



Town of Archer Lodge

AGENDA

Regular Council Meeting
Monday, August 5, 2024 @ 6:30 PM
Jeffrey D. Barnes Council Chambers

NCGS § 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.

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1. WELCOME/CALL TO ORDER:

- 1.a. Invocation
- 1.b. Pledge of Allegiance

2. APPROVAL OF AGENDA:

3. OPEN FORUM/PUBLIC COMMENTS:

(Maximum of 30 minutes allowed; 3 minutes per person)

4. CONSENT AGENDA:

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- 4.a. 15 Nov 2021 Special Meeting
08 Jul 2024 Regular Meeting
[Special Meeting - Monday, 15 Nov 2021 - DRAFT Minutes - Pdf](#)
[Regular Council - 08 Jul 2024 - DRAFT Minutes - Pdf](#)

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

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- 5.a. **PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - referenced as Unified Development Ordinances (UDO) Text Amendment# AL2024-08-1:**

- Article 5. - Use Regulations, Division 4. - Accessory Uses, Sec. 30 - 5404. - Common Accessory Uses Table, to add private burials to the list of allowable accessory uses.
- Article 5. - Use Regulations, Division 4. - Accessory Uses, Sec. 30 - 5405(d). - Specific Standards for Common Accessory Uses, to include new standards for private burial as an accessory use.
- Article 5. - Use Regulations, Division 5. - Temporary Uses, Sec. 30 - 5503(c)(1). - Food truck and pushcart vendors, to permit such uses in the AR zoning district, clarify minimum separation distances from certain other use types, modify allowable hours of operation, and establish special standards for food truck and push carts when operated on lots owned or operated by a governmental entity (like the Town Park).
- Article 5. - Use Regulations, Division 5. - Temporary Uses, Sec. 30 - 5503(c)(2). - Itinerant merchant sales, to permit such uses on lots owned or operated by a governmental entity (like the Town Park), to modify hours of operation, and to establish special standards for food truck and push carts when operated on lots owned or operated by a governmental entity.
- Article 10. - Measurements and Definitions, Division 3. - Definitions, to establish a definition for private burials.

1. **Open Public Hearing**
2. **Staff Report and Planning Board Recommendations**
3. **Public Comments (Maximum 30 minutes allowed; 3 minutes per person)**
4. **Close Public Hearing**
5. **Governing Body**
 - **Discussion and Consideration of the Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2024-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance:**
 - Article 5. - Use Regulations, Division 4, Division 5,**
 - Article 10. - Measurements and Definitions, Division 3**

[Archer Lodge AL2024-08-1 TC Public Hearing 8-5-24](#)
[AL2024-08-1 ORDINANCE# AL2024-08-1](#)
[Archer Lodge AL2024-08-1](#)

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- 5.b. Discussion and Possible Action of Engaging May & Place, PA to Audit Financial Records and Approving the Audit Contract for Fiscal Year Ending June 30, 2024

[Audit Engagement Letter Yellow Book 2024](#)
[2024 Audit Contract](#)

- 146 - 147 5.c. Discussion and Possible Action of Approving the Updated Affidavit of Parent, Guardian, or Legal Custodian of Employment, Internship, or Volunteer of Minor Age at the Town of Archer Lodge
[Affidavit of Parent, Guardian, or Legal Custodian](#)
- 148 5.d. Discussion and Possible Action of Adopting the Budget Amendment for Fiscal Year Ending June 30, 2025 ~ (BA 2025 01)
[BA 2025 01](#)
- 149 - 161 5.e. Discussion and Possible Action of Approving the Memorandum of Agreement for Personnel Services between the Town of Archer Lodge, the North Carolina League of Municipalities (NCLM) and the MAPS Group.
[Classification and Pay Study Information for Municipalities - MAPS Archer Lodge Memorandum of Agreement](#)
- 162 - 165 5.f. Discussion of Possible Action of Approving the Updated Memorandum of Understanding (MOU) Between the Town of Archer Lodge and Johnston County Little League
[Updated Johnston County Little League MOU 8.1.2024](#)

6. TOWN ATTORNEY'S REPORT:

7. TOWN ADMINISTRATOR'S REPORT:

8. HUMAN RESOURCES OFFICER/TOWN CLERK'S REPORT:

9. PARK AND RECREATION DIRECTOR'S REPORT:

10. PLANNING/ZONING REPORT:

11. MAYOR'S REPORT:

12. COUNCIL MEMBERS' REMARKS:

13. ADJOURNMENT:



**Special Meeting - Minutes
Monday, November 15, 2021**

COUNCIL PRESENT:

Mayor Matthew B. Mulhollem
Mayor Pro Tem Clyde Castleberry
Council Member Mark Jackson
Council Member James (Jim) Purvis, III
Council Member Mark Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Marcus Burrell, Town Attorney
Kim P. Batten, Finance Officer/Town Clerk
Julie Maybee, Town Planner

COUNCIL ABSENT:

Council Member Teresa Bruton

GUEST PRESENT:

Colin McGrath, Attorney, Poyner Spruill, LLP
Kimberly Rineer, P.E. Engineering Manager,
Johnston County Public Utilities
Chad Meadows, AICP, Code Wright Planners

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1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. QUASI-JUDICIAL PUBLIC HEARING

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a) Discussion and Consideration of a Special Use Permit Application Submitted by Johnston County to Construct a 500,000-Gallon Elevated Water Storage Tank on the Archer Lodge Middle School Property located at 762 Wendell Road, Wendell, NC

Conduct of Quasi-Judicial Public Hearing:

1. **Town Attorney - Swear in Witnesses, including staff, who intend to Present Evidence**
2. **Mayor - Call Case as stated on the agenda**
3. **If applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council**
4. **Members of Town Council to disclose the following:**
 - **Any site visits.**
 - **Ex parte communications.**
 - **Specialized knowledge they have relevant to the case.**
 - **Fixed opinion that is not susceptible to change based on what they learn.**
 - **Conflict of Interest.**
 - **Financial interest; and**
 - **Any other information relevant to determining whether a conflict of interest**

