the October 9, 2018 regular meeting minutes
- B. Approval of the October 19, 2018 special meeting minutes
- C. Approval of the October 22, 2019 special meeting minutes
- D. Consideration of the 2018-2019 Proposed Tree Program Work Plan

SPECIAL PRESENTATIONS AND REQUESTS

Courthouse Avenue Project – John Westbrook

Mr. Westbrook gave the commissioners a packet of information regarding the Courthouse Avenue Project prior to the meeting starting. He gave an overview on his latest proposal of his designs for Courthouse Avenue. He advised he has spoken to two engineering consultants regarding cost estimates on the design. He also advised all of the information is provided in the packet given to the commissioners and this is only a proposal for improvements on the street and ally. He has proposed the vacant lot to remain open grass area at this time. Mr. Westbrook requested the board to review the proposals and he would return next month. Commissioner Robbins commented the board had previously discussed bollards going out towards Wright Street. Mr. Westbrook recommended to add a soft hump in the middle of Wright Street to slow traffic in this area. Mayor Cowan asked Mr. Rademacher about PART F Grants. Mr. White advised if the board wanted to look into this type of grant, the park (vacant lot) must be part of

the project. Commissioner Robbins commented Mr. Westbrook was exactly right regarding the status of downtown. Commissioner Robbins thanked Mr. Westbrook for bringing this back to the board as they had requested.

DEPARTMENTAL ITEMS

Finance – Wendy Pope, Finance Officer

Approving Ordinance 2018-15 Amending the FY 18-19 budget to recognize a grant received from the Cape Fear Cyclists

Ms. Pope explained the reason for the amendment as described in the ordinance below. Mayor Cowan mentioned the \$3,000 came in result of the NC Blueberry Festival. Commissioner George made a motion to approve Ordinance 2018-15 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ORDINANCE 2018-15

***AMENDING FISCAL YEAR 2018-2019 ANNUAL BUDGET
Increasing Revenues and Expenditures***

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2018-2019 on June 12, 2018; and

WHEREAS, the Town of Burgaw has received a grant from the Cape Fear Cyclists in the amount of \$3,000; and

WHEREAS, the grant is to be divided evenly for purchase of a bike fix it station and the pedestrian flashing beacons; and

WHEREAS, the Town of Burgaw would like to recognize \$3,000 from the Cape Fear Cyclists into the FY 18-19 budget, therefore, additional revenue and expenditure must be recognized.

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

Section 1: The FY 2018-2019 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3745-00-800	P&R SPONSORSHIPS	\$3,000

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-6200-80-450	P&R COORDINATOR PROGRAM	\$3,000

Adopted this the 13TH day of November 2018.

Approving Ordinance 2018-16 Amending the FY 18-19 budget to recognize revenues received from Selective Insurance to cover electrical repairs to the Pierce ladder truck

Ms. Pope explained the reason for the amendment as described in the ordinance below. Commissioner George made a motion to approve Ordinance 2018-16 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ORDINANCE 2018-16

***AMENDING FISCAL YEAR 2018-2019 ANNUAL BUDGET
Increasing Revenues and Expenditures***

WHEREAS, the Town of Burgaw Board of Commissioners passed an ordinance adopting a budget for FY 2018-2019 on June 12, 2018; and

WHEREAS, electrical damage to the Pierce Ladder truck required significant repair and equipment to be replaced; and

WHEREAS, the Town has received \$9,213.29 to help cover the cost of the equipment; and

WHEREAS, the Town of Burgaw would like to recognize \$9,213.29 from this settlement into the FY 18-19 budget, therefore, additional revenue and expenditure must be recognized.

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

Section 1: The FY 2018-2019 budget be altered to reflect the following changes:

INCREASE BUDGETED REVENUE

Account Number	Account Description	Amount
10-3730-00-800	Insurance Settlements	\$9,213.29

INCREASE BUDGETED EXPENDITURE

Account Number	Account Description	Amount
10-5300-10-170	M&R VEHICLES	\$9,213.29

Adopted this the 13TH day of November 2018.

