

**TOWN OF LELAND
REGULAR COUNCIL MEETING
THURSDAY, APRIL 17, 2008
7:00 P.M.**

ASSEMBLY

The Town of Leland Council held their regular meeting on Thursday, April 17, 2008 at 7:00 p.m. at Leland Town Hall, 102 Town Hall Drive.

Present were: Walter Futch, Mayor; Councilmen: Herbert Barnes, Brenda Bozeman, Gordon Hobbs and Tommy Wallace.

Also present were: Bill Farris, Town Manager; Carol Ann Floyd, MMC, Town Clerk; Landon Barker, Executive Assistant; Donna Strickland, CMC, Finance Officer; Jimmy Strickland, Public Works Director; Melody Jennings, Planning Director; Niel Brooks, Planner I; Robert Waring, Planner I; Nicholas Giacobbe, Interim Police Chief and John Wessell, Town Attorney.

7:01:47 PM CALL TO ORDER, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Futch called the meeting to order at 7:01 p.m. A quorum was present. Mayor Futch gave the invocation. Everyone stood and gave Pledge of Allegiance to the Flag of the United States of America.

7:02:58 PM APPROVAL OF THE AGENDA

Mayor Futch stated that there was one item that needed to be added to the agenda under agenda number 13 old business; a resolution to initiate provision water service. Councilman Hobbs **MOVED, SECONDED** by Councilman Bozeman to approve the agenda as presented with the addition as stated above. The **MOTION CARRIED UNANIMOUSLY**.

PUBLIC COMMENT

1st QUARTER EMPLOYEE AWARD

Mayor Futch stated a few months back the town instituted a program to recognize employee of the quarter. Mayor Futch stated that this quarter is Nedra Davis. Mayor Futch read the plaque as presented:

*In recognition of outstanding service in human relations in
working with citizens presented by the Town of Leland*

There was no public comment.

7:04:53 PM APPROVAL OF CONSENT AGENDA

The consent agenda under consideration by the council was as follows:

- | | | |
|----|----------------------------|---|
| A. | <i>Approval of Minutes</i> | <i>March 13, 2008 – Special Meeting
March 20, 2008 – Regular Meeting</i> |
| B. | <i>Proclamation</i> | <i>Municipal Clerk’s Week
May 4 – May 10, 2008</i> |
| C. | <i>2007 Tax Releases</i> | |
| D. | <i>Resolutions</i> | <i>Letter of Credits
1) LOC-07-3087 – Sturgeon Developers,
LLC – Mill Creek Landing – Extend Expiration Date from
May 17, 2008 to</i> |

May 17, 2009
2) LOC-06-1806 – Brunswick Properties,
LLC – Lake Forest Village Phase 2 – Lots
18-67, 74-85 & 88-100 – Extend
Expiration Date from April 20, 2008 to
April 20, 2009
3) LOC-07-3477 – WDB, LLC – Wedgewood – Phase 2 –
Sections 1 & 2 – Releasing – LOC #L074181

- | | | |
|----|------------------------|--|
| E. | Set Public Hearing | Regular Meeting – May 15, 2008 – 7:00 p.m. or shortly thereafter
Text Amendment – TXT-07-3984 – Allow Ambulance Service in C-3 – S&K Ventures |
| F. | Sewer Allocation | Oak Forest Mobile Home Park – 4,800 gpd |
| G. | Budget Amendment 08-07 | Appropriation – Property Purchase – Thomas Garst Lane |

Councilman Barnes **MOVED, SECONDED** by Councilman Wallace to approve the consent agenda as presented. The **MOTION CARRIED UNANIMOUSLY**.

7:05:29 PM CONTINUED PUBLIC HEARING & ORDINANCE 07-25 – CONDITIONAL REZONING – CZ-07-3328 – SNR INVESTMENT PARTNERS, LLC – PARCEL #030PC002 – +/- 17.80 ACRES C-1 TO C-Z

STATEMENT OF CONSISTENCY

Mr. Brooks stated that the applicant has not been in contact with staff and staff would ask that this be deleted from the agenda and the applicant would have to reapply. Councilman Bozeman **MOVED, SECONDED** by Councilman Hobbs to delete this item from the agenda and require the applicant to reapply. The **MOTION CARRIED UNANIMOUSLY**.

7:06:30 PM PUBLIC HEARING & ORDINANCE 08-10 – REZONING – RZ-07-3895 – TRACT 10 WESTGATE 23.43 ACRES FROM M-F TO C-2

STATEMENT OF CONSISTENCY

Mayor Futch opened the public hearing at 7:06 p.m.

Mr. Waring gave the following presentation:

GENERAL INFORMATION

Applicant: Candice Alexander
Purpose: To review the rezoning request by Candice Alexander, Dominion Land Corporation and determine whether or not the rezoning request is consistent with the future land use plan for The Town of Leland.

