

Town of Mead
Minutes of the Regular Meeting
Board of Trustees
July 25, 2011
7:00 p.m.

The Board of Trustees for the Town of Mead met for a regular meeting on July 25, 2011. The meeting began at 7:00 p.m.

Members Present:

Mayor Richard W. Macomber
Trustee Robert J. Acker
Trustee Scott Clanton
Trustee Kim Heard
Trustee Richard E. Kraemer

Members Absent

Trustee Debra Brodhead
Trustee Liz Knapp

Staff Present

Town Manager Dan Dean, Town Attorney Rick Samson, Town Planner Steve Stamey, Town Engineer Trent Marshall, Public Works Director Dan Dennison and Town Clerk Charlene Reed.

Pledge of Allegiance to the Flag

The assembly pledged allegiance to the flag.

Board of Trustee Appointment/Swearing In

Trustee Scott Clanton was sworn in by Town Clerk Charlene Reed.

Consent Agenda:

The consent agenda consisted of the approval of the minutes of the regular meeting from July 11, 2011, approval of the minutes of the special meeting held on July 19, 2011, the bills list dated July 19, 2011, the Colorado Water Resources and Power Development Authority Payment of \$107,419.32, and the Financial Statement for June 2011.

Motion was made by Trustee Kraemer, seconded by Trustee Acker, to approve the minutes of the regular meeting held July 11, 2011. The motion passed with Mayor Macomber and Trustee Clanton abstaining.

Motion was made by Trustee Kraemer, seconded by Trustee Acker, to approve the minutes of the special meeting held July 19, 2011. The motion passed with Trustee Clanton abstaining.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to approve the bills list dated July 19, 2011. The motion carried with a 5-0 vote with Mayor Macomber abstaining.

Motion was made by Trustee Acker, seconded by Trustee Heard, to approve the Colorado Water Resources and Power Development Authority Payment for \$107,419.32. The motion passed with a 5-0 vote with Mayor Macomber and Trustees Acker, Clanton, Heard and Kraemer voting yes.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to approve the June 2011 financial statement. The motion passed unanimously.

Trustee Kraemer noted the sewer fund has more money than was anticipated for the year. Mr. Dean explained that the reason for the increase is that the Town sold 37 building permits to date. He noted Jim Wright is encouraging the Board to keep the funds for future bond payments, in case building permits are down in the next few years.

Audience Participation

There were no items presented from the audience.

Reports

Board members reviewed the Weld County Sheriff's Office Mead Area Crime Report for June 2011.

Old Business

Air Conditioning Bids

Board members received two bids for the new air condition and furnace. Bids were received from K. J. Thomas Mechanical for \$7940.00 and from Stone Heating and Air for \$7842.00.

Trustee Acker noted he would like to see a bid for this unit from COSCO and he volunteered to contact their service people to provide the bid. Mr. Dean suggested the other two bidders should be invited to resubmit their bids, since this has been discussed at several meetings.

High Point at Mead Annexation Agreement Reimbursement

Mr. Dean noted that on May 31, 2011, the Board of Trustees discussed the roughly five million dollar difference between developing High Point within the Town of Mead or in Weld County. He summarized the revised allowances, which brings the difference to roughly \$1.2 million.

Mr. Dean explained that a meeting was held to discuss these items and the owners were generally agreeable to the proposal. They are asking to extend the time to get this done from the fifteen years offered by the Town to twenty or more years, and they are asking for clarification regarding what the Town will accept for spending the impact fees within the development. They want assurances that if they propose something, it will be approved, while the Town wants the

ability to approve or disapprove what they propose when the development goes forward. Mr. Dean suggested that the Town provide a summary of items that could be acceptable.

Board members discussed the proposed concessions, and there was concern that changes made for one development must be extended to other developers when they ask. Board members were concerned about the appropriateness of waiving impact fees. Mr. Dean noted the impact fees are not being waived, but the developer is asking to use them within the development.

Trustee Kraemer suggested that Mr. Samson prepare a draft document for all parties to consider. This would clarify the terms that are being offered, and would give a basis for negotiations. Board members agreed to include the proposed document for discussion on the August 29th agenda.