Parks and Recreation – Zachary White, Parks and Recreation Coordinator

Christmas Tree Lighting Street Closures

Mr. White made a request to the board to close Wright Street between NC Highway 53 and Fremont Street from 5:00 PM to 9:00 PM on November 23, 2018 for the Annual Christmas Tree Lighting event. Commissioner Robbins made a motion to approve the street closure as requested. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Ghost Walk Depot Usage

Mr. White advised this year’s Ghost Walk had to be canceled. On behalf of the Ghost Walk committee, he requested to roll over the cleaning deposit to next year and asked for use of the depot for October 25-26, 2019. Commissioner Dawson made a motion to approve this request. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Closing of the former Bank of America building

Attorney Rivenbark advised the recent purchase and closing on the building occurred the week prior to this meeting. He advised there were no upset bids. The building was sold to Everett Durham, Jr. with a purchase price of \$150,000 and has been delivered to the Finance Officer. Commissioner Robbins asked if we could decide on what to do to get the driveway closed at the corner of the property (near the intersection of Wright Street and Fremont Street). Attorney Rivenbark stated Mr. Durham would not cut down the tree near the driveway and had no problem with the town closing in the driveway. Commissioner Dawson asked Mr. Hesse if any permits had been applied for. Mr. Hesse advised they are not doing a whole lot right now, but may end up needing electrical. Commissioner Robbins asked what needed to be done to get the driveway closed in. Attorney Rivenbark advised the board would need to make a motion, he would look at the right-of-way to see if an easement is needed, if not, he would approach Mr. Durham and proceed from there. Commissioner Harrell commented this is a good thing to do. Commissioner Robbins made a motion to allow Attorney Rivenbark to research if an easement is needed and to contact Mr.

Durham. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Mr. Pierce commented in the meantime staff would get estimates on how much it would cost to do this project. Commissioner Robbins commented it should be able to be done in house. Mr. Pierce could not answer this due to the unknown current work load for staff. It was decided Attorney Rivenbark would do research regarding an easement and town staff would do research on costs.

ITEMS FROM MANAGER – Joseph Pierce, Town Manager

Approving Ordinance 2018-13 Amending the Capital Project pertaining to the Pender Memorial Hospital and Osgood Canal Flooding and Storm Water Mitigation Project

Mr. Pierce advised this is a follow up from the presentation presented at the regular Board of Commissioners meeting on October 9, 2018 (item was tabled). He reviewed the request and advised he met with Ruth Glaser at Pender Memorial Hospital. Ms. Glaser met with her superiors at New Hanover Regional Medical Center and they decided not to assist with the extra cost. Mr. Pierce requested approval of this ordinance to fund the entire amount and allow the town to move forward with the project. Mayor Cowan asked what the full amount was that would need to be appropriated. Mr. Pierce advised it was \$262,862. Mayor Cowan asked if we had reached out to Golden Leaf about increasing their grant. Mr. Pierce advised Golden Leaf is surprised the town has the grant for a storm water project and he commented he does not want to cause any issues by asking for anything further. Commissioner Robbins asked how long it will be before the project gets started if the board decides to fund the full amount and when the money will actually be appropriated. Ms. Pope advised by approving this ordinance, it gives staff the authority to move forward with the project and pay invoices as they come in. She also advised there is contingency built in and if it doesn't all get used, it would reduce the town's costs. Commissioner Robbins if these expenses would go into the next budget year and Ms. Pope advised most definitely, but because this is a capital project, it can roll into additional budget years if needed. Charles Rooks was present and commented in regards to spending additional money from the fund balance and he is concerned from a citizens standpoint. There was discussion on what improvements will be done in this project and the project was initially started. Mayor Cowan asked what the current fund balance is at this time. Ms. Pope advised \$2,527,529. There was brief discussion on the reimbursements from FEMA in result of Hurricane Florence.

Commissioner Harrell made a motion to approve Ordinance 2018-13 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

ORDINANCE 2018-13

AMENDMENT TO CAPITAL PROJECT ORDINANCE 2017-05

For

Pender Memorial Hospital and Osgood Canal Flooding and Storm Water Mitigation Project

BE IT ORDAINED by the Town of Burgaw Board of Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following amended capital project ordinance does hereby replace Ordinance 2017-05 originally adopted on March, 14, 2017:

Section 1. The project authorized is to remedy storm water infrastructure problems in critical areas around Pender Memorial Hospital to be funded by a grant from the Golden LEAF Foundation, the Town of Burgaw, Pender Memorial Hospital and a grant by the Department of Environmental Quality

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Engineering, permitting, construction	
administration & observation, bid services	\$ 214,200
Legal & Administrative	\$ 17,510
Construction – Contract	\$ 876,252
Testing	\$ 12,000
Contingency	\$ 100,000
	<u>\$ 1,219,962</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Golden LEAF Foundation Grant	\$ 478,000
Department of Environmental Quality Grant	\$ 347,000
Pender Memorial Hospital Funding	\$ 132,100
Town of Burgaw Funding	\$ 262,862
	<u>\$ 1,219,962</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 13th day of November, 2018.