- ****Town Council to vote on recusal of member if any conflict exists.**
 - **Note: The applicant or other affected persons may present any objections regarding a member's participation.**
5. **Mayor - Open the public hearing**
 6. **Staff report**
 7. **All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement.**
 8. **Applicant - present arguments and evidence in support of the application.**
 9. **Persons opposed to granting the application shall present arguments and evidence against.**
 10. **Opportunity for cross-examination.**
 11. **After all evidence has been presented, the Mayor may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.**
 12. **The Mayor will entertain objections and rule on the admissibility of the evidence or exhibit.**
 13. **Mayor - Close the public hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial hearing or to a publicly stated date, time and location.**
 14. **Mayor - Calls for a vote on each of the findings of fact/conclusions for the special use permit.**
 - **Must receive a ~~super majority~~ single majority vote of the Town Council for the Application to be approved.**
 - **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**
 15. **Mayor - Calls for a vote on the special use permit.**
 - **Must receive a super majority vote of the Town Council for the Application to be approved.**
 - **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**
 16. **Mayor - Calls for a vote on the site plan.**

1. Town Attorney - Swore in Witnesses, including staff, who intend to Present Evidence

- Attorney Burrell sworn in Julie Maybee, Town Planner; and Kim Batten, Finance Officer/Town Clerk.
- Attorney Burrell offered to swear in anyone that wished to be heard in regard to the application. No other persons were sworn in.
- Council Member Wilson asked if the Council Members should be sworn in.
 - Attorney Burrell responded that Council Members would not need to be sworn in due to having no testimony but would be asking questions.

2. Mayor - Called Case as stated on the Agenda.

- Mayor Mulhollem called the case as follows:
 - Special Use Permit Application Submitted by Johnston County to Construct a 500,000-Gallon Elevated Water Storage Tank on the Archer Lodge Middle School Property located at 762 Wendell Road, Wendell, NC.

3. If applicant was represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council

- Mayor Mulhollem asked if the Applicant had any representation other than a licensed attorney. There was none.

- Attorney Burrell informed that licensed Attorney Colin McGrath, Poyner Spruill, LLP would be representing the case for Johnston County.

4. Attorney Burrell asked the Town Council Members to disclose the following for the specific purpose of this application:

- **Any site visits.**
- **Ex parte communications.**
- **Specialized knowledge they have relevant to the case.**
- **Fixed opinion that is not susceptible to change based on what they learn.**
- **Conflict of Interest.**
- **Financial interest; and**
- **Any other information relevant to determining whether a conflict of interest**
- ****Town Council to vote on recusal of member if any conflict exists.**
- **Note: The applicant or other affected persons may present any objections regarding a member's participation.**

- **The following items were disclosed:**
 - Council Member Wilson shared the only thing he has is a copy of the JoCo Report.
 - Council Member Jackson shared he had none.
 - Mayor Pro Tem Castleberry shared he had none.
 - Council Member Purvis shared that he attended the Wednesday, November 10, 2021 Planning Board Meeting and heard the presentation.
- Attorney Burrell informed, having only 4 Council Members present that Mayor Mulhollem would have to vote if there was a tie. Attorney Burrell asked Mayor Mulhollem if he had any disclosures.
 - Mayor Mulhollem shared he had none other than reading on the JoCo Report and it being on the meeting agenda.
- Attorney Burrell asked if any of the Council Members have any issues with Council Member Wilson, Council Member Purvis, and Mayor Mulhollem' s disclosures to the Council regarding voting on the application.
 - Attorney Burrell informed there were no objections and fine to proceed.

5. Mayor Mulhollem Opened the Quasi-Judicial Public Hearing at 6:37 p.m.

6. Ms. Maybee presented the Staff Report as follows:
(Transcribed)

MS. MAYBEE: Staff respectfully request that the staff report be incorporated into the record along with the PowerPoint presentation.

Ms. Maybee's Staff Report and PowerPoint presentation appear at the end of the minutes.

MS. MAYBEE: Kim, would you pull up the PowerPoint?

Ms. Maybee presented the Special Use Permit Application submitted by Johnston County and appears at the end of the minutes.

Discussion:

MS. MAYBEE: On September 20th, 2021, a special use permit application was submitted by Johnston County to construct a 500,000-gallon elevated water storage tank at the Archer Lodge Middle School property that's approximately 40.66 acres, at 762 Wendell Road.

MS. MAYBEE: The property is owned by Johnston County Board of Education, a governmental entity, and it's referenced on Johnston County Parcel Tag ID No. 16J03017A. Accompanying the special use permit application is the proposed site plan that depicts the location of the elevated storage tank, and it's on a 1.16-acre easement area.

MS. MAYBEE: I just want to add that publication requirements in accordance with the North Carolina state law and our Unified Development Ordinance, notice was given to the adjacent property owners; advertisement was placed in the local newspaper advertised in accordance with the provisions; it was posted on our web site; and also copies of the application was provided to the Applicants.

MS. MAYBEE: Just go over briefly, Mayor, on how to conduct the quasi-judicial hearing.

MS. MAYBEE: I'll briefly outline it. We're now in a presentation of the staff report followed up by evidence presented by the Applicant's attorney. The Applicant has the opportunity to present arguments in evidence in support of the application. Anyone that's opposed has the opportunity to present arguments and evidence against, opportunity for cross-examination. After all the evidence is presented, the Mayor may ask parties if there's any relevant information to present. The Mayor will entertain objections and rule of admissibility of evidence and exhibits that are presented, and then the Mayor to close the public hearing, and then the town council to render a decision based on each findings of fact. I've included those findings of fact in the staff report. You will need to vote on each one of them; and then after that, consideration of the special use permit as a whole; and then, also, a motion on the site plan.