BACKGROUND

Acres: 23.43
Owners: Oceangate, LLC.
Parcel #: 0470002425
Current Zoning District: M-F
Proposed Zoning: C-2
Frontage: Westgate Drive.
North: Property Owned by SE Commercial Venture, LLC. (C-2)
West: Hunter Ridge Apartments (M-F)
East: Property Owned by Oceangate, LLC. (M-F)
South: Property Owned by Oceangate, LLC. (M-F)

SUMMARY

The applicant requests the rezoning of Tract 10 Westgate Drive, parcel # 0470002425 from M-F to C-2. The property is currently vacant.

Staff feels that that this rezoning request is consistent with the goals and policy statements set forth in the 1999 Land Use Plan of encouraging both small business development and commercial growth. Additionally this type of zoning district could provide residents of Leland convenient shopping opportunities.

Staff Recommendation: Approval

Planning Board Recommendation: Approval

7:11:24 PM Mayor Futch closed the public hearing at 7:11 p.m.

Mr. Wessell asked the mayor to give the applicant a chance to speak. Mayor Futch asked the applicant if they would like to speak. Candice Alexander stated that she would be happy to answer any questions the council may have. Mrs. Alexander stated that when they started reviewing this process she sat down and extensively read the existing land use plan and the draft of the land use plan that was proposed. Mrs. Alexander stated that there are several areas in the land use plan that says it would help promote commercial development when it's done in a hub with other developments. Mrs. Alexander stated that one thing that makes this property better suited for expanding C-2 zoning that their company is the adjoining property owner on 3 of the 4 sides. Mrs. Alexander stated that they personally notified the owner of the tract that they don't own and discussed with them what their intent was for the property before the request had been submitted to the planning staff. Mayor Futch stated that his concern was traffic. Mayor Futch stated that what is happening on Highway 17 with developing in the Town of Leland, the Town of Belville and Brunswick County that the road had been designed for 100,000 cars a day and we are already at 59,000 cars a day. Mayor Futch stated that if you look at a multi-family maximum density you are adding about 5,000 cars a day. Mayor Futch stated that if the property is C-2 he doesn't know what the maximum there could be but he believes we need to be thinking about that. Mayor Futch stated that as everybody starts throwing traffic on that road, there aren't any answers anymore they have done what could be done with that road. Mrs. Alexander stated that they know when they submit a plan for either a general development plan or a residential site plan they have to present the town with a traffic impact analysis. Mayor Futch stated that he understands that has to be done but are there solutions, if you start getting over the 100,000 cars a day, once we rezone we are stuck with whatever you put there essentially. Mayor Futch asked what was the solution down the road. Mayor Futch stated that we have not found NCDOT very responsive as you have not found them responsive. Mayor Futch stated that he knew that they had threw money in the pot to build the superstreet and that superstreet had been designed with the existing zoning that were in place and since then some of the multi-family zonings have been changed to commercial. Mayor Futch asked if a Home Depot come in what kind of traffic would that generate. Mr. Waring stated that he spoke with Anthony Prinz at the MPO in trying to estimate a number and he was having a hard time without a specific use. Mr. Waring stated that they generated a number based on 25% so we are looking at 10,000 trips per day. Mayor Futch stated that we are looking double at what it would be at multi-family at maximum density. Mr. Waring stated that that figure is more than what Wal-Mart generates, so he doesn't put a lot of faith in that estimate. Councilman Bozeman stated that she is concerned that it would be in the mist of all the multi-family. Councilman Bozeman stated that if the property was over by Hunterstone Apartments that she would look at that differently. Mayor Futch stated that he sees that as a plus. Mayor Futch stated that would give local shopping for those people in the multi-family. Mrs. Alexander stated that is what they presented to the planning board for the

community to do their major shopping right in the community. Councilman Barnes asked what their long term plans were for that area now that it's changing to C-2. Mayor Futch advised Councilman Barnes that he could not ask that in rezoning. Mrs. Alexander stated that what she could tell us at this point is they don't have a contract on the property. Mrs. Alexander stated that they had been contacted by developers that are saying they would be looking to do what would be the medium size box businesses. Mrs. Alexander stated that would be Office Max, Petco, and Circuit City. Mr. Alexander stated that that's the kind of developers that have contacted them about the property. Mr. Wessell stated that for purposes of rezoning they could do anything that is allowed by the zoning ordinance in the C-2 district.

The ordinance and statement of consistency under consideration by the council were as follows:

Introduced by: Robert Waring, Planner I

Date: 04/17/2008

ORDINANCE 08-10
AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LELAND
Westgate Tract 10 (parcel #0470002425)

WHEREAS, N.C.G.S. §160A-385 authorizes local governments to change or modify zone boundaries within their jurisdiction; and

WHEREAS, the amendments set out below are made in accordance with N.C.G.S. §160A-364 and §30.112 of the Code of the Town of Leland.

