

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

**DATE:** May 11, 2021  
**TIME:** 4:30 PM  
**PLACE:** Historic Train Depot, 115 S. Dickerson Street  
**BOARD MEMBERS PRESENT:** Mayor Kenneth Cowan  
Mayor Pro-tem Wilfred Robbins  
Commissioners Jan Dawson, Bill George, James Murphy, Vernon Harrell  
**STAFF PRESENT:** James Gantt, Town Manager  
Kristin J. Wells, Town Clerk  
Zachary Rivenbark, Town Attorney (via phone)  
Wendy Pope, Finance Officer  
Tiffany Byrd, Deputy Finance Officer  
Andrea Correll, Planning Director  
Kimberly Rivenbark, Deputy Town Clerk  
Daniel Fuller, Assistant Police Chief  
Alan Moore, Public Works Director  
Clay Jasper, Deputy Fire Chief  
Cody Suggs, Parks & Recreation Director  
**MEDIA PRESENT:** Andy Pettigrew, Pender Post & Voice  
**INVOCATION:** Nick Smith  
**PLEDGE OF ALLEGIANCE:** All

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

**Approval of Agenda**

Mayor Cowan asked the board to amend the agenda by allowing the Chamber of Commerce Director, Arwyn Smith, to make an announcement. Commissioner George made a motion to approve the agenda as amended. The motion was seconded by Commissioner Harrell 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 George and carried by unanimous vote.

- A. Approval of the April 13, 2021 Regular Meeting Minutes
- B. Approval of the April 13, 2021 Closed Session Minutes

**SPECIAL PRESENTATIONS/REQUESTS**

Chamber of Commerce Director, Arwyn Smith, said she is working on doing an event called “First Thursdays” in downtown Burgaw. She said shops would stay open a little later on this day, offer sales, etc. Ms. Smith said she would like to shut down the 100 block of Fremont Street. She said they were planning to start in June, but the Health Department told her to wait due to continued Covid restrictions. Ms. Smith said her plans were to start in June, but since the Health Department advised her to wait due to Covid restrictions, she plans to return to the board to request a street closure for the first event to be held in July. Ms. Smith said this would be a monthly event and would like the board to consider the street closure. Commissioner Harrell asked Ms. Smith if she has contacted any of the business owners. Ms. Smith said she had and they all said it was a wonderful idea. Commissioner Robbins does not see there would be any objections, but to make sure she gets the “okay” from the business owners. Commissioner Dawson asked Ms. Smith if she has spoken with Chief Hock about closing the street. She said she has not yet.

**DEPARTMENTAL ITEMS**

**Parks, Recreation & Tourism Department – *Cody Suggs, Director***

### **Request of street closures for the Summer Concert Series**

Mr. Suggs said the town has been approved by the Health Department to continue forward with the summer concerts. He said the town will be partnering with the county again this year. Mr. Suggs said, at the Health Director's request, the county has approved the use of the courthouse grounds to hold the concerts to allow for spacing out due to Covid precautions. Mr. Suggs said the Depot would be used for a rain location and requested the board to allow the closure of Dickerson Street between Wilmington Street and Courthouse Avenue if the concerts had to be moved to the Depot due to inclement weather. He requested the street closure for June 17<sup>th</sup>, July 15<sup>th</sup>, and July 29<sup>th</sup> between the hours of 6:00 PM and 8:30 PM. Mr. Suggs said the concerts would begin at 6:30 PM. Commissioner Dawson asked if the concerts would interfere the event Ms. Smith is planning with the Chamber of Commerce. Mr. Suggs said he has already spoken to Ms. Smith and the two events would work together to draw more people to the downtown area.

Commissioner Dawson made a motion to approve the street closure as requested above. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Mr. Suggs also requested a street closure for the TDA's Summer Sunset Market to be held on June 18<sup>th</sup> at the Depot. He requested Dickerson Street between Wilmington Street and Courthouse Avenue to be closed between the hours of 3:00 PM and 8:30 PM on June 18<sup>th</sup>. Mr. Suggs said the event would take place between 4:00 PM to 8:00 PM and would feature about 25 merchants, food trucks, and local entertainment. Commissioner Robbins asked how the customers of the laundry mat would get in and out. Mr. Suggs said Courthouse Avenue would remain open, so the traffic can flow down towards the laundry mat and then take a left onto Dickerson Street to exit the area.