MS. MAYBEE: Included with the application is the proposed site plan. If you're looking at the site adjacent to the Harden Creek subdivision, you see the proposed tank site. And here's an illustration of the tank, and looking at the elevation, you're looking at approximately a 148-foot tank.

MS. MAYBEE: Based on information presented in the application, the tank will be inspected and, also, every seven to ten years with minor maintenance; and it's also my understanding that each year the tank will be inspected for compliance with state and local requirements.

MS. MAYBEE: It's a 500,000-gallon elevated storage tank. The property is zoned Office-Institutional.

MS. MAYBEE: Included in the application was the Applicant's findings of fact.

MS. MAYBEE: I just want to talk about, when we look at the Archer Lodge 2030 Comprehensive Land Use Plan, one thing I'd like to highlight in the vision statement was "Meeting the needs of current and future residences and businesses." This proposed tank provides redundancy for water supply. Also, in the mission statement again talks about planning for future growth in the town and, again, how important it is to protect those resources. In the land use plan, we're a rural community, a sub-rural community, but we still have development pressures. When you look at recent studies where Johnston County and Wake County are the highest and fastest growing counties in the state, the need for being able to plan for the future and future development.

MS. MAYBEE: As I mentioned before, when you consider the special use permit applications, need to determine and vote individually, we need a super majority vote, that the proposed use will not materially endanger the public health and safety if located where proposed; it complies with the standards and the conditions and specifications of the UDO; and that it will not substantially injure the value of abutting land; and that the public use is a public necessity; and it will be in harmony with the area

where it's to be located in; that it complies with the town's adopted policy guidance and will not exceed the town's ability to provide adequate public facilities.

MS. MAYBEE: I've included some draft motions, when you get to that point, but also in the staff report I have included a copy of the zoning map showing the school property is zoned office-institutional, and the surrounding property on three sides it's agricultural-residential. There's a residential development going to the north that's single-family residential.

MS. MAYBEE: On November 10th, the Planning Board considered the special use permit application and recommended approval by unanimous vote of the proposed site plan. And I've included a copy in the staff report of that. Basically, the Planning Board made the findings the same as the Applicant; and that was after quite a bit of discussion. And Staff concurs with the Planning Board recommendation. In your agenda material, Exhibit 1 is a copy of the Planning Board's recommendation.

MS. MAYBEE: I've also included copies of the application and of the site plan that was provided. Also included in that is a copy of the Easement Agreement recorded between Johnston County and the Archer Lodge Water District. If you have any questions, I'd be glad to answer them.

MAYOR MULHOLLEM: Any members of the council have any questions? Thank you so much.

7. All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement. (Transcribed)

MAYOR MULHOLLEM: Item 7. All parties represented by attorneys, the Applicant, followed by any opposing party, may present a brief opening statement.

Attorney McGrath shared a presentation which appears at the end of the minutes.

ATTORNEY MCGRATH: Good evening, Mr. Mayor, members of the council. My name is Colin McGrath. I'm a land use and zoning attorney with Poyner Spruill. At 301 Fayetteville Street, Suite 1900, in Raleigh. I'm here tonight on behalf of Johnston County, as well as the Archer Lodge Water District, in connection with the request to construct a 500,000-gallon elevated storage tank which I'll just call "the water tower", at Archer Lodge Middle School. Also, with me this evening is Kim Rineer. Kim is a professional engineer with the county's public utilities department. She'll get into the testimony on the nuts and bolts of the request, what, when, where, why and how. What I'll just do is give you kind of a brief overview and then let Ms. Rineer do most of the talking.

ATTORNEY MCGRATH: So, as we've already discussed a bit, and I'm sure the council is very familiar, the Archer Lodge Middle School is highlighted here in purple. It's just under a 41-acre tract owned by the Johnston County Board of Education off Wendell Road, right at the intersection of Wendell and Wall. You'll see the property is bounded to the north and east by some existing fairly dense single-family residential to the south, southwest and west. This aerial from Johnston County GIS, which I understand to be about a 2017 picture, with a little bit of change, but you'll see predominantly large tracts, agricultural tracts. All of that lines up with the existing zoning that Ms. Maybee just discussed. You'll see that O&I-zoned parcel dead in the center of the screen here is the Archer Lodge Middle School. Again, single family residential 1, SFR-1, to the north and east, and that light pink is all A-R zoned property. You see that for about 75 percent of the surrounding tracts. Zooming in a little bit, again, this is just the same GIS aerial, on the middle school you'll see all the properties that directly abut the site.

ATTORNEY MCGRATH: Ms. Rineer will discuss this in a little bit more detail, but briefly, the reason for the request is, you can actually kind of see it in this aerial itself where you see that southwest a number of tracts that are not yet constructed, but they have been subdivided for future development. It's that future development, it's the future development in other parts of the town, as well as in this portion of the county that is driving this request. With that future development, the current development and planning for future development comes increased demand for water service in Archer Lodge and around Archer Lodge. As Ms. Rineer will discuss in a few minutes, one of the key components to providing that service are water towers. They're throughout the county. There's one at the fire station here and there's one on the logo right behind Mayor on the wall. These are critical pieces of infrastructure that allow for that orderly measured development.

ATTORNEY MCGRATH: Again, Ms. Rineer will, kind of, get into this, but while we're looking at this aerial, once a need for an additional water tower is identified there are a number of considerations that go into where it's located. Land, 1) has to be available, and 2) it has to be suitable. It has to be close to existing water lines. It has to have the right geography, topography, the right soils to support such a tall and heavy structure. Again, I'm previewing a bit Ms. Rineer's testimony, but with those considerations in mind, there were probably months of discussions between the county, the town, the board of education, other stakeholders, that led to the identification of this site as suitable. And, specifically, you'll see the star on this map is where the water tower is proposed. You see it's on the southern portion of the site which is, if you're looking at the school, it's off to the right towards the rear of the school away from athletic fields, away from classrooms, really right there by the bus parking lot.

