

**TOWN OF ST. JAMES REGULAR MEETING MINUTES**  
**February 4, 2025**

The St. James Town Council met in Regular Session at 4:00 p.m. on Wednesday, February 4, 2026, in the Earl Dye Council Chamber.

**Council Members Present:** Mayor Jean Toner, Mayor Pro Tem Jim Board, Councilors Dennis Barclay, Bill Miller, and Lynn Dutney

**Staff Present:** Town Manager Jeff Repp, Finance Director Pauline Haran, and Town Clerk Jamie Burns

**Others Present:** Dean Ron Vetter, Lindsay Creighton, and Troy Alphin of UNCW, Wes MacLeod of Anchorpoint Planning, Town Attorney Grady Richardson, Samuel Franck of Ward and Smith, State Port Pilot Reporter Eliot Duke, and approximately 80+ residents.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Toner opened the meeting at 4:00 p.m.

All in attendance joined Mayor Toner in honoring our flag.

**APPROVAL OF AGENDA**

Mayor Toner announced a change to the agenda, requesting to delete items 8B, 8C, and 8D under New Business. These items were:

- 8B: Motion to Approve Resolution #26-01 of Annexation of Approximately 137.85+ acres and Being Located Contiguous to the Town's Municipal Boundaries and Adjacent to the Town's Event Center and Town Hall.
- 8C: Motion to Approve Ordinance 2026-01, Adopt the Conditional Zoning Proposal from Harbor Development Corp.; D.R. Development Corporation; Canal Associates, LLC; and the Town of St. James
- 8D: Motion to Approve Ordinance 2026-02, to Execute a Development Agreement between the Town of St. James and Harbor Development Corporation, Canal Associates, LLC & D.R. Development Corporation.

Mayor Toner called for a motion to approve the agenda as amended. The motion was made by Mayor Pro Tem Board and approved unanimously (Vote: 5/0)

**APPROVAL OF CONSENT AGENDA**

Mayor Toner asked if there were any changes or corrections to the minutes from the January 7, 2026, Regular Meeting included in the consent agenda. There were none. Councilor Dutney moved to approve the consent agenda. The motion passed unanimously (Vote: 5/0)

**PRESENTATIONS:**

Town Manager Jeff Repp introduced the representatives from the University of North Carolina Wilmington (UNCW) who would be presenting on the 2025 projects that were a partnership between the town and UNCW.

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Lindsay Creighton, Senior Director of Development for Major Gifts at UNCW with the College of Science and Engineering, introduced herself and mentioned that she has been working with Troy Alphin and the Town for almost eight (8) years on this project.

Dr. Ron Vetter, Dean of the College of Science and Engineering at UNCW, introduced himself, noting he has been at UNCW for 33 years but was new to his role as Dean, having been in the position for 2.5 years. He explained that the College of Science and Engineering has about 5,100 students, 250 faculty and staff, and 8 academic departments including engineering. He highlighted that the Department of Biology and Marine Biology is one of the more important departments on campus, with over 2,000 marine biology majors, many of whom have worked with Troy Alphin on projects with the Town of St. James.

Troy Alphin presented on the work UNCW has been doing with the Town of St. James for 20 years. He explained that the partnership began when it was discovered that shorelines along the waterways in St. James were eroding, resulting in loss of sediment, marsh, and ecosystem services. Their work has focused on living shoreline responses to combat erosion and restore habitat.

Mr. Alphin showed examples of living shorelines and explained that research demonstrated how living shorelines can outpace sea level rise, with up to 4 millimeters of accretion possible when sediment is trapped and marshes rise.

Mr. Alphin mentioned they recently submitted a grant in partnership with the Town of St. James to purchase pressure sensors to measure wave energy abatement in different living shoreline approaches. The team conducts regular monitoring visits and community presentations to share information about the functions of the living shorelines.

Alphin reported that they have three interns currently working with the community committee to coordinate monitoring events, including a larger event planned for July 10th, which will include planting marsh grass and a new site build.

Mayor Toner thanked the presenters for their work with the Town over the years, especially Troy Alphin for coordinating the project and bringing enthusiastic students to help with the shoreline and develop information that will help protect and enhance the community in the future.

*UNCW representatives, Dr. Vetter, Ms. Creighton, and Mr. Alphin, left the meeting at 4:12 p.m.*

**PUBLIC HEARING**

**A. Conditional Zoning and Conditional Rezoning Application Submitted by Ward and Smith, PA.**

Mayor Toner reviewed the guidelines for public hearings, explaining that public comments are allowed during public hearings, when the council is taking action on fiscal expenditures, and at the end of the meeting. She outlined the time limits: 30 minutes total for public comment period unless extended by council, with 3 minutes per speaker (or 8 minutes for someone speaking for a larger group with a common topic). She reminded attendees to address all comments to the council as a whole, not to individual members, staff, or audience members, and to maintain respect and courtesy.

