

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

DATE: September 13, 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, Vernon Harrell, Jan Dawson and James Malloy
STAFF PRESENT: James Gantt, Town Manager
Kristin J. Wells, Town Clerk
Zachary Rivenbark, Town Attorney
Wendy Pope, Finance Officer
Kimberly Rivenbark, Deputy Town Clerk
Jim Hock, Police Chief/Assistant Town Manager
Jim Taylor, Fire Chief
Louis Hesse, Building Code Administrator
Alan Moore, Public Works Director
Cody Suggs, Parks & Recreation Director
Andrea Correll, Planning Director
Jessica Grey, Permitting Technician
MEDIA PRESENT: None
INVOCATION: Reverend 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

Mayor Dawson asked to amend the agenda by replacing item number 6 with a proclamation proclaiming Constitution Week, since Sheriff Alan Cutler is unable to attend the meeting. She also requested the board to consider adding item 9A, a request by Mike Hewitt with Welcome to Flatch filming. Commissioner Harrell made a motion to approve the agenda as amended. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Approval of Consent Agenda

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

- A. Approval of the July 12, 2022 Regular Meeting Minutes
- B. Approval of the July 12, 2022 Closed Session Meeting Minutes
- C. Ordinance 2022-20 Speed limit reduction on West Satchwell Street
- D. Ordinance 2022-21 Amending the FY 2022-2023 budget to recognize insurance funds received for storm damage to pump station #1

- E. Ordinance 2022-22 Amending the FY 2022-2023 budget to recognize insurance funds received for the damage of a town vehicle
- F. Ordinance 2022-23 Amending the FY 2022-2023 budget to appropriate funds for the removal of trees throughout town

SPECIAL PRESENTATIONS/REQUESTS

Proclamation – Constitution Week

Mayor Dawson read aloud a proclamation proclaiming September 17-23, 2022, as Constitution Week in Burgaw.

Kiwanis Club of Burgaw

Tara Everett, Secretary, and Jeremy Dewberry, President, of Kiwanis Club of Burgaw, presented an event they are planning to have in town called the Halloween Hustle on October 29, 2022. It will be a community fun run/walk and a fundraiser to raise money for the foster children in Pender County. The cost per person is \$5 and \$20 for families. Ms. Everett advised the route will be the same as the Spring Festival family run, starting in front of the Presbyterian Church. She said various organizations and businesses will pass out candy along the route. Set up will begin around 7:30 AM, with registration beginning at 8:30 AM. The winners for the costume contest will be announced at 9:00 AM. The event is planned to be completed by 11:00 AM. Chief Hock advised he has no issues with the route of the event and will have officers present for busy street crossings. Louis Davis was present in the audience and asked where participants will park. After some discussion, the board requested Ms. Everett reach out to the Presbyterian Church for permission to use the parking lot. Commissioner Robbins made a motion to approve the request by the Kiwanis Club of Burgaw. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Pender United

Darlene Adams, founder of Pender United, and Jackie McLeod were present and said they are planning a Community Day, which is a fundraiser for the organization. Ms. McLeod requested the following street closures for the event on October 22, 2022: Fremont Street between Walker Street and Wright Street, as well as Wright Street from Wilmington Street and Fremont Street. The times requested for the closures are 9:00 AM to 8:00 PM. Chief Hock and Mr. Suggs advised a special events application has been received and reviewed by staff. John Westbrook was in the audience and voiced his concern with closing Wright Street. Ms. McLeod advised there will be a car show and a semi-truck show. Commissioner Dawson requested the organization only close Wright Street between Courthouse Avenue and Fremont Street so the closure would not interfere with the businesses between Courthouse Avenue and Wilmington Street. After some comments, Commissioner Dawson made a motion to approve the street closure requests, with only closing Wright Street between Courthouse Avenue and Fremont Street. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Pender High School street closure request for annual homecoming parade

Bailey King, Homecoming Director for Pender High School, was present and requested street closures for the annual high school homecoming parade to be held on Friday, October 14, 2022. The following street closures are the same as in the past, and include: Wright Street from Williams Street to Fremont Street, Fremont Street from Wright Street to Dickerson Street, Dickerson Street from Fremont Street to Williams Street, Williams Street from Dickerson Street to Wright Street, Hayes Street from Wright Street to Dickerson Street, and Satchwell Street from Wright Street to Dickerson Street. The parade will begin at 4:30 PM, with street closures being from 4:00 PM to around 5:30 PM. Commissioner Robbins made a motion to approve the street closures as requested. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