There was discussion regarding Covid restrictions and hosting events, etc.

Commissioner Dawson made a motion to approve the street closure as requested above. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

### **ITEMS FROM THE ATTORNEY – *Zachary Rivenbark, Town Attorney***

Attorney Rivenbark spoke on the easements being obtained for the drainage improvements in the South Bickett Street area. He said Stephen Owens is the only one in the area that has refused to sign so far. Attorney Rivenbark informed the board that Mr. Owens has indicated he will sign, but may want payment from the town.

Attorney Rivenbark also commented on the easements for the Highway 117 Sewer Expansion Project. He said the town is currently waiting on surveys from McKim & Creed. They have completed the preliminary maps and are working on legal descriptions. Attorney Rivenbark said once the town has the legal descriptions, we will be able to go to the property owners and get easements signed.

### **ITEMS FROM THE MANAGER – *James Gantt, Town Manager***

#### **Ordinance 2021-10 Creating a Stormwater Management Utility**

Mr. Gantt reminded the board there was discussion in the budget workshop about the implementation of a Stormwater Management Utility. He said this would alleviate stress off of the general fund and would serve as a fund to address stormwater issues around town. Mr. Gantt requested the board approve the ordinance so that staff has the appropriate time to inform residents and business owners prior to collecting the fees starting in the new fiscal year. Mayor Cowan asked if this fee applies to the businesses with retention ponds. Mr. Gantt said this fee applies to every establishment in town. There was brief discussion on acreage, pervious surfaces, impervious surfaces, etc. Commissioner Harrell said he would like a three year plan in place when this fee is initiated so we can explain to our residents why they are be charged this fee and what it will be used for. Mr. Gantt said this request is only to approve the implementation of the utility and the rate would be established in the budget. Mr. Gantt said the fee previously discussed in the budget workshop was \$2.50. Attorney Rivenbark commented on the utility and said he and Mr. Gantt has already spoken about this matter. He suggested the town describe this fee as a "tax." He said this would generate revenue from property owners that currently do not pay any revenue, such as county owned property,

school owned property, the prison, etc. Commission Robbins said “tax” may be the word for it, but there is a major flooding problem in town. He said this is a step in the right direction in doing something major. Commissioner Robbins said without this fee, the town won’t be able to sell bonds or borrow money unless we have something like this to show we can pay it back. Attorney Rivenbark agreed with Commissioner Robbins.

Commissioner Harrell made a motion to approve Ordinance 2021-10 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote. *Due to length, ordinance can be found in the Clerk’s office.*

### **Update on current town projects**

**Emergency Watershed Protection Program:** Mr. Gantt said he has received the sealed documents from the consultants and will review them. He said there are a number of construction designs and all of them were substantially above what money the town would be receiving from the grant program. Mr. Gantt said one of the latest alternatives is about \$30k more than the revenues we are getting from the grant program. He said he feels confident that USDA will fund that proposal. Mr. Gantt will review the documents and get back with them. At this time, there is no cost to the town.

### **Other items from Manager**

**South Bickett Street traffic analysis:** Mr. Gantt shared the data collected from the traffic analysis during a one week time period. He said the average speed was 24 mph. There was discussion and no objection on putting stop bars on the street at the stop signs.

**Street Closure request from Pender County Sheriff’s Department:** Mr. Gantt said Chief Hock has received a street closure request from the Sheriff’s Office for their memorial service to be held on May 14<sup>th</sup>. The request is to close South McNeil Street between Fremont Street and Satchwell Street, between the hours of 7:00 AM to 2:00 PM. Mr. Gantt advised the Sheriff’s Office has notified the one resident in the area. Commissioner Robbins made a motion to approve the street closure as requested. The motion was seconded by Commissioner George and carried by unanimous vote.