New Business

Public Hearing – Oil and Gas Special Use Permit - Margil Oil and Gas Wells

Mr. Stamey provided a brief summary of the staff report, noting that this request is for special use permits for eleven wells on the Margil III property. The applicant is Synergy Resources, and they have a surface use agreement with Roger Olson, the owner of the property. Mr. Stamey noted that notice was published and letters were sent to adjacent property owners.

Vincent Harris, AICP, Planning Manager of Baseline Corporation, presented a power point presentation regarding the wells, their location and including information regarding fencing and the proposed landscaping plan. He explained that this proposal complies with COGCC regulations and complies with the Town of Mead's Oil and Gas Drilling and Production Regulations in Article 16 of the Land Use Plan, and asked that the Board approve the Special Use Permits. He noted that the staff report and the resolutions refer to this site as high density, and that is not the case. He asked that this be corrected in the staff report and the resolutions.

Mayor Macomber opened the floor for public comment.

Randy Zalesky of 18447 Wagon Trail Road, Mead, asked why all the wells cannot be directionally drilled from one well site. He asked how long the drilling will take and Mr. Harris noted approximately 50 days for the northern site and 45-50 days for the southern site. Mr. Zalesky expressed concern because the south wells will affect the value of their homes.

Richard Larson of 18567 Wagon Trail Road, Mead, asked what will be done to mitigate the dust when all the trucks are in and out of the site. Mr. Stamey explained that there is a requirement in the resolution for the applicant to put mag chloride on the roads to mitigate dust. Mr. Larson noted he would prefer to see the second location moved north.

Dan Jordan of 18623 Wagon Trail Road, Mead, noted that the wells are going under the homes in the area and he felt moving the southern wells north would be better for the residents. He also asked how the landscaping will be watered and kept alive.

Kerry Kleiman of 18620 Wagon Trail Road, Mead, noted they would prefer the second site to be further north. She noted they are new to Mead and were not aware this was planned when they purchased their home.

Todd Cerni of 18347 Wagon Trail Road, Mead, noted his property is close to site number 2. He expressed concern that having wells this close will affect the value of his property and asked why both locations cannot be accessed from one pad in the center of the property.

Roger Olson of 1906 Cherry Lane, Johnstown, addressed the Board representing Margil Farms. He explained that the well sites were selected to adapt to the plat for this property with one site in designated open space and the other using three home lots. The wells only affect ten to eleven homes within 1,000 feet. He asked that the Board consider different options in fencing to help with noise mitigation and appearance. He noted that he would like to protect the subdivision and the homeowners around the wells. Mr. Olson noted that moving the sites from the proposed locations will disturb the lots that are already laid out in the area.

Adrian Lakin of 18589 Wagon Trail, Mead, agreed that it would be preferable to move the second site north. He encouraged the applicant to use berms to reduce the visual impact of the site. He also asked if there are guidelines regarding what time the trucks can come on site to work the wells after the drilling is complete.

Mayor Macomber closed the floor for public comment. He explained that the Colorado Oil and Gas Commission allow the Town to approve the wells with conditions, or table the request.

Trustee Clanton asked if drilling under the existing homes will create issues with vibration.

Ed Holloway, Chief Executive Officer of Synergy Resources addressed the Board. He explained that the landowner went to extensive due diligence for the Town when considering where the wells can be placed. The current surface use agreement specifies that the wells will be located in the two designated locations. Synergy would be willing to consider other locations, but the surface lease agreement will have to be modified.

Mr. Holloway explained that Synergy has just completed putting wells in Erie, Greeley and Windsor. He noted they are very good at what they do and they share the Board's concerns regarding the impact these wells will have on the current residents.

Mr. Holloway explained that the residents will feel very little vibration. The technology used today and the mufflers on the wells helps to prevent noise and vibration. He noted the biggest inconvenience to the residents will be the dust on the unpaved portion of WCR 7.

Mr. Holloway addressed the concerns about the landscaping. He noted they have a water tank and will be bringing in water for the new trees and shrubs. They anticipate watering the landscape for three to four years, until it is established.

Mr. Holloway explained the options in fencing. They are unable to use block fencing, because they have to have access to the wells and the wells need ventilation. He noted that they plan to use berms to limit visual access to the sites.

Trustee Kraemer expressed concern about the height of the second location. Mr. Holloway asked the Board to go forward with the first location, and then further negotiation can occur regarding the location of the second site.