Mike Hewitt – Welcome to Flatch

Mike Hewitt, with the filming crews of Welcome to Flatch, advised the crews are currently in process of filming season 2 of Welcome to Flatch in Burgaw. He requested filming on Sunday, September 25, 2022 between the hours of 7:00 AM and 5:00 PM, with use of the Historic Train Depot and Hankins Park. Mr. Hewitt advised he has spoken with area churches. Commissioner Malloy asked if any filming will be done on Courthouse Avenue on the day proposed. Mr. Hewitt said there will be no filming on Courthouse Avenue. Commissioner Robbins made a motion to approve Mr. Hewitt's request to film on Sunday, September 25, 2022. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

DEPARTMENTAL ITEMS

Finance Department – Wendy Pope, Director

Ordinance 2022-24 Amending the FY 2022-2023 budget Schedule of Fees to reflect changes to the zoning section

Ms. Pope advised she was approached by the Planning Department regarding some clean up items in the Schedule of Fees under the zoning section, as defined in Ordinance 2022-24. There being no comments by the board, Commissioner Harrell made a motion to approve Ordinance 2022-24 as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Parks, Recreation & Tourism Department – Cody Suggs, Director

New Year's Eve Blueberry Drop Fireworks discussion

During the last meeting, the board was in favor of having fireworks at the New Year's Eve Blueberry Drop event and requested Mr. Suggs to research companies and obtain quotes. Quotes and company information was provided to the board members in the agenda packet. Mr. Suggs said the show would be about 15-20 minutes and the best location determined by local officials is the area in front of Burgaw Middle School. He said he has already reached out to the school and Pender County Board of Education. There was brief discussion about fireworks verses a light show. Mr. Suggs said the light show is approximately \$10k, which would be based on details and the length of the show. After some comments, Commissioner George made a motion to approve

Hale Artificier, Inc. as the firework company with a quote of \$4k. The motion was seconded by Commissioner Dawson and carried by unanimous vote. Mr. Suggs said staff has asked the company to come do a few test shots to determine visibility.

Departmental Updates – *Department Heads*

Police Department- Jim Hock, Police Chief

- Staff continues to work along with the filming crews in town.
- The new speed limit signs have been put up on Satchwell Street and citizens have been informed of the change.

Commissioner Malloy commented on the speeding problem in town. He asked the Police Department to look at ways we can help with this issue.

Commissioner Harrell asked if police staff are okay with working the extra hours for the filming in town. Chief Hock said the officers are not forced to do it, but several are willing to take some of the extra shifts.

Fire Department – Jim Taylor, Fire Chief

- Fire Prevention Week is October 9-15, 2022. Fire personnel will be in the community providing fire prevention information.

Public Works Department – Alan Moore, Director

- Working on drainage project.

Commissioner Harrell commented on the Public Works monthly report and said the number for water meter re-reads are up. Mr. Moore advised one of the gateways are currently down. Commissioner Harrell asked if the meter system is working the way it should. Ms. Pope said the gateway that is down has an electrical issue that is needing to be fixed due to a lightning strike.

Commissioner Malloy asked the status on the sewer project. Attorney Rivenbark stated this would be discussed during closed session.

Commissioner Malloy commented on street sweeping and ways to inform the residents not to blow grass in the streets.

Building Inspections Department – Louis Hesse, Building Code Administrator

- Staying busy with commercial projects.
- 21 residential houses currently being constructed in town.
- Minimal housing issues continue to progress; there are 14 cases staff is working on.

Planning Department – Andrea Correll, Planning Director

- Two rezonings will be heard in the upcoming Planning & Zoning Board meeting.
- Staff is receiving a lot of inquiries on properties, etc.
- Ms. Correll's last day with the town will be October 10, 2022. She voiced her appreciation in the opportunity to serve the citizens of Burgaw during her time as Planning Director.

BREAK 5:28 PM – 5:42 PM

PUBLIC FORUM

John Westbrook, 410 E. Fremont Street, congratulated the town on receiving the grant for the West Side Trail project. He also asked the board to strongly consider placing lighting along the trail.

