

**TOWN OF LELAND  
REGULAR COUNCIL MEETING  
THURSDAY, NOVEMBER 16, 2006  
7:00 P.M.**

**ASSEMBLY**

The Town of Leland Council held their regular meeting on Thursday, November 16, 2006 at 7:00 p.m. at Leland Town Hall, 102 Town Hall Drive.

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

Also present were: Bill Farris, Interim Town Manager; Carol Ann Floyd, CMC, Town Clerk; Landon Barker, Executive Assistant; Steven Spruill, Planner I; Nicholas Mills, Planner I; Donna Strickland, CMC, Finance Officer; Tim Evans, Chief Building Inspector; Osey Sanders, Police Chief and John Wessell, Town Attorney.

**7:01:13 PM CALL TO ORDER & INVOCATION**

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

**7:03:39 PM APPROVAL OF THE AGENDA**

Mayor Futch stated there were additions to the agenda and they were as follows:

- 15A Budget Amendment 07-06-01 – Recognize Revenue from  
Loan Proceeds – Police Vehicles
- 15B Police Vehicle Update – Chief Osey Sanders
- 15C Office Space Update – Bill Farris
- 15D Bank Draft – Sewer Bills – Councilman Medlin
- 15E TAC Update – Councilman Wallace

Councilman Hobbs **MOVED, SECONDED** by Councilman Bozeman to approve the agenda with the additions as stated above. The **MOTION CARRIED UNANIMOUSLY**.

**7:05:09 PM CONTRACT – TOWN MANAGER SERVICES – WILLIAM B. FARRIS, INC.**

Mayor Futch stated that Mr. Wessell and Poyner & Spruill studied it and that according to the IRS they would not allow us to contract with Mr. Farris' company for town manager services. Mayor Futch stated that by law he is an employee and could not be a contractor. Mayor Futch stated that Mr. Farris said that he would be happy to do it that way even though he will loose some benefits that he currently has. Mayor Futch stated that the council has a letter in front of them tonight to hire him permanent.

The employment offer under consideration by the council was as follows:

William B. Farris  
1806 Grace Street  
Wilmington, NC 28405

Dear Mr. Farris:

On behalf of the Town of Leland Town Council, I am pleased to confirm our offer of the Town Manager position. You are expected to perform all of the duties described in the NCGS 160A-148 and the Town Code. In addition, you will be responsible for any additional duties as may be assigned by formal action of the Town Council. Your annual salary is \$85,000 and you will be eligible for an annual performance bonus of up to 5% subject to an evaluation by the Council. In addition, you will be entitled to all of the benefits of a town employ as enumerated in the Town Personnel Policy.

The following are specific conditions of your employment:

1. Full participation in the Town's retirement programs and health insurance program;
2. You are entitled to annual leave not to exceed 20 days. No more than 10 days of annual leave may be accumulated and carried over to the next year.
3. You are authorized to work a flexible office schedule consistent with proper performance of the duties described above. No accumulation of compensatory time is allowed.
4. You are required to give the Town 60 days notice prior to the effective date of resignation. Likewise, the Town Council is required to provide 60 days notice of termination except for cause. If you give less than 60 days notice, then you will be entitled only to salary earned up to the date of separation; if the Council gives less than 60 days notice, you will be paid a separation allowance equal to 60 days salary.
5. If you are terminated for reasons other than cause, you are entitled to participate in the Town's health insurance program until such time as you are eligible for Medicare. In such event, you will pay the premiums for such coverage. In the event you are not eligible for health insurance under the Town's existing program, the Town will purchase an individual policy for you and the cost of such policy shall be paid one-half by the Town and one-half by you.
6. You shall provide a clean, roadworthy automobile suitable for your personal use in the conduct of the Town's business. For the Town-related use of this vehicle, you shall be paid an amount of \$300.00 per month. You shall be responsible for all upkeep required to keep such vehicle in proper operating condition.
7. For purposes of this letter agreement, termination of your employment "for cause" shall mean termination resulting from the conviction of a felony, the conviction of any crime involving moral turpitude, a violation of the Town's personnel policies specifying grounds for dismissal of an employee, misconduct in office or gross incompetence.

The Town Council looks forward to a long and mutually beneficial association.

Sincerely,

Walter B. Futch Jr., Mayor

Accepted by:

\_\_\_\_\_  
William B. Farris

date: \_\_\_\_\_

Councilman Bozeman **MOVED, SECONDED** by Councilman Medlin to accept the town manager offer as presented. The **MOTION CARRIED UNANIMOUSLY**.

