

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

DATE: January 11, 2022
TIME: 4:30 PM
PLACE: Historic Train Depot, 115 S. Dickerson Street
BOARD MEMBERS PRESENT: Mayor Olivia Dawson
Mayor Pro-tem Wilfred Robbins
Bill George, James Malloy, Vernon Harrell, Jan Dawson
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Wendy Pope, Finance Officer
Kimberly Rivenbark, Deputy Town Clerk
Daniel Fuller, Assistant Police Chief
Alan Moore, Public Works Director
Jim Taylor, Fire Chief
STAFF PRESENT BY PHONE: Zachary Rivenbark, Town Attorney
Cody Suggs, Parks & Recreation Director
Andrea Correll, Planning Director
MEDIA PRESENT: None
INVOCATION: Nick Smith
PLEDGE OF ALLEGIANCE: All

The meeting was called to order by Mayor Dawson at 4:30 PM and the invocation was led by Reverend Smith.

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 November 9, 2021 Closed Session Minutes
- B. Approval of the December 14, 2021 Regular Meeting Minutes
- C. Approval of the December 14, 2021 Closed Session Minutes

SPECIAL PRESENTATIONS/REQUESTS

FY 2020-2021 Audit Presentation – Lee Grissom, S. Preston Douglas & Associates

Lee Grissom, with S. Preston Douglas & Associates, presented the FY 2020-2021 annual audit report, with Ms. Pope adding in a brief explanation of some negative impact on the budget shown in the report. *The audit report is on file in the Clerk's office.*

Recognition of Pender High School JROTC – Jayna Augst, Parks & Recreation Coordinator

Ms. Augst recognized the Pender High School JROTC for their assistance during the Christmas on the Square event. A Community Service Award was given in appreciation of their hard work and dedication.

DEPARTMENTAL ITEMS

Parks, Recreation & Tourism Department – Jayna Augst, Parks & Recreation Coordinator

Community House Policy Amendment

Ms. Augst presented the recommended amendments to the board for the Community House Policy as previously discussed at the prior board meeting. Commissioner Harrell said, with the materials given, it does not seem like it will be a significant amount of money for the Parks & Recreation budget. He feels it would be better for us to provide the services to the citizens free of charge. Commissioner Robbins asked Commissioner Harrell if he means the citizens of Burgaw attend for free and charge non-residents. Commissioner Harrell confirmed yes, but it will be hard to distinguish between the two. Commissioner Harrell said he does not feel charging for these services will be a big hit to the Parks & Recreation budget. Commissioner Dawson said she thinks it has hurt them a little bit because staff has been trying to get programs off the ground but there are limited funds available to do so. Ms. Augst advised we currently charge anywhere between \$5-\$15 for various functions. She said senior bingo events are \$5 per person; paint classes are between \$10-\$15, only to cover the costs of materials and instructor fees. Commissioner Harrell mentioned the possibility of still allowing those who cannot pay to participate in the programs. However, he has concern on how these types of situations would be determined. Ms. Augst said this has not happened in the past, but there is no way to determine their situation and would have to take their word for it. Commissioner Harrell said he feels that if a person cannot pay, chances are the person will not want to participate because it will put them in an embarrassing position of not being able to pay. He said he does not want to see it run this way. Commissioner Malloy said he does not see anything wrong with charging participants to cover the costs of having the programs.

After some discussion, Commissioner Harrell asked the board to consider as part of the fee process, to advertise that exceptions are made for those who cannot afford it. Commissioner Robbins said he has no problem with that as long as the arrangements were made prior to the program starting. There was discussion on how to determine who can and cannot afford to pay for the classes. Commissioner Robbins commented on perks for being a resident of town versus living out of the corporate limits. Attorney Rivenbark stated he does not want the town to get into a situation of requiring proof of one's income status. He recommends to create language similar to those not being able to pay, contact Parks & Recreation and take the person's word for it. If it becomes abused, then we may need to revisit the issue. Attorney Rivenbark stated he does not have a problem with allowing residents to receive free or lesser fee amounts because it would be a benefit of living in town.