Infrastructure on Highway 117 Corridor

Mr. Pierce advised the board had approved \$40,000 at the October 9, 2018 meeting to be used for environmental reports. He advised the interest in the area of development has decreased. Mr. Pierce recommended the board not to allocate this money from the fund balance and leave it there until needed. Commissioner Dawson commented this is a good idea and in agreement with this request. Commissioner Harrell asked for clarification in the prior interest. Mr. Pierce advised there has not been anymore interest shown since the hurricane. It was the consensus of the board to acknowledge the \$40,000 will remain in the fund balance at this time.

FEMA Reimbursement

Ms. Pope advised FEMA has a resolution they would like the board to approve which assigns certain individuals as primary and secondary contacts for submitting reimbursement requests to FEMA. She advised she has herself listed as the primary agent on behalf of the town to submit claims and requests. Ms. Pope request Tiffany Byrd, Accounting Technician II, be listed as secondary. Ms. Pope read the resolution section of the application to the board for approval (attached). Attorney Rivenbark reviewed the details on the application as presented. Commissioner Robbins made a motion to approve the resolution as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote. *Note: The executed application and agents approved are on file in the Clerk's office.*

RESOLUTION 2018-20

DESIGNATION OF APPLICANT'S AGENT TO AUTHORIZE AND FILE APPLICATIONS FOR FEDERAL AND/OR STATE ASSISTANCE WITH THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT

WHEREAS, the Town of Burgaw was impacted by Hurricane Florence on September 13, 2018;

WHEREAS, the town will be filing for federal and/or state assistance in result of the impacts from Hurricane Florence;

WHEREAS, the North Carolina Division of Emergency Management is requesting designation of authorized primary and secondary agents to execute and file applications for federal and/or state assistance;

BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT the named Primary and Secondary Agents (attached) are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Town of Burgaw for the purpose of obtaining certain state and

federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act. (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the named agents (attached) are authorized to represent and act for the Town of Burgaw in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances (attached).

BE IT FINALLY RESOLVED THAT the named agents (attached) are authorized to act severally.

ADOPTED this 13th day of November 2018.

USDA Grant Letter regarding canal banks from Timberly Lane to Highway 117

There was brief discussion by Mayor Cowan that a letter was sent requesting funds to repair the banks on the canal. All board members were previously contacted by Mr. Pierce in regards to this action. Commissioner Harrell requested a copy of the letter that was sent. Commissioner Harrell made a motion to pursue this grant. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Commissioner Robbins thanked Public Works for their recent assistance with getting trees out of ditches.

Commissioner Dawson thanked Zach White for his work during his time with the town.

Commissioner Harrell asked if there is an individual employee responsible for responding to emails from citizens or requests through the town website. Ms. Wells advised she was the one who received emails from the townofburgaw@townofburgaw.com email address.

Commissioner Harrell commented he had a request from Kathy Bannerman and Jimmy Basden regarding the town increasing the size of a pipe on Penderlea Highway located in front of Ms. Bannerman's residence at 1379 Penderlea Highway. Commissioner Harrell advised this pipe drains behind the mobile home park on Basden Road. Commissioner Harrell request Mr. Moore and Public Works to research this issue. Mr. Moore advised Penderlea Highway is a DOT road. Commissioner Harrell is aware it is a DOT road, but since it is located within the town limits and affects people within the town, he would like for staff to research the issue and see if the town needs to be involved with DOT on this matter.

Commissioner Dawson asked if there was a way to have the Manager phone roll to the Clerk and then it could roll to the Deputy Clerk if neither the Manager nor the Clerk was available. Ms. Pope advised there is a rolling pattern for the front office. Commissioner Dawson requests a rolling pattern for administration as mentioned above. Ms. Pope will look into this.