### **AUDIT FY 2005-2006 – KEMMY GOODSON, GOODSON & TAYLOR, CPA'S**

Kemmy Goodson stated that he would like to share with the council and the citizens that are here the financial report for the fiscal year ending June 30, 2006. Mr. Goodson stated that there are 5 major sections of the financial statements. Mr. Goodson stated that the first is the independent audit report and that the town has received an unqualified opinion on the financial statements and that's the highest level of an audit opinion that you can receive. Mr. Goodson stated that means that the town has followed all of the accounting regulations and there is no reservation on their part and that the statements actually reflect what the town had as of June 30<sup>th</sup>. Mr. Goodson stated that the second section is the management discussion analysis and it's about 8 or 9 pages of highlights of things that have happen in the town during the year. Mr. Goodson asked the council to turn to page 7 that shows 4 bullets of things that he would like to mention. Mr. Goodson stated that the Tax Collection Percentage was almost 96% that compares to a state-wide average of about 97%. Mr. Goodson stated that the town collected \$201,000 dollars in property taxes than the previous year. Mr. Goodson stated that the Sales Tax Revenue was up \$95,000 dollars over the previous year. Mr. Goodson stated that the actual Building Permit and Inspection Fees were \$1,812,000 dollars for the year. Mr. Goodson stated that the town's tax base increased from 361,000,000 up to \$441,000,000 dollars for the year. Mr.

Goodson stated that they are all significant numbers that we should all be glad about. Mr. Goodson went over the audit reports with the council.

**7:20:01 PM PUBLIC COMMENT**

**CYNTHIA TART – COASTAL EVENTS CENTER**

Mrs. Tart stated that it was good to be back in her home town. Mrs. Tart stated that she is going to all of the municipalities, as she does with many projects she works on, and giving out information. Mrs. Tart stated that she was here tonight representing the Coastal Events Center project that is a county wide project that has been under way for about 2 years. Mrs. Tart stated that she was here tonight to request a resolution of support to help with applying for grant funds at the Federal and State level. Mrs. Tart handed out an informational brochure that addresses the project. Mrs. Tart stated that there are 5 proposed projects. Mrs. Tart stated that they are the Public Market, Events Arena, Festival Grounds, Multi-purpose Community Hall and Children’s Discovery Village. Mrs. Tart stated that these projects came about from town meetings held across the county. Mrs. Tart stated that this would provide a resource for citizens that we don’t currently have in the county. Mrs. Tart stated with people moving in that they feel there needs to be a quality of life with resources and things to do when they get here. Mrs. Tart stated that the official site is located on Highway 211 consisting of 834 acre tract that was purchased from International Paper. Mrs. Tart stated that the county has purchased the property and about 150 acres have been carved out for this project. Mrs. Tart stated that they don’t have an approximate cost for the project at this time. The resolution under consideration by the council was as follows:

TOWN OF LELAND  
RESOLUTION IN SUPPORT OF THE  
COASTAL EVENTS CENTER

WHEREAS, the County of Brunswick has many items to be justly proud of, and the strength of the people merits the display of the talents and abilities of the residents of the County, coming from diverse places, with differing backgrounds and different horizons, and

WHEREAS, it is the desire of the County that there be such a place for the people of the County to gather to view the fruits of the land and of the people, to congregate, to deliberate, to plan, to exchange views and engage in commerce, educational and entrepreneurial opportunities and to help in providing for the future growth and economic development of Brunswick County, and

WHEREAS, the provision of such a place will be expensive, in terms of hours consumed, in terms of money, in terms of planning, and in terms of providing the best possible place for the best possible Events Center that a County can have, and WHEREAS, it is the desire of all involved that the Coastal Events Center be an example for other Counties to follow, that the quality and superlative nature of the Coastal Events Center should befit its namesake, and outshine all others.

NOW, THEREFORE, the Leland Town Council are hereby resolved to wholeheartedly support the COASTAL EVENTS CENTER, one that deserves and preserves the high quality of the County, and will be a permanent example of good people working together with good people to retain a history of a place named Brunswick.

This Resolution adopted the 16<sup>th</sup> day of November, 2006.

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Walter B. Futch Jr., Mayor

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Carol Ann Floyd, CMC, Town Clerk

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

**7:29:57 PM** Mayor Futch stated that before we go into more public comment that today we have been talking about the tornado in Riegelwood. Mayor Futch stated that he wanted to mention the food donations that came in from merchants in the Town of Leland. Mayor Futch stated that he wanted to recognize those as follows:

Piggly Wiggly  
CVS  
Food Lion  
Subway  
Bojangles  
Domino's  
Pizza Hut  
Shirley's

Mayor Futch stated that all the above donated food this morning and it was transported up there sometime today. Mayor Futch stated that we appreciate our businesses.

**7:30:34 PM** James Dove of 8703 Olde Forest. Mark Giordano stated he would be the mouth piece and that Eddie was his friend and neighbor. Mr. Giordano stated that on behalf of the residents of Olde Forest Drive they would like to thank the council for allowing them to speak tonight. Mr. Giordano stated that our town is growing at a fast pace. Mr. Giordano stated that the residents of Olde Forest would like to put forth a petition for the installation of speed humps or bumps for their road if and when it is paved. Mr. Giordano stated that they have been in contact with Wrightsville Builders Inc. as well as Cape Fear Paving on this issue. Mr. Giordano stated that they both are supportive of their petition and request that they bring it to the board's attention. Mr. Giordano thanked the council for hearing them.