Looking quickly at the site plan, again, we'll discuss a little more with Ms. Rineer, this further shows the footprint. In the top right corner of this slide of the site plan shows the footprint of the water tower. It shows the area of the easement Ms. Maybee referenced. That easement really just ties the county's interest in the dirt under the water tower to the water tower so that down the road if the school were to change hands or something were to happen, you know, that doesn't mean the water tower would then have to go.

ATTORNEY MCGRATH: You also see, and I do have a full-size set of hard copy plans in case it's easier to read, but, also, near the footprint of the water tower in that very top right you'll see an existing sewer, a footprint, an existing sewer lift station. There's also a transformer right there that would provide any needed power for lighting and anything at the water tower. What you see coming down from the footprint of the water tower out to Wendell Road are easements for both the permit utility easement for the water to be coming to and from the tower. There is a current water line that runs along Wendell Road and then there's a temporary construction easement. But all of that is on the site plan and, again, if the copies we have both printed in front of you and if they aren't great to read, I do have a full-size set. You saw this one on Ms. Maybee's presentation. This is just the second half of the site plan. Just including it for the sake of getting everything in there. Nothing on here is planned to be disturbed; nothing around the ball fields, the retention ponds or the back of the school; so all we're talking about as far as proposed infrastructure being added to the site is in that top right corner. That was a bit of long-winded introduction, but before I ask Ms. Rineer a few questions and let her describe some of the details that I'm not quite smart enough to fully grasp, I do want to touch quickly on these standards. Ms. Maybee walked through these a little bit or presented them. I believe they're in front of you for the council. Just wanted to have those up there, have them in front of you. We'll come back after Ms. Rineer testifies and I will briefly describe why we feel each one of these are satisfied based on her testimony. If there aren't any

questions on the background and context, I'll go ahead and ask Ms. Rineer to testify a little bit.

8. Applicant presented arguments and evidence in support of the application.

WHEREUPON, KIMBERLY C. RINEER, P.E., having been previously sworn, testified as follows:

ATTORNEY MCGRATH: Kim, will you briefly introduce yourself to the Mayor and members of the council, who you are, a little bit about your background and what it is you do?

MS. RINEER: Good evening. My name's Kim Rineer. I am the engineering manager for Johnston County Public Utilities. I got a bachelor's in science and civil environmental engineering from Cornell University, and then took all my exams to become a P.E. in 2000. I'm a licensed professional engineer in North Carolina. When I first moved down here, I started working for McKim & Creed Engineers who was working for the county at that time; so, I've been working with the county since 1995 as a consultant, but I've only been in this role as the engineering manager as a full-time employee since 2018. As a consultant, though, it was interesting to walk in here with Rick Hester when we came to the planning board meeting and see Mr. Barnes' name right there, because the three of us sat at the fire department and sold water district taps together a long time ago, so I'm familiar with this area and your water system here.

ATTORNEY MCGRATH: And, Kim, can you give us just a little bit of background on the Johnston County Public Utilities water service, how many customers; basically, and how water gets to the tap?

MS. RINEER: The county has a 14 mgd water plant in Wilsons Mills 1 and a county-wide distribution system. We serve just over 42,000 retail customers through the water districts. We also provide the sole water source for the town of Clayton, Four Oaks, Kenly, and Princeton. We have a contract with Aqua to supply the Flowers Plantation area, and then we have a contract with Carolina Water Service for several other subdivisions. We also provide supplemental supply to Benson, Micro, Pine Level, Selma, Smithfield, and Fuquay Varina. And the majority of our 42,000 plus customers are single-family residents. There are some schools and institutional businesses that we serve there, but it's mostly rural water district customers.

ATTORNEY MCGRATH: And in connection with these services, how many water towers are operated throughout the county?

MS. RINEER: So, there are 11 potable water towers and one reclaimed one, if you've ever been out to the landfill, so, we end up with 6.7 million gallons of storage between the water towers and the storage that we have at our water treatment facility.

ATTORNEY MCGRATH: Why is a water tower an important -- or how is a water tower an important piece of the process Johnston County uses to provide water service?

MS. RINEER: So, if you are -- if you didn't grow up on potable water, you had a well and bladder tank to keep the pressure going when the well pump wasn't running. These towers work a lot like that bladder tank. So, we pump from the plant, we put it up into the air and it keeps the pressure equal and steady throughout the system as it's drawn down, so everybody gets adequate water supply even when the pumps aren't running. So, the pumps are set to keep the water level in the tank correct, not to get to the last person on the line. So, it provides storage for that. It provides storage when there's unexpected increase in demand. So, it could be Super Bowl Sunday, or it could be a massive fire

in the area, and it provides that kind of pressure and that kind of volume for those circumstances that aren't part of your average daily flow.

ATTORNEY MCGRATH: Now, I spoke a few minutes ago about increase demand; over the last few years what type of changes in demand has the county's water department seen?

MS. RINEER: So, there's a few different changes. Johnston County's seen the highest growth rate in the state and that's been a challenge and we didn't predict all of that. We're also seeing residential development where people are installing sprinkler systems, so our peak demand has changed as well. And some of that's within our control and some of it's not. And we were the sole supplier for the town of Clayton; we can't tell them not to put irrigation systems in; so, our peak demand has changed some. So, in 2020 our average daily demand was 13.6 mgd with a peak demand of 16.63 mgd. So, you know, we're required to keep a half-a-day of your average daily demand in storage. So we have 6.7 million gallons of storage, and our average daily was 13.57, 13.6, we're right there at that cusp. Now, some of these towns that we're supplying have their own storage, so that's deceptively close. We still have breathing room because the town of Clayton has its own tank, and Four Oaks has a small tank, and a few of them have their own storage, so that's not part of that equation right there.

ATTORNEY MCGRATH: And getting a little bit more specific about why this tower is necessary from a utility standpoint now, has that level of growth, have you seen that here in Archer Lodge?