Trustee Kraemer noted no homes have been built on this site. He suggested moving the second site north, a request received from a number of the residents addressing the Board. He suggested it would be appropriate to require Mr. Olson to pave WCR 7 to help solve the problems with dust during this process. This would prevent the Town from getting stuck with a road that has been destroyed during the drilling of these wells. He also suggested the Board include specific requirements regarding the height of the berms. He also suggested requiring the applicant to access the wells from WCR 38. This would prevent damage to WCR 7, and the oil company would maintain the roads they would use once they are on the Margil property.

Trustee Kraemer noted the Town of Berthoud has asked that the first well site be moved to prevent it from intruding into the corporate boundaries of Berthoud. He suggested it would be reasonable to accommodate this request.

Mr. Dennison expressed concern about whether WCR 38 would hold up with the heavy vehicles necessary for this project. Mr. Holloway agreed they will be pulling overweight permits. He noted they are comfortable with having designated routes when moving equipment and vehicles in and out of the well sites.

Mayor Macomber expressed concern that the landscape plan presented is not adequate. He suggested the plan needs to be enhanced. He also expressed concern that hay bales are not adequate for noise buffering. He encouraged the applicant to work with the landowner to move the first site away from the Berthoud boundary and to move the second site further from the residents. He noted that oil and gas pickup was a concern and should be restricted to daylight hours. He asked Mr. Holloway to provide the composition of the fracking fluids that will be used in the drilling process.

Board members asked Mr. Samson how much control the Town has. Mr. Samson explained that the Town's controls are related to land use issues. The Town can designate requirements regarding the height of the berms, additional buffering with trees, sound deadening and the routes for the trucks. The Town can ask, but not require, the applicant to move the sites.

Trustee Acker suggested that the applicant be required to enter the property under I-25 and then turn onto the Margil property off WCR 38. Mr. Samson explained that it is not possible to compel the applicant to use a different route over private property.

Board members asked for trees located every ten feet and for taller berms. They asked that the applicant be required to water the landscaping for four years.

Mayor Macomber disagreed with the suggestions that Mr. Olson be required to pave WCR 7 before these wells are drilled. He noted the roads will have to be paved when Margil III develops. He expressed concern regarding what damage the heavy traffic could do to a newly paved road.

Mr. Samson noted the Town can require them to purchase overweight vehicle permits and the funds collected from those permits can be used to maintain or restore the roads.

Mr. Holloway asked the Board to table this topic until later in the meeting to allow them to discuss the requested changes. Board members agreed.

New Business

Economic Development Incentive Request – Specialty Products

Ben Bigalow, CEO and Mina Cox, COO of Specialty Products, 4045 Specialty Place in the Sekich Business Park were present to request that the Town consider specific incentives to allow them to annex into the Town. A summary of this request was prepared by Economic Development Specialist Linda Martin for the Board to consider.

Mr. Dean explained that item #6, the rebate of the property tax received for the first five years following annexation will be limited to the \$29,000 Specialty Products would be spending to tie into the St. Vrain Sanitation District. Ms. Cox explained that they are not asking for any assistance up front; they are asking for a rebate of the taxes as they are paid. She suggested this represents their commitment to annexing into and remaining in the Town of Mead.

Mr. Dean suggested that the recommendations be crafted into an agreement for Specialty Products and the Board of Trustees to consider.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to prepare an agreement reflecting the recommendations, as follows:

- 1) Specialty Products will annex to the Town of Mead within six months.
- 2) Specialty Products will not be assessed for the paving of Hilltop Road.
- 3) Specialty Products will buy a tap from the St. Vrain Sanitation District within eighteen months.
- 4) The Town of Mead will provide expertise from Jim Wright to assist in identifying the least cost alternative for Specialty Products to hook onto the St. Vrain Sanitation District collection system. This is not to exceed two (2) hours of service.
- 5) The Town of Mead will pay for the costs association with annexation.
- 6) The Town of Mead will rebate 100% of the property tax received from Specialty Products for the first five years following annexation to the Town of Mead, up to the cost of connecting to the sewer (estimated to be \$29,000). (2012-2016)
- 7) The Town of Mead will rebate 50% of the personal property tax received from Specialty Products for the first ten (10) years following annexation to the Town of Mead (2012-2021).

Board members questioned what benefit the Town obtains by offering these incentives. Mr. Dean explained that having Specialty Products as part of the Town will create jobs. After five years, the Town will get a share of their property taxes, and after ten years, all property taxes will come to the Town.