Maureen Miller, 507 S. Walker Street, said she had sent another letter, along with pictures, regarding the flooding issue at her property. Mayor Dawson advised she did receive the letter, and the property behind Ms. Miller's residence has been purchased by Pender County. Mayor Dawson said the town hopes with development of the property, this will alleviate some of the drainage problems. Ms. Miller commented on how long the development could take and said if we get another hurricane, her property is going to be under water. She requested this issue be a town priority. After some comments, the board recommended Ms. Miller reach out to the county in regards to a time frame on their project. There was further discussion about Walker Street being an NC DOT road and they are in control of the drainage. Mayor Dawson said the town will revisit the issue with NC DOT and also speak to Pender County.

PUBLIC HEARINGS

Public Hearing #1 – *Andrea Correll, Planning Director*

Consideration of a Major Special Use Permit for a Planned Building Group containing the ABC store, warehouse and office located on the east side of US Hwy 117 across from E. Fremont Street. The proposed development will consist of a retail liquor store, a warehouse, and the ABC office totaling ±15,300 sq. ft. The property is further identified as tax reference number 3229-74-4207-0000.

Referenced attachments are on file in the Clerk's office. Note the audio for this public hearing was unclear at times, which made it difficult to record verbatim minutes.

Mayor Dawson declared the public hearing open at 5:53 PM.

Andrea Correll: We all need to be sworn in so those who want to speak...

Attorney Rivenbark: For all those speaking or testifying in Public Hearing #1, which is related to the ABC Store, if you can just stand up where you are. If you will just raise your right hand and repeat after me. I, state your name, swear that the testimony I will give, will be the truth, the whole truth, and nothing but the truth, so help me God. Or, you may affirm.

Attorney Rivenbark swore in the following individuals:

- Robert C. Kenan, Jr.

- Drew Wilgus
- John Witcher
- Rhonda Angerio

Andrea Correll: Our first public hearing is consideration of a major special use permit requested by Drew Wilgus, Architect for SmithSinnott on behalf of the ABC Board for a Planned Building Group containing the ABC Store, warehouse and office located on the east side of US Highway 117 across from East Fremont Street. The proposed building area will be approximately 15,300 square feet in totality, on 3.7 lot acres. The property is further identified as tax reference number 3229-74-4207-0000. The property is zoned B-2 (Highway Business District). The property's identifiable on the Future Land Use Map, as a Commercial Growth Land Use category. The Commercial Growth Land Use category represents areas areas of town where intensive commercial growth is desirable. Properties in this area are located along commercial corridors or near major roads. The recommended land use is commercial, including larger-scale retail, auto sales, hotels, shopping centers, large-scale mixed use developments with accessory residential. The development guidelines are about hiding of larging parking lots, increasing the landscaping, masonry facades, the monument ground signs, mitigation of bulk of large building facades, and site designs to protect flood hazards and wetlands. The Architect is here tonight and his design addresses all of the development standards in the ordinance. So, in your packet, remember you have the narrative of use and the major special use permit application, the deed, site location map, statement of anticipated water usage, site plan, utility plan and stormwater plan, explanatory elevations showing all of the UDO standards are met, four-sided color architecture and elevations, you have some TRC comments, which were very minor, and then you have the response to the "burdens of proof" on this special use and your special use checklist. If no one has any questions, I will turn it over to Drew.

Attorney Rivenbark: Madam Planner, is it your intent that all exhibits you just mentioned, exhibits one through nine, I believe, to be incorporated into the record?

Andrea Correll: Yes sir, I intended for the staff report to be exhibit A and the power points slides pertinent to this case, to be exhibit B. Thank you for reminding me.

Drew Wilgus: Good afternoon. Thank you for having us and for your consideration of our project. Here with me, we have members of the ABC Board, staff from the ABC and we also have, from the design team, we have Rhonda Angerio, as well as John Witcher, from [inaudible comment] construction. As Andrea mentioned, we are proposing a 15,300 square foot building consisting of a retail, office administration, and warehouse. This will be the replacement of the facility that is almost cata-cornered across the street currently on Business 117. That was the application. Here we have the deed for the purchase of the land. Here is the location (referring to the Power Point presentation) on 117. We have that area highlighted. It is currently undeveloped, but it was previously developed [inaudible comment] that is a process now. Here we have the statement from the engineer about water flow usage. Here we have the site plan. This is going to be extremely small for everyone to see, but here is the location of the building. So, the left hand side is the warehouse. Retail is here on the corner. You can that a little bit better in a few minutes. Here is the administrative area. North of that in the center is the stock room that serves the retail. Surrounding the building, we have the required parking. It will be easier to see here. So here is the plan that is showing where we are tapping water from the road. This is the grading and drainage plan. These are all requested by the TRC council. The four sides of elevations. Down here is the excerpt from the land use development document and within the elevations we point out on the front elevation all features that are being met from the criteria. So, we have things such as a covered entrance, portico, recess entry... We have the breaking of the plane, so