**FY 2021-2022 Budget:** Mr. Gantt said he has sent out the draft budget to the board. He said staff has made adjustments to accommodate the requests by the board. Mr. Gantt said one of the requests was to add a fulltime firefighter. He said staff was able to reduce the number of hours for parttime firefighters and add two fulltime firefighters. Deputy Fire Chief Jasper would move to one of the shifts.

Mr. Gantt said if the board wishes to move forward, he requested the board to support the three new positions (fulltime Parks, Recreation & Tourism staff member and two fulltime firefighters) in the budget so that staff can begin advertisements. Commissioner Harrell made a motion to approve the three positions in the budget. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

**NC Blueberry Festival office space:** Mr. Gantt advised two letters had been received from the NC Blueberry Festival Association regarding office space in the old jail. He said the letters were included in a recent weekly update. Commissioner Dawson confirmed the space they are requesting is the original office space they had prior to Hurricane Florence. Mr. Gantt said this is correct, plus additional space for storage. Mayor Cowan said the festival is requesting an additional room in the old jail that would allow for two people plus storage that could be shared with Pender County Tourism. There was discussion regarding the size of the original office and if it was possible to put two desks in there. Mr. Gantt said if the board approves use of anything outside of the contract, we need to meet with the Attorney and review the contract. Mayor Cowan said the festival’s thought was to use the conference room in the old jail for the two desks and sell festival merchandise. There was discussion regarding the sell of items and where to display the items. Commissioner Robbins said if the festival moves into the conference room, there would not be a conference room to be used by anyone. Mayor Cowan said Tourism staff seldom uses the conference room. Commissioner Dawson said she would be okay with allowing use of the original room and give them storage where the existing storage is at the Public Works building. Mr. Gantt said he does not have a problem with working together on storage at the Public Works building. Commissioner Dawson said she would rather work with them on storage than to give up the conference room in the old jail. Commissioner Harrell commented the festival could

display the festival merchandise in the conference room area, but he is not in favor of giving the festival exclusive use of the conference room. Commissioner Robbins commented it was a good idea to display items.

Commissioner Dawson made a motion to allow the Blueberry Festival to continue to utilize the storage at Public Works, allow use of the original blueberry office in the old jail, and to work out something in the conference room to display blueberry merchandise along the wall in a display cabinet. The motion was seconded by Commissioner Harrell and carried by unanimous vote. Mayor Cowan asked Mr. Gantt to write a letter to the festival chair of the board's decision.

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

### **Resolution 2021-06 Adopting the Courthouse Avenue Master Plan**

Ms. Correll asked the board to consider adoption of the Courthouse Avenue Master Plan. This will enable town staff to start applying for grants. Ms. Correll said there is one last phase, the parking plan, that will occur after the courthouse reopens this summer. There being no comments by the board, Commissioner Robbins made a motion to approve Resolution 2021-06 as presented. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

#### **RESOLUTION 2021-06 ADOPTING THE COURTHOUSE AVENUE MASTER PLAN**

**WHEREAS**, the Town of Burgaw Planning Department requests the Town adopt the Courthouse Avenue Master Plan,

**WHEREAS**, the Town of Burgaw Board of Commissioners reviewed the Courthouse Avenue Master Plan at their April 13<sup>th</sup>, 2021 meeting and unanimously support the master plan, and found the Courthouse Avenue Master Plan and Implementation to be reasonable, and in the public interest; and

**NOW THEREFORE BE IT RESOLVED BY THE TOWN OF BURGAW BOARD OF COMMISSIONERS THAT** the proposed Courthouse Avenue Master Plan is consistent with the Town of Burgaw 2030 Comprehensive Plan by specifically preserving and enhancing the livability of the Town, while enhancing the Historic Downtown of Burgaw. The implementation strategy, including a new park as well as streetscapes, will elevate Burgaw's community character and vision for the future. Finally, redevelopment of Courthouse Avenue, as identified in the Master Plan implementation, is a major economic development catalyst to promote Burgaw's Historic Downtown and develop economic growth and vitality.