Board members voted and the motion passed unanimously.

CML Policy Committee

Trustee Acker volunteered to continue to serve on the CML Policy Committee.

Motion was made by Trustee Heard, seconded by Trustee Kraemer, to appoint Robert Acker to the CML Policy Committee. The motion passed unanimously.

Travel Reimbursement.

Ms. Reed included two versions of the ordinance to revise the meal reimbursement information. Option #1 follows the IRS guidelines, which requires that meals provided by the government entity are removed from the daily allowance. With this option, the per diem amount allowed is based on the amount designated by the IRS, any meals provided by the Town are removed from the allowance, and employees are required to turn in receipts to account for the monies spent.

Option #2 is a strict per diem, with no receipts required. With this option, all per diem amounts are considered additional income and must be included on the W-2 at year end.

Motion was made by Trustee Acker, seconded by Trustee Kraemer to adopt Ordinance 691 (Option #1), an ordinance of the Town of Mead, Colorado, amending Chapter 2, Administration and Personnel, regarding reimbursement of expenses. The motion passed unanimously.

Reports

Dan J. Dean

Board members reviewed Mr. Dean's activity report.

Mr. Dean reported that he and Mr. Samson met with the representatives from Vale View and they are asking that the Town reconsider requiring that the roads be rebuilt. They feel there are better more cost effective alternatives to repair the road. They have asked to contact Jim Scherocman, who was the roads expert hired by the Town to testify in the Vale View suit and have him evaluate the current conditions of the road, at their cost. They were advised that they would need the Board's approval and that the Town would be the Mr. Scherocman's client.

Mr. Dean distributed information regarding incentives prepared by Economic Development Specialist Linda Martin prepared for the Board to consider. She will be attending the Board meeting on August 29th and would like to discuss this proposal.

Rick Samson

Board members reviewed Mr. Samson's status report.

Mr. Samson reported that the issue with the avigation easement has been resolved in the Haley annexation agreement. The annexation agreement and the mylars will be signed and delivered to Town Hall to be signed and recorded.

Abatement of Dangerous Buildings – Recovery of Town’s Expenses

Mr. Samson provided information regarding the abatement of dangerous buildings and possible action the Town might be able to take regarding the removal of the red barn. Mayor Macomber noted there was some indication at the Planning Commission that this issue may be resolved without further involvement from the Town. This item was tabled.

Steve Stamey

Board members reviewed Mr. Stamey’s activity report.

New Business (Continued)

Public Hearing – Oil and Gas Special Use Permit - Margil Oil and Gas Wells (Continued)

Mr. Harris provided information regarding the negotiations that occurred during the meeting.

He explained that the applicant, with the consent of the property owner, is asking that the Town approve the resolutions for Well Site #1, the North Pad Facility and wellheads with the condition that the wells will be moved to the south to prevent encroaching on the Town of Berthoud boundary, and with conditions regarding sound deadening, berming and trees located every ten feet, which will be watered for four years. That would include wells 11-34D, 21-34D, 34A, 12-34D, 22-34D and 34KD.

They are requesting that the proposal for the South Pad Facility and 5 Wellheads be tabled until the meeting on August 29, to give them an opportunity to see if there is another configuration that will work.

Mr. Holloway explained that they are willing to provide a landscape buffer of eight feet. There will be a four foot berm on the south side of Well Site #1 around the wellheads. They agreed to planting trees ten feet apart, but depending on the type of tree, and the size at maturity, the ten foot spacing may not be appropriate. Mayor Macomber suggested they work with the Town’s arborist to get suggestions for trees and their spacing.

Mr. Holloway noted sound deadening will be done with hay bales. Synergy already has hay bales available, and with the topography of this site, should be adequate. Mayor Macomber agreed that hay bales will be adequate for Site #1, but suggested other options may need to be considered when discussing Site #2. Mr. Holloway agreed to provide the chemical design of the fracking fluids that will be used and agreed to pickup of oil and gas in daylight hours only.

Mayor Macomber asked about Department of Wildlife approval and Mr. Holloway noted that was not required for this permit.

Mr. Samson noted the Town of Mead does not have an overweight permit, but that will be enacted administratively and will be available for the applicant to purchase for their vehicles.

