

## Meeting of the Johnston County Board of Commissioners

*June 13, 2005*

The Johnston County Board of Commissioners met in regular session Monday, June 13, 2005 at 7:00 p.m. in the Commissioners' Meeting Room, Johnston County Courthouse Annex, Smithfield, North Carolina. The following members were present:

Present: Cookie Pope, Chairman, Wade M. Stewart, Vice Chairman, Allen L. Mims Jr., Jeffrey P. Carver, W. Ray Woodall, DeVan Barbour, and Tony Braswell.  
 Absent: None  
 Also Present: Rick J. Hester, County Manager, April N. Byrd, Clerk to the Board, J. Mark Payne, County Attorney, John R. Massey, Finance Director, and Deva C. Holt, Deputy Clerk.

The Chairman called the meeting to order and the following business was transacted:

### 1. Public Comments

#### A) **Request to Redistribute Sewer Allocation**

Jerry Dalton, Dalton Engineering and Associates, Clayton, requested the Board allow Son-Lan Development to redistribute sewer allocation granted for one residential development project, Adams Creek, to another one of the company's developments, Jordan Ridge. He stated a piece of land has been set aside in Jordan Ridge Phase 4 for a regional pump station, and the County has been consulted regarding the station's design. Mr. Dalton noted that it would not be economically feasible to build Phase 4 of Jordan Ridge if they are unable to redistribute allocation from the Adams Creek project.

County Manager Rick Hester noted the current Residential Sewer Service Policy does not allow the transfer of allocations from one project to another. He offered two possible resolutions to the Board: decisions on a case-by-case basis or modification to the policy.

In response to a question from Commissioner Jeffrey P. Carver, Mr. Dalton stated Son-Lan Development would not be requesting any additional sewer allocation thru 2008.

Following discussion, Commissioner Wade M. Stewart moved the Board amend the Residential Sewer Service Policy to allow the transfer of allocations from one parcel to another or from one project to another with the "expressed formal approval of the Johnston County Board of Commissioners" (Revised Policy below), and grant Mr. Dalton's request to allow the transfer of allocation from the Adams Creek project to the Jordan Ridge project. Commissioner Jeffrey P. Carver seconded the motion, which carried by unanimous vote.

### **Residential Sewer Service Policy**

(As Revised 6/13/05)

Sewer service for residential developments shall be limited to developments within Municipal Transition District's (MTD's); Interstate Highway Interchange Districts (IHID's); Outlying Residential Sewer Service Areas (ORSSA's); developments on land zoned R-10, PUD, or PDM prior to the date of adoption of this policy; and existing residences with failed or failing septic systems.

Residential development is defined as a group of owner or renter occupied dwellings consisting of single units or multiple units including subdivisions, patio homes, apartments, condominiums, and town homes. To qualify for residential sewer service in ORSSA's, developments must be zoned PUD or PDM.

Availability of wastewater allocation for qualifying residential developments shall be subject to surplus wastewater treatment capacity plant. Three years' capacity shall be continuously reserved in the wastewater treatment plant to serve the projected annual growth of the current bulk municipal customers and projected commercial, industrial and institutional development.

Requests will be processed on a first-come, first-served basis. The official date of acceptance for a residential development project shall be the date of Planning Board approval of the preliminary plat or date of approval of Board of Commissioners approval of a PUD or PDM.

At the time of submittal of preliminary plans to the Department of Planning for initial Planning Board approval, a development phasing plan shall be included which specifies the schedule of development phases, the number and type

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of residential units, and the requested wastewater flow allocation required for each phase of development. Wastewater capacity shall be allocated for residential projects on a development phase- by-development phase basis.

Capacity shall be reserved by payment of a cash deposit in the amount of 10% of the assessment fees for (all phases) for which capacity is available. Payment of the deposit may be made following approval of the project preliminary plat by the Planning Board for subdivisions and approval of the PUD or PDM by the Board of Commissioners. Payment for the balance of capacity allocations (i.e. wastewater assessment fees) may be made after approval of utility construction plans and specifications and receipt of the DWQ Non-Discharge Permit for a given development phase. Payment of the balance of capacity fees (wastewater assessment fees) shall be made prior to recording of the final plat for a development phase. The 10% deposit will be credited on a pro-rata basis against the assessment fees for later development phases. Payment of the balance of assessment fees will not be accepted for any development phase until plans and specifications are approved and the DWQ Non-Discharge Permit is issued.

The Department of Utilities will maintain records of wastewater capacity required for each project on a phase-by-phase basis. Running totals and a progressive schedule of purchased and planned wastewater allocations will be maintained. Provided developments are constructed within the proposed and approved phasing plan, wastewater capacity will be allocated in order of priority on the basis of the date of payment of initial assessment fee(s). Subsequently submitted projects will not have priority for allocation over a previously submitted project, provided the approved phasing plan is followed and the 10% assessment fee deposit is paid immediately after approval. The phasing plan for a development may be adjusted (extended) by up to one (1) year for any development phase upon prior written request to the Department of Utilities. Only one extension per project will be granted. If later development phases are cancelled or delayed beyond the approved schedule, the 10% deposit will be forfeited. Priority for service will not be confirmed unless the deposit is paid.

Wastewater capacity allocations are subject to availability. Johnston County Department of Utilities will endeavor to permit and construct wastewater transmission and treatment capacity expansions to meet demands.

Wastewater allocations expressly are for a defined project on a given parcel. Allocations may be transferred with land ownership. Allocations may not be transferred from one parcel to another or from one project to another without the expressed, formal approval of the Johnston County Board of Commissioners.

For residential development proposed outside MTD's, IHID's, and ORSSA's, on-site treatment and disposal systems may be employed, provided all regulatory permits are obtained. For projects with 100 or more units, upon request at the time of submittal of construction documents, the County will assume ownership and operation and maintenance responsibility for on-site wastewater disposal systems provided the facilities are constructed to County standards.

MTD's, IHID's, and ORSSA's shall be as shown on the attached map and may be modified, changed, or amended by the Board of Commissioners.

### **B) Request for Support for Extended Local Telephone Service**

Don Smith, resident of the McGee's Crossroads area, informed the Board that local calling was not available to all County residents in the areas of Bentonville, Corinth Holder, and Angier. He has notified several parties about the issue, and received widespread support for an extended service area (ESA). The ESA would involve a minimal increase in charges, approximately 27 cents per month. Mr. Smith requested the Board adopt a resolution to support extended local service to these areas.

Joan Page, also a resident of the McGee's Crossroads area, voiced support for the ESA.

Following questions regarding the minimal increase in charges and who would be affected, the Board took the request under advisement, and asked the County Manager to obtain more information regarding the areas not served, and how to best help these citizens.

## **2. Public Hearings - Rezoning Cases and Special Use Permit Requests**

Advertised - In The Smithfield Herald - June 3, June 7, 2005. Certified letters were mailed to adjoining property owners on Thursday, June 2, 2005 and notices posted at the locations on April 8, 2005.

**Case 05-2** Petition to rezone approximately 1.54 acres located on Jack Road (SR 1557) in Clayton Township, from Agricultural-Residential(AR) to Industrial 1-Special Use District (I1-SUD). Tax ID: 05G04048N. Owner: Charles F. Box.