THEREFORE, BE IT ORDAINED THAT:

1. The Official Zoning Map of the Town of Leland is hereby amended by removing the hereinafter described tract of land (approximately 23.43 acres) from the present M-F Multifamily zoning classification and putting it in the C-2 Regional Commercial Business zoning classification, said tract being more particularly described as follows:

“All that property described in Exhibit A attached hereto and incorporated herein by reference.”
2. The Town Council hereby finds as a fact that the property described hereinabove is suitable for all uses permitted in the C-2 Regional Commercial Business zoning classification.
3. The Town Clerk is hereby authorized and directed to change the Official Zoning Map on file in the Office of the Town Clerk so as to make it comply with this ordinance.
4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
5. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holdings shall not affect the validity of the remaining portions hereof.
6. This ordinance shall be effective immediately upon its adoption.

Walter B. Futch, Jr., Mayor

Adopted at a regular meeting
on April 17, 2008
Attest:

Carol Ann Floyd, MMC
Town Clerk

(SEAL)

Approved as to Form:

John C. Wessell III, Town Attorney

EXHIBIT A

A certain tract or parcel of land lying and being in Town creek Township, Town of Leland, Brunswick County North Carolina and being a part of those tracts as described in deed book 1920 page 1236 and deed book 1920 page 1254 and being more particularly described as follows:

Beginning on a point that is located on the southern right of way of West Gate Drive (70 ft. public right of way) said point being the northeast corner of Tract 10 as shown on that map of Westgate (Tracts 8, 9 and 10) as recorded in map cabinet 46 page 79 in the Brunswick County Registry:

Proceed thence from said point of beginning S 29°48'24" W a distance of 1185.43 ft. to a point, thence N 85°36'17" W a distance of 414.59 ft. to a point on the wetland line, thence with said wetland line the following: N 31°29'57" E a distance of 18.01 ft. to a point, thence N 46°52'25" E a distance of 39.47 ft. to a point, thence N 43°26'02" E a distance of 47.87 ft. to a point, thence N 64°03'31" W a distance of 46.27 ft. to a point, thence N 79°55'50" W a distance of 30.12 ft. to a point, thence N 81°43'23" W a distance of 43.30 ft. to a point, thence N 39°17'29" W a distance of 25.71 ft. to a point, thence N 38°41'31" W a distance of 52.51 ft. to a point, thence N 06°15'56" W a distance of 38.56 ft. to a point, thence N 15°35'46" E a distance of 27.02 ft. to a point, thence N 02°05'56" E a distance of 42.25 ft. to a point, thence N 24°09'49" W a distance of 38.15 ft. to a point, thence N 75°11'43" W a distance of 21.24 ft. to a point, thence N 53°24'11" W a distance of 21.64 ft. to a point, thence N 20°02'05" W a distance of 31.20 ft. to a point, thence N 18°27'08" E a distance of 25.81 ft. to a point, thence N 50°40'48" E a distance of 26.21 ft. to a point, thence N 48°06'43" E a distance of 18.74 ft. to a point, thence N 20°29'45" W a distance of 24.97 ft. to a point, thence N 63°11'05" W a distance of 22.91 ft. to a point, thence N 19°25'22" W a distance of 46.82 ft. to a point, thence N 02°58'48" W a distance of 51.28 ft. to a point, thence N 39°10'53" E a distance of 24.37 ft. to a point, thence N 68°55'04" E a distance of 24.74 ft. to a point, thence N 08°54'25" W a distance of 29.11 ft. to a point, thence N 48°27'08" E a distance of 24.81 ft. to a point, thence N 09°53'16" W a distance of 24.50 ft. to a point, thence N 33°42'56" E a distance of 33.51 ft. to a point, thence N 32°53'17" E a distance of 23.62 ft. to a point, thence N 01°34'45" W a distance of 21.65 ft. to a point, thence N 00°53'49" E a distance of 15.84 ft. to a point, thence N 05°59'05" E a distance of 31.09 ft. to a point, thence N 26°41'26" E a distance of 29.49 ft. to a point, thence N 06°33'28" E a distance of 44.78 ft. to a point, thence N 17°26'26" W a distance of 37.20 ft. to a point, thence N 05°15'58" E a distance of 25.83 ft. to a point, thence N 06°59'48" E a distance of 24.99 ft. to a point, thence N 27°55'34" E a distance of 32.83 ft. to a point, thence S 71°16'51" E a distance of 40.18 ft. to a point, thence S 87°39'02" E a distance of 38.75 ft. to a point, thence S 86°36'36" E a distance of 35.23 ft. to a point, thence N 57°05'51" W a distance of 25.52 ft. to a point, thence N 68°24'08" W a distance of 37.66 ft. to a point, thence N 75°54'39" W a distance of 34.95 ft. to a point, thence N 80°02'37" W a distance of 22.30 ft. to a point, thence N 48°53'35" W a distance of 17.17 ft. to a point, thence N 06°07'34" W a distance of 26.34 ft. to a point, thence N 30°55'37" E a distance of 18.57 ft. to a point, thence S 88°59'07" E a distance of 54.11 ft. to a point, thence N 80°48'44" E a distance of 18.27 ft. to a point, thence S 81°39'00" E a distance of 24.88 ft. to a point, thence N 83°06'26" E a distance of 26.48 ft. to a point, thence S 83°48'47" E a distance of 22.33 ft. to a point, thence S 81°03'32" E a distance of 19.66 ft. to a point, thence N 55°31'16" E a distance of 24.71 ft. to a point, thence N 87°40'04" W a distance of 32.25 ft. to a point, thence N 89°29'30" W a distance of 19.92 ft. to a point, thence N 79°46'17" W a distance of 23.39 ft. to a point, thence N 83°21'05" W a distance of 27.18 ft. to a point, thence N 86°57'07" W a distance of 25.32 ft. to a point, thence S 78°00'27" W a distance of 23.58 ft. to a point, thence N 52°07'23" W a distance of 42.47 ft. to a point, thence N 04°39'32" W a distance of 19.58 ft. to a point, thence N 31°55'00" E a distance of 22.94 ft. to a point, thence N 13°57'12" E a distance of 23.28 ft. to a point, thence N 02°50'15" E a distance of 25.33 ft. to a point, thence N 03°42'31" E a distance of 19.85 ft. to a point, thence N 42°37'40" W a distance of 25.46 ft. to a point, thence N 26°59'49" W a distance of 16.95 ft. to a point, thence N 20°08'08" W a distance of 16.56 ft. to a point, thence N 11°12'49" W a distance of 21.88 ft. to a point, thence N 83°06'19" W a distance of 19.95 ft. to a point, thence N 07°56'28" W a distance of 20.99 ft. to a point on the southern line of the proposed access easement (future right of way), thence with said easement S 85°50'37" E a distance of 31.59 ft. to a point, thence with a curve turning to the left with a radius of 430.00 ft., with a chord of N 85°29'55" E, 129.83 ft., thence N 76°48'58" E a distance of 134.17 ft. to a point, thence with a curve turning to the right with a radius of 420.00 ft., with a chord of S 82°36'51" E, 295.13 ft. thence S 62°02'40" E a distance of 482.02 ft. to a point, thence with a curve turning to the left with a radius of 680.00 ft. with a chord of S 65°53'23" E 91.20 ft. which is the point of beginning, having an area of 23.43 acres according to a survey by Hanover Design Services, P.A.