Mr. Samson noted for the drill site to be considered high density, there must be 36 or more building units within a thousand foot radius of the well. That is not the case for these wells, and that condition should be removed from the resolutions.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 9-R 2011, a resolution of the Town, granting a special use permit for the Margil 22-34D well, located in the NWNW, Sec. 34, T4N, R68W of the 6th P.M. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 10-R 2011, a resolution of the Town, granting a special use permit for the Margil 11-34D well, located in the NWNW, Sec. 34, T4N, R68W of the 6th P.M. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 11-R 2011, a resolution of the Town, granting a special use permit for the Margil 12-34D well, located in the NWNW, Sec. 34, T4N, R68W of the 6th P.M. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 12-R 2011, a resolution of the Town, granting a special use permit for the Margil 21-34D well, located in the NWNW, Sec. 34, T4N, R68W of the 6th P.M. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 13-R 2011, a resolution of the Town, granting a special use permit for the Margil 34KD well, located in the NWNW, Sec. 34, T4N, R68W of the 6th P.M. The motion passed unanimously.

Motion was made by Trustee Kraemer, seconded by Trustee Heard, to approve Resolution 14-R 2011, a resolution of the Town, granting a special use permit for the Margil 34A well, located in the NWNW, Sec. 34, T4N, R68W of the 6th P.M. The motion passed unanimously.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to table consideration of the South Pad Facility consisting of Wells 34BD, 13-34D, 24-34D, 23-34D and 14-34D to the August 29, 2011 meeting. The motion passed unanimously.

Reports (Continued)

Trent Marshall

Board members reviewed M. Marshall's staff report.

Trustee Kraemer asked if Mr. Marshall has talked with Ritchie Brothers regarding the fence located in the irrigation ditch off WCR 28. Mr. Marshall reported he is still gathering information and will discuss the issues with them when his report is complete.

Dan Dennison

Public Works Employee Wages – Mr. Dennison noted that Mike Cornell was hired to work at the Town of Mead on March 1, 2008. He currently makes a base wage of \$24,154, which is very close to his starting wage. In justification for the requested increase, Mr. Cornell brings a wealth of knowledge in various areas to the Town, including pre-fabrication, equipment operation, maintenance, welding, plumbing, electrical, carpentry, teaching skills and cost savings ideas. He is an asset to the Public Works Department and Mr. Dennison asked that the Board consider increasing his salary.

Trustee Heard objected to increasing any employee's salary by 25%. She pointed out that this increase was not included in the 2011 Budget. She suggested it is inappropriate to bring this up outside of the budget discussions.

Mayor Macomber noted based on the proposed step system, he would not have a problem increasing Mr. Cornell's salary to \$28,000.

Mr. Dennison noted this consideration was requested during the 2011 Budget cycle. He explained that he is trying to set a standard so that there is something to look at when salary increases are discussed. Mr. Dean noted that Public Works employees are brought in at lower salaries, until the employee proves himself. Mr. Cornell has proved to be a valuable asset to the Town, and the Town has spent money training him to be better in his position.

Trustee Heard noted that raises need to be considered consistently among all the employees. The City of Longmont gave employees 1% last year. Mr. Dean noted staff would like to be considered for wage increases, but the overall morale has been positive, even with minimal increases over the past three years.

Motion was made by Trustee Acker, seconded by Trustee Kraemer, to authorize a pay increase for Mike Cornell to \$28,000.

Trustee Clanton suggested staff needs to come up with a "step" system for evaluating all employees for wage increases. He agreed this needs to be considered, but felt not having a routine way to evaluate this is wrong.

Mr. Dean noted staff would like to see a "step" system in place since the Public Works employees are brought in at lower wages. If this plan is put in place, then the increases would need to be incorporated into the budget.

Trustee Acker noted we currently have an economy that is stagnant and wage increases have been stagnant also. He suggested that a "step" system would lock the Town into giving raises when the economy does not justify those raises.

Mayor Macomber called the question.

Board members voted and Mayor Macomber and Trustees Kraemer, Clanton and Acker voted yes. Trustee Heard voted no.

Mr. Dennison asked the Board to consider roadway improvements for Welker Avenue, going east from surface change to the town limits, WCR 34 ½ going west to WCR 5, WCR 5 from WCR 34 ½ to WCR 34, and WCR 34 from WCR 5 to Mead Ponds. The City of Loveland solicited bids for roadway improvements, and the Town of Mead is able to get the same rates from their bidders which would allow these improvements to be done with the \$91,500 left in the Public Works Road Fund.