MS. RINEER: Oh. So, yeah. I have the numbers here. In the last five years -- I don't have data for inside the town limits. We track it by the district, so I'm going to be speaking directly about the Archer Lodge water district and its 600 customers in the past five years which is 29 percent growth in water customers. The county as a whole added around 9,000 customers in the last five years, which was a 24 percent growth, so this area is exceeding the average for the county as a whole, which was already really impressive.

ATTORNEY MCGRATH: With growth in the Archer Lodge water district slightly outpacing county-wide growth, let me just ask you, would it be possible to continue to guaranty reliable water service in the Archer Lodge water district without the addition of this tower?

MS. RINEER: So, the way we look at it is by hydraulic zone. And that might seem like a foreign concept, but this is the 492 Hydraulic Zone, and it covers the highest part of the county, which is along this western border, and the pressure in there is regulated to that elevation, so that's 419 feet above mien sea level. Within that area it's everything from McGee Crossroads all the way up to here, so we have to provide adequate storage in that hydraulic zone. And we model that with Paysin (phonetic) and Soare (phonetic) did a county-wide model for us in 2018, and they predicted we'd need another half-a-million-gallon storage in that zone by 2025. And that study was based on 2016-'17 growth numbers which we've exceeded. Why would we pick Archer Lodge? This area of the county is also unique in that it's the only part of the 492 zone that is served by the East Water system. You're off free chlorine disinfected water. It can't mix with the other part of the 492 zone right now; so that made it very challenging to do any maintenance on your existing tank, because it's the only thing providing pressure regulation in this area. Not only that: This area's exceeding the county's growth rate and was predicted to continue to do so with 540 coming. It just seemed like a natural fit.

ATTORNEY MCGRATH: Let me ask you this somewhat directly. Based on your experience with public utilities here in Johnston County, your professional background, would you say that the addition of this water tower is a necessity?

MS. RINEER: It is. We are right up against our keeping the amount of available storage that we need to permit new users in the county and we see that there's no way that we're going to go from 29 percent growth in the last five years to zero, that we'll probably look very similar in the next five years in water customers, and in orders to keep that -- and those aren't all within the town, because that is in the district. We're seeing a lot of -- north of here a lot of 20-lot subdivisions and things like that going in and a few of them we've had trouble getting fire flow to, adequate flow for fire protection, and they have put in hydrants with bags on them inactive until we can provide the pressure, and this part of that solution.

ATTORNEY MCGRATH: Shifting gears a little bit, Kim, let's talk about this site. Once you identified or once Archer Lodge water district and the county public utilities identified the need, how did we land on the middle school site?

MS. RINEER: It was a long-drawn-out process. So, this project was originally a 500,000-gallon tank in this area, and we were in a meeting with the town of Clayton. They said, 'Oh, we're going to build a tank on the northern edge of our service area', and we said, 'Well, hydraulically we can't put that there, it won't work.' And then we were going to partner on a tank and then that fell through. And we came up with a great final solution where we build the tank in the north, and they build a tank in the south, and it meets our overall goal for the having a million gallons of storage in the 15-year period. So, that set us back for, like, a year till we figured all that out. And then we started looking for sites for our half-a-million-gallon tank. We're restricted to being on the 16-inch line that comes down Buffalo Road and then turns towards Clayton or this 12-inch spur that heads north. If we're not along one of the main services lines, this tank won't provide the necessary benefit. So, when we sited the first tank, the ideal spot was at the fire department, so we started there in the surrounding land, started working out. We could not find a suitable site with a willing participant right in that small radius; it's highly sought after real estate right now; and so we worked with Julie, Ms. Maybee, that had helped us identify sites where people were potentially willing. Some of them were not along the main lines and some of them were too low, and some of them had hydric soils and our tank would have sunk slowly in them. So, we explored all those and we had to expand our search out of the 16-inch line to this northern section on the 12-inch line, and when we did and we looked for highest points along there, the school was a natural fit, so we contacted them. They were receptive to it. We visited the site, did preliminary soil investigations and those passed the bar, so we started working with the school to site this on this high spot in the back corner of the parking lot and it's more for wastewater conservation.

ATTORNEY MCGRATH: Now, is it common when you're siting a water tower to end up on a site that the tower would share public institutional use?

MS. RINEER: Fairly common. I know growing up, had a water tower on the high school site in my town. They often put the high school on a hill and it's a natural fit, so... Also, you know, fire departments are largely supportive of water towers and so several of ours are sited there. McGee Crossroads Elementary School has a tank on it, if you've ever driven down that way. It's a good partnership.

ATTORNEY MCGRATH: Let me jump ahead just a little bit; we mentioned both in the initial siting; I think you mentioned that the fire station here was the ideal location for that tank. Just briefly, when we're talking about the tank for the middle school property, this may be shed -- shared the sketch, but are we talking about this kind of tank, something similar in size, design?

MS. RINEER: So, that's a 300,000-gallon multi-leg tank. This will be a 500,000-gallon multi-leg tank. Because of the elevation of the ground, it will be about 8 feet taller than that tank there, which I -- and it's hard to notice from the ground. And that tank is -- let me make sure I get it right. I think it's -- I have the diameter in my notes. But it's, like, 43 feet in diameter and the new tank is probably going to be right around 50 feet in diameter, so it's going to look very, very similar, but a little bigger animal.

ATTORNEY MCGRATH: And while we're looking at this one, let me -- can I just ask you, have you heard -- in your time at public utilities have you ever heard from anyone around that tank complaining about issues with the tank?

MS. RINEER: We -- this is the only tank in the entire county where there is a third-party vendor on it, and I don't -- the only complaint I've heard of is they're not coordinating well with the fire department with their visits. We're not a big fan of that contract, but it's in place and -- but that's the only complaint. I've heard is the visits when they park in the [Inaudible] and across -- and in the area that the fire department would rather be using for themselves, and justifiably.

ATTORNEY MCGRATH: And to be clear, those are complaints about a third party, not the county or the water district?

MS. RINEER: Correct.

ATTORNEY MCGRATH: Going back to this site plan --

MS. RINEER: Um-hmm.