**7:44:00 PM** Councilman Hobbs **MOVED, SECONDED** by Councilman Wallace to allow the installation of speed humps on Olde Forest Drive to be provided by someone else to the specification of the public utilities department under the direction of Mr. Strickland and in order to do that 100% of the property owners have to sign a request or a petition for it. The **MOTION CARRIED UNANIMOUSLY.**

**7:46:07 PM** Cam Mascio stated that he came back in August and voiced his concerns about the fire department. Mr. Mascio stated that since that time land has been purchased by the town for the new station and the town has given them money and fire trucks but yet the problems are still there. Mr. Mascio stated that they are not getting out of the station on calls and are under staffed. Mr. Mascio stated that most recently they failed to show up on a vehicle fire on Navassa Road. Mr. Mascio asked the council how long they were going to let this continue before you go further with this issue. Mr. Mascio asked if anyone is looking into their response time. Mr. Mascio stated that if the police department didn't show up on a call that the police chief would be in your office the next day. Mr. Mascio asked why is it any different with the fire department. Mr. Mascio stated that he knows they are a private organization but they are still taking tax money and the town is still giving them money to run. Mayor Futch stated that he didn't have an answer and asked Mr. Farris if he had one. Mr. Farris stated that he didn't have a specific answer but he does know that the town is building a fire station on Highway 133 and Lanvale Road and purchasing 4 trucks and the costs of that are millions of dollars. Mr. Farris stated that the fire district is a separate entity that is responsible to the county or the county is responsible to it not the Town of Leland. Mr. Farris stated that the town has stepped forward shouldering a good deal of the burden to make sure response times are within reason and that the fire rating of 7 is maintained. Mr. Farris stated that he received a letter the other day that the ISO rating of 7 is still in place. Mayor Futch stated that essentially the town doesn't have any authority over the fire department. Mayor Futch stated that the fire fees are collected by the county and distributed to the fire department.

**7:49:16 PM APPROVAL OF CONSENT AGENDA**

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

- A. *Approval of Minutes*
  - October 19, 2006 – Regular Meeting*
  - October 19, 2006 – Closed Session*
  
- B. *Resolutions*
  - Letter of Credit Reductions*
  - 1) LOC-06-1565 – Jefferson Landing – Brickhaven Cove – Lots 1-8 & 201-204 – Brunswick Forest, LLC – \$248,000 to \$111,755*
  - 2) LOC-06-1826 – Jefferson Landing – Phase I – Lots 9-123, 205, 206, 295 and 296 – Brunswick Forest, LLC – \$2,751,223.75 to \$1,705,195.75*
  - 3) LOC-06-2055 – Jefferson Landing – Section 4 – Lots 137-184 and 207-294 – Brunswick Forest, LLC – \$2,936,505.73 to \$1,972,282.35*
  
- C. *Unseal*
  - Approved Closed Session Minutes*
  - May 4, 2004, May 14, 2004, June 17, 2004, October 21, 2004, January 20, 2005, February 17, 2005, April 7, 2005, May 19, 2005, July 21, 2005, December 20, 2005, May 5, 2006 CS#2 and August 17, 2006*

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

**CONTINUED PARKS & RECREATION – RESOLUTION – CONTRACT – PARKS & RECREATION MASTER PLAN**

Mr. Farris stated that we had this at the last meeting. Mr. Farris stated that they have received proposals and asked time to review and the parks & recreation board to review. Councilman Hobbs **MOVED, SECONDED** by Councilman Wallace to continue the contract until the next regular meeting. The **MOTION CARRIED UNANIMOUSLY.**

**7:51:42 PM CERTIFICATE OF SUFFICIENCY – ANX-06-2459 – BRUNSWICK PROPERTIES, LLC – PARCEL #029000301 – 1.99 ACRES**

The certificate of sufficiency under consideration by the council was as follows:

CERTIFICATE OF SUFFICIENCY  
(Brunswick Properties, LLC – 1.99 acres more or less, Parcel #0290000301)

To the Town Council of the Town of Leland, North Carolina:

I, Carol Ann Floyd, CMC, Town Clerk, do hereby certify that I have investigated the petition attached and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Leland, this 27<sup>th</sup> day of October, 2006.

(SEAL)

\_\_\_\_\_  
Town Clerk

Councilman Bozeman **MOVED, SECONDED** by Councilman Medlin to accept the certificate of sufficiency for Brunswick Properties as presented. The **MOTION CARRIED UNANIMOUSLY.**

**RESOLUTION – ESTABLISHING A SAFETY & LOSS CONTROL PROGRAM**

The resolution under consideration by the council was as follows:

**RESOLUTION ESTABLISHING  
SAFETY AND LOSS CONTROL PROGRAM**

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council adopts a Safety and Loss Control Program as follows:

1. It is the policy of the Town of Leland to provide a safe working environment for all employees and to ensure that all necessary steps to make certain that Town buildings, property, equipment, and work processes, and work sites comply with applicable safety standards.
2. In order to implement this policy, the Town Manager is directed to prepare an administrative safety and loss control policy, to designate a safety coordinator, and to appoint an employee safety committee.
3. The Town Manager is authorized to arrange for periodic training in safety and loss control as needed to implement the Town’s policy.