All bearings are magnetic map cabinet 11 page 75

Leland Town Council Consistency Statement
Zoning Map/Land Development Code Amendment Requests

Approval - This request is consistent with the objectives and policies of the following plans adopted by the Town of Leland:

- () 1997 CAMA Land Use Plan
- () Collector Street Plan
- () Other: _____

Therefore, the Leland Town Council considers this action to be reasonable and in the public interest and recommends approval of this request.

_____ Denial - This request is not consistent with the objectives and policies of the following plans adopted by the Town of Leland:

- () 1997 CAMA Land Use Plan
- () Collector Street Plan
- () Other: _____

Therefore, the Leland Town Council does not consider this action to be reasonable and in the public interest and recommends denial of this request.

Comments:

This report reflects the recommendation of the Leland Town Council, this the 17th day of April 2008.

Attest:

Walter B. Futch Jr., Mayor

Councilman Hobbs **MOVED, SECONDED** by Councilman Barnes to adopt Ordinance 08-10 and the Statement of Consistency as presented. The **VOTE WAS AS FOLLOWS:**

Councilman Hobbs	YES
Councilman Barnes	YES
Councilman Bozeman	NO
Councilman Wallace	NO
Mayor Futch	NO

The **MOTION FAILED WITH A 2 TO 3 VOTE.**

7:23:14 PM PUBLIC HEARING & ORDINANCE 08-11 – REZONING – RZ-07-3916 – 810 VILLAGE ROAD – 6.53 ACRES FROM C-1 TO M-F STATEMENT OF CONSISTENCY

Mayor Futch opened the public hearing at 7:23 p.m.

Mr. Waring gave the following presentation:

GENERAL INFORMATION

Applicant: Cindee Wolf, Withers & Ravenel
Purpose: To review the rezoning request by CM Investment Properties II, LLC. and determine whether or not the rezoning request is consistent with the future land use plan for The Town of Leland.