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*Mayor Pro Tem Board made a motion to enter into the Public Hearing. The motion was approved unanimously (Vote: 5/0). Mayor Toner opened the Public Hearing at 4:16 p.m.*

Jeff Repp, Town Manager, entered several items into public record as exhibits for the public hearing:

- Staff report and case summary
- Conditional zoning application
- Concept plan
- List of approved planning board conditions
- List of modified and pending conditions (in draft form)
- Table of proposed uses from the developer
- Conditional zoning adoption ordinance
- Affidavit from the town clerk certifying that the mailing of notices were made and publication was completed according to state law

Mr. Repp noted that both public hearings would be recessed at the conclusion of this meeting and reconvened at the March 4<sup>th</sup> meeting to receive additional public comment before the council closes them.

Wes MacLeod from Anchor Point Planning provided an overview of the conditional zoning application. He explained that the request is for approximately 140 acres located around the immediate vicinity, with a maximum of 1,902 units contemplated for the project. The project has history dating back to 2018 when the applicants and owners received approval through Brunswick County. They have now submitted a revised concept plan and conditional zoning request, seeking annexation within the town.

MacLeod explained that the planning board recommended approval of this conditional zoning request at their November 11<sup>th</sup> meeting. He noted that since the property is not currently within the town's jurisdiction, it would need to be annexed before the town could approve the conditional zoning. He clarified that conditional zoning differs from standard conventional zoning request in that it attaches a site plan and associated zoning conditions that establish what can be done on the property in perpetuity. Any changes that would increase the intensity (such as adding more units than the 1,902 maximum) would require reinitiating the entire process.

Mr. MacLeod added that the project includes between 21,000-35,000 gross square feet per acre of commercial property.

Mayor Toner asked whether the agreements would apply just to the individuals initiating them or to anyone who may purchase the property during the term of the agreement. Town Attorney Grady Richardson explained that the conditional zoning and development agreement would be binding not only on the current applicants but also on their successors and assigns. Any changes exceeding administrative staff level review would require an amendment to the development agreement or a new conditional zoning request. Exceptions would only be for potential future changes in state or federal law.

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Sam Franck with Ward and Smith, representing the applicant, stated that he would prefer to postpone their presentation until the March meeting when the council will act on the case. He clarified that the hearing was for the conditional zoning, with a small component of rezoning because a small piece of the land is already in the town while a majority would be newly added. He offered to answer any questions but suggested waiting to discuss the development agreement until that specific hearing.

Mayor Pro Tem Board asked about changes to the tree preservation requirements. The planning board had approved conditions requiring 12 inches cumulative diameter of trees per residential unit, but the revised conditions reduced this to 6 inches and changed the measurement calculation. Board expressed concern about the change and preferred larger diameter trees properly measured rather than small saplings.

Mr. Franck explained that the condition was revised after consulting with experts who provided guidance based on the reality of the site. He acknowledged that there aren't as many large specimen trees on the site as initially hoped because the land has been timbered. Most trees would need to be newly planted, which affected the calculations. Mayor Pro Tem Board requested that the developer revisit this condition and consider a compromise of 9- or 10-inches cumulative diameter rather than 12, but with larger diameter trees measured properly. Mr. Frank agreed to discuss this with his clients.

Several residents spoke during the conditional zoning public hearing:

Marc Fields (3994 Wyndmere) expressed concerns about the land transfers mentioned in the agreement. He asked questions about the values of the parcels involved and the offset costs to the town for developing new storm debris and parking areas. He also asked about the source of the \$50,000 figure (with 3% escalator) mentioned for relocating the current debris.

Ernie McLaney (3236 Wexford Way) emphasized the importance of maintaining St. James' standards for development. He urged the council to uphold existing standards rather than weakening them to accommodate a project. He cautioned against lowering standards to cut costs.

*Mr. McLaney submitted a document to council prior to the meeting which can be viewed at Town Hall.*

Bob Morgan (3756 Glenmere Lane) expressed concerns about tree preservation and buffers. He stated that he is not against the proposal as long as it would be a nice development similar to St. James but opposed cutting down every tree and replacing them with "twigs". He objected to the proposal to reduce the corner buffer from 20 to 10 feet and expressed concerns about administrative approval changes rather than bringing them to the board.

Robert DeMarino (3995 Baynard Court) stated that he has never seen a major decision made without a clear business case outlining pros, cons, revenues, expenses, and unknowns. He suggested conducting a poll of residents to gather their opinions on the annexation since a referendum is not allowed.

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Lance Flint (3882 Big Magnolia Way) expressed concerns about the thirty-one (31) exceptions to the St. James UDO in the conditional zoning ordinance. He listed several examples including allowing the developer to make changes to plans as long as they don't exceed 1,902 units, not being subject to tree preservation standards, being allowed to remove trees from wetlands to build roads, allowing open burning, and permitting narrower roads and smaller setbacks.