the façade is not continuous; it is broken into chunks. We have a [inaudible comment], suggested we have a trellis featured as a sunshade, so [inaudible comment] meeting that is required in the features. Here are the current elevations. So, this is the side that faces the road. This is the main entrance, or for the retail visitors and customers. We have another entrance right here, which is for the staff and admin, and is a little bit more concealed and designed to be that way so it is not confused with the main entrance. This is the side elevation, east, in the back, which is the side away from the road. This is where we will have some mechanical equipment that is naturally screened from the road. We have the north elevation, which is the warehouse. We have [inaudible comment] main entrance here on the left hand side. That's the sunshade mentioned before...column, recess entrance. The owner was really excited that to create a building that didn't look like the average ABC store. He wanted to do something that when you're riding down the street through Burgaw, you could see it and it would draw you in. You know, instead of looking like something that was [inaudible comment]. This is the aerial, so that overhead view gives you a pretty good idea of the parking relationship with the building, in relationship to the loading area in the back. Get a truck back here and they can park and load and unload. So a lot better situation than what they have currently where they are currently maneuvering a truck off the highway area. This is the night view. Again, you've got to draw people in. The view looking at the warehouse side. So this is the recess entrance into the admin space, a secure [inaudible comment].

Andrea Correll: The TRC comments have mostly been addressed. There are a few things that we have to do before we permit.

Drew Wilgus: The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project. This is the response letter. (attached) The location and character of the proposed development will be harmony with the area in which it is located. The development shall demonstrate conformance to the Land Use Plan. All local, state and federal requirements related to this site will be met. The proposed land use in conformance with the Burgaw 2030 Land Use Plan specifically the Future Land Use Map shown on the next page. The property is identified as Commercial Growth. The Commercial Growth land use category represents areas of the town where intensive commercial growth is desirable. Properties in this area are located along commercial corridors or near major roads. The recommended land uses is commercial, including larger-scale retail, auto sales, hotels, shopping centers, large-scale mixed use developments with accessory residential. These are the development guidelines Andrea outlined in the beginning (referred to the presentation attached). The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this ordinance. The use is allowed pursuant to the local ordinance and meets all the required conditions and specifications, including, without limitation, those set out in the local ordinance. The use of the property as proposed will not affect other adjoining or abutting property values. For this, we had an appraisal, made by Robert Kenan, who is also here this evening, which basically attests to that fact this will not negatively impact neighboring property values. The use will not materially endanger the public health or safety if located where proposed and development according to the plan as submitted and approved. The use will not materially endanger the public health or safety if located where proposed and developed according to the drawings as submitted and approved. The building will be constructed to meet compliance with the 2018 Edition of the North Carolina Building Code. The increase in vehicular traffic resulting from a proposed development would not pose a danger to public

safety. While the proposed site cannot be held responsible for all offsite safety, vehicular patterns and driveway configurations will meet the requirements of the Department of Transportation. Please refer to the included approval letter from DOT attached. That is the approval letter.

Andrea Correll: Robert, do you want to add anything?