BACKGROUND

Acres: 6.53
Owners: CM Investment Properties II, LLC.
Parcel #: 029LA030
Current Zoning District: R-15 & C-1
Proposed Zoning: M-F
Frontage: Village Rd.
North: Mill Creek, Navassa Land & Development Company, LLC (R-15)
Northeast: Property of Francis B Jones (R-15)
Northwest: Property of Gwendolyn C. Thompson, three lots (C-1, C-1 & R-15, and R-15)
South: Village Road, Property of Leland Property Holding, LLC. (R-6), CM Investment Properties, LLC. (R-6), James L. & Gale Finley (C-1 & R-15)

SUMMARY

The applicant requests the rezoning of 810 Village road, parcel # 029LA030 from R-15 & C-1 to M-F. The property is currently vacant and was previously the site of a mobile home park.

Staff feels that that this rezoning request is consistent with the goals and policy statements set forth in the 1999 Land Use Plan of encouraging residential growth as well as providing affordable housing. Additionally, this rezoning adheres to the accepted planning practices that recommend creating a diverse mix of housing types.

Staff Recommendation: Approval

Planning Board Recommendation: Approval

Cindee Wolf stated that she was with Withers & Ravenel representing the owners of the property. Ms. Wolf stated that they appreciate the staff's summary of everything. Ms. Wolf stated that as Mr. Waring pointed out part of the tract is actually zoned C-1 at approximately 1.7 acres that could potentially developed as commercial. Ms. Wolf stated that jumping off on the last conversation that would be a situation where you could probably have close to 17,000 square feet of commercial space if it was developed on the front section, then the combination of the R-15 would have some single-family development. Ms. Wolf stated that they believe multi-family along this portion of the road would be a sensible transition from the commercial corridor that has been created along Village Road. Ms. Wolf stated that they would be glad to answer any questions. Ms. Wolf stated that they think the infill of a vacant, ex-trailer park, would be a nice improvement to the community right about here.

7:28:03 PM Mayor Futch closed the public hearing at 7:28 p.m.

The ordinance and statement of consistency under consideration by the council were as follows:

Introduced by: Robert Waring, Planner I

Date: 04/17/2008

ORDINANCE 08-11
AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LELAND
810 Village Road (parcel #029LA030)

WHEREAS, N.C.G.S. §160A-385 authorizes local governments to change or modify zone boundaries within their jurisdiction; and

WHEREAS, the amendments set out below are made in accordance with N.C.G.S. §160A-364 and §30.112 of the Code of the Town of Leland.

THEREFORE, BE IT ORDAINED THAT:

1. The Official Zoning Map of the Town of Leland is hereby amended by removing the hereinafter described tract of land (approximately 6.53 acres) from the present C-1 General Commercial Business and R-15 Medium Density Residential zoning classifications and putting it in the M-F Multifamily zoning classification, said tract being more particularly described as follows:

“All that property described in Exhibit A attached hereto and incorporated herein by reference.”
2. The Town Council hereby finds as a fact that the property described hereinabove is suitable for all uses permitted in the M-F Multifamily zoning classification.
3. The Town Clerk is hereby authorized and directed to change the Official Zoning Map on file in the Office of the Town Clerk so as to make it comply with this ordinance.
4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
5. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holdings shall not affect the validity of the remaining portions hereof.

6. This ordinance shall be effective immediately upon its adoption.

Walter B. Futch, Jr., Mayor

Adopted at a regular meeting
on April 17, 2008
Attest:

Carol Ann Floyd, MMC
Town Clerk
(SEAL)

Approved as to Form:

John C. Wessell III, Town Attorney

EXHIBIT A

Beginning at a point in the northern boundary of Village Road (S.R. 1472), a 60' public right-of-way; said point being at the intersection of a 20' Access & Utility Easement (known as Faircloth Road), as recorded among the land records of the Brunswick County Register of Deeds in Map Cabinet 28, at Page 505; and running thence from the point of beginning, North 20°51'15" East, 136.50 feet to a point; thence North 20°54'42" East, 860.33 feet to a point in the southern boundary of Appleton Way, a 20' private access right-of-way; thence South 75°54'24" East, 93.08 feet to a point; thence South 30°34'42" East, 262.22 feet to a point; thence South 20°36'17" West, 843.00 feet to a point in the northern boundary of Village Road; thence with that right-of-way, North 69°23'43" West, 302.00 feet to the point and place of beginning, containing 6.53 acres, more or less.

Leland Town Council Consistency Statement
Zoning Map/Land Development Code Amendment Requests

Approval - This request is consistent with the objectives and policies of the following plans adopted by the Town of Leland:

- _____
 1997 CAMA Land Use Plan
 Collector Street Plan
 Other: _____

Therefore, the Leland Town Council considers this action to be reasonable and in the public interest and recommends approval of this request.

Denial - This request is not consistent with the objectives and policies of the following plans adopted by the Town of Leland:

- _____
 1997 CAMA Land Use Plan
 Collector Street Plan
 Other: _____

Therefore, the Leland Town Council does not consider this action to be reasonable and in the public interest and recommends denial of this request.