At the request of the applicant, Commissioner Allen L. Mims, Jr. moved the Board table the rezoning request for 90 days, and require the applicant to give Planning Staff 25 days notice before the case can be

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placed back on the agenda. Commissioner DeVan Barbour seconded the motion, which carried by unanimous vote.

**The Chairman opened the Rezoning Hearing for Case 05-3.**

**Case 05-3**      Petition to rezone approximately 1.08 acres located on US 301 North in Selma Township, from Agricultural-Residential (AR) to Industrial 1- Special Use District (I1-SUD). Tax ID: 14N09004F. Owners and Applicants: Clifton Ray Moore and George G. Headley.

Planning Director Steven Finn identified the property on the GIS map and noted this is a request to rezone approximately 1.08 acres located on US 301 North, in the Selma Township, from Agricultural-Residential to Industrial 1 - Special Use District. The predominant zoning in the area is Agricultural-Residential.

Polly Crocker Beaver, 4 Peppertree Lane, Bluffton, South Carolina, stated that she owns property near the proposed rezoning, and expressed concern that rezoning to Industrial 1 - Special Use District was not a viable use for the land. She noted the property is wet, low-land, and the woodlands surrounding the property flood continuously. Ms. Beaver was also concerned with the limited frontage of the property, and its proximity to a nearby curve on US 301.

Essie Mae Crocker, Ms. Beaver's mother and former property owner, further expressed concern regarding the effects that rezoning to Industrial 1 -Special Use District would have on the environment.

Bob Spence, representing property owner Clifton Ray Moore, explained the request is for rezoning and an accompanying special use permit to allow for the operation of a well-drilling company, storage of vehicles and materials, and employee meeting place. He emphasized there would be no retail at the site, rather, the property would primarily serve as a meeting place for employees to park their vehicles in the mornings and return in the afternoons. The site would also serve as a place to store materials for the business. He noted there is maximum notice of the driveway to the property, both north and south on US 301, and the property is not in a flood zone.

Mr. Spence pointed out that, unfortunately, the previous property owner operated a recovery and wrecker service without the proper zoning and permit. Mr. Moore and Mr. Headley purchased the property last year, and have been attempting to bring it into compliance since that time. Further, they have retained a landscape architect to improve the look of the property.

Kenneth Boyd, 3388 Hwy 301 North, stated he lives across from the subject property. He noted the property did flood during Hurricanes Fran and Floyd, however, it does not continuously flood. He has not witnessed any traffic problems, and pointed out that school buses stop directly across from the property twice a day.

Commissioner DeVan Barbour questioned whether any environmental testing had been performed on the property, since the previous owner operated a business without the proper permits.

Ray Moore, current property owner, responded that no environmental testing had been performed, however, no evidence of environmental concerns have been found on the property.

Mr. Finn noted the Planning Board recommended approval of the rezoning request by a vote of 5-1.

**There being no further comments, the Chairman recessed the Rezoning Hearing for Case 05-3.**

**Decision on Rezoning Hearing Case 05-3**

**Case 05-3**      Petition to rezone approximately 1.08 acres located on US 301 North in Selma Township, from Agricultural-Residential (AR) to Industrial 1- Special Use District (I1-SUD). Tax ID: 14N09004F. Owners and Applicants: Clifton Ray Moore and George G. Headley.

Commissioner Allen L. Mims, Jr. moved the Board approve the rezoning case 05-3, approximately 1.08 acres located on US 301 North, in Selma Township, from Agricultural-Residential (AR) to Industrial 1- Special Use District (I1-SUD) for owners/applicants Clifton Ray Moore and George G. Headley.

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Commissioner Wade M. Stewart seconded the motion, which carried by unanimous vote.

**The Chairman opened the Special Use Hearing for Case 05-3.**

**Case 05-3** Application to allow for the operation of a well-drilling company and the storage of vehicles and materials, employee meeting place. Owners and Applicants: Clifton Ray Moore and George G. Headley.

Those wishing to speak on Special Use Case 05-3 were sworn in by the Clerk to the Board.

Planning Director Steven Finn introduced the special use case, and stated the request is to allow for the operation of a well-drilling company, the storage of vehicles and materials, and an employee meeting place. He introduced the following summary of evidence into the record:

A pre-application consultation was held with the applicant for Case 05-3 on February 18, 2005. At that time, the applicant was informed of the following:

- If approved, applicant must provide to the Planning Office a Site Plan for their review and approval.
- Applicant must comply with the requirement of the Johnston County Land Development Code regarding landscaping, buffering and fence or any additional requirements as approved by this Board.
- Applicant will be notified in writing of the Board's decision.
- If denied, no application can be accepted for the same use affecting the same property for a period of twelve (12) months and that their right of appeal to the Superior Court must be exercised within thirty (30) days of the receipt of notice of denial by the Board of County Commissioners.
- Applicant's Special Use Permit will expire at the end of twenty-four (24) months if it is not used as permitted within the time period.
- When necessary, staff informed the applicant of further Planning and Zoning Department requirements and the requirements of other departments such as: soil erosion and sedimentation requirements, Health Department regulations, stormwater and public utility requirements.
- Subsequent to the pre-application consultation, all required notices were mailed to property owners within 500 feet. The property was posted and notices of public hearings were advertised in accordance with the requirements of the North Carolina General Statutes.

On April 19, 2005, the Johnston County Planning Board held a public hearing regarding Rezoning/Special Use Permit Case 05-3 and made the following recommendations:

Upon a motion by Mr. Byrd, seconded by Mr. Schulz, and carried by a unanimous vote of 6-0, the Planning Board voted to recommend approval of the Special Use Permit request based on the following finding of facts and special conditions:

Finding of Facts for the Special Use Permit:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development appears to comply with all required use and intensity regulations of Articles II and IV of the Johnston County Land Development Code and the applicable specific standards in section 14-257 and with all applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;
4. That the use or development conforms with general plans for the physical development of the County's Planning jurisdiction, the Design Manual, or other development policies as adopted by the Board of Commissioners; and
5. That the use as proposed will provide a valuable use for the community.

Special Use Conditions:

1. Submission of a detailed site plan for review and approval by Planning and Zoning Department Staff, using site plan shown tonight as guideline.
2. Buffer required is Class C minimum; or maintain existing.
3. Hours of operation: 7:00 a.m. – 8:30 p.m. Monday through Saturday.
4. Signage: size same as current: 2.5' x 4'; freestanding; pole mounted, no higher than 4'; unlit
5. Existing building must be brought up to NC State Building Code within 60 days or be removed.
6. All buildings, present, proposed and future shall meet NC State Building Code and Johnston County Environmental Health regulations.
7. Septic system is required by NC Building Code.
8. Liability Coverage shall be carried by the property owner or business operator.
9. Maximum 8 vehicles on premises at any time, and none without current license plate.

Bob Spence, representing property owner Clifton Ray Moore, stated the applicants would like the opportunity to work with staff to ensure the recommended special use conditions are carried out. The applicants are agreeable to the recommended conditions.

Polly Crocker Beaver, owner of nearby property, questioned whether condition 7 would allow a temporary structure, i.e. portable restroom, in lieu of a septic system for the building. She expressed concern regarding the aesthetics of the property.