Robert Kenan: Yes, so [inaudible comment] your standards, the five standards, based on the plans, [inaudible comment] various goals of the Land Use Plan, it specifically meets goals number, Land Use goal number one, which is to promote development revitalization where there is existing infrastructure, so that lot one time was the old Batson's [inaudible comment] and it's been vacant for at least thirty plus years, so that site gets redeveloped to certainly a better use. So, Land Use goal number 2 is to establish regulations that protect and acknowledge the [inaudible comment] the future of the town. Basically there are a little bit of wetlands there and we've looked at, the contractor, to mediate any of those wetlands. Of course, the building is not, and will be built around the wetlands that are existing on the property currently...as part of the process of our due diligence for purchasing the property. The Land Use goal number 3 is to encourage quality control growth [inaudible comment] that maintains the community's character. Basically, because that is a, sort of a mixed use, it is also located along the business corridor, it continues that same use of this in that corridor that is for retail space, [inaudible comment] business development uses. The next Land Use goal is to have economic development goal and one, and that is to support the probability and sustainability of the existing businesses and industries. Currently, this facility is going to replace the warehouse, the admin office and retail store that is across the street at 207 US Highway 117 [inaudible comment]. What it does, is give the opportunity to have more alcohol be sold in the county because that facility does contribute products to its other three stores within the county, which is Rocky Point, Hampstead and Surf City. That store will also have increased retail space, which will have additional products that can not be carried to the Burgaw store because of space, and so as a result, that will increase profitability and increase, hopefully increase the overall sales of that store, which ultimately has some impact on this standard. Also, adding to the use that is already there, the Pender County ABC Board has been in existence for, since the early 1960s and they have been operating on the current site since the 60s, so this is really a continuation and expansion of that use that has been going on for approximately 60 years in Pender County, here in Burgaw. Transportation goal number 4 is to improve the [inaudible comment] of transportation networks, and basically, there was a traffic impact analysis done to determine what impacts this development would have on Highway 117, and as part of that DOT has, as part of your exhibits here, has made a few recommendations, which there are no real traffic improvements to US Highway 117. There is some improvements for the two driveways that are existing on the property and there is a letter that Mr. Wilgus referred to a few moments ago as to what the recommendations were by the DOT. We, the next goal that you have, not goal, but the next standard that you have is the use. The use is allocated or allowed pursuant to this ordinance and meets all the necessary requirements, additions and specifications, and basically Mr. Wilgus has stated to you that the standards meet all the conditions of your ordinance, and even the town Planner has said that as part of her opening statement. The third thing is, the use of the property proposed will not affect other joining or abutting property values and I prepared what you see on the screen there, which is the exhibit number nine, and basically what that letter says is that if this is developed, the surrounding properties will not have any depreciation value because you will have [inaudible comment] which is what is needed for determining values of commercial properties along that corridor and also it helps foster either redevelopment or to sell other lots or vacant properties that are along that corridor, which also adds to your tax value and tax base. Next is the use will not

materially endanger the public health or safety, if located and developed according to the plan as submitted. What you see there is the traffic impact study and the letter from the DOT. Basically there is no real impacts there for the safety of any members [inaudible comment], those recommendations are [inaudible comment]. Then your last one is, is the increase in vehicular traffic resulting from proposed development will not pose any danger to public safety. Again, the traffic impact analysis and the local DOT. Since there are no required improvements, other than what is specified in that letter, there is no danger to the traveling public, therefore, all the standards are met and based on the material [inaudible comment] you've heard tonight, you should be able to [inaudible comment] the special use permit. If you have any questions, we would be glad to answer those for you.

Commissioner Dawson: Mr. Kenan, I have one. Can you explain, or the architect maybe can.

Robert Kenan: Sure.

Commissioner Dawson: I've noticed that the roof line is coming down at an angle. Where will that water go?

Drew Wilgus: So you're talking about this (referring to the presentation) slope into there and this slope into there?

Commissioner Dawson: Yes.

Drew Wilgus: Creating a bathtub in the middle, is that what you mean?

Commissioner Dawson: Yes.

Drew Wilgus: So each of these roofs drains itself [inaudible comment] so there's no way for it to run over. This is a membrane roof. This is also a membrane roof, so there's no slope. This is where the roof drains. This one, this is the warehouse, has a gutter and downspout. So, [inaudible comment] manage rain water.

Commissioner Dawson: So the flat roof, so there's no way...

Drew Wilgus: It looks flat in the elevation. The roof that's coming behind...is a low slope with roof drains on either side. Then, it's got [inaudible comment] in there as well.

Commissioner Dawson: Our picture is [inaudible comment].

Drew Wilgus: Sure.

Commissioner Dawson: Another question I had, is the, actual façade, what is the material?

Drew Wilgus: Oh, I'm sorry about that. So, we calculate the masonry and glass for each elevation so, we have, the dark color right here, this is a polished [inaudible comment] concrete block, so it is a decorative concrete block. Then we have, on the high sections here, a little bit of metal. The inserts here are accent, wood [inaudible comment]. You will see it as well here in the frame area.

Commissioner Dawson: Okay, above, is that glass or...

Drew Wilgus: Actually, this is a translucent [inaudible comment] system, so its like glass but semi-translucent. You've probably seen it on buildings like gyms and things like that. It lets the light in, but not like glass. This section right here, on the outside, this right here is a stand along sunshade and this right here is [inaudible comment] metal. This is to deal with the western sunlight. It would be [inaudible comment] for the space. So, it's again to give it some shade to it, but also give the main entrance [inaudible comment].