**Adopted** this 11<sup>th</sup> day of May 2021.

### **Other comments regarding the Courthouse Avenue Master Plan**

Mayor Cowan asked about the traffic plan and where the dumpster would be going. Mr. Correll advised it would be behind the park area. Commissioner Robbins said he is not a big fan of the four parking spaces near the proposed dumpster area. Mayor Cowan expressed his concern on how a trash truck would be able to access the area. Ms. Correll said there will be lots of communication on the specifics in the future.

Attorney Rivenbark stated the town submitted an offer in writing to the property owner of the area spoken on above. He advised the property owner to contact the Attorney or the Town Manager if there were any questions. Attorney Rivenbark said he has not received a response from the property owner at the time of the meeting.

### **Other items from the Mayor and Board of Commissioners**

Commissioner Murphy asked Mr. Gantt if he had received any complaints from the smoke testing. He said there has been a terrible noise coming from one of his water lines since the smoke testing was done. Mr. Gantt said nothing from the smoke testing should have caused that. Commissioner George said to run all the faucets to clear out air. Mr. Gantt said he forgot to mention the smoke testing results during his session of the meeting, but informed the board staff is reviewing the hundreds of pages of results. Mr. Gantt said staff has already started addressing some of the issues.

Commissioner Harrell expressed his appreciation to Mr. Moore and his staff for restoring a pedestrian sign at the corner of Cowan Street and Fremont Street.

Commissioner Harrell said he would like to consider putting parallel parking on the southwest corner of Fremont Street and Cowan Street, in front of Attorney Kenan's office. He said he has received a couple of complaints about the sightline at this intersection.

Commissioner Harrell suggested Mr. Suggs look into a Poetry Slam as part of his summer events. Mr. Suggs will look into this.

Commissioner Harrell said it would be a good idea to let the citizens know the town's response to the fuel shortage situation.

Commissioner Dawson asked about the repair of the headstone that was talked about at the last meeting. Ms. Wells said we have not received anything back from Ms. Debnam at Quinn-McGowan yet.

Commissioner George commented on the need for a signal light at the intersection of Wilmington Street and Wright Street. Mr. Gantt said this is in the NCDOT's plan and has been pushed off until 2027. After brief discussion, Mr. Gantt said he will draft a resolution for the next meeting to send to NCDOT to reconsider moving this project up closer due to the increase of incidents at the intersection. Commissioner Robbins also commented on the need for a signal light at Fremont Street and US Highway 117. He said this was previously talked about in the past, but never went anywhere. After brief discussion, Mr. Gantt said he would look into seeing if Fremont Street could be widened at the stop sign area for a right turn lane.

#### **BREAK 5:26 PM – 5:41 PM**

#### **PUBLIC FORUM**

John Westbrook, Burgaw Antiqueplace, made positive comments regarding the Courthouse Avenue project. He said to the board not to depend on grant money to get the project completed. He said he has been waiting twenty years to see action on Courthouse Avenue.

#### **Other comments**

Mayor Cowan asked Mr. Moore about the fuel tanks he asked for a couple of years ago. Mr. Moore said he did not recall this request. He said there is a spare fuel tank at Public Works for equipment. Mr. Gantt said he has looked at fuel tanks in the past. He said it would cost around \$30k to have the system installed and we can not recoup the costs and buy fuel at a bulk rate to justify that. Mr. Gantt said the county is not letting the town utilize the county pumps right now (during the current fuel shortage), but has been told by local fuel stations, they would advise us when they receive more fuel. Commissioner Harrell asked if the town could work out a deal with the county to share the costs of the storage so the town has guaranteed usage as a back up source. Mr. Gantt said he was informed by the county they have to support county vehicles, the school system, and the forestry service, therefore, the municipalities needed to find their own source. Mr. Gantt said he could look into some options for the future.

#### **ADJOURNMENT**

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

The meeting was adjourned at 5:51 PM.

Attest: \_\_\_\_\_  
Kristin J. Wells, Town Clerk

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Kenneth T. Cowan, Mayor