Commissioner George thanked Mr. Pierce and Mr. Moore for assisting in getting his street light working again. He also thanked Public Works for picking up debris and all town staff for doing a good job.

Commissioner Robbins asked if FEMA was done picking up debris in town. There was brief discussion on debris. Mr. Pierce advised he will make contact and get an update.

Other discussion

Mr. Pierce introduced the town's new Planning Administrator, Todd Rademacher. He commented Mr. Rademacher has 16 years of experience with Surf City and glad he has come on board. He feels confident he will be a great asset to the town.

PUBLIC FORUM

Speakers:

Charles Rooks, 105 North Bennett Street, thanked the staff everything they do. He commented on the canal and flooding during the recent hurricane. He also expressed his concern with a large amount of money being spent on

Courthouse Avenue. He commented downtown is important but there are other parts of Burgaw. He also commented on his prior request to look into adding a middle turn lane on Highway 53 beside Piggly Wiggly. Commissioner Dawson commented there has been little progress.

BREAK 5:15-5:33 PM

PUBLIC HEARING – Todd Rademacher, Planning Administrator

Consideration of an application for Conditional Use Permit for Planned Building Group/Auto Zone Development to be located at Parcel ID: 3229-46-8374 & 3229-56-0229

Attorney Rivenbark administered the oath to the following witnesses who submitted testimony during the course of the hearing:

- Todd Rademacher, Town of Burgaw Planning Administrator
- Chad Staradumsky, Town of Burgaw Community Development Coordinator
- Cody Clausen, Triangle Site Design
- Rahaul Shah, Burgaw Motel

The public hearing was opened at 5:35 PM.

Mr. Rademacher presented extensive background regarding this hearing including but not limited to the following:

General Information

Applicant: Auto Zone Development, LLC - Carl Helton
123 S Front St. 3rd Floor
Memphis, TN 38103

Property Owners: Michael Moore, et al - 3229-46-8374-000L
Bell Duane Hodges Revocable Trust et al - 3229-56-0229-0000

Site: 511 US Highway 117 Bypass S

Current Zoning: B-2, Highway Business, GA - Gateway Overlay District

Size: 1.65 ac + .66 ac = 2.31 acres total

Existing Land Use: Residential and Undeveloped

History/Site Description

Applicant Auto Zone Development, LLC is petitioning the town for a conditional use permit to construct an auto parts store at 511 US Highway 117 Bypass S. The subject parcel is zoned B-2 Highway Business District and GA-Gateway Overlay District and is surrounded by B-2, O&I, and R-12 zoned property. To the south east of the property lies Advance Auto Parts, a repair garage, and residence. The lot abuts an office use to the rear and is adjacent to the Burgaw Motel to the north.

Upon completion of Mr. Rademacher's presentation, the persons that signed up to speak were given the opportunity to speak.

Mr. Clausen advised he was present to answer any questions the board may have. Commissioner Dawson asked Mr. Clausen if he had a chance to review the staff recommendations and if he is willing to comply with the recommendations. Mr. Clausen advised he received a report from former Planning Administrator, Karen Dunn, and he would need to look at that report again. Mr. Rademacher advised the recommendations are the same as presented at the Planning Board meeting. Commissioner Dawson asked Mr. Clausen if he was ok with replacing the wood fence with the masonry fence surrounding the dumpsters. Mr. Clausen is in agreement with this. Commissioner Dawson asked how many trees will need to come down on the property. Mr. Clausen advised they plan to remove 12 trees; he advised there is approximately 45 trees and only the ones in the area where the building will be built are the ones that will be removed. There was brief discussion on the types of trees that would be planted. Mayor Cowan commented this property is located in the overlay district and certain things are required. There was brief discussion regarding the buffer at the DOT right-of-way. Attorney Rivenbark reiterated the applicant must combine the two lots per the town's ordinance. Commissioner Harrell asked about the buffer at the back of the lot. Mr. Clausen explained the specifics of a vegetative buffer that is being proposed. There were also comments regarding the condition of the

existing fence at the back of the property. Mr. Shah spoke on behalf of the Burgaw Motel and commented in regards to a fence between the proposed property and the motel. There was discussion on the requirements of the fence. It was requested by Mr. Shah, with agreement by the board, for the applicant to install an eight-foot fence between the properties.