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In response to a question from Commissioner DeVan Barbour, applicant Ray Moore affirmed that 60 days would be reasonable to comply with condition number 5 to bring the existing building up to NC State Building Code.

Commissioner Barbour questioned condition number 8, the requirement for liability coverage.

County Attorney Mark Payne responded the Board might want to consider wording condition number eight to state liability coverage shall be carried at a "reasonable and adequate" amount by the property owner or business operator.

Commissioner Tony Braswell suggested the Board modify special use condition number eight to include the County Attorney's recommendation.

Commissioner Wade M. Stewart expressed concern regarding the difficulty to monitor for compliance when liability insurance is required.

In response to another question from Commissioner DeVan Barbour, Mr. Moore stated that the property would serve as a meeting place for employees to leave their vehicles; condition number nine, a maximum of eight vehicles on the premises at any time is acceptable.

**There being no further comments, the Chairman recessed the Special Use Hearing for Case 05-3.**

**Decision on Special Use Case 05-3**

**Case 05-3** Application to allow for the operation of a well-drilling company and the storage of vehicles and materials, employee meeting place. Owners and Applicants: Clifton Ray Moore and George G. Headley.

Based on the following findings of fact, with special conditions attached and modification to condition number eight to state "liability coverage shall be carried at a reasonable and adequate amount by the property owner or business operator", Commissioner Allen L. Mims, Jr. moved the Board authorize the Planning Department to issue a special use permit to owners/applicants Clifton Ray Moore and George S. Headley for the operation of a well-drilling company, storage of vehicles and materials, and employee meeting place on US 301 North in the Selma Township. Commissioner Jeffrey P. Carver seconded the motion, which carried by unanimous vote.

Finding of Facts for the Special Use Permit:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development appears to comply with all required use and intensity regulations of Articles II and IV of the Johnston County Land Development Code and the applicable specific standards in section 14-257 and with all applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;
4. That the use or development conforms with general plans for the physical development of the County's Planning jurisdiction, the Design Manual, or other development policies as adopted by the Board of Commissioners; and
5. That the use as proposed will provide a valuable use for the community.

Special Use Conditions:

1. Submission of a detailed site plan for review and approval by Planning and Zoning Department Staff, using site plan shown tonight as guideline.
2. Buffer required is Class C minimum; or maintain existing.
3. Hours of operation: 7:00 a.m. – 8:30 p.m. Monday through Saturday.
4. Signage: size same as current: 2.5' x 4'; freestanding; pole mounted, no higher than 4'; unlit
5. Existing building must be brought up to NC State Building Code within 60 days or be removed.
6. All buildings, present, proposed and future shall meet NC State Building Code and Johnston County Environmental Health regulations.
7. Septic system is required by NC Building Code.
8. Liability Coverage shall be carried at a reasonable and adequate amount by the property owner or business operator.

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9. Maximum 8 vehicles on premises at any time, and none without current license plate.

**The Chairman reopened the Rezoning Hearing for Case 05-8.**

**Case 05-8** Petition to rezone approximately .92 acres located on Pittman Road (SR 2137) in Pine Level Township, from Interstate Highway Interchange District (IHI) to Agricultural - Residential (AR). Tax ID: 12N09007N. Owners and Applicants: Joey A. Hooks and Tina P. Hooks.

Planning Director Steven Finn identified the property on the GIS map and noted the request is to rezone approximately .92 acres located on Pittman Road in the Pine Level Township, from Interstate Highway Interchange District to Agricultural - Residential. The subject property is in close proximity to the Micro and Pine Level zoning jurisdictions. The predominant zoning in the area is Agricultural-Residential.

**There being no further comments, the Chairman recessed the Rezoning Hearing for Case 05-8.**

**Decision on Rezoning Hearing Case 05-8**

**Case 05-8** Petition to rezone approximately .92 acres located on Pittman Road (SR 2137) in Pine Level Township, from Interstate Highway Interchange District (IHI) to Agricultural - Residential (AR). Tax ID: 12N09007N. Owners and Applicants: Joey A. Hooks and Tina P. Hooks.

Commissioner W. Ray Woodall moved the Board approve the rezoning case 05-8, for approximately .92 acres located on Pittman Road in the Pine Level Township from Interstate Highway Interchange District to Agricultural - Residential for owners/applicants Joey A. Hooks and Tina P. Hooks. Commissioner Tony Braswell seconded the motion, which carried by unanimous vote.

**The Chairman reopened the Rezoning Hearing for Case 05-10.**

**Case 05-10** Petition to rezone approximately 1 acre of a 10.75 acre tract located on Woods Crossroads Road (SR 1005) in Banner Township, from Agricultural - Residential (AR) to Industrial 1 - Special Use District (I1-SUD). Tax ID: 01F13103A. Owner and Applicant: Danella B. Anderson.

Planning and Zoning Administrator Eddy Davis identified the property on the GIS map and noted this is a request to rezone approximately 1 acre of a 10.75 acre tract located on Woods Crossroads Road, in the Banner Township, from Agricultural - Residential to Industrial 1 - Special Use District. He noted the property owner has an easement to the subject property.

Danella Anderson, owner of the property, explained the request is for rezoning and an accompanying special use permit to allow for the operation of a pet crematory. She asked for the Board's consideration of the request.

**There being no further comments, the Chairman recessed the Rezoning Hearing for Case 05-10.**

**Decision on Rezoning Hearing Case 05-10**

**Case 05-10** Petition to rezone approximately 1 acre of a 10.75 acre tract located on Woods Crossroads Road (SR 1005) in Banner Township, from Agricultural - Residential (AR) to Industrial 1 - Special Use District (I1-SUD). Tax ID: 01F13103A. Owner and Applicant: Danella B. Anderson.

Commissioner DeVan Barbour moved the Board approve the rezoning case 05-10, for approximately 1 acre of a 10.75 acre tract located on Woods Crossroads Road in the Banner Township, from Agricultural - Residential to Industrial 1 - Special Use District for owner/applicant Danella B. Anderson. Commissioner Wade M. Stewart seconded the motion, which carried by unanimous vote.

**The Chairman reopened the Special Use Hearing for Case 05-10.**

**Case 05-10** Application to allow for the operation of a pet crematory. Owner and Applicant: Danella B. Anderson.

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Those wishing to speak on Special Use Case 05-10 were sworn in by the Clerk to the Board.

Planning and Zoning Administrator Eddy Davis introduced the special use case, and stated the request is to allow for the operation of a pet crematory. He introduced the following summary of evidence into the record:

A pre-application consultation was held with the applicant for Case 05-10 on March 21, 2005. At that time, the applicant was informed of the following:

- If approved, applicant must provide to the Planning Office a Site Plan for their review and approval.
- Applicant must comply with the requirement of the Johnston County Land Development Code regarding landscaping, buffering and fence or any additional requirements as approved by this Board.
- Applicant will be notified in writing of the Board's decision.
- If denied, no application can be accepted for the same use affecting the same property for a period of twelve (12) months and that their right of appeal to the Superior Court must be exercised within thirty (30) days of the receipt of notice of denial by the Board of County Commissioners.
- Applicant's Special Use Permit will expire at the end of twenty-four (24) months if it is not used as permitted within the time period.
- When necessary, staff informed the applicant of further Planning and Zoning Department requirements and the requirements of other departments such as: soil erosion and sedimentation requirements, Health Department regulations, stormwater and public utility requirements.
- Subsequent to the pre-application consultation, all required notices were mailed to property owners within 500 feet. The property was posted and notices of public hearings were advertised in accordance with the requirements of the North Carolina General Statutes.