This Resolution adopted this 16th day of November, 2006.

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Walter B. Futch Jr., Mayor

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Carol Ann Floyd, CMC, Town Clerk

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

**7:55:23 PM RESOLUTION – ADDITIONAL SEWER ALLOCATION – BRUNSWICK FOREST – PHASE I – SECTION II – 69,480 GPD**

The resolution under consideration by the council was as follows:

INTRODUCED BY: INTERIM TOWN MANAGER

**RESOLUTION APPROVING ADDITIONAL WASTEWATER FLOW ALLOCATION FOR BRUNSWICK FOREST PHASE 1 SECTION 2**

RESOLVED that the Town Council of the Town of Leland hereby approves an additional wastewater flow allocation for the Brunswick Forest Phase 1, Section 2 of 69,480 gallons per day. This allocation includes the additional flow for 193 lots.

The wastewater flow allocation will expire November 16, 2008.

Adopted at a regular meeting of the Leland Town Council on November 16, 2006.

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Walter B. Futch Jr., Mayor

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Carol Ann Floyd, CMC, Town Clerk

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

**7:58:29 PM RESOLUTION – PUBLIC WATER ACCESS – GRANT APPLICATION**

The resolution under consideration by the council was as follows:

**RESOLUTION OF THE TOWN OF LELAND TOWN COUNCIL’S AUTHORIZING APPLICATIONS TO THE DIVISION OF COASTAL MANAGEMENT FOR PUBLIC BEACH & COASTAL WATERFRONT ACCESS GRANT**

WHEREAS, the Town of Leland recognizes the public benefits of access to its estuarine and public trust waters; and WHEREAS, the Town is committed to developing areas that provide convenient public access to the water and that are usable by the greatest number and diversity of people in the community; and WHEREAS, the North Carolina Department of Environment and Natural Resources Division of Coastal Management has made grant funds available for municipalities within the coastal counties to create public waterfront access; and WHEREAS, the Town has immediate opportunities to provide public access to Mill Creek Watershed through Appleton Way and Jackey’s Creek Watershed through Highway 133 by utilizing town owned property.

NOW, THEREFORE, BE IT RESOLVED that the Town of Leland Town Council authorizes the Town of Leland’s applications for the Division of Coastal Management Public Beach & Coastal Waterfront Access Grant.

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

**8:03:13 PM UPDATE – GATEWAY PROJECT**

Mr. Farris stated that the council at previous meetings has expressed interest in knowing where we are on this project. Mr. Farris stated that one of the private individuals that have taken a lead role in getting that side of it together asked the same question. Mr. Farris stated it seemed to be a good time to take stock of where we are, where we have been and where we need to go. Mr. Farris stated that some work has been done. Mr. Farris stated that the entrance sign with additional worked planed for the interchange with the up-grade and expansion of Village Road. Mr. Farris stated that Mrs. Barker has got some numbers together as to what our estimates are and what we need to be doing. Mrs. Barker stated that Phase I was laid out to be the entrance of the town. Mrs. Barker stated that Phase II consisted of improving the interchange and the enhancement of Village Road. Mrs. Barker stated that Phase II Part A will consist of the interchange beautification with an estimated cost of \$180,000 dollars. Mrs. Barker stated that currently we have \$72,481 dollars in donation leaving \$110,000 dollars to complete the project. Mrs. Barker stated that it is feasible to complete this project before the end of the fiscal year. Mrs. Barker stated that Phase II Part B would coincide with the widening project with the NCDOT. Mrs. Barker stated that would roughly be \$600,000 dollars which would be for the sidewalks, seating pods and street trees. Mrs. Barker stated that the town could split that cost between 2 fiscal years beginning with 2007-08 fiscal year. Mrs. Barker stated that in addition we could continue to bring in and draw donations but take it on a different level where they could donate the infrastructure that they would be using such as the benches or the trees. Mayor Futch stated that last October or November that the town agreed to hire McCall and Associates to do the fundraising. Mayor Futch stated that never materialized. Mayor Futch stated that since that time he had talked with Louise McCall and she asked why the town didn't want her to raise the money. Mayor Futch stated that he didn't have an answer for her. Mayor Futch asked if that option was not still open to us and is that a good option that has since expired. Mr. Farris stated that we tried to go back and find out what happened to the contract and he doesn't know if they have been successful in that search. Mr. Farris stated that the actual money raising piece of it is something that the council may want to consider. Mr. Farris stated that it may make sense to McCall or some other similar group to do it. Mr. Farris stated that one of the things that Mrs. Barker thought about with the trees and benches and so forth that sometimes it's easier to get someone to buy a tree or a bench than it is to donate to some project. Mayor Futch stated that McCall is still willing to do it but had been told according to Mr. Hewett it had been dropped. Mayor Futch stated that we need to decide what we want to do. Mayor Futch stated that he met with Alan Pope some time last year around Christmas and basically he told him that if the town would maintain the street trees he would give us as many as we wanted. Mayor Futch stated that he didn't know if he could hold him to that or whether it's true or not, he doesn't know. Mayor Futch stated that the state doesn't want street trees in the media because they can't maintain them. Mayor Futch stated that if we are willing to maintain them the state may be a source for street trees. Mayor Futch stated that street trees are pretty expensive. Mrs. Barker stated that she forgot to mention that the town would like to show appreciation to those business and individuals