ATTORNEY MCGRATH: -- let's talk a little bit about some of the details of the proposed construction. We already contrasted a bit on the size; and the document Ms. Maybee showed earlier that's included in the staff report shows a little more about that. But where this is located on the site, do you roughly how far -- I'm sorry. Remind me: How tall is this tank going to be?

MS. RINEER: So, to the high-water level it's 148 feet, but then the dome comes over top, so it depends how they design it structurally. It'll be 5 or 7 feet more than that, so we could say 155 feet plus or minus 2 is what I'm -- I'm guessing. The tank manufacturers do the final design of the structural steel.

ATTORNEY MCGRATH: And do you know how far from where the footprint is shown on the site plan, how far that footprint is from any building actually used for the school?

MS. RINEER: Um...

ATTORNEY MCGRATH: Roughly.

MS. RINEER: We have -- we were looking into that. We're a good way away. I think to the football field, you know, it's around 300 feet. The smallest temporary building out there, the sheds up there is, I believe, 278 to 280. It's 160 feet from the edge of the bus parking lot and, you know, there's nothing on the farmland that's within 7- or 800 feet. And even where we have it sited there isn't a subdivision lot back there yet. If it somehow fell over, it would not be within any buildable portion on any of those properties. I will say that structural failures of water tanks are extremely rare. If you've ever seen pictures after a hurricane, the only thing left standing is the water tank. They are heavy and strong and highly over-designed. We're going to put piles in the ground very deep; it's going to stay where it's at.

ATTORNEY MCGRATH: Now, once it's constructed, moving quickly through a few operational questions, this may sound silly, but does anybody work at a water tower?

MS. RINEER: No. We will not have full-time staff or even part-time staff at this facility.

ATTORNEY MCGRATH: No visitors to the water tower then?

MS. RINEER: We have a contract with Suez. They do our tank maintenance. Once a year they will visit the site and they will inspect it. If there's any routine maintenance, it's on a 7-to-15-year schedule, depending on which paint products are on our tanks, for when we overcoat them or clean up the paint. We do reserve the right to have 911, our communications for our water system on the tank, and so somebody from one of us, if there was an issue with an antenna, might climb it, but we're talking a half-a-dozen visits a year on a big year.

ATTORNEY MCGRATH: So, no traffic generated by a water tower?

MS. RINEER: No. In fact, that pump station requires daily visits, so one truck goes back there daily right now, and they haven't had an issue with disrupting any school services for that.

ATTORNEY MCGRATH: So, looking at the site plan, at that top right corner of the bus parking lot --

MS. RINEER: Um-hmm.

ATTORNEY MCGRATH: -- there's a rectangle on the site plan. Is that a drive or a parking path to --

MS. RINEER: It'll be an access drive and there will be a space inside the fence for our truck to turn around and park if there is a need, but most likely they will -- if they just need to do a quick check on something, like, for the pump station, they just park at the very back on off hours. They know not to go during carpool, even though they can get back there, because that's the bus loop during carpool. But still, you know, they just park in the back corner. But if we were doing maintenance, it would be within the fence line, and we'd keep all our trucks back in there.

ATTORNEY MCGRATH: And the fence line. That's a question I forgot to ask. So, the base of the tower will be fenced?

MS. RINEER: Yes.

ATTORNEY MCGRATH: Will it be locked?

MS. RINEER: It'll be fenced and locked.

ATTORNEY MCGRATH: And what if, say, an enterprising middle schooler got through the fence somehow and wanted to climb the tower; are there measures in place to prevent that?

MS. RINEER: Yes. The current plan is for the ladder to be within the pedestal, so you'd have to unlock the man way and climb in and then go up, so you'd have to be very enterprising.

ATTORNEY MCGRATH: In terms of operations, is there any noise, odor, anything like that associated with the water tower?

MS. RINEER: Only time that could happen is these major maintenance tanks painting systems have gotten better and they can last up to 15 years, but we'll inspect it in order to check, so doing that if there's structures like this nearby, we typically shroud the tank in a giant looks

like a shower curtain on a grand scale to keep paint chips from falling on any cars parking out in a parking lot are as many yards; or maybe 25 years from now they would need to sand blast it to get the old paint off to put new layers on it to make that for years from now, and that would be the same kind of operation.

ATTORNEY MCGRATH: In terms of daily operation, though, nothing like that?

MS. RINEER: Nothing.

ATTORNEY MCGRATH: Any equipment; vehicles, trailers, materials; anything stored on site, other than water?

MS. RINEER: No. Outside of construction and then those major maintenance activities there shouldn't be anything stored at the tanks.

ATTORNEY MCGRATH: And I guess the last couple of questions. I don't think there's any -- there's no hiding a water tower, there's no screening a water tower, but what type of measures or what type of analysis goes into making sure that the tower fits in with the community, blends in and, uh --

MS. RINEER: Things like siting it at the middle school. People have seen that arrangement before, tanks at schools, tanks, tanks at public buildings. It's back by the wastewater pump station and topped a little bit off the road, but it will be highly visible for -- it's sitting on one of the highest spots in town and it'll be tall. And we're going to try and keep it painted nicely and -- and we've discussed with the Planning Board that there is a option for the Town to choose the lettering, a logo that goes on this tank, so we can hopefully -- right now it's going to be our standard tank lite and going to say, like, 'Archer Lodge Water District Johnston County', but you guys can change that lettering, if it doesn't cost us a ton of money. So, if it doesn't increase the cost of the project, we can do that, and if it does, we can discuss how you could contribute to get something nicer done. The plan is not to make this into a peach or a mural or anything at this time.

ATTORNEY MCGRATH: Kim, is there anything else I may have missed that you want to share with the council?

MS. RINEER: I don't -- I can't think of anything that I -- I'm hoping this is a win-win project for us all. We're excited about this project. We need this project. I think it's a good fit [Inaudible].