Commissioner Dawson: Okay, thank you.

Drew Wilgus: Sure.

Mayor Dawson: This all faces 117?

Drew Wilgus: This all faces 117, the sun, yea.

Andrea Correll: Do you have any questions for Robert?

Mayor Dawson: Any more questions?

Andrea Correll: So, all of Robert's presentation about the land use is in your packet. You all have the evidence. I [inaudible comment] the slides because it was all too much, but you have it all in your packets. Do you want to discuss each of the findings?

Mayor Dawson declared the public hearing closed at 6:19 PM.

Item A - The location and character of the special use permit, if developed according to the plan as submitted and approved, be in harmony with the area in which it is located. The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address the impacts of the project.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

Item B - The use is allowed pursuant to this ordinance and meets all the required conditions and specifications, including, without limitation, those set out in this ordinance.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

Item C – The use of the property as proposed will not affect other adjoining or abutting property values.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

Item D – The use will not materially endanger the public health or safety, if located where proposed and developed, according to the plan as submitted and approved.

Commissioner George: Yes.

Commissioner Harrell: Yes.

Commissioner Dawson: Yes.

Commissioner Robbins: Yes.

Commissioner Malloy: Yes.

Item E – The increase in vehicular traffic resulting from a proposed development would not pose a danger to public safety.

Commissioner George: Yes.
Commissioner Harrell: Yes.
Commissioner Dawson: Yes.
Commissioner Robbins: Yes.
Commissioner Malloy: Yes.

After review of the findings, Ms. Correll asked for a final vote for approval of the major special use permit. Commissioner Robbins made a motion to approve the major special use permit as presented. The motion was seconded by Commissioner Malloy and carried by unanimous vote.

Public Hearing #2 – Jessica Gray, Permitting Technician

Consideration of a Major Special Use Permit for a Bed and Breakfast Inn to be located in the former Dees Tourism Home on a 0.52 acre-tract at 115 N. Cowan St. The property is further identified as tax reference number 3229-34-7052-0000.

Referenced attachments are on file in the Clerk's office. Note the audio for this public hearing was unclear at times, which made it difficult to record verbatim minutes.

Mayor Dawson declared the public hearing open at 6:23 PM.

Attorney Rivenbark: Do you (Ms. Gray) know if the applicant wishes to [inaudible comment] or are they requesting to table?

Jessica Gray: They are going to request to table.

Attorney Rivenbark: Okay. (Did not swear in anyone since they requested to table)

Jessica Gray: Yes, and for Public Hearing #2, consideration of a Major Special Use Permit request for a Bed and Breakfast Inn at 115 North Cowan Street, located in the former Dees Tourism Home on a 0.52 acre-tract of land, further identified as tax reference number 3229-34-7052-0000. The Town Attorney had alerted to something in one of their submissions from the appraiser and our applicant would like to further clarify the language that was used in the letter and table this until the next meeting.

Attorney Rivenbark: So we will need a vote to continue this public hearing to the October meeting.

Commissioner Harrell made a motion to continue Public Hearing #2 as requested by the applicant. The motion was seconded by Commissioner George and carried by unanimous vote.

Public Hearing #2 was continued until the next regular Board of Commissioners meeting scheduled for October 11, 2022.

Public Hearing #3 – Jessica Gray, Permitting Technician

Consideration of text amendments to Section 10.9, Sections 9.11 and 14.19, and Section 8.14 of the Unified Development Ordinance requested by staff to update the ordinance to reflect adoption of SL 2021-138, revise two cross reference errors, and allow government offices in the R-7 zoning district.

Mayor Dawson declared the public hearing open at 6:27 PM.

Ms. Gray explained the request as described in Ordinance 2022-25. Upon completion of Ms. Gray's presentation, Commissioner Harrell asked for clarification on the request. The first two items in the request are clean up mistakes within the ordinance, as well as a third item which is a request to allow government offices in the R-7 zoning district (current Public Works facility). Attorney Rivenbark said the town can not legally make improvements to the Public Works building because it is not properly zoned.

Mayor Dawson declared the public hearing closed at 6:28 PM.