The public hearing was closed at 5:53 PM.

Mayor Cowan reviewed the finding of fact based on the public hearing and the evidence presented.

All board members voted “yes” on all four findings of fact. (Findings below)

Specific Findings of Fact and Conclusions of Law

Standard 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.

1. In order to be granted a conditional use permit, Section 3-10 of the Town of Burgaw Unified Development Ordinance requires that the applicant prove that “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 property is currently two parcels in B-2 Highway Business District surrounded by B-2, O&I and R-12 parcels.
3. Auto Parts Stores are a permitted use in B-2 Highway Zoning District.
4. NCDOT is reviewing the driveway permit application and evaluating ingress, egress and turn lane requirements at US 117 North. CUP approval is contingent upon NCDOT driveway approval and permit.
5. CUP approval is contingent upon stormwater system NCDEQ review and permit approval.
6. CUP approval is contingent upon applicant obtaining Sedimentation and Erosion Control approval/permit from NCDEQ.
7. Burgaw Police Chief Jim Hock has no concerns or comments with this project as currently proposed.
8. As a result, the Board of Commissioners finds that the proposed application meets the requirements of this standard, provided the following conditions:
 - a. CUP approval is contingent upon applicant receiving NCDOT driveway approval and permit.
 - b. CUP approval is contingent upon applicant receiving stormwater system NCDEQ review and permit approval and conformance with Burgaw UDO Article 13.
 - c. CUP approval is contingent upon applicant obtaining Sedimentation and Erosion Control approval/permit from NCDEQ.
 - d. Changes to the site plan as the result of NCDEQ requirements will require an amendment to the conditional use permit.

Standard 2: The use meets all required conditions and specifications.

1. In order to be granted a conditional use permit, Section 3-10 of the Town of Burgaw Unified Development Ordinance requires the applicant prove that “the use meets all required conditions and specifications.”
2. According to the Town of Burgaw Building Inspector, Louis Hesse, there are no issues with compliance at this time. The applicant will be required to obtain all building and trades design review and permits prior to construction.
3. The Public Works Director, Alan Moore, reviewed utility site plan sheets and is satisfied with applicant’s design for proposed water and sewer hook-up to the town’s utilities.
4. According to the Ordinance Requirements Report submitted by Karen Dunn, the site plans submitted are in compliance with *Section 16-6: Design Standards for Planned Building Groups—Commercial and/or Office/Institutional*, including required design features, transparency, composition, materials, colors, mechanical screening and equipment.
5. Section 16-5 of the Unified Development Ordinance (UDO) requires that all storage and other accessory buildings shall be located behind the primary building or shall be architecturally compatible with the primary building. The solid waste receptacle is located in the rear side yard and is in

compliance. Proposed walls are masonry CMU materials “architecturally compatible” with the primary building.

6. Burgaw UDO Article 9. *Off-Street Parking and Loading* includes the following requirements: Dimensions for 90 degree angle parking are 8 feet in width, 8 feet of curb length, and 19 feet deep.
7. Burgaw UDO *Section 9-3 - Minimum Parking Requirements* requires one (1) space for every 400 square feet of leasable area, plus one space for each employee on the maximum work shift for Automobile Parts and Accessory Sales. For a 7,225 Square foot building with eight (8) employees, 26 spaces are required.
8. The submitted site plan shows 38 total automobile spaces are provided (36 regular automobile spaces and 2 handicap accessible automobile spaces).
9. A minimum of one loading space is required for all buildings to be occupied by any activity requiring the receiving or distribution by vehicles of material or merchandise.
10. The submitted site plan shows one loading space will be provided to the rear of the building.
11. *Section 11-3: Tree Preservation and Replacement during Development* requires the total number of protected trees to be retained are 15 per acre, with any difference being made up with new trees.
12. Applicant has identified existing trees to remain or be removed.
13. *Section 11-5: B. Street Yard Landscaping* includes the following requirements: For every 30 linear feet of frontage or fraction thereof, the street yard shall contain:
 - 1 tree 8 feet in height OR 3 flowering trees 5 feet in height; and
 - 5 shrubs
14. Site plan shows compliance with the ordinance in regard to landscaping..
15. The revised October 26, 2018 site plans meet the standards of *Section 11-5 C. Parking Facilities Landscaping*.
16. The site plans are in compliance with *Section 16-14: Standards for Planned Building Groups in O&I, B-1, and B-2 Districts*.
17. As a result, the Board of Commissioners finds that the proposed application meets the requirements of this standard, provided the following conditions:
 - a. A separate sign permit shall be issued for the signs.