On April 19, 2005, the Johnston County Planning Board held a public hearing regarding Rezoning/Special Use Permit Case 05-10 and made the following recommendations:

Upon a motion by Mr. Browder, seconded by Mr. Johnson, and carried by a unanimous vote of 6-0, the Planning Board voted to recommend approval of the Special Use Permit request based on the following finding of facts and special conditions:

Finding of Facts for the Special Use Permit:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development appears to comply with all required use and intensity regulations of Articles II and IV of the Johnston County Land Development Code and the applicable specific standards in section 14-257 and with all applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;
4. That the use or development conforms with general plans for the physical development of the County's Planning jurisdiction, the Design Manual, or other development policies as adopted by the Board of Commissioners; and
5. That the use as proposed will provide a valuable use for the community.

Special Use Conditions:

1. Submission of a detailed site plan for review and approval by Planning and Zoning Department Staff.
2. Buffer: Maintain existing vegetation.
3. Adhere to all State regulations.
4. All buildings future and proposed shall meet North Carolina Building Code and Johnston County Environmental Health regulations.
5. A 6' privacy fence will surround the equipment.
6. There will be no signage.
7. No remains of carcasses or ashes will remain on the property.

In response to questions from the Board, Owner/Applicant Danella Anderson, stated she had spoken with all the neighbors, and they were not in opposition to the rezoning and special use permit. The crematory is a package unit with minimal odor. She noted the unit is already operational in Franklin County, where she cremates approximately 17 animals per month. Ms. Anderson stated she believes there is a need for a facility in Johnston County, and wishes to provide the service to citizens.

Mr. Davis stated the Planning Board recommended approval of the special use permit with seven special conditions.

**There being no further comments, the Chairman closed the Special Use Hearing for Case 05-10.**

**Decision on Special Use Case 05-10**

**Case 05-10** Application to allow for the operation of a pet crematory. Owner and Applicant: Danella B. Anderson.

Based on the following findings of fact, with special conditions attached, Commissioner W. Ray Woodall moved the Board authorize the Planning Department to issue a special use permit to owner/applicant Danella Anderson for the operation of a pet crematory on Woods Crossroads Road in the Banner Township. Commissioner Allen L. Mims, Jr. seconded the motion, which carried by unanimous vote.

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Finding of Facts for the Special Use Permit:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development appears to comply with all required use and intensity regulations of Articles II and IV of the Johnston County Land Development Code and the applicable specific standards in section 14-257 and with all applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;
4. That the use or development conforms with general plans for the physical development of the County's Planning jurisdiction, the Design Manual, or other development policies as adopted by the Board of Commissioners; and
5. That the use as proposed will provide a valuable use for the community.

Special Use Conditions:

1. Submission of a detailed site plan for review and approval by Planning and Zoning Department Staff.
2. Buffer: Maintain existing vegetation.
3. Adhere to all State regulations.
4. All buildings future and proposed shall meet North Carolina Building Code and Johnston County Environmental Health regulations.
5. A 6' privacy fence will surround the equipment.
6. There will be no signage.
7. No remains of carcasses or ashes will remain on the property.

**The Chairman reopened the Rezoning Hearing for Case 04-40, and noted that she would be abstaining from any discussion or vote on the case.**

**Case 04-40** Petition to rezone 109.01 acres located on Pierce Road (SR 1546) in Cleveland Township from Agricultural-Residential (AR) and Interstate Highway Interchange District (IHI) to Agricultural-Residential-Special Use District (AR-SUD). Tax ID: 06E03003D, 06D01007B, 06D01023B, 06E03003I, and 06E02006N. Owners: G.P. Sherill, and RAS, LLC. Petitioner: Crosland Engineering and Wm G. Daniel & Associates.

Planning Director Steven Finn noted the case has been before the Board in the past, and last month the Board requested the case return to the Planning Board as an informational item for discussion at their May 17<sup>th</sup> meeting, and requested further input from DOT at the meeting. Mr. Finn concluded the Planning Board did discuss the case at the meeting, and reviewed the latest site plan submitted by Crosland Engineering. He stated the Planning Board expressed concern with the traffic design and associated pattern for the traffic flow included in the latest plan. The original site plan reviewed by the Planning Board on November 16, 2004 included a right-in and right-out option. The Planning Board had not seen the site plan including the concrete median until the May 17<sup>th</sup> meeting. He noted there has also been discussions with DOT, however, DOT was not present at the meeting.

Commissioner Allen L. Mims, Jr. stated that he along with Commissioners Stewart and Braswell met with DOT representatives to discuss the site plan related to the case. DOT representatives affirmed that based on safety concerns, the site plan, including the concrete median, was the suggested plan for the area.

Jim Anderson, Crosland representative, stated at the May 9<sup>th</sup> meeting the Board of Commissioners made two requests: 1) return the case to the Planning Board for further discussion and review of the latest site plan, and 2) discussion with DOT. He noted that both the requests have been completed. The project has not changed, and still includes 175 single family homes, and a grocery anchored shopping center with associated commercial and support services. Currently, the tax value for the residential property is less than \$1 million, however, with the proposed residential development, this would increase to over \$30 million. The current tax base for the commercial property is less than \$1 million, and the proposed commercial development would increase the tax base to approximately \$12 million. Mr. Anderson pointed out Crosland has committed \$600,000 to highway improvements, and is planning to build a sewer station also. He emphasized both Crosland and the landowners have invested a considerable amount of time and hard work into the project during the past three years, and feel the proposal before the Board is the best that can be provided. Mr. Anderson requested the Board take action on the case tonight.

Brad Schulz, an adjacent property owner, noted that if the Board approves the site plan submitted by the petitioner, then the Board would be implicitly approving the left-turn lane and concrete median. He stressed the concrete median would have an adverse impact on surrounding property owners and deny access to



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properties.

Commissioner Tony Braswell stated, as mentioned earlier, DOT representatives implied growth in the area would dictate the priority for installing the median; if the Board decides to approve the requested rezoning and special use permit, growth would come and DOT would install the concrete median.

Commissioner Wade M. Stewart stated that he specifically asked Jim Trogdon, Division 4 - Highway Engineer, would the concrete median be necessary if the proposed Sherill Place project does not happen. Mr. Trogdon and other DOT representatives responded the concrete median would not be necessary if the project is not approved. Mr. Stewart expressed concern that access to the proposed shopping center and parking lot is too close in proximity to the intersection of Highway 1010 and Highway 42, and fears traffic would back-up into the intersection.. He expressed further concern regarding the effects on nearby property owners if the Board approves the proposed rezoning and associated special use permit.

David Hicks, owner of Central Carolina Pre-Own and owner of property in the proposed development, noted the hard work and commitment from all parties involved in the project, and asked the Board to approve the request.

Commissioner Jeffrey P. Carver stated that surrounding property owners would definitely be affected by the project, and felt, in his opinion, negotiations could have been made between the property owners and Crosland.