ATTORNEY MCGRATH: Mayor, members of council, if there are any questions of Kim? All I have left is to wrap up briefly.

COUNCIL MEMBER JACKSON: Okay. I have just one I just want to make. But the school system's fine with it?

MS. RINEER: Yes.

COUNCIL MEMBER JACKSON: That's the only question I've got.

MS. RINEER: Yes, sir. They worked with us. Even on the siting we talked even about not taking up much parking for the middle school football games, because they could park on that lawn.

COUNCIL MEMBER WILSON: I have a couple of questions.

MS. RINEER: Um-hmm.

COUNCIL MEMBER WILSON: It's 500,000-gallons of water.

MS. RINEER: Um-hmm.

COUNCIL MEMBER WILSON: If there a catastrophic failure of one of the legs towards the school, where's the water going to go?

MS. RINEER: Hmm... So, it would flood the parking lot and eventually drain to those ponds in the back. The football field would be soggy. The storm drain system could not handle 500,000 gallons at once. If there is ever a leak, it's typically very small at first and then we can find it before anything happens. They are inspected during construction and then annually and we haven't had a water tower leak. I've haven't heard that could happen.

COUNCIL MEMBER WILSON: Being that it sits on a school property --

MS. RINEER: Um-hmm.

COUNCIL MEMBER WILSON: -- are there any contingency plans with the school board or the school with reference to safety? I have not heard one word safety mentioned tonight at all.

MS. RINEER: So, we did talk to the school about having it fenced and the man way inaccessible so that the middle schoolers would not go up there. As far as the tank is sited so that it would not impact any school structures even in a catastrophic failure. The ground elevation is such that it would drain away from the main school facility, so the school has not talked to us about having a special emergency plan for anything like that.

COUNCIL MEMBER WILSON: I'm asking you to take it into consideration, there is a school there and there are children there.

MS. RINEER: Yes.

COUNCIL MEMBER WILSON: Nothing.

MS. RINEER: Other than access to it that they didn't have any concerns. Especially where it's sited the only thing it can take out is our pump station, actually.

COUNCIL MEMBER WILSON: You made a statement that this was the best place or best use of the property was this water tank. Well, that's school property. I think the best use of the property is for the school and I'm not at all happy about a 500,000-gallon water tank hanging over the heads of kids. And the initial surge of water, I'm assuming, would be very quick and there would be destruction if there was a catastrophic failure.

MS. RINEER: This is welded together sheets of steel, and a weld could fail. I do not know of a case where a tank released its entire volume at once without falling over, but the likelihood of that is extremely rare. And the school system has had experience with having a water tank on site at McGee Elementary School and they felt very comfortable with it.

COUNCIL MEMBER WILSON: I happen to have watched last evening "When Large Projects Go Wrong."

MS. RINEER: Um-hmm.

COUNCIL MEMBER WILSON: A case in point is a couple of condominium project in New Orleans that collapsed on itself. And we all know the Titanic was not supposed to sink.

MS. RINEER: Correct.

COUNCIL MEMBER WILSON: So, there is a possibility, however rare, and that's why most towns, state governments, etcetera, have contingency plans. The fact that it, as I said before, it's on school property, that concerns me. It concerns me. I have grandchildren that go to school there and I'm not at all happy about the situation.

MS. RINEER: Um-hmm.

COUNCIL MEMBER WILSON: And I have one last item. I read on the weekend the JoCo report where the county commissioners had approved the project, let the contract, and they need you to believe in this article that it's a done deal. Not once does it mention the requirement for a special use permit, so any person reading this article would think they're building it already.

MS. RINEER: And I understand that. The timing of this project was tight after we spent that year with the town of Clayton trying to figure out if they wanted to participate and then we -- to numerous challenges siting the tank. This project is funded by a State Reserve Project loan. It was a special pot of money that was made available in 2017, and the county pursued it for this project. They were hoping that we would be under contract by 2020, about the time of 2020, and we kept delaying, so that's the first problem is that we needed to stay on schedule for our funding, but the second was our lack of knowledge of your special use permit requirements. And that's on us. We were caught unaware by this requirement and so we have worked with that resolution. It was awarded subject to NC DWI approval for the loan. They require that we do it that way, so it wasn't a done deal in any way and I'm sorry that it was reported that way, 'cause it was a contingent resolution. But, also, the contractor and the county worked it out. They can't start construction till we get that smoothed issue and receive that would be part of this. So, this is very much contingent on whether the town approves the project.

COUNCIL MEMBER WILSON: Mr. Mayor, I want to pursue the possible add-ons to this if we are going to address those later on this evening. Is it on the agenda?

MAYOR MULHOLLEM: Pardon? What was the last part of that statement, Council Member Wilson?

COUNCIL MEMBER WILSON: If there are any plans of addressing -- let me turn this completely on. In the add-on to the original that we require, say, for instance, if Johnston County failed to complete all of its requirements, that the -- for instance, the property would revert to the school or there would be a requirement attached that says you must develop a contingency plan with the school, the local school there, in case of a safety issue. Was that planned to be addressed this evening? If not, I will --

MAYOR MULHOLLEM: Well, that question can be asked right now during this part, I assume.

MS. RINEER: I cannot tell you if the school system has its own contingency plans. I do know that we've safely operated water tanks in the county for a really long time and that failure is extremely rare. But I understand planning for it that if it were to happen, but I would assume that's something the school would do for their site-specific issue.

COUNCIL MEMBER WILSON: Well, I know one schoolteacher over there that wasn't even aware of it today. And my concern is, unless there is something covered in the special use -- attached to the special use permit that requires a development of a -- some plan of action that the school would take if something happened at that water tower that

involved children. I'm not inclined to vote for this if there are not attachments to this.

ATTORNEY BURRELL: And to address that, Mr. Wilson, as part of a special use permit, the council, by a majority vote, can impose reasonable considerations.

COUNCIL MEMBER WILSON: But I think safety is a reasonable consideration.