Alan Polin (2938 Moorings Way) urged the council to take more time to gather facts before making a decision and suggested the town hire its own experts to evaluate the proposals rather than relying solely on information provided by the applicant.

Lisa Vetterl (3260 St. James Drive) explained tree calipers and measurement standards, arguing that the developer's plan for 1-inch caliper trees was inadequate. She reminded the council that St. James is certified as a wildlife habitat and bird sanctuary. She stated that while she doesn't oppose development, it must be done responsibly.

After public comments, Mayor Pro Tem Board addressed the speakers' concerns, stating that the council has put many hours into this process along with the town's legal representation, town manager, consultants, and others. He emphasized they are taking their elected duties seriously and will consider all the opinions expressed.

*A motion was made by Mayor Pro Tem Board at 5:04 p.m. to recess the public hearing on the conditional zoning and conditional rezoning application until March 4, 2026 at 4:00 p.m. The motion passed unanimously. (Vote: 5/0)*

**B. Proposed Development Agreement between the Town of St. James and Harbor  
Development Corporation, Canal Associates, LLC and D.R. Development Corporation.**

*A motion was made by Councilor Miller at 5:05 p.m. to open the public hearing on the proposed development agreement. The motion was approved unanimously (Vote: 5/0)*

Town Manager Jeff Repp entered four documents into the public record:

- Draft development agreement
- Staff memo to council regarding the development agreement
- Draft development agreement ordinance
- Affidavit of notice of public publication by the town clerk

Wes MacLeod provided an overview of development agreements, explaining they are contractual obligations between local governments and developers that help establish vested rights for property for a period of time. He noted that development agreements do not allow bypassing zoning rules, though there can be flexibility in modifications to the town's UDO as part of the conditional zoning process. He pointed out that the applicant was voluntarily agreeing to go above and beyond requirements in several areas. The proposed agreement would be for 25 years, whereas without it, the applicant would only have 7 years of vesting. MacLeod also mentioned that the agreement includes provisions for administrative approval of future site plans and subdivision plats without

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planning board involvement. There are also a number of stipulations regarding access, easements, and a land swap.

Grady Richardson added that the applicant already has a 2018 Brunswick County Planned Unit Development (PUD) approval for a large portion of the tract. He explained that the development agreement provides certainty for both the town and the developer over the next 25 years, ensuring that political changes or future zoning changes would not affect the vested approvals. He stated that the agreement is nearly complete. Regarding the value of the land swap, Mr. Richardson is confident that the land swap, with the town getting the new storm debris tract and land for future parking located west of Town Hall and the Event Center, equates to an equivalent if not better value than what the town would transfer to the developer. Further, compensation for the replacement of improvements in the property transfer are also included in the value of the transfer. Issues that remain to be resolved include the new storm debris tract, language about drainage easements, and tree preservation. The development agreement should be ready in proposed final form for council to consider at the March 4<sup>th</sup> meeting.

Mayor Toner noted that this is not the first development agreement for the town, mentioning a similar 2017 agreement that controlled development in the plantation on Oceanic Drive from Moss Hammock to the traffic circle at Wyndmere and involving the annexation of 200+ acres of land. Before proceeding with public comments, Mayor Toner asked Mr. Repp to clarify two areas of confusion: road width and parking spot size.

Jeff Repp clarified two points of confusion about the development:

- Regarding road width – The request was to reduce the right-of-way size, not the actual road width. The roads would be built to NC Department of Transportation standards at 24 feet wide. The roads would also include 8-foot walking/biking paths alongside.
- Regarding parking spaces – The reduction from 10 feet to 9 feet was required by state law, which now sets the maximum width of parking spots at 9 feet statewide.

Wes MacLeod added that the collector roads, which are the only ones the town would assume responsibility for, would have 60-feet as opposed to 70-feet and all other roads would have 50-foot rights-of-way, similar to standard DOT requirements. He also highlighted several voluntary commitments from the developer:

- Including 8 inches of aggregate base course under roads instead of 6 inches
- Tree preservation and planting (the town currently has no tree preservation rules)
- Designing stormwater management for a 100-year storm event (equivalent to about 12 inches of storage) which is more stringent than the county and town's current 25-year standard.
- No underground fuel tanks to protect the aquifer

Mr. Repp also noted that the administrative approval process in the development agreement is the same as what was contained in the 2017-2018 development agreement, and it specifically addresses what can be administratively approved. Any significant deviations would still go back to the planning board and town council.