Commissioner Robbins made a motion to approve the amendment as presented and for staff and the Attorney to create language as Commissioner Harrell mentioned above regarding the advertisement of events. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Below is the amended excerpt from the Community House that was approved:

*"...Use of the building for purposes of indirectly or directly selling products, services, collecting monies, donations, fees, etc. is prohibited. **The Town of Burgaw reserves the right to collect funds for Town-sanctioned events. No participants shall be turned away from Town-sanctioned events based on inability to pay. The Town of Burgaw reserves the right to refuse any event. Maximum capacity for the building is 100 people (50 people sitting).**"*

West Side Trail and Parks Plan - Discussion

Mr. Suggs advised the West Side Trail & Parks Plan originally started years ago and would like to bring it back to the board for implementation using American Rescue Plan funding in the amount of \$350,000. He said staff plans to apply for PARTF funding to help offset the remaining costs associated with the project. Mr. Suggs said the plan was not finished years ago when it started; the action plan, maintenance and management portion of the plan, and the executive summary needs to be completed before it can be adopted by the board. Mr. Suggs advised staff have been working together to get the remainder portions of the project completed by the March deadline for PARTF review. The final submission is due May 2, 2022. Mr. Suggs gave an overview of what was done when the plan was originally started and what needs to be done before PARTF review. He advised part of the PARTF requirements is to hold community engagement sessions to receive public comments. The board was given a flyer with upcoming dates.

After Mr. Suggs reviewed the timeline of PARTF requirements, there were a few questions by the board. Commissioner Harrell asked who is responsible for the environmental review. Mr. Suggs advised the Army Corp of Engineers, local floodplain maps, historic preservation offices, ADA standards, and other resources would assist

with this aspect of the project. Commissioner Robbins asked if this portion of the trail would be specifically tied into the existing trail on the east side of town. Mr. Suggs said the tie in points will be on the north and south ends of Dickerson Street. Commissioner Robbins asked if everything is in place with NC DOT for crossing the railroad right-of-way. Mr. Gantt advised staff has already been in discussion with NC DOT and are working together on the project.

Commissioner Robbins made a motion to move forward with the proposal from the Parks & Recreation Department concerning the West Side Trail & Parks Plan. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Finance Department – Wendy Pope, Finance Officer

Resolution 2022-01 Authorizing disposal of two police department vehicles as surplus property

Ms. Pope presented Resolution 2022-01 as described below. Commissioner Harrell made a motion to approve Resolution 2022-01 as presented. The motion was seconded by Commissioner George and carried by unanimous vote.

**RESOLUTION 2022-01
AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Town of Burgaw, North Carolina is the legal owner of one (1) 2017 Dodge Durango with VIN# 1C4RDJFG3HC642468 and one (1) 2013 Dodge Charger with VIN#2C3CDXAT4DH643332; and

WHEREAS, said equipment has been in service as law enforcement patrol vehicles since new, and due to high mileage and high maintenance and repair costs, it has been deemed inefficient to retain possession; and

WHEREAS, North Carolina General Statutes 160A-268 allows municipalities to surplus and dispose of property by adopting a resolution authorizing the sale; and

WHEREAS, it has been determined that each of these vehicles retain value; and

WHEREAS, the following regulations are designed to secure for the Town of Burgaw the fair market value for the property and to accomplish the disposal efficiently and economically; and

WHEREAS, pursuant to Article V Section 231 of the Town of Burgaw Code of Ordinances, the Town Manager may dispose of personal property when the item(s) has a value of less than \$5,000, is no longer required for the conducting of public business, and the interest of the Town is best served by the proposed disposal;

NOW, THEREFORE, BE IT RESOLVED by the Town of Burgaw Board of Commissioners that:

1. *The Board of Commissioners does hereby decommission one (1) 2017 Dodge Durango with VIN# 1C4RDJFG3HC642468 and one (1) 2013 Dodge Charger with VIN#2C3CDXAT4DH643332 and does hereby declare this equipment to be surplus property;*
2. *The Town of Burgaw will dispose of the personal property, valued less than \$30,000.00, by use of private negotiations and sale, as authorized under North Carolina General Statute 160A-266,-267.*

ADOPTED this 11th day of January, 2022.