Trustee Kraemer asked why the south end of Mulligan Lake Estates was not included in the list of roads to receive improvements. Mr. Dennison noted this area was crack sealed last year. Mayor Macomber suggested that Mulligan Lake Estates be included in the road improvements in the 2012 budget.

Motion was made by Trustee Kraemer, seconded by Trustee Acker, to authorize roadway improvements in an amount not to exceed \$91,500 from A-One Chipseal. The motion passed with a 5-0 bid.

Mayor Macomber

Mayor Macomber welcomed new Trustee Scott Clanton.

Mayor Macomber reported that Carma intends to start construction in 2012.

Mayor Macomber noted CDOT has announced that they will be planning I-25 from Highway 66 to Highway 56 over the next nine months, followed by a two year construction period. He asked Mr. Marshall to get with CDOT to get the two Mead exits designated as Town of Mead exits.

Mayor Macomber noted the Board received a memo from Mr. Samson regarding the five acres from Westridge. He noted there may be grant monies available through the Department of Agriculture to help the Town build a Town Hall and Recreation Center on this site, but to go forward, the Town needs a plan. He suggested that staff put together an RFQ for an architect to create this plan which can be used to look for grant funding for the project.

Trustee Kraemer objected, suggesting that Town Hall should stay on the current location. He noted the cost to modify the current Town Hall would be significantly less than building a new building.

Mayor Macomber noted he has concerns with the condition of the current building and whether it can be safely expanded. Trustee Kraemer noted his issue is the site, not the building. He suggested Town Hall should remain at the current location, even if that involves a new building.

Trustee Kraemer asked to poll the Board to determine which site is preferable.

Trustee Acker noted one advantage to putting the Town Hall and the Recreation Center on the Westridge property would be to be able to share employees between the two facilities. This would allow the Town to have a recreation center. He suggested the current building could be used as a Senior Center. He pointed out that the Town will grow, and there will be homes and

businesses along Welker. Having the Town Hall and the Recreation Center on Welker would still be central to the town.

Trustee Heard felt the site on Welker Avenue is a better choice. She noted she would have concerns about taking further land away from Town Park to expand this building.

Trustee Clanton noted he understood that Town Hall had to be moved, so his thinking was geared to moving Town Hall to the five acres.

Mayor Macomber suggested relocating Town Hall to the property on Welker and combining the building with a Recreation Center would allow personnel to be shared between the two facilities. That site also gives the ability to expand further on the property as the Town grows.

Mayor Macomber noted the Elected Official Social has been rescheduled to Friday, August 12, 2011 from 6:00 p.m. to 8:00 p.m. at the St. Vrain State Park in Longmont.

Board members considered information from Mr. Samson regarding the modification of the Development Impact Fee Refund.

Mayor Macomber noted he would like to see this Board eliminate the refunding schedule in its entirety and allow the Development Impact Fees to accumulate and remain available until they can be spent for the designated purposes.

Trustee Kraemer disagreed and proposed that the refunding schedule be extended to ten years, which can be justified based on the current economy. He suggested if there is no time limit, the Town will continue to sit on the money. The Board that established these funds made a commitment that the funds would be spent or returned in a timely manner and it is bad business to keep the funds.

Mayor Macomber noted the only impact fee that has not been spent was the police fund. All other funds are being spent as needed for their intended purpose. He suggested returning these funds would be an administrative nightmare.

Trustee Acker noted that this Board has the option to make this change, and he would like to see the Town continue to accumulate funds for a recreation center. With the current economy, if you return the funds, it will be difficult for the Town to accumulate the amount of money necessary for a Town Hall or recreation center.

Motion was made by Trustee Acker, seconded by Trustee Heard, to eliminate the refunding schedule in its entirety and allow Development Impact Fees to accumulate and remain available until expended for the projects proposed. The motion carried with Trustee Kraemer voting no and Trustee Clanton abstaining.

Motion was made by Trustee Acker, seconded by Trustee Heard to adjourn. The motion passed unanimously.

With no further business before the Board, the meeting adjourned at 10:30 p.m.

Charlene Reed, CMC, Town Clerk

Richard W. Macomber, Mayor