Commissioner Mims also commented on the traffic design included in the latest site plan submitted by Crosland, and emphasized the Board must consider the interests of all parties involved, including the surrounding property owners. He pointed out that once DOT completes the Old Drug Store Road realignment, the traffic design as presented by Crosland would deny some of the adjacent property owners access to a main road.

Mr. Anderson responded that two traffic consultants were hired specifically for the Sherill Place project, and Crosland feels they have done the best they could in negotiating with all parties involved. In regards to surrounding property owners being denied access to main roads, he noted that Crosland representatives offered access to Highway 42, however the property owners requested access to Old Drug Store Road.

Mr. Finn noted the Planning Board recommended approval of the request at their November 16, 2004 meeting, by a vote of 8-0, with Member Brad Schulz abstaining.

**There being no further comments, the Chairman closed the Rezoning Hearing for Case 04-40.**

#### **Motion**

**Case 04-40** Petition to rezone 109.01 acres located on Pierce Road (SR 1546) in Cleveland Township from Agricultural-Residential (AR) and Interstate Highway Interchange District (IHI) to Agricultural-Residential-Special Use District (AR-SUD). Tax ID: 06E03003D, 06D01007B, 06D01023B, 06E03003I, and 06E02006N. Owners: G.P. Sherill, and RAS, LLC. Petitioner: Crosland Engineering and Wm G. Daniel & Associates.

Commissioner Wade M. Stewart moved the Board deny the request for case 04-40 to rezone 109.01 acres located on Pierce Road in the Cleveland Township from Agricultural-Residential and Interstate Highway Interchange District to Agricultural-Residential-Special Use District for owners G.P. Sherill and RAS, LLC, and petitioner Crosland Engineering and Wm G. Daniel & Associates. Commissioner W. Ray Woodall seconded the motion.

#### **Discussion**

\_\_\_\_\_ Commissioner Jeffrey P. Carver asked Jim Anderson, Crosland representative, whether Crosland would like the opportunity to mediate further on the project. Mr. Anderson stated the project stands as presented before the Board.

#### **Decision on Rezoning Hearing Case 04-40**

**June 13, 2005 (Continued)**

\_\_\_\_\_Ayes: Commissioners Wade M. Stewart, Allen L. Mims, Jr., W. Ray Woodall, Jeffrey P. Carver, and Tony Braswell.

Nayes: Commissioners DeVan Barbour.

Not Voting: Commissioner Cookie Pope.

**3. Resolution Authorizing the Issuance and Sale of GO School and Community College Bonds - Series 2005**

Chairman Cookie Pope introduced a resolution, the title of which is as follows, and was read:

**RESOLUTION PROVIDING FOR THE ISSUANCE OF  
\$37,500,000 PUBLIC IMPROVEMENT BONDS, SERIES 2005**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Johnston, North Carolina (the "County"):

Section 1. The Board has determined and does hereby find, declare and represent:

(a) That an order authorizing not exceeding \$85,000,000 General Obligation School Bonds (the "School Bonds") was adopted by the Board on February 7, 2005, which order was approved by the vote of a majority of the qualified voters of said County who voted thereon at a special referendum duly called and held on May 10, 2005.

(b) That an order authorizing not exceeding \$10,000,000 General Obligation Community College Bonds (the "Community College Bonds") was adopted by the Board on February 7, 2005, which order was approved by the vote of a majority of the qualified voters of said County who voted thereon at a special referendum duly called and held on May 10, 2005.

(c) That none of the School Bonds and none of the Community College Bonds have been issued, that no notes have been issued in anticipation of the receipt of the proceeds of the sale of said bonds and that it is necessary to issue at this time \$37,500,000 of Public Improvement Bonds, consisting of \$32,500,000 of School Bonds and \$5,000,000 of Community College Bonds in accordance with the provisions of Section 2 of this resolution.

(d) That the maximum period of usefulness of the capital projects to be financed with the proceeds of said Public Improvement Bonds, Series 2005 to be issued is estimated as a period of 40 years from August 1, 2005, the date of said Public Improvement Bonds, Series 2005 as hereinafter provided, and that such period expires on August 1, 2045.

Section 2. Pursuant to said orders, there shall be issued bonds of the County in the aggregate principal amount of \$37,500,000 designated "Public Improvement Bonds, Series 2005" and dated August 1, 2005 (the "Bonds"). The Bonds shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) annually, February 1, \$1,500,000 2008 to 2017, inclusive, \$2,800,000 2018 and 2019, \$3,500,000 2020 to 2023, inclusive, and \$2,900,000 2024, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on February 1, 2006 (or such other date as is designated by the County Manager or Director of Finance in connection with the sale of the Bonds) and semiannually thereafter on February 1 and August 1 of each year (or other semiannual dates designated by the County Manager or Director of Finance in connection with the sale of the Bonds) until payment of such principal sum.

Section 3. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 4. The Bonds initially will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. Initially one fully registered Bond certificate for each stated maturity of the Bonds for each designation, in the aggregate principal amount of the Bonds of such stated maturity and registered in the name of the Securities Depository Nominee (defined below), a nominee of the Securities Depository (defined below), will be issued and required to be deposited with the Securities Depository and immobilized in its custody. The book-entry system of the Securities Depository will evidence positions held in the Bonds by the Securities Depository's participants, with beneficial ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants.

The County and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of Bonds, as the owner of Bonds for all purposes, including payments of principal of, and redemption premium, if any, and interest on the Bonds, notices and voting. The principal of and any redemption premium on each Bond shall be payable to the Securities Depository Nominee or any other

**June 13, 2005 (Continued)**

person appearing on the registration books of the County hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter or such other place as the County may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books or, during the continuation of the book-entry system, by such other method of payment as the County may determine to be necessary or advisable with the concurrence of the Securities Depository. Transfer of principal and interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. Such transfers of interest by the Securities Depository and by such participants and other nominees of such beneficial owners may be made to the owners of Bonds shown on their records on a date on or after said record date for such interest, pursuant to rules and procedures established by the Securities Depository and its participants. The County and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

In the event that (a) any Securities Depository determines not to continue to act as securities depository for the Bonds or (b) the Director of Finance of the County determines to discontinue the book-entry system with such Securities Depository, the County may identify another qualified Securities Depository to replace the predecessor Securities Depository, and, in such event, the County will make arrangements with the predecessor Securities Depository and such other Securities Depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and all references in this resolution to any predecessor Securities Depository or Securities Depository Nominee shall thereupon be deemed to mean such other depository or its nominee. If the County does not identify another qualified Securities Depository to replace the predecessor Securities Depository, the County will deliver replacement Bonds in the form of fully registered certificates in the denomination of \$5,000 or any whole multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by the predecessor Securities Depository and others. Upon the request of the Securities Depository, the County may also deliver one or more Certificated Bonds to any participant of the Securities Depository in exchange for Bonds credited to its account with the Securities Depository. The County and the Bond Registrar shall be entitled to rely upon the instructions of the Securities Depository as to the appropriate parties entitled to receive Certificated Bonds.