who have donated to the project. Mayor Futch stated that he had an offer from Sandy Wood, who approached him about getting this thing back underway back in March or April. Mayor Futch stated that right after that the town manager resigned and so that dropped. Mayor Futch stated that Mr. Wood thought he may be able to get another \$80,000 out of the development community. Mayor Futch stated that they were sort of upset that it never really went any further that it did. Mayor Futch stated that they are happy with the sign, but they wanted to see the median, the side of the road and they he expressed interest to get on with that. Mayor Futch stated that he would call Mr. Wood and see if they were still willing to donate. Mr. Farris stated that they wanted to give the council an update. Mr. Farris stated that as Mrs. Barker had mention that we would like to do a little cookout out back to bring them in and say thank you and maybe talk about where we go from here.

### **8:16:26 PM RESOLUTION – CDBG – GRANT APPLICATION**

The resolution under consideration by the council was as follows:  
RESOLUTION AUTHORIZING CDBG APPLICATION

RESOLVED that the Council authorizes development of an application for CDBG concentrated needs funding as follows:

1. An initial public hearing is set for December 21, 2006 to explain the program, state Council's intent to apply, and to solicit public comments on areas of need.
2. The manager is authorized to work with the Floyd Company or other qualified consultant to assist in preparing the application.
3. A second public hearing is set for January 18, 2007 to receive comments on the draft application.

Adopted at a regular meeting of the Leland Town Council on November 16, 2006.

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Walter B. Futch Jr., Mayor

\_\_\_\_\_  
Carol Ann Floyd, CMC, Town Clerk

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

### **8:18:52 PM FIRE DEPARTMENT RESOLUTION - REIMBURSEMENT**

The resolution under consideration by the council was as follows:

RESOLUTION OF THE COUNCIL FOR THE TOWN OF LELAND, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE THE TOWN OF LELAND FROM THE PROCEEDS OF TAX EXEMPT FINANCINGS FOR CERTAIN CAPITAL EXPENDITURES

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have published regulations that govern when a political subdivision such as the Town of Leland, North Carolina (the Town), can issue or execute tax-exempt obligations to reimburse itself or any agency or division thereof for expenditures on purchases prior to the issuance of tax-exempt obligations for such projects; and

WHEREAS, the regulations require that the governing body of the political subdivision adopt a resolution reciting certain facts and intentions to the incurrence of the expenditures; and

WHEREAS, the Town anticipates incurring certain expenditures in an approximate amount not exceeding \$1,800,000 (the "Expenditures") with respect to constructing a Fire Station as described in Exhibit A here fore to attached prior to the issuance by the Town of tax-exempt obligations in the form of installment purchase contracts for such purpose not to exceed \$1,800,000.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Leland as follows:

1. Official Intent.  
The Town Council hereby declares a reasonable "official intent" pursuant to Regulation 1.103-18 to the Internal Revenue Code of 1986, as amended, to reimburse the Town from the proceeds of tax-exempt obligations in the form of installment purchase contracts of the Town executed under the authority of North Carolina General Statute 160A-20, as amended for such expenditures. Such

expenditures must be incurred not later than two years from the date hereof in order to be eligible for reimbursement from the proceeds of the installment purchase contracts or such other date as may be applicable in the regulations. The Town anticipates incurring expenditures not to exceed \$1,800,000 with respect to the Project prior to the execution by the Town for such purpose.

2. Eligibility.

To be eligible for reimbursement of the expenditures, the installment purchase contract will be executed on or before the later of the date one year after the Expenditure was paid or the date one year after the Project was placed in service, or such later date as may be applicable in the regulations as amended. The expenditures are incurred solely to acquire, construct, or rehabilitate property having a reasonably expected economic life of at least one year.

3. Funding Source.

The source of funds for the General Fund Expenditures will be general funds derived primarily from ad valorem taxes of the Town as well as other Town general revenues.

Adopted this 16<sup>th</sup> day of November, 2006.

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Walter B. Futch Jr., Mayor

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Carol Ann Floyd, CMC, Town Clerk

EXHIBIT A

The proposed Town of Leland Fire Station is located on Highway 133 South adjacent to the Westport Subdivision entrance. The Station will be a two company Fire Station and include space for EMS. The structure is designed to fit in with the surrounding residential structures. The building contains approximately 9800 square feet. It is constructed of brick and concrete block with a standing seam metal roof. The building includes space for four emergency response vehicles, fire station offices, and living areas to include day room, dining and kitchen, exercise room and sleeping accommodations. In addition neighborhood Police Offices are included. It will be a state of the art facility and an asset to the Fire/ Police Departments and the Community.