Comments:

This report reflects the recommendation of the Leland Town Council, this the 17th day of April 2008.

Attest:

Walter B. Futch Jr., Mayor

Councilman Bozeman **MOVED, SECONDED** by Councilman Wallace to adopt Ordinance 08- 11 and the Statement of Consistency as presented. The **MOTION CARRIED UNANIMOUSLY.**

7:28:18 PM RESOLUTION – PURCHASE WATER QUALITY TESTER – HAND HELD UNIT

The resolution under consideration by the council was as follows:

Introduced by: Town Manager Date: April 17, 2008
Resolution approving purchase of a water quality meter

INTENT/PURPOSE:

The Phase II stormwater permit requires measurement of water quality parameters in the Town’s surface waters. The measurements may be part of systematic documentation of water quality, identification of illicit discharges, or in response to an emergency.

Town staff investigated cost effective approaches to meet these requirements. The UNCW Center for Marine Science estimated a cost of \$21,000 to sample 3 sites monthly for one year. Purchase of a handheld meter is a second option. These meters can measure nitrate, ammonium, pH/Oxygen reduction potential, dissolved oxygen, turbidity, temperature, and other parameters. The cost of a meter is \$10,000. Staff determined that purchase is the more cost effective option.

The resolution authorizes purchase of a handheld water quality meter. Funds for the purchase are available in the Public Works budget.

THEREFORE, BE IT RESOLVED:

THAT the Town Council of the Town of Leland hereby authorizes purchase of an In-Situ, Inc. handheld water quality meter in the amount of \$10,000.

Walter B. Futch, Jr., Mayor

Adopted at a regular meeting
on April 17, 2008
Attest:

Carol Ann Floyd, MMC
Town Clerk

Councilman Hobbs **MOVED, SECONDED** by Councilman Bozeman to adopt the resolution as presented. The **MOTION CARRIED UNANIMOUSLY**.

7:30:21 PM RESOLUTION – NCDOT – MOWING AGREEMENT

The resolution under consideration by the council was as follows:

Introduced by: Town Manager Date: April 17, 2008

Resolution approving mowing agreement with the North Carolina Department of Transportation

INTENT/PURPOSE:

For some time the Town has been interested in taking over responsibility for mowing and cleaning NCDOT rights-of-way within the Town.

The Town received a contract from NCDOT that allows the Town to mow and cleanup DOT rights-of-way. The rights-of-way include the following: Village Road from US17/74-76 to the Town limits; South Navassa Road from Village Road to the bridge; and Old Fayetteville Road from Village Road to highland Hills.

The Town will be reimbursed \$2,494.72 per year for the work.

THEREFORE, BE IT RESOLVED:

THAT the Town Council of the Town of Leland hereby approves and authorizes the Mayor to sign the Mowing Agreement with NCDOT to provide mowing and cleanup services on selected NCDOT rights-of-way.

Walter B. Futch, Jr., Mayor

Adopted at a regular meeting
on April 17, 2008
Attest:

Carol Ann Floyd, MMC
Town Clerk

Councilman Wallace **MOVED, SECONDED** by Councilman Barnes to adopt the resolution as presented. The **MOTION CARRIED UNANIMOUSLY**.

7:32:51 PM RESOLUTION – SUPPORTING THE NORTH BRUNSWICK ECONOMIC DEVELOPMENT COUNCIL

The resolution under consideration by the council was as follows:

Introduced by: Mayor Futch Date: April 17, 2008

Resolution supporting the North Brunswick Economic Development Council

WHEREAS, northern Brunswick County is one of the fastest growing areas in the nation; and
WHEREAS, the North Brunswick Chamber of Commerce promotes the Town of Leland and the entire North Brunswick region as a place to live and do business; and
WHEREAS, the North Brunswick Chamber of Commerce is forming the North Brunswick Development Economic Development Council; and
WHEREAS, the North Brunswick Economic Development Council will provide a unified economic development voice for northern Brunswick County,
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Leland that the Council supports the creation of the North Brunswick Economic Development Council.

Walter B. Futch, Jr., Mayor

Adopted at a regular meeting
on April 17, 2008
Attest:

Carol Ann Floyd, MMC
Town Clerk

Councilman Bozeman **MOVED, SECONDED** by Councilman Hobbs to adopt the resolution as presented. The **MOTION CARRIED UNANIMOUSLY**.