For purposes of this resolution "Securities Depository" means The Depository Trust Company, New York, New York, or other recognized securities depository selected by the County, which maintains the book entry system in respect of the Bonds authorized by this resolution, and shall include any substitute for or successor to the securities depository initially acting as Securities Depository. For purposes of this resolution "Securities Depository Nominee" means, as to any Securities Depository, such Securities Depository or the nominee, if any, of such Securities Depository in whose name the Bond certificates shall be registered on the registration books maintained by the Bond Registrar during the continuation with such Securities Depository of the book entry system authorized by this resolution. The Depository Trust Company, New York, New York, is hereby appointed as the initial Securities Depository, and Cede & Co., a nominee thereof, is hereby appointed as the initial Securities Depository Nominee, for the Bonds.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 5. The Bonds shall be executed with the manual or facsimile signatures of the Chairman or Vice-Chairman of the Board and the Clerk to the Board, and the seal or a facsimile of the seal of the County shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina shall be endorsed on all Bonds and shall bear the manual or facsimile signature of the Secretary of said Commission or on behalf of the Secretary by a Designated Assistant and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the County or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

Section 6. The Bonds and the endorsements thereon shall be in substantially the following form:

[Front Side of Printed Bonds]

No. R \_\_\_\_\_

United States of America

State of North Carolina

\$ \_\_\_\_\_

**June 13, 2005 (Continued)**

COUNTY OF JOHNSTON, NORTH CAROLINA  
PUBLIC IMPROVEMENT BOND, SERIES 2005

<u>MATURITY DATE</u>	<u>INTEREST RATE</u>	<u>CUSIP</u>
February 1, _____	_____ %	_____

The County of Johnston, North Carolina (the "County"), is justly indebted and for value received hereby promises to pay to \_\_\_\_\_ or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of Finance of said County, currently at Johnston County Office Building, 207 E. Johnston Street, Smithfield, North Carolina 27577 (the "Bond Registrar"), the principal sum of \_\_\_\_\_ DOLLARS

and to pay interest on such principal sum from the date hereof, or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on February 1, 2006 and semiannually thereafter on August 1 and February 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by this Bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said County. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said County of Johnston are hereby irrevocably pledged.

[Printed Bonds are to include the following paragraph]

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

[Reverse Side of Printed Bonds]

This Bond is one of an issue of Bonds designated "Public Improvement Bonds, Series 2005" (the "Bonds") and issued by the County for the purpose of providing funds, with any other available funds, for (i) the acquisition, construction, renovation and equipping of certain of the County's public school facilities in said County and (ii) the acquisition, construction, renovation and equipping of certain facilities for Johnston Community College. This Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, bond orders adopted by the Board for said County which has taken effect as provided by law, and a resolution duly passed by said Board (the "Resolution").

The Bonds maturing prior to February 1, 2016 are not subject to redemption prior to maturity. The Bonds maturing on February 1, 2016 and thereafter may be redeemed, at the option of said County, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than February 1, 2015, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the County in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some whole multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such maturities and amounts of those maturities as shall be determined by the County.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at the address of said owner appearing upon the registration books of the County. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. On the date fixed for redemption, notice of such call for redemption having been given as aforesaid and not revoked as hereinafter provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the Bonds or the portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under the Resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or the legal representative of said owner upon the surrender hereof.

The County shall have the right to revoke any call of Bonds for redemption if, on or prior to the third (3rd) business day preceding any date fixed for redemption of Bonds, the County gives written notice to the Bond Registrar and the registered owner of each Bond theretofore called for redemption that the County has elected to revoke its call

**June 13, 2005 (Continued)**

of such Bonds for redemption.

[The following four paragraphs are to be included in the form of Bond so long as the Bonds are being issued pursuant to a book-entry system.]

The Bonds initially are being issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as provided in the Resolution. Initially one fully registered Bond certificate for each stated maturity of the Bonds, in the aggregate principal amount of the Bonds of such stated maturity and registered in the name of the Securities Depository Nominee (as defined in the Resolution), a nominee of the Securities Depository (as defined in the Resolution), is being issued and required to be deposited with the Securities Depository and immobilized in its custody. The book entry system of the Securities Depository will evidence positions held in the Bonds by the Securities Depository's participants, with beneficial ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof being evidenced in the records of such participants. Transfers of beneficial ownership will be effected on the records of the Securities Depository and its participants pursuant to rules and procedures established by the Securities Depository and its participants.

The County and the Bond Registrar will recognize the Securities Depository Nominee or the Securities Depository, as the case may be, while the registered owner of this Bond, as the owner of this Bond for all purposes, including payments of principal of, and redemption premium, if any, and interest on, this Bond, notices and voting. Transfer of principal and interest and any redemption premium payments to participants of the Securities Depository will be the responsibility of the Securities Depository, and transfer of principal and interest and any redemption premium payments to beneficial owners of the Bonds by participants of the Securities Depository will be the responsibility of such participants and other nominees of such beneficial owners. The County and the Bond Registrar will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by the Securities Depository, its participants or persons acting through such participants.

While the Securities Depository Nominee or the Securities Depository, as the case may be, is the owner of this Bond, notwithstanding the provisions hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made to the Securities Depository Nominee or the Securities Depository, as the case may be, by wire transfer in immediately available funds to the account of said holder as may be specified in the bond registration books maintained by the Bond Registrar or by such other method of payment as the County may determine to be necessary or advisable with the concurrence of the Securities Depository. Further, so long as a book-entry system is used for determining beneficial ownership of Bonds, redemption notices shall be given to the Securities Depository Nominee by certified or registered mail or by such other method as the County may determine to be necessary or advisable with the concurrence of the Securities Depository. In addition, so long as a book entry system is used for determining beneficial ownership of Bonds, if less than all of the Bonds of any one maturity shall be called for redemption, the Securities Depository shall determine by lot the amount of interest of each direct participant of the Securities Depository in the Bonds within such maturity to be redeemed.

In certain events, the County may replace the Securities Depository at the time with another qualified securities depository. In certain events, the County may discontinue the book-entry system and deliver replacement Bonds in the form of fully registered certificates in the denomination of \$5,000 or any whole multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for this Bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the geographic boundaries of the County sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of said County, including this Bond, does not exceed any constitutional or statutory limitation thereon.

[The following paragraphs through the Certificate of Authentication are to appear on the front side of printed Bonds]

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said County of Johnston, by resolution duly adopted by its Board, has caused this Bond to be executed with the manual or facsimile signatures of the Chairman or Vice-Chairman and the Clerk to said Board and its seal to be imprinted or impressed hereon, all as of the \_\_\_ day of August, 2005.

June 13, 2005 (Continued)

COUNTY OF JOHNSTON, NORTH CAROLINA

[Manual or Facsimile Signature \_\_\_\_\_]

[Chairman/Vice-Chairman]

[SEAL]

[Manual or Facsimile Signature \_\_\_\_\_]

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

[Manual or Facsimile Signature]

Secretary, Local Government Commission

[By: \_\_\_\_\_]

[Designated Assistant]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the series designated herein and issued under the provisions of the within mentioned Resolution.

