

1. Why doesn't the Town levy Impact Fees for Fire Station Construction?

Response – Impact and/or development fees for recreation, public safety, roads, schools, and other similar services, which are quite common in other states are not authorized by the NC General Assembly and therefore cannot be levied on new construction. System Development Fees are authorized for water and sewer utilities but only after a financial analysis that establishes the dollar amount. These fees would only apply to Brunswick County Utilities which will be the supplier of water/sewer services to this area. NC laws do not allow local governments to levy impact fees on new construction for public improvements.

2. What is the anticipated relationship between the existing St. James POA and this new group of Property Owners? What access if any, will property owners and/or tenants in St James North have to ANY of the existing POA Amenities (not the Clubs of St James, as we understand these are under separate management)?

Response - Unless the St. James POA membership were to vote to expand the current geographic footprint of the association there will be NO relationship between this development and the St. James POA. This includes any amenities provided by the St. James POA provides, such as the Beach Club, etc. I would encourage residents to contact the SJPOA directly with regards to any additional questions on this matter.

3. Why did the Town Allow a Process for a Permit to Burn Vegetative Debris?

Response – Currently, burning is allowed in the unincorporated areas of the county with the issuance of an air quality permit by issued the NC Department of Environmental Quality per 15A NCAC 2D .1900. The Town Council amended Chapter 92 - Fire Prevention to authorize the issuance of a permit by the Town for the disposal of vegetative debris on commercial lands under conditions additional imposed by the Town. The Town of St. James

will not only require that a town permit include the air quality permit from NCDEQ but along with additional requirements to reduce environmental impacts, such as the use of air curtain incinerators, also known as air burners, trench burners, pit burners, or air curtain destructors.

Air curtain technology creates a concentrated burn zone with minimal smoke and emissions. The Town will be able to add this requirement to the local permit, which the developers have already stated in their information supplied to the town that they will utilize. Depending on the application submitted, other conditions may apply such as wind conditions and periods of drought.

4. Did this Development prompt the Study to Examine Expanding the Wright Event Center?

Response – *Any discussion regarding the expansion of the event center was based on current usage of the center and did not consider any projected new residents from this development. The developers and the town are working on an agreement that would provide additional parking on the property to the west of the municipal complex for future parking needs. However, this was not part of the expansion study.*

5. Why doesn't the Town hold Vote/Referendum on the Development?

Response – *There are no provisions within NC state statutes that provide for a voluntary annexation to be referred to a referendum by either the governing board or the citizens of the town. The decision to annex is completely within the discretion of the town council and not subject to any form of citizen referendum. If this were an involuntary annexation (town annexing land without the consent of the property owners) then there are provisions where either the property owners in the area to be annexed or the residents in the area to be annexed may petition for a referendum on the annexation, but that is not the case in this situation. The 2011 changes to annexation laws in NC made involuntary*

annexations outdated and encouraged annexations only on a voluntary basis. As such, they also made the decision solely a function of the elected officials of the community who represent the citizens.

6. What are the plans for the Third Fire Station?

Response from St. James Fire Department (SJFD) Board President Jim Crum.

“The SJFD is pleased to be included in the planning discussions of what is known as St. James North. The developer and TOSJ recognize the importance of providing fire and emergency services for the entirety of the St. James fire district. As part of these discussions, the potential need for an additional fire station has arisen. At this time, no decision has been made on whether to build a third station. Such a station would serve a much larger area than just the proposed St. James North development. However, we believe it is prudent to consider the acquisition of a suitable parcel of land via a donation from the St. James North developer to preserve the option of locating a station in that area. Any decision to commit to a third station will require considerable research on the size, location, and funding of such a project in coordination with TOSJ officials.”

Response from Town Manager

The SJFD, an independent entity from the town, meets annually with the Town Council in the spring to discuss annual funding as part of the town's annual budget process. According to a 1999 written agreement, the SJFD provides fire/EMS service to the town, and in return the town agreed to provide annual funding to the department. This agreement also exempted the properties within the town limits from paying an annual fire fee that is levied by the county and reimbursed back to the department. The amount of funding is determined annually by the town council based on the

SJFD's request and any future station would-be part of those annual discussions.

7. What are the Advantages for Development within the Town?

Response - *In answering this question you must start off with the fact that the property owners sought and received approval from Brunswick County in 2018 plans for a planned unit development (PUD) comprised of 1,902 multi-family dwelling units and associated commercial property. That approval has been confirmed by the county to still be valid, and their approval is vested, which means the same terms and conditions that existed **in 2018** when it was approval still exist today. So, this development will be built, whether it is in the town or under the previous approval from the county. The argument for annexation is that the development being built under Town zoning and development regulations will allow for greater oversight of the development than county zoning regulations would provide.*

The developers have submitted information in their annexation petition to the town and associated condition zoning/rezoning application that has allowed town staff to project potential future financial benefits in the range of \$ 700,000 annually at full build-out to the town via property taxes and state shared sales tax revenues. Sales tax revenue distribution is based on sales tax revenue generated by Brunswick County in total and then distributed based on the population of the town. The town's population is approximately 4% of the county so each new resident generates approximately \$ 381 annually to the towns budget.

The only anticipated expenses associated with this development will be street lighting, yard waste removal (current services provided by the town) and future maintenance on approximately two miles of public road to be constructed by the developers to NCDOT or better standards (new expense). State shared

revenues for public roads could also be applied for by the Town since apart from Maxwell Drive all roads in the town are currently privately owned roads owned and maintained by the St. James POA. Whether in the town or county, the St. James Fire Department (SJFD) will be responsible for fire/EMS service to this area. Comparing what a residential unit pays in county fire fees vs. town property taxes, the SJFD will receive more funds via taxes from the town than fire fees from the county. Police protection will be supplied by the Brunswick County Sheriff's Office.

Lastly, the developers have been open to working with the town by seeking input on what types of commercial development the town would like to see from this development. The town is not naive in not knowing that market conditions will mostly dictate what types of businesses may locate but the willingness of the developers to seek input from the town on this and other development related items would most likely not exist if the development were solely located in the county.

So, knowing that this development is going to occur regardless of whether it's in the county or in the town, the town should seek the additional revenue to benefit all of the town and the SJFD rather than see all the tax dollars it will generate go directly to Brunswick County.