Resolution 2022-17 Adopting a statement of consistency regarding text amendments of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to Section 10.9, Sections 9.11 and 14.19, and Section 8.14 of the Unified Development Ordinance requested by staff to update the ordinance to reflect adoption of SL 2021-138, revise two cross reference errors, and allow government offices in the R-7 zoning district.

Commissioner Dawson made a motion to approve Resolution 2022-17 as presented. The motion was seconded by Commissioner Robbins and carried by unanimous vote.

Ordinance 2022-25 Approving a requested text change amendment of the Town of Burgaw Unified Development Ordinance requested by staff of the Town of Burgaw to Section 10.9, Sections 9.11 and 14.19, and Section 8.14 of the Unified Development Ordinance requested by staff to update the ordinance to reflect adoption of SL 2021-138, revise two cross reference errors, and allow government offices in the R-7 zoning district.

Commissioner Dawson made a motion to approve Ordinance 2022-25 as presented. The motion was seconded by Commissioner Harrell and carried by unanimous vote.

Departmental Updates – *Continued*

Parks, Recreation & Tourism Department – Cody Suggs, Director

- Brief overview of upcoming events
- Town was awarded the PARTF grant for the West Side Trail & Parks Plan; staff will work on the bidding process, etc.

Commissioner Harrell asked if we could look at incorporating some aspects of John Westbrook's plan that was previously presented. Mr. Suggs said we can look at it later in the process but would need to stay consistent with the plan that was approved by PARTF.

Finance Department – Wendy Pope, Finance Director

- Auditors have started their field work for fiscal year ending June 2022.

Human Resources Department – Kim Rivenbark, Director

- Actively advertising for a Water & Sewer Superintendent and Patrol Officer.

Clerk's Office – Kristin Wells, Town Clerk

- Reminder of Christmas ornaments pre-order sales.
- Reminder of the fall Shred & E-Recycle event on October 14, 2022.

There was discussion regarding a memorial for former Commissioner Howard Walker, Jr. who recently passed away. Commissioner Robbins suggested we do a bench with a plaque, placed in a prominent place somewhere on town property, possibly around Town Hall. Commissioner Robbins requested the plaque have both Commissioner Walker's name, as well as his wife's name, Edna Walker. The board was in agreement with the idea suggested by Commissioner Robbins. Ms. Wells will bring back location options at the next meeting.

ITEMS FROM ATTORNEY – Zachary Rivenbark, Town Attorney

Attorney Rivenbark stated he only had items for closed session.

ITEMS FROM MANAGER – James Gantt, Town Manager

Discussion about traffic calming options for Wilmington Street

Mr. Gantt presented an idea for traffic calming on Wilmington Street as previously requested by the board. The idea included bulb-outs at intersections with a bike and pedestrian path on one side, with parking on the other. Commissioner Harrell said he liked the idea presented by Mr. Gantt. Commissioner Robbins agreed with Commissioner Harrell and also asked about making the white lines wider for a slowing effect. Mr. Gantt said we could look at doing cross hatches in the bike and pedestrian lane. After some comments, everyone was in favor of allowing Mr. Gantt to move forward with getting designs and cost estimates.

Discussion of Rural Transformation Grant

Mr. Gantt said he and Mayor Dawson have looked to see what types of projects and improvements can be paid for under the grant. Mr. Gantt said he would like input from the board on goals for the grant application, which is due November 1, 2022. Mr. Gantt advised he and Mayor Dawson have looked at ideas for adding a pavilion with picnic tables, outdoor seating, restrooms, etc. at Dees Park, as part of the improvement project for Courthouse Avenue. Mr. Gantt briefly explained qualifications for the grant application. Commissioner Malloy asked if the idea is similar to the restrooms at Hankins Park. Mr. Gantt confirmed it would be the same idea. After some discussion, everyone was in favor of allowing Mr. Gantt to move forward with using Dees Park as a project for the grant application.

Update on current town projects

Mr. Gantt gave an update on the former EMS building renovations. Commissioner George commented he would like pictures of the original Town Hall and fire station in the building once completed since it will sit in the same location.

Finalizations are being completed for the new basketball court and volleyball court. A ribbon cutting will be held soon.

Staff is looking at the potential of applying for a disaster mitigation grant.

Mr. Gantt said a contractor has been selected for the tree removal project throughout town. Staff is working on getting this scheduled.

The Clark Street sidewalk preparation work is being done for the sidewalk to be installed by the contractor soon.