COUNTY OF JOHNSTON, NORTH CAROLINA

as Bond Registrar

By: \_\_\_\_\_

Director of Finance

Date of Authentication: \_\_\_\_\_

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

-----

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Assignor's Signature

Signature Guaranteed:

NOTICE: The assignor's signature to this assignment must correspond with the name of the registered owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

[End of Bond Form]

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of the Securities Depository Nominee with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 7. The various maturities of the Bonds will be subject to redemption prior to their respective maturity as set forth herein or as otherwise designated by the County Manager or Director of Finance at the time of sale of the Bonds. All or any of the maturities of the Bonds, as so designated by the County Manager or Director of Finance, may be nonredeemable prior to their stated maturity. If any of the Bonds are to be redeemable before their stated maturity, the provisions set forth in the remainder of this Section 7 shall apply; but such provisions shall be inapplicable if none of the Bonds are subject to redemption prior to their stated maturity.

The Bonds maturing prior to February 1, 2016 will not be subject to redemption prior to maturity. The Bonds maturing on February 1, 2016 and thereafter will be redeemable, at the option of the County, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than February 1, 2015, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption.

If less than all of the Bonds of any one maturity shall be called for redemption then, subject to the immediately following sentence, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the County in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some whole multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds of any one maturity shall be called for redemption, the Securities Depository shall determine by lot the amount of interest of each direct participant of the Securities Depository in the Bonds within such maturity to be redeemed. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such maturities and amounts

**June 13, 2005 (Continued)**

of those maturities as shall be determined by the County.

Not more than 60 days nor less than 30 days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part at the address of said owner appearing upon the registration books of the County; provided, however, so long as a book-entry system is used for determining beneficial ownership of the Bonds, such notice shall be given to the Securities Depository Nominee by certified or registered mail or by such other method as the County may determine to be necessary or advisable with the concurrence of the Securities Depository. Failure to mail such notice or any defect therein as to any Bond or portion thereof shall not affect the validity of the redemption as to any Bond or portion thereof for which such notice was given as required hereby. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

The County shall have the right to revoke any call of Bonds for redemption if, on or prior to the third (3rd) business day preceding any date fixed for redemption of Bonds, the County gives written notice to the Bond Registrar and the registered owner of each Bond theretofore called for redemption that the County has elected to revoke its call of such Bonds for redemption.

If any Bonds or portions thereof are to be redeemed, the Bond Registrar shall open a separate account for the sole benefit of the bondholders whose Bonds are being redeemed, which account may be maintained by the Bond Registrar or by an agent. On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar in its capacity as such for deposit in such account to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice of such call for redemption having been given in the manner and under the conditions herein above provided and not revoked as hereinabove provided, the Bonds or portions thereof so called for redemption shall be due and payable from the moneys required to be deposited in such account at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in such account in trust for the registered owners of Bonds or portions thereof to be redeemed, interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 8. The provisions of this Section 8 relating to the exchange and transfer of Bonds are subject to the provisions for operation of the book-entry system provided in Section 4 of this resolution, including the immobilization of Bond certificates with a Securities Depository during the continuation of the book-entry system. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the County upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The County or the Bond Registrar may make a charge for every such exchange or registration of transfer of Bonds sufficient to reimburse it for shipping charges, out of pocket costs and any tax, fee or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the County or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds or any

**June 13, 2005 (Continued)**

portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to Section 7 of this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the redemption premium, if any, and interest thereon, to the extent of the sum or sums so paid.

The County shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The County is to act as the initial registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the County to appoint another Bond Registrar. The Director of Finance (or such other officer who shall from time to time perform the duties of finance officer within the meaning of North Carolina General Statutes Section 159-24, as it may be amended from time to time, or any successor statute) is hereby designated to act on behalf of the County in carrying out its responsibilities as Bond Registrar, subject to the right of the governing body of the County to designate another officer to act on its behalf, and as such shall keep at the office of the Director of Finance, currently at Johnston County Office Building, 207 E. Johnston Street, Smithfield, North Carolina 27577, the books of the County for the registration, registration of transfer, exchange and payment of the Bonds.

Section 9. There may be printed on the reverse of each of any printed Bonds the legal opinion of Helms Mulliss & Wicker, PLLC, bond counsel to the County, with respect to the validity of the Bonds, and there may be printed immediately following such legal opinion a certificate bearing the manual or facsimile signature of the Chairman or Vice-Chairman of the Board, said certificate to be in substantially the following form:

I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Helms Mulliss & Wicker, PLLC, Raleigh, North Carolina, and was dated as of the date of delivery of and payment for said bonds.

[Manual or Facsimile Signature]

Chairman/Vice-Chairman of the Board of Commissioners

Johnston County, North Carolina

Section 10. The County hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the County, commencing with the fiscal year ending June 30, 2005, to each nationally recognized municipal securities information repository ("NRMSIR") and to the state information depository for the State of North Carolina ("SID"), if any, audited financial statements of the County for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the County are not available by seven months from the end of such fiscal year, unaudited financial statements of the County for such fiscal year to be replaced subsequently by audited financial statements of the County to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the County, commencing with the fiscal year ending June 30, 2005, to each NRMSIR, and to the SID, if any, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the heading "The County - Debt Information and - Tax Information" in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the County for the current fiscal year, to the extent such items are not included in the financial statements referred to in (a) above;

(c) in a timely manner, to each NRMSIR or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on any credit enhancements reflecting financial difficulties;
- (5) substitution of any credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) call of any Bonds for redemption;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of any property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to each NRMSIR or to the MSRB, and to the SID, if any, notice of a failure of the County to provide required annual financial information described in (a) or (b) above on or before the date specified.

If the County fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The County reserves the right to modify from time to time the information to be provided to the extent



**June 13, 2005 (Continued)**

necessary or appropriate in the judgment of the County, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the County;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the County (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

To the extent permitted by the U.S. Securities and Exchange Commission, the County may discharge its undertaking described above by transmitting those documents or notices electronically to [www.disclosureusa.org](http://www.disclosureusa.org).

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 11. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will do and perform all acts and things to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and any related regulations and procedures in order to assure that interest paid on the Bonds will not be includable in the gross income of the owners thereof for purposes of federal income taxation, except to the extent that the County obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in the gross income of the owners of the Bonds for purposes of federal income taxation.

As necessary or appropriate in connection with the issuance of the Bonds, all officers, employees and agents of the County are authorized and directed to provide certifications of material facts and estimates as to the reasonable expectations of the County as of the date(s) the Bonds are delivered and on behalf of the County to sign agreements or acknowledge instructions regarding compliance with the requirements of the Code and any related regulations and procedures relating to the Bonds.

Section 12. The actions of the County Manager and the Director of Finance of the County in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds are hereby approved, ratified and confirmed. The Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing a Preliminary Official Statement and an Official Statement, including any supplement thereto, relating to the sale of the Bonds. The Preliminary Official Statement, proposed to be dated on or about [July 1, 2005], substantially in the form presented at this meeting, and an Official Statement, proposed to be dated on or about July 12, 2005, in substantially the form of the Preliminary Official Statement presented at this meeting, with such changes as are necessary to reflect the maturities, redemption provisions, interest rates and other pricing data of the Bonds, is hereby approved and the Chairman or Vice-Chairman of the Board, the County Manager and the Director of Finance, respectively, of the County are each hereby authorized to approve changes in such Preliminary Official Statement or Official Statement, to approve any supplement to such Preliminary Official Statement or Official Statement and to execute such Official Statement and any supplement to such Official Statement for and on behalf of the County.