ITEMS FROM THE ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he only had items for closed session.

ITEMS FROM MANAGER – James Gantt, Town Manager

FY 2022-2023 Annual Budget Calendar - Discussion

Mr. Gantt presented the annual budget calendar for the upcoming fiscal year 2022-2023. He asked for a consensus on dates for the Strategic Thinking Retreat and the Budget Work Session. The Strategic Thinking Retreat was set for Tuesday, February 15, 2022 from 9:00 AM to 12:00 PM and Wednesday, February 16, 2022 from 9:00 AM to 12:00 PM. The Budget Work Session was set for Tuesday, April 26, 2022 from 9:00 AM to 12:00 PM. Commissioner Harrell requested Mr. Gantt to send out the agenda early for the retreat. Commissioner Dawson made a motion to approve the calendar as presented by Mr. Gantt with the addition of the above determined dates. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

BREAK 5:26 PM-5:37 PM

PUBLIC FORUM

Jaliese Blackburn, Executive Director of the NC Blueberry Festival, requested a street closure for the upcoming NC Blueberry Festival Pancake Breakfast to be held on February 26, 2022. She advised this year's annual pancake breakfast will be take out/drive-thru only and will be held at the Burgaw Fire Department. Ms. Blackburn requested closure of East Bridgers Street between Walker Street and Wright Street from 7:00 AM to 1:00 PM on February 26, 2022. She advised the traffic will enter the parking lot on North Walker Street, across from the jail, and exit left on East Bridgers Street. Police Chief Hock has reviewed and approved the request. Commissioner Dawson made a motion to approve the street closure as requested by Ms. Blackburn. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

CONTINUED ITEMS FROM THE MANAGER

Courthouse Avenue Plan - Discussion

Mr. Gantt gave an update on the Courthouse Avenue project. He reminded the board the plan includes improvements to the street, sidewalks and park. Mr. Gantt said WithersRavenel is currently completing the parking study. He also said there are different phases being proposed for the plan and wanted to get feedback from the board on their thoughts and ideas as the project progresses. Mr. Gantt advised the total cost proposed for the project is around \$2.7 million.

Commissioner Malloy voiced a couple of his concerns. He asked if the town has the \$2.7 million on hand or will it have to be borrowed. Mr. Gantt said this money is not on hand. Commissioner Malloy asked how valuable will this plan be for just that section of town compared to the whole town itself. He is concerned with spending this amount of money on Courthouse Avenue alone, and looking at what is needed for the other streets in town, such as Fremont Street and Wright Street.

Commissioner Harrell said from his perspective, most of the business people downtown support the project because they know it is the first step for redevelopment of the rest of town. He feels this is a way to make a start, by joining the two most historic buildings in the town, and making Courthouse Avenue a more attractive area for people to visit. He also said the park will be a big draw, and while people are visiting the park, they will visit other businesses.

Commissioner Robbins said he would vote tonight to spend the money and get the project done. He said this project is vital for the future of downtown Burgaw. It is the very center of town and he feels since he has been on the board that we have turned our backs to the heart of Burgaw. Commissioner Robbins said there have been a couple of issues during this process; the town has worked to acquire land in the park area and have been looking at underground utilities due to the sight of the utility poles down Courthouse Avenue. Commissioner Robbins said underground utilities is a big cost, but maybe we need to look at the possibility of making this happen. There was brief discussion regarding the underground utilities.

Mr. Gantt added WithersRavenel is currently seeking grant funding for the project. Commissioner Dawson asked if any of the American Rescue Plan money could be used towards the improvements of utilities. Mr. Gantt said the money could only be used for water and sewer lines, not electrical.

Commissioner Dawson asked if the board could hold a special meeting and have WithersRavenel come to talk about the project. Mr. Gantt will contact them and get this scheduled.