The site plan will include the 9800 square foot fire station structure, concrete entrance drives, and pervious concrete parking areas, storm drainage system, detention pond, water, and sewer. A vegetated landscape berm 6 feet tall will follow the rear property line to serve as a buffer between the station and the adjacent residential neighborhood. The total area which will be disturbed for this project is 1.6 acres. Total impervious area will be 31,850 SF (0.73 AC) for the proposed construction.

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

**BUDGET AMENDMENT 07-07 – RECOGNIZE REVENUE FROM LOAN PROCEEDS OF THE WESTPORT FIRE STATION**

The budget amendment under consideration by the council was as follows:

BUDGET ORDINANCE AMENDMENT 07-07

BE IT ORDAINED by the Governing Body of the Town of Leland, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2007:

Section 1. To amend the Fire Department Capital Project Fund:

The Revenues are to be as follows:

	<u>Increase</u>	<u>Decrease</u>
21-399-9911 Fire Department Building Loan	1800000.00	

The Expenditures are to be as follows:

	<u>Increase</u>	<u>Decrease</u>
21-800-1000 Fire Department Construction Building	1800000.00	

Section 2. Copies of this budget amendment shall be furnished to the Clerk, to the Governing Board and to the Budget Officer for their direction.

Adopted the 16th day of November, 2006

\_\_\_\_\_  
Walter B. Futch Jr., Mayor

\_\_\_\_\_  
Carol Ann Floyd, CMC, Town Clerk

Councilman Bozeman **MOVED, SECONDED** by Councilman Hobbs to adopt Budget Amendment 07-07 as presented. The **MOTION CARRIED UNANIMOUSLY**.

**RESOLUTION – LOCAL GOVERNMENT COMMISSION FINANCING APPLICATION – WESTPORT FIRE STATION**

The resolution under consideration by the council was as follows:  
RESOLUTION OF THE TOWN OF LELAND, NORTH CAROLINA AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20 TO CONSTRUCT A FIRE STATION

WHEREAS, the Town Council of Leland, North Carolina desires to construct a Fire Station (the “Project”) to better serve the citizens of Leland; and

WHEREAS, The Town Council of Leland desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Leland the following:

1. Findings of fact.
  - A. The proposed Project is necessary or expedient to provide adequate and efficient fire protection to the citizens of the Town of Leland. The facility to be constructed will be used to provide housing for certain fire apparatus and fire prevention code inspection enforcement.
  - B. The proposed contract is preferable to a bond issue for the same purpose because the cost of issuing general obligation bonds would be greater and inconsistent with the time frame required.
  - C. The sums to fall due under the contract are adequate and not excessive for the proposed construction as based on proposed architectural plans.
  - D. The Town of Leland’s debt management procedures have been carried out in accordance with the Local Budget and Fiscal Control Act. The Town will continue to provide adequate debt management as directed by the Local Government Commission.
  - E. The Town of Leland is not in default in any of its debt service obligations.
  - F. The attorney for the Town of Leland will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina prior to action by the NC Local Government Commission.
  - G. There is no tax increase required.
2. Authorization to make application and negotiate proposed financing contract.
  - A. The Town Manager and Town Finance Officer are hereby authorized to act on behalf of the Town of Leland in filing an application with the North Carolina Local Government Commission for approval of the Project.
  - B. The Town Manager and Town Finance Officer are hereby authorized to negotiate proposed financing contract on behalf of the Town of Leland for the construction of the Westport Fire Department.

This resolution was adopted at the Town of Leland, Regular Council Meeting on the 16<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
Mayor, Town of Leland  
ATTEST:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk, Town of Leland

\_\_\_\_\_  
Date

This is to certify that this is a true and accurate copy of Resolution adopted by the Town of Leland Town Council on the 16th day of November, 2006.

\_\_\_\_\_  
Town Clerk, Town of Leland

\_\_\_\_\_  
Date

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

**8:21:32 PM RESOLUTION – AWARD CONTRACT – COMPREHENSIVE BICYCLE PLAN**

The resolution under consideration by the council was as follows:  
RESOLUTION AWARDING THE CONTRACT FOR PREPARATION OF THE  
TOWN OF LELAND COMPREHENSIVE BICYCLE PLAN

Resolved that the Town Council of the Town of Leland hereby awards the contract for preparation of the Town of Leland Comprehensive Bike Plan to Wilbur Smith Associates; and that all work performed and materials used on said contract shall be in conformance with the Town's bid specifications.