7:33:47 PM RESOLUTION – SUPPORTING ADDITIONAL FUNDING OF THE NORTH CAROLINA DEVISION OF TOURISM, FILM AND SPORTS DEVELOPMENT

The resolution under consideration by the council was as follows:

Introduced by: Mayor Futch Date: 04/17/2008

RESOLUTION SUPPORTING ADDITIONAL FUNDING OF THE NORTH CAROLINA DIVISION OF TOURISM, FILM AND SPORTS DEVELOPMENT

INTENT/PURPOSE:

WHEREAS, in 2007 tourism generated \$16.5 billion in travel expenditures, \$1.344 billion in state and local taxes, \$4 billion in payroll and employed more than 190,000 North Carolinians and

WHEREAS, although consistently ranking among the top 10 states in visitation, North Carolina’s travel marketing budget ranks only 21st among the 50 states and 8th among peer southern competitors, and

WHEREAS, North and South Carolina has increased its budget to approximately \$46 million for 2008-09 and will be investing in domestic marketing and advertising at a more than 3:1 advantage over North Carolina, and

WHEREAS, North and South Carolina draw visitors from the same states and markets and South Carolina stands to increase its market share at the expense of North Carolina if the state does not respond to this threat immediately, and

WHEREAS, independent research conducted by Longwoods International reported North Carolina receives \$185 in new visitor spending and more than \$15 in state and local tax revenues for every dollar invested in paid advertising, an impressive ROI of more than 15:1 on the state’s investment and

WHEREAS, based on Longwoods findings and the 2007 TIA Economic Impact of Tourism Study on North Carolina’s Economy, an additional \$5 million for the Division’s statewide marketing efforts would generate \$925 million in new visitor spending and more that \$75 million in new state and local tax revenues, and

WHEREAS, tourism provides public and private sector benefits in all 100 counties. In 2006, Brunswick County ranked 9th among the 100 counties in visitor spending with \$367.87 million in expenditures, \$75.41 million in payroll, nearly 5000 people employed, and \$23.97 million in local tax receipts.

NOW, THEREFORE BE IT RESOLVED that the Town of Leland does hereby urge Governor Easley and the North Carolina General Assembly to increase the Division of Tourism’s statewide marketing program by \$5 million.

BE IT FURTHER RESOLVED that the Town of Leland does hereby encourage the tourism industry of Brunswick County to contact Governor Easley and our legislators in support of said additional funding.

Walter B. Futch, Jr., Mayor

Adopted at a regular meeting
on April 17, 2008
Attest:

Carol Ann Floyd, MMC
Town Clerk

Councilman Barnes **MOVED, SECONDED** by Councilman Wallace to adopt the resolution as presented. The **MOTION CARRIED UNANIMOUSLY**. Mr. Farris stated that there was a movie scene shot at the Piggly Wiggly last week.

7:35:14 PM APPOINTMENTS

1) LELAND CODE RE-WRITE TASK FORCE

The following citizens were nominated for the citizen committee by nomination from Council:

Lee Craddock
Pat Batleman
Pat Evans
Dawn Baldwin-Ivey

Mayor Futch closed the nominations. Councilman Hobbs **MOVED, SECONDED** by Councilman Wallace to appoint the citizens as stated above to the Leland Code Re-write Task Force. The **MOTION CARRIED UNANIMOUSLY**.

The following councilmen were nominated for the council positions on the committee:

Mayor Futch
Councilman Barnes

Mayor Futch closed the nominations. Councilman Bozeman **MOVED, SECONDED** by Councilman Wallace to appoint the council members as stated above to the Leland Code Re-write Task Force. The **MOTION CARRIED UNANIMOUSLY**.

7:38:10 PM 2) LELAND HOUSING TASK FORCE

The following citizens were nominated for the citizen committee by nomination from Council:

Judy Benson
Keith Raffell
George Krasnov
Doris Johnson
Marcus Smith

Mayor Futch closed the nominations. Councilman Hobbs **MOVED, SECONDED** by Councilman Barnes to appoint the citizens as stated above to the Leland Housing Task Force. The **MOTION CARRIED UNANIMOUSLY**.

The following councilmen were nominated for the council positions on the committee:

Councilman Barnes
Councilman Hobbs

Mayor Futch closed the nominations. Councilman Wallace **MOVED, SECONDED** by Councilman Bozeman to appoint the council members as stated above to the Leland Housing Task Force. The **MOTION CARRIED UNANIMOUSLY**.