Commissioner Harrell mentioned there was discussion in the past about separating the streetscape improvements from the park project. He was wondering if this would open up some PARTF funding for the improvements of the park area. Mr. Gantt said we could apply for PARTF funding for the park improvements, but the total project cost is cheaper than dividing out the two separate projects. Also, it would depend on how PARTF would look at a pocket park in a downtown area, versus them funding other types of projects. Mr. Gantt reminded the board that PARTF funding is being sought for the West Side Trail & Parks Plan so we would have to wait a year until we could apply for funding for the pocket park.

Commissioner Malloy asked if it was possible to hold a meeting with the business owners of Burgaw. Mr. Gantt said we can invite them to a special meeting. He reminded the board that a special meeting is scheduled with the Tourism Development Authority and we could invite the business owners. Commissioner Malloy thinks the board should meet with the business owners, to come together, discuss things, and for all to know there is open communication. He said the business owners will be a big part of what we are trying to accomplish with the Courthouse Avenue plan and downtown improvements.

Update on Current Town Projects

Mr. Gantt advised staff continues to work on the Smith Street sewer project and the pump station one rehabilitation project. Documents are being prepared to submit for bid proposals.

Mr. Gantt said staff is working on the West Side Trail & Parks plan as Mr. Suggs presented earlier in the meeting. He advised staff is looking at route options on how to safely get pedestrians from the east side to the west side. Commissioner Harrell said he is more inclined to facilitate more foot traffic connecting the east and west sides of town.

Mr. Gantt commented on the Emergency Watershed Protection program and advised he met with the engineers on site recently. They are getting the final designs completed and hopes to bid out without the next couple of months.

Mr. Gantt gave an update on the renovation of the old EMS building. He said staff is getting all of the documents together that are required for the application to the LGC. He reminded the board of the special meeting scheduled for January 25, 2022 to approve financing documents.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Advisory Committee Appointment Considerations

The board was given applications prior to the meeting to consider appointing members for two (2) regular openings and one (1) ETJ position on the Planning & Zoning Board, one (1) opening for the Parks & Recreation Advisory Committee, and one (1) opening for the Police Advisory Board.

Commissioner Harrell made a motion to appoint the only applicant that lives in the ETJ, Tiffanie Boswell, to fill the ETJ seat on the Planning & Zoning Board. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Harrell made a motion to appoint Michael Pearsall to fill a vacant seat on the Planning & Zoning Board. The motion was seconded by Commissioner Malloy. Commissioners Dawson, George and Robbins voted “nay.” Motion failed.

Commissioner George made a motion to appoint John Johnson to fill a vacant seat on the Planning & Zoning Board. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Commissioner Dawson made a motion to appoint Char-Lynn Robinson to fill the remaining vacant seat on the Planning & Zoning Board. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Commissioner Harrell made a motion to appoint Emmaline Kozak to fill the vacant seat on the Parks & Recreation Advisory Committee. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Commissioner Robbins made a motion to appoint Char-Lynn Robinson to fill the vacant seat on the Police Advisory Board. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Other items from Mayor and Board of Commissioners

Commissioner Malloy asked about the vehicles behind the Public Works building. Mr. Gantt said the vehicles were seized years ago and the Police Chief is working with the court system on trying to get the vehicles removed. Mr. Gantt said this is a long process. Attorney Rivenbark said he and the Chief can meet to help move this issue along.

Commissioner Dawson and Harrell thanked the Public Works Department for their hard work in keeping the town looking good and for cleaning up after Christmas.

Commissioner Robbins commented on the holly trees that were planted in the downtown area in the 1990s. He said they are deteriorating fast and we need to look at doing something about them. After some brief comments, Ms. Wells advised the board this topic is planned to be discussed during the special meeting with the Tourism Development Authority on February 3, 2022. Commissioner Harrel suggested the business owners be part of this discussion regarding trees.

CLOSED SESSION – 6:21 PM

Commissioner Dawson made a motion to go into closed session pursuant to NC GS 143-318.11(a)(5) acquisition of real property. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

OPEN SESSION – 6:56 PM

Commissioner Dawson made a motion to go back into open session. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

ADJOURNMENT

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

The meeting was adjourned at 6:56 PM.

Attest: _____
Kristin J. Wells, Town Clerk

G. Olivia Dawson, Mayor