Section 13. There are hereby created, as may be needed, appropriate funds and/or accounts of the County for the receipt and expenditure of the proceeds of the Bonds and appropriate debt service funds and/or accounts of the County for the receipt and disbursement of debt service payments on the Bonds.

Section 14. The Chairman or Vice-Chairman of the Board, the Clerk to the Board, the County Manager, the Director of Finance and the other officers of the County are each hereby authorized and directed to execute and deliver for and on behalf of the County any and all certificates, documents and other papers, including, without limitation, Letter(s) of Representations to Securities Depositories and agreements relating to investment of proceeds of the Bonds (including repurchase agreements), and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

Section 15. This resolution shall take effect upon its passage.

Upon motion by Commissioner Jeffrey P. Carver, seconded by Commissioner W. Ray Woodall, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$37,500,000 PUBLIC IMPROVEMENT BONDS, SERIES 2005" was passed by the following vote:

Ayes: Cookie Pope, Wade M. Stewart, Allen L. Mims, Jr., Jeffrey P. Carver, W. Ray Woodall,, DeVan Barbour, and Tony Braswell.

Noes: None

Not Voting: None

**4. Board Grants Permission to Tear Down Old Health Department**

**June 13, 2005 (Continued)**

Upon a motion by Commissioner W. Ray Woodall, seconded by Commissioner Jeffrey P. Carver and carried by unanimous vote, the Board granted Johnston Memorial Hospital permission to tear down the old Health Department building, in preparations for a hospital expansion project.

**5. Budget Amendments**

Finance Officer John Massey requested the Board approve two budget amendments for the Department of Social Services: 1) to budget a portion of excess sales tax collection for the current year to cover over expenditure of Medicaid, and 2) to budget an increase in State/Federal funding to provide child care subsidies to low income families.

Upon a motion by Commissioner Allen L. Mims, Jr., seconded by Commissioner Jeffrey P. Carver and carried by unanimous vote, the Board approved the following budget amendments for the Department of Social Services:

FUND	BUDGET CODE	LINE ITEM CLASSIFICATION EXPENDITURE	REQUESTED CHANGE INCREASE (DECREASE)
10	6140.1907	Medicaid Cost	\$494,000.00
		TOTAL NET EXPENDITURES	\$494,000.00
FUND	BUDGET CODE	LINE ITEM CLASSIFICATION REVENUE	REQUESTED CHANGE INCREASE (DECREASE)
10	4600.32500	One Cent Sales Tax	\$375,000.00
10	4600.32510	Third One Cent Sales Tax	119,000.00
		TOTAL NET REVENUE	\$494,000.00

FUND	BUDGET CODE	LINE ITEM CLASSIFICATION EXPENDITURE	REQUESTED CHANGE INCREASE (DECREASE)
10	6130.4586	Smart Start Day Care	\$20,000.00
FUND	BUDGET CODE	LINE ITEM CLASSIFICATION REVENUE	REQUESTED CHANGE INCREASE (DECREASE)
10	6130.34119	Child Day Care	\$20,000.00

**6. Site Work at Cleveland School & Related Budget Amendment**

County Manager Rick Hester requested the Board allow site work completion for recreational ball fields at the new Cleveland School site as part of the County’s capital program for recreational facilities. He noted this could be designated as the project for the Cleveland area. The project would cost approximately \$244,000. Mr. Hester recommended the Board budget \$84,000 from revenues received from fees in lieu of open space, and the remaining \$160,000 from the existing general fund.

Commissioner Allen L. Mims, Jr., moved the Board allow site work completion for recreational ball fields at the new Cleveland School site, designate the project for the Cleveland area as part of the County's capital program for recreational facilities, and approve the related budget amendment. Commissioner DeVan Barbour seconded the motion, which carried by unanimous vote.

FUND	BUDGET CODE	LINE ITEM CLASSIFICATION EXPENDITURE	REQUESTED CHANGE INCREASE (DECREASE)
10	4600.7400	Capital Outlay	\$84,000.00
		TOTAL NET EXPENDITURES	\$84,000.00
FUND	BUDGET CODE	LINE ITEM CLASSIFICATION REVENUE	REQUESTED CHANGE INCREASE (DECREASE)
10	5700.35126	Fee in Lieu of Open Space	\$49,100.00
10	4600.33990	Fund Balance Appropriated	\$34,900.00
		TOTAL NET REVENUE	\$84,000.00

**7. Request to Amend Residential Sewer Service Policy**

**June 13, 2005 (Continued)**

The Board discussed an earlier request from Meadow resident Ovalee Parker to amend the County's Residential Sewer Service Policy to allow property owners with new residences to tie on to county maintained sewer lines in circumstances where the property will not perk.

Commissioner Allen L. Mims, Jr. recommended the Board maintain the existing policy which allows sewer service for "existing residences with failed or failing septic systems." He emphasized Mr. Parker's request does not constitute a hardship, rather, Mr. Parker is asking for an amendment to the current policy to allow him to tie on to the county sewer line for a mobile home that he plans to use as rental property. Commissioner Mims stated, in his opinion, if the Board chose to amend the current policy, this would open the Board to similar requests that the County does not have the sewer capacity to allow for.

**Motion**

Commissioner Allen L. Mims, Jr. moved the Board deny an earlier request from Meadow resident Ovalee Parker to amend the County's Residential Sewer Service Policy to allow property owners with new residences to tie on to county maintained sewage lines in circumstances where the property will not perk. Commissioner Wade M. Stewart seconded the motion.

**Discussion**

Commissioner DeVan Barbour stated he realized the County's sewer capacity is limited, however, he noted there are a lot of small entrepreneurs in the County that would like to be able to use their property to generate revenue in the way Mr. Parker is requesting. He expressed concern that the current Residential Sewer Service Policy is eliminating opportunities for these small entrepreneurs. Mr. Barbour commented his hope was that a provision could be worked out for minimal use and small capacity for people in these types of situations.

Commissioner Jeffrey P. Carver suggested the Board consider discussing the issue in detail at a retreat in the fall.

**Vote**

Ayes: Commissioners Cookie Pope, Wade M. Stewart, Allen L. Mims, Jr., W. Ray Woodall, and Jeffrey P. Carver.

Nayes: Commissioners DeVan Barbour and Tony Braswell.

**8. Board Reports and Comments**

**A) Planning Board Stipend Increased**

Commissioner Allen L. Mims, Jr. stated the Planning Board does an excellent job for the County, moved the Board approve a stipend increase from \$40 per meeting to \$75 per meeting for the Planning Board, with the effective date July 1, 2005. Commissioner Jeffrey P. Carver seconded the motion, which carried by the following vote:

Ayes: Commissioners Cookie Pope, Allen L. Mims, Jr., W. Ray Woodall, Jeffrey P. Carver, DeVan Barbour and Tony Braswell.

Nayes: Commissioner Wade M. Stewart.

There being no further business, Commissioner W. Ray Woodall moved the Board adjourn. Commissioner Jeffrey P. Carver seconded the motion, which carried by unanimous vote.

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*Cookie Pope, Chairman*

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*April N. Byrd, Clerk to the Board*