Commissioner Dawson asked for an update on the electrical outlets above the holly trees downtown as previously discussed. Mr. Moore said he is waiting on Security Plus to provide a quote. There was discussion about new electrical posts for the downtown area.

Mr. Gantt said he is still working with NC DOT on the improvements on Dickerson Street near Fremont Street.

Commissioner Dawson asked for an update on the Public Works renovations. Mr. Gantt said Chief Hock is handling the project and are finalizing some things with the plan to send to the contractor for a quote. Commissioner Malloy asked about the plan accommodating future expansion if needed. Chief Hock said the layout will accommodate future expansion if needed. Chief Hock also advised Attorney Rivenbark is working on proper disposal of the previously seized vehicles behind the Public Works garage.

ITEMS FROM MAYOR AND BOARD OF COMMISSIONERS

Consideration of reappointing two (2) Tourism Development Authority members and designating chairperson

The membership term for current TDA members Myra McDuffie and Jennifer Hansen is up for reappointment. Commissioner Robbins made a motion to reappoint Ms. McDuffie and Ms. Hansen. The motion was seconded by Commissioner George and carried by unanimous vote. Ms. Wells advised Ms. Hansen has indicated that she would like to step down as Chairperson to give someone else on the committee a chance to serve. Commissioner George recommended to check with Ms. McDuffie to see if she is willing to serve as Chairperson. A few moments later, Commissioner Malloy said he sent Ms. McDuffie a message during the meeting and she responded that she is willing to serve as Chairperson. Commissioner Robbins made a motion to appoint Ms. McDuffie as TDA Chairperson. The motion was seconded by Commissioner George and carried by unanimous vote.

Beautification Committee updates regarding downtown sidewalks to be cleaned and blueberry bush project – *Mayor Dawson and Commissioner Dawson, Beautification Committee*

The following list of sidewalks were recommended by the Beautification Committee to be pressure washed:

- Wright Street from Satchwell Street to Fremont Street, both sides
- Wright Street from Fremont Street to Wilmington Street, west side only
- Fremont Street from Walker Street to Wright Street, south side only
- Fremont Street from Wright Street to Dickerson Street, both sides
- Wilmington Street from Walker Street to Wright Street, north side only
- Wilmington Street from Wright Street to Dickerson Street, both sides

After some discussion about the cost estimates and locations, Commissioner Robbins made a motion to move forward and get the work done. The motion was seconded by Commissioner George and carried by unanimous vote. Mr. Gantt will bring back a formal bid from the contractor. The Beautification Committee will determine a cleaning schedule.

Mayor Dawson advised the Beautification Committee is working on a blueberry bush project, which is planned to be installed behind Pott's Wood Shop on the railroad right-of-way. Cal Lewis will donate much of the time and equipment needed for the project. The Beautification Committee has agreed to pay Mr. Lewis \$1,000 towards to project and the cost of about 90 bushes. Mr. Gantt said NC DOT does not have any issues with the planting of the bushes on the rail bed, and we are working on an encroachment agreement. Mayor Dawson said signage for the project would be determined later. Mr. Gantt said the sidewalk for the trail will eventually go by the project location.

Other items from Mayor and Board of Commissioners

Mayor Dawson reminded everyone of the community clean up day coming up this Saturday.

Commissioner Robbins advised there is a sight line issue coming out of North Cowan looking back towards Walker Street where a large bush is blocking the view of seeing traffic. Mr. Moore will look into this.

Commissioner Dawson said the welcome signs coming into town will be cleaned soon. Mr. Gantt said he is still working with the state regarding a welcome sign going on the forestry property on NC Highway 53 West.

CLOSED SESSION – 7:37 PM

Commissioner Harrell made a motion to go into closed session pursuant to NC GS 143-318.11(a)(5) Acquisition of Real Property and NC GS 143-318.11(a)(6) Personnel. The motion was seconded by Commissioner Dawson and carried by unanimous vote.

OPEN SESSION – 8:10 PM

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

Acquisition of real property

Upon reconvening in open session, Commissioner Harrell made a motion to approve paying State Employees Credit Union \$4,868.81 for the easement. The motion was seconded by Commissioner Malloy. Commissioners Harrell, Malloy, George and Dawson were in favor. Commissioner Robbins opposed. Motion carried.

ADJOURNMENT

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

The meeting was adjourned at 8:11 PM.

G. Olivia Dawson, Mayor

Attest: _____
Kristin J. Wells, Town Clerk