Standard 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.

1. In order to be granted a conditional use permit, Section 3-10 of the Town of Burgaw Unified Development Ordinance requires that the applicant prove that “the use will not adversely affect the use or any physical attribute of adjoining or abutting property or the use is a public necessity.”
2. The use is not a public necessity.
3. The subject parcel is zoned B-2 Highway Business District, is located on US Highway 117 N, and is surrounded by commercial and residential properties..
4. No evidence was presented that indicated this use would affect the use or any physical attribute of adjacent properties.
5. As a result, the Board of Commissioners finds that the proposed application meets the requirements of this standard, provided the following condition:
 - a. An eight foot tall fence shall be erected along the property line for the property for the Burgaw Motel.

Standard 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 Highway 53 Corridor Study.

1. In order to be granted a conditional use permit, Section 3-10 of the Town of Burgaw Unified Development Ordinance requires that the applicant prove that “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 Highway 53 Corridor Study.”
2. The site for the proposed auto parts store is zoned B-2, Highway Business, is surrounded by other properties zoned B-2, and is across the street from other commercial development

3. Conformity with the Burgaw 2030 Comprehensive Land Use Plan and Burgaw Pedestrian and Bicycle Plan is outlined in the Compliance with Town of Burgaw Adopted Plans document.
4. As a result, the Board of Commissioners finds that the proposed application meets the requirements of the standard

THEREFORE, on the basis of the foregoing, IT IS ORDERED that the application for a conditional use permit for a "Planned Building Group" Automobile Parts and Accessory Sales use to be located on US Highway 117 North. (PIN 3229-65-7085-0000) be GRANTED, subject to the following CONDITIONS TO THE APPLICATION:

1. CUP approval is contingent upon applicant receiving NCDOT driveway approval and permit.
2. CUP approval is contingent upon applicant receiving stormwater system NCDEQ review and permit approval and conformance with Burgaw UDO Article 13.
3. CUP approval is contingent upon applicant obtaining Sedimentation and Erosion Control approval/permit from NCDEQ.
4. Changes to the site plan as the result of NCDEQ requirements will require an amendment to the conditional use permit.
5. Tree Preservation and Replacement: Per the submitted and approved plans from October 26, 2018.
6. An eight-foot-tall fence shall be erected along the property line adjacent to the Burgaw Motel.
7. All site plan requirements shall be met in affect at the time of this approval.

Commissioner Harrell made a motion to approve the Conditional Use Permit as presented in the findings of fact. The motion was seconded by Commissioner George and carried by unanimous vote.

Other Items

Mr. Rademacher advised the board of a resignation letter received by Planning Board Chairman, Barry Klingel. The board gave directive to Ms. Wells to advertise for the vacancy. Commissioner Robbins commented Mr. Klingel has been a very faithful and dedicated member to the Planning Board and the town.

CLOSED SESSION – 5:59 PM

Commissioner Robbins made a motion to go into closed session pursuant to GS 143-318.11 (a) (6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION RECONVENED – 6:31 PM

Commissioner Dawson made a motion to go out of closed session. The motion was seconded by Commissioner George and carried by unanimous vote.

Upon reconvening to open session, Commissioner Robbins made a motion to approve the contract presented by Attorney Rivenbark to continue as the Town Attorney. The motion was seconded by Commissioner George and carried by unanimous vote.

Commissioner Robbins made a motion to schedule a special closed session meeting on November 19, 2018 at 6:00 PM pursuant to GS 143-318.11 (a) (6) Personnel. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Other discussion

Mayor Cowan asked how much money was raised at the benefit concert recently held in efforts of collecting donations for Hurricane Florence victims. Attorney Rivenbark commented he heard \$8,000 was collected in monetary donations. There was brief discussion on the attendance of the event and how the money would be dispersed.

Commissioner Robbins commented Ms. Wells is doing a good job as Clerk.

ADJOURNMENT

Commissioner George made a motion to adjourn. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Attest: _____
Kristin J. Wells, Town Clerk

Kenneth T. Cowan, Mayor