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Sam Franck noted that the development is already entitled under county approval, so the discussion is not about whether to develop the land but whether to develop it in Brunswick County or in the Town of St. James. He explained that the developers are seeking annexation into St. James despite the additional regulations and taxes because they believe in the vision that the land on the north side of 211 would be included as part of the St. James community. He emphasized that the development agreement provides certainty for both parties on a project that will likely take 10-12 years to complete. He clarified that the land cannot be part of the St. James Property Owners Association as the right to be in that planned community has expired.

Several residents spoke during the public hearing on the development agreement:

Marc Fields (3994 Wyndmere Drive) asked questions about stormwater management, noting that the draft agreement referred to a 25-year storm event rather than a 100-year event. He also asked about road maintenance, inquiring how the town would handle normal wear and tear, and whether the town has issued or would issue bonds for the project. He also asked who would pay for the cost to maintain the lighting for roads.

Mr. Richardson clarified that the town could apply for Powell Bill Funding based on the linear footage of the roads to help offset maintenance costs and would also receive increased tax revenue from the development.

Mr. Repp explained that the town would only take over the main thoroughfare roads, not all roads in the development. The town would retain a third-party engineering firm to inspect the roads before accepting them, and the developer would provide a financial guarantee for one year upon dedication. He confirmed that the town has not and will not issue any financial bonds for the development.

Mayor Toner added that the town would be responsible for less than two miles of roads (the main connector roads), while roads within the actual development areas would be the responsibility of the HOA's.

Barbara Casey (2817 Fairway Village Drive) expressed concern about the town taking ownership of roads that would have commercial traffic, noting that St. James Plantation residents pay for their own roads through their homeowner's association.

Lance Flint (3882 Big Magnolia Way) questioned the urgency of annexation given uncertainties about fire protection, suggesting a delay until fire service issues are resolved.

Mayor Toner clarified that the St. James Fire Department is a separate 501(c)(3) entity from the town, and while the town provides funding, it has no role in the department's operational decisions.

Della Hann (3645 West Medinah) spoke about the need for greater transparency in the process, noting that many residents lack understanding of the benefits and costs of the development. She acknowledged the council's deliberation but suggested this was the first time much of the information had been made clear to residents. She requested a clear document listing the benefits of

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the development agreement to help residents understand the process and regain confidence in it. *Ms. Hahn spoke on behalf of Heidi Heifetz who had to leave the meeting.*

Alan Polin (2938 Moorings Way) urged the council to delay the decision to gather more facts/information, particularly regarding the potential costs of transitioning from a volunteer fire department to a hybrid or fully paid department.

*Mayor Pro Tem Board made a motion at 5:49 p.m. to recess the public hearing on the proposed development agreement between the Town of St. James and Harbor Development Corporation, Canal Associates, LLC and D.R. Development Corporation until March 4, 2026 at 4:00 p.m. The motion was approved unanimously (Vote: 5/0)*

*Grady Richardson and Wes MacLeod were excused and left the meeting at 5:50 p.m.*

**MAYOR/COUNCIL/STAFF REPORTS**

Jeff Repp provided an update on the St. James water pressure project. He reported that construction would soon begin at the St. James gate with drilling apparatus for the installation of a 12-inch water main along 211 to connect the main gate to Midway, where a pressure vault would be installed. Improvements were also being made to the water treatment plant on 211. Repp estimated that residents might start seeing increased water pressure inside the plantation within 90-120 days.

**OLD BUSINESS** – None

**NEW BUSINESS**

26-01 *Motion to Approve 2026-2029 St. James Property Owners Association Lease.*

Town Manager Jeff Repp explained that this item concerned a lease agreement between the town and the St. James Property Owners Association for approximately 1,900 square feet of space in town hall. The proposed lease would run from January 1, 2026, through December 31, 2029, at a rental rate of \$2,367.09 per month (\$14.95 per square foot), which had remained constant as the market had not changed in the last three years.

*Mayor Pro Tem Board made a motion to approve the lease agreement between the town and St. James Property Owners Association from January 1, 2026, through December 31, 2029, as proposed. The motion passed unanimously (Vote: 5/0).*

**PUBLIC COMMENT**

Lance Flint emphasized the importance of the fire department situation and requested a joint public Q&A session between the town and the fire department to help residents understand the complex issues involved.

Mayor Toner reiterated that the town provides funding for the fire department but does not direct or influence operational decisions. She noted that the fire department has been projecting for 15 years

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that it would eventually become either a hybrid or fully paid department, but this was due to the general development of the plantation rather than the specific development under discussion.

**ADJOURNMENT**

Mayor Toner announced that the next meeting would be held on March 4, 2026, at 4:00 p.m. in the current building, as early voting would be completed by then. At 5:59 p.m. Mayor Pro Tem Board made a motion to adjourn the meeting. All were in favor. (Vote: 5/0)

Mayor Toner adjourned the meeting.

Respectfully Submitted,

Approved,

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Jamie Burns, Town Clerk

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Jean R. Toner, Mayor