OLD/NEW BUSINESS

RESOLUTION TO INITIATE PROVISION OF WATER SERVICE

Mayor Futch stated at the last meeting the council voted to explore the possibility of getting into the water business. Mayor Futch stated that Mr. Farris has worked really hard and you can look at the plan and see how much effort has gone into the water management plan. Mr. Farris stated that he thought for the purposes of tonight we would focus on just Part 1 of this, which is the spreadsheets and the financial plan. Mr. Farris stated that the rest of the plan is technical and don't think we need to spend a lot of time on that at this point. Mr. Farris asked the council to open the plan to page 3, worksheet #2. Mr. Farris stated that the permit application process with NCDENR has a fairly well developed set of steps to go through and documents that you have to provide, in which we followed in putting this plan together. Mr. Farris stated that worksheet #2 is simply the first step in trying to project customers and revenue that might be produced by the system. Mr. Farris stated that they are showing 700 customers at the starting base. Mr. Farris stated that they looked at a five(5) years window and looks to add about 300 customers a year on average. Mr. Farris stated that they had looked at how much water that number of customer would use, the impact fees it would generate, the capital recovery fees it would generate, applied availability charges and user charges so that they get total projected revenues from that number of customers. Mr. Farris stated that we know we would be buying water wholesale from the county. Mr. Farris stated that the county's wholesale rate at this time is \$2.47 per 1,000 gallons and that figure is adjusted yearly by the county according to an index that they use. Mr. Farris stated that this will then tell us the net revenue, both availability charge, user charges and the two(2) impact fees that would be available for the system. Mr. Farris stated that the next spreadsheet looks at the first full year of operation of the system. Mr. Farris stated that it tries to look at revenues generated and expenses that the town would incur operating the system. Mr. Farris stated that in the first year of operation there is a negative balance of about \$228,000 dollars, so the existing utility fund balances would have to be used for that first year in order to cover that debt. Mr. Farris stated that the next spreadsheet is a five(5) year projection of revenues and cost. Mr. Farris stated that the first year there is the negative balance, but it does then turn positive, so over that five(5) year period the operating experience is positive. Mr. Farris stated that one of the things that has come into the picture since there was a detailed discussion by council is the pressure problems that are being experience now and also the requirement for new permits that there be storage and some of that to be elevated storage. Mr. Farris stated that what we are proposing in this plan would be to construct an elevated storage of about 750,000 gallons. Mr. Farris stated that we believe that would cover about 15,000 customers from the state requirements. Mr. Farris stated that they have tried some picture of what the impact that would be on the revenues of the town. Mr. Farris stated that the best estimate would be \$2.34 per gallon of evaluated storage. Mr. Farris stated that the construction cost would be \$1,775,000 dollars exclusive of any land cost. Mr. Farris stated that the annual payments, if we finance under a familiar arrangement, would be \$220,000 a year. Mr. Farris stated that the payments would be 2.1 million dollars for 10 year financing. Mr. Farris stated that the impact and recovery fees for the 10 year period would be about \$2.2 million dollars, so that would more than cover the cost of the tank. Mr. Farris stated that the

other parts of the plan include operation and maintenance policies. Mr. Farris stated that they include the rules of how the system might operate, these would be incorporated into the town code, very similar to the sewer use ordinance. Mr. Farris stated that there are provisions related to rates, fees, charges and how billing and collection would be handled. Mr. Farris stated that it would pretty much mirror what we are doing with sewer at this point. Mr. Farris stated that there is an important piece, the cross connection and back flow control policies. Mr. Farris stated that the final two(2) sections are also important. Mr. Farris stated that part 5 is the specifications for the system and the final part would be the fee structure. Mr. Farris stated that they had replicated the fee structure of the sanitary district. Mr. Farris stated that is what the plan looks like and would be happy to answer any questions and that Mr. Strickland had worked on this with him and would also be able to answer any questions. After a lengthy discussion Councilman Bozeman **MOVED, SECONDED** Councilman Wallace to set a special meeting for Wednesday, April 23, 2008 at 6:30 p.m. to decide on the water management plan. The **MOTION CARRIED UNANIMOUSLY.**

Mr. Farris stated that he spoke with Mr. Wessell about the need to provide legal assistance with the Board of Adjustment. Mr. Farris stated that Mr. Wessell felt he could make that happen but felt we needed the council's authorization. Mr. Farris stated that the number of BOA meetings has significantly grown. Mr. Wessell stated that he would give the BOA advice and them guidance in following procedures since their meetings are quasi-judicial in nature instead of legislative. Councilman Bozeman **MOVED, SECONDED** by Councilman Wallace to authorize the town attorney to attend the Board of Adjustment meetings. The **MOTION CARRIED UNANIMOUSLY.**

REPORTS

- 1) MONTHLY FINANCIAL REPORT**
- 2) MONTHLY TAX REPORT**
- 3) MONTHLY UTILITIES REPORT**
- 4) MONTHLY POLICE ACTIVITY REPORT**
- 5) MONTHLY BUILDING INSPECTION REPORT**
- 6) ANNUAL REPORT – 2006-2007 – PARKS & RECREATION**

The reports are for the council's information.

8:09:28 PM ADJOURNMENT

Councilman Wallace **MOVED, SECONDED** by Councilman Barnes to adjourn the meeting at 8:09 p.m. The **MOTION CARRIED UNANIMOUSLY.**

Walter B. Futch Jr., Mayor

Carol Ann Floyd, MMC, Town Clerk

Approval Date: 05/15/08