This Resolution adopted this 16<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
Walter B. Futch Jr., Mayor

\_\_\_\_\_  
Carol Ann Floyd, CMC, Town Clerk

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

**8:25:03 PM SET PUBLIC HEARINGS**

**Regular Meeting – Thursday, December 21, 2006 – 7:00 p.m. or shortly thereafter**

- 1) Annexation Petition – ANX-06-2459 – Brunswick Properties, LLC – Parcel #0290000301 – 1.99 acres**
- 2) Site Specific Plan – SSP-06-2377-Brunswick Forest – Phase 1– Section 3**
- 3) Text Amendment – TXT-05-1346-Wheel Stops – Section 30-273(Parking Requirements)**
- 4) Financing – Westport Fire Station**

Councilman Medlin **MOVED, SECONDED** by Councilman Wallace to set the public hearings for the next regular meeting as stated above. The **MOTION CARRIED UNANIMOUSLY.**

**OLD/NEW BUSINESS**

**BUDGET AMENDMENT 07-06-01 – RECOGNIZE REVENUE FROM LOAN PROCEEDS – POLICE VEHICLES**

The budget amendment under consideration by the council was as follows:

BUDGET ORDINANCE AMENDMENT 07-06-1

BE IT ORDAINED by the Governing Body of the Town of Leland, North Carolina that the following amendment is made to the annual budget ordinance for the fiscal year ending June 30, 2007:

Section 1. To amend the General Fund:

The Revenues are to be as follows:

	<u>Increase</u>	<u>Decrease</u>
10-399-8901 Police Vehicle Loan –RBC	410,000.00	

The Expenditures are to be as follows:

	<u>Increase</u>	<u>Decrease</u>
10-431-5400 Motor Vehicle – Capital Outlay	410,000.00	

Section 2. Copies of this budget amendment shall be furnished to the Clerk, to the Governing Board and to the Budget Officer for their direction.

Adopted the 16th day of November , 2006

\_\_\_\_\_  
Walter B. Futch Jr., Mayor

\_\_\_\_\_  
Carol Ann Floyd, CMC, Town Clerk

Councilman Wallace **MOVED, SECONDED** by Councilman Hobbs to adopt Budget Amendment 07-06-01 as presented. The **MOTION CARRIED UNANIMOUSLY**.

### **8:27:43 PM POLICE VEHICLE UPDATE – CHIEF OSEY SANDERS**

Chief Sanders stated that he would like to make a couple of general announcements. Chief Sanders stated that tomorrow at 3:00 p.m. the Leland Police Department will hold its first annual formal department uniform personnel inspection. Chief Sanders stated that it would be held in the police department's side parking lot. Chief Sanders stated that Saturday there will be a softball game to support Operation Santa Cop. Chief Sanders stated that town employees are going to take on the Leland Fire Department to provide toys to needed children this year would otherwise go without any Christmas. Chief Sanders stated that especially now in light of today's tragedy we might be able to revert some of that support to our fellow citizens down in the Riegelwood area. Chief Sanders stated that the game would be at 1:00 p.m. at the Northwest Park on Highway 74/76. Chief Sanders stated that he wanted to give the council a quick run down on looking at their vehicle purchase plan to use the money that was so graciously provided for them last month that they will need for their additional officers. Chief Sanders stated that their intentions are to purchase 10 vehicles total one of those being a police prisoner transport van that is needed desperately out on operations such as DWI checkpoints. Chief Sanders stated that would leave 9 other vehicles. Chief Sanders stated that they were looking at either 9 cars or possible 8 cars and 1 motorcycle depending on what happens with the grant applied for with the GHSP. Chief Sanders stated that even though the fiscal year came in at October 1<sup>st</sup> for the federal government they can never seem to get their funding act together on schedule so they keep getting band aids to keep existing grant running and can not tell them an answer on new grants until January or February. Chief Sanders stated that we will be standing around waiting for an answer on the grant applied for another motorcycle and traffic safety officer. Chief Sanders stated that if the grant doesn't materialize then we would finish out the 8 vehicles with 7 cars and 1 motorcycle. Chief Sanders stated that currently they have acquired 1 vehicle already in process of ordering 4 patrol vehicles. Chief Sanders stated that he doesn't expect those vehicles until after the first of the year due to the holidays. Chief Sanders stated that state contract is offering the Dodge Charger and the Ford Crown Vic's both of which are rear-wheel drive vehicles. Chief Sanders stated that the charger's are a bit cheaper than the crown vic's. Chief Sanders stated that several departments have tried the charger's and that he has ordered 4 for the sergeants to see how they perform against the crown vic's. Chief Sanders stated that other departments that have purchased the charger's seem to be more satisfied with them instead of the crown vic's. Chief Sanders stated that they would like to make that decision themselves.

### **8:33:49 PM OFFICE SPACE UPDATE – BILL FARRIS**

Mr. Farris stated that the last time the council discussed the white building and the office space the idea of turning the council chambers and the conference room into offices and find an alternative space for council to meet in came up. Mr. Farris stated that the complexity of designing the layout for the office, we got an architect to measure the space and give us some informal sketches as to what might be possible. Mr. Farris stated that the space would not be feasible for the amount of office space we need. After a lengthy discussion, Councilman Wallace **MOVED, SECONDED** by Councilman Hobbs to move forward with the project for an on/off frame modular unit to be connected to the existing Town Hall with the exterior to match

the existing buildings to provide us with at least 11 offices. The **VOTE CARRIED AS FOLLOWS:**

<b>Councilman Wallace</b>	<b>YES</b>
<b>Councilman Hobbs</b>	<b>YES</b>
<b>Councilman Bozeman</b>	<b>YES</b>
<b>Mayor Futch</b>	<b>YES</b>
<b>Councilman Medlin</b>	<b>NO</b>

**THE MOTION CARRIED WITH A 4 TO 1 VOTE.**

**9:05:33 PM BANK DRAFT – SEWER BILLS – COUNCILMAN MEDLIN**

Councilman Medlin stated that 3 meetings ago Mrs. Strickland brought forth for the council to make a decision on allowing a bank draft for the sewer bills. Councilman Medlin stated that the question was that it would cost a little bit for the draft of each home. Councilman Medlin stated that the question was which program should we take and who should pay for it, the customer or the town. Councilman Medlin stated that council voted against it and he then made a motion for the town to pay it and the council voted against it. Councilman Medlin stated that he wanted to bring this back up and he would like to make the **MOTION** once again for the town to draft sewer bills and for the town to incur the expense for 1 year to see how much the program cost the town. Councilman Medlin stated that if the program was too expensive that it could be changed. Councilman Wallace **SECONDED** the motion. Mrs. Strickland stated that it would be internet, online payments not bank drafts. Mayor Futch stated that it would allow credit card payments over the internet. Councilman Wallace stated that they would be online payments. Mr. Wessell stated that what the town ends up paying is the credit card charge of 2% to 3%. Mr. Wessell stated that he and Mrs. Strickland had discussed several times, but the issue had been put to bed since it was voted down last time. Mrs. Strickland stated that there are several different programs available. Mrs. Strickland stated that they could research the options again if the council wishes to move forward. Councilman Medlin withdrew his previous motion. Councilman Medlin **MOVED, SECONDED** by Councilman Wallace to investigate online payments and bring back to the council next month. The **MOTION CARRIED UNANIMOUSLY.**

**9:11:49 PM TAC UPDATE – COUNCILMAN WALLACE**

Councilman Wallace stated that 2 meetings ago the request was made by Lanny Wilson for the NO LEFT TURN signs on Highway 17 at the turn around's because of the numerous people making a left turn on red. Councilman Wallace stated that request has been made and he would follow up on the request. Councilman Wallace stated that Brunswick County Commissioner Bill Sue brought up the issue of the traffic leaving Belville Elementary School that the traffic becomes gridlocked at drop off and pick up times. Councilman Wallace stated that the school is taking some steps to address issues on campus that may help. Councilman Wallace stated that with school traffic, development traffic and work traffic creates an issue getting to the interchange at Highway 74/76. Mayor Futch stated that while we are talking about roads, Village Road is backed up every morning. Mayor Futch stated that we are getting an update to Village Road in 2008 but it will not solve that problem. Mayor Futch stated that Village Road is not the problem it's the causeway between here and Wilmington. Mayor Futch stated that when Alan Pope was here talking about NCDOT long range plans that project which

Mr. Pope said he supported, to 6 lane the road between here and Wilmington was not a funded project through 2013. Councilman Wallace stated that it didn't make it on the TIP. Mayor Futch stated that from what he understands the TIP is 65 billion dollars under funded. Mayor Futch stated that Mrs. Futch came up with this idea to get a petition drive to get all the signatures possible and get all the local governments to help. Mayor Futch stated that it's not only affecting us it's affecting Wilmington. Mayor Futch stated that maybe we could get the NCDOT to fund that project. Mayor Futch stated that the outerloop is a long time coming. Mayor Futch stated that they already have the right of way between here and Wilmington. Mayor Futch stated that NCDOT said that it would be a 12 million dollar project. Mayor Futch stated that the second part of the Village Road project is on the TIP for 2012, which is also a 12 million dollar project. Mayor Futch stated that to him fixing the road between here and Wilmington is more important than 5 lane Village Road from here to the Kicking Mule. Mayor Futch stated that if we adopt a resolution and get the surrounding local governments to do the same and submit them to NCDOT with a petition from the citizen's maybe it would have some weight. Mayor Futch stated that he would be willing to give up Village Road's funding to fund 6 lane the highway. Mayor Futch stated that David Sandifer, Chairman of Brunswick County Commissioners, said the county would support this if it didn't affect the outer loop. Mayor Futch stated that he would like to see staff draft a resolution, not saying to give up Village Road, so other local governments could use as a model and bring back at the next meeting. Mayor Futch stated if the town is willing to give up the 12 million dollars for Village Road, it should not affect the outer loop at all. After some discussion Councilman Wallace **MOVED, SECONDED** by Councilman Bozeman to direct staff to prepare a resolution to widening of Highway 74/76 between here and Wilmington. 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**

The reports are for the council's information.

## **9:24:26 PM ADJOURNMENT**

Councilman Hobbs **MOVED, SECONDED** by Councilman Wallace to adjourn the meeting at 9:24 p.m. The **MOTION CARRIED UNANIMOUSLY**.

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Walter B. Futch Jr., Mayor

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Carol Ann Floyd, CMC, Town Clerk

Approval Date: 12/21/06