ATTORNEY BURRELL: So, if the council decides, that is something that can be done. Reasonable conditions upon approval.

COUNCIL MEMBER WILSON: Okay.

MAYOR MULHOLLEM: All right. Are there any further questions?

COUNCIL MEMBER JACKSON: On that particular part, would it require -- would it require that they have those things in place prior to construction or that they develop a plan? You know, not saying it has to exist right at this moment, but that they develop a plan; what if?

ATTORNEY BURRELL: And it's just the same way that, hey, in order to build this building, you must meet these conditions, setbacks, buffering's, anything like that; in order to begin construction or get the final approval, the school board would have to have a contingency plan for catastrophic failure. That could be a condition imposed upon approval of the special use permit.

COUNCIL MEMBER JACKSON: Okay.

ATTORNEY BURRELL: So, it's not something that, hey, we have to have the contingency plan before we have a vote on the approval of the application; it's approval of the application is conditioned upon a contingency plan of the catastrophic failure.

MAYOR MULHOLLEM: And I do think it would be fair to say that if both the school board and the county have approved this, that would lead me to believe that it's been considered.

ATTORNEY MCGRATH: Mr. Mayor, if I can --

MAYOR MULHOLLEM: Yes.

ATTORNEY MCGRATH: -- I'd like to ask Ms. Rineer a couple of clarifying questions on that point exactly. Kim, would this project even have reached this stage if the school board wasn't completely satisfied with the site and the location?

MS. RINEER: The school board was required to vote to grant the easement and for this specific purpose and so they are familiar with the project, and we've worked closely with the principal on site and, also, their facilities maintenance staff with siting this.

ATTORNEY MCGRATH: And when you locate, because I know you mentioned there was one in the McGee Crossroads, one of these is located at a school or the fire station here in Archer Lodge, for example

MS. RINEER: Um-hmm.

ATTORNEY MCGRATH: -- you know, once the tower's constructed, that's not the end of the county and the water district's involvement with the site, is it?

MS. RINEER: No, no. We're partners at this site. We have an easement to use their access road to the site. We've been talking to our maintenance staff, make sure everybody knows where who's mowing what and at what end and -- and not so, you know; if they ever have any issues with any operation, we're constantly working. And we've been good partners with the school on many utility projects. We provide water and sewer to almost every school in the county.

ATTORNEY MCGRATH: And we talked earlier about some of the features of this specific footprint on this plan.

MS. RINEER: Um-hmm.

ATTORNEY MCGRATH: We said the tower was, let's call it, 160-165 feet. I think that's on the high side --

MS. RINEER: Yeah. It's 155 would be about the highest we could go.

ATTORNEY MCGRATH: Okay. And I think you testified earlier that the closest structure that is not the county's zero lift station, that darker colored outbuilding is about 270 feet away?

MS. RINEER: Around 278 feet, yeah. And even the edge of the parking lot, the bus parking lot is 160 or so feet?

MS. RINEER: Uh, yeah. It is around 160 feet away.

ATTORNEY MCGRATH: So, if --

MS. RINEER: It would be -- it would be a challenge. And the site all drains to the back. If you looked on the other one, there's drainage ponds there. The school is higher than any of the area. That is a drainage ditch along that road where the water would go. It would overflow probably at the rate it's coming into that bus parking lot; it'll want to just sheet flow back to those ponds. It could not flood the school, in my engineering opinion.

COUNCIL MEMBER JACKSON: Even if you had the catastrophic --

MS. RINEER: Even if all that came down, the grading is all sheet flow to the back of the property where those ponds are, and it would hit that drainage ditch that runs along the road there. It would be more than the volume of the drainage ditch and go over into that parking lot around and back towards the football fields. But there would be a warning sign to a catastrophic and it would be a small leak, there would be something. On the entire seam of, no. And our staff will be visiting that pump station every day and school staff will be looking up at that tank every day there, and I just -- it's the least likely thing to happen. I think the fire protection gave by the school, a fire would be much more likely, even just a car fire in the parking lot, but they will never run out of a car for a fire. It would take the whole thing going up at once.

ATTORNEY MCGRATH: And just, I guess, the final question at this point. So, is it your professional opinion that both the topple risk of the tower and the flow that would be created if all 500,000 gallons were to get dropped at once, that the layout and the site design here takes both of those into consideration?

MS. RINEER: It does. It does. And even one gallon of water is a little over 7 pounds. When you put all that in the air you cannot [Inaudible]. It's always the last thing you see in every hurricane [Inaudible].

COUNCIL MEMBER WILSON: I just have one more comment. As I say, I am not a fan of putting it on school property. A school that uses temporary classrooms cannot afford to give its property away. They need

every inch of property they have, because there's not much property over at Archer Lodge Middle School for expansion. So, they've operated over capacity for that school about three years after it was built and now, we're using portable classrooms there and I just don't believe it's a smart thing to do to give away property.

MS. RINEER: It did go before their board, and they voted to pursue.

MAYOR MULHOLLEM: Can you tell us what that vote was by the school board? Was that vote unanimous?

MS. RINEER: I am not familiar with that re-- recall.

MAYOR MULHOLLEM: All right. Are there any other questions? Anything?

ATTORNEY MCGRATH: Just briefly, Mr. Mayor, members of the council, I really do appreciate your patience with us this evening. I did want to circle back and touch briefly on these standards that are in your UDO. The first standard that's up here, we just spoke, you know, at some length about "the use will not materially endanger the public health and safety if located where proposed." In addition to some of the other discussions we just had about catastrophic failure risk and the highly, highly unlikely event that those would occur, as Ms. Rineer testified incredibly unlikely; but on a regular basis, a more day-to-day basis, even then Ms. Rineer testified its water tower will be inspected, it's maintained. The nature of the use itself poses no inherent risk. The water just sits there. It's not a -- I've dealt with some special use cases for wind turbines down East. This is not that. It just sits there, it's quiet, it's odorless, and it's non-toxic. We talked a little bit about the height of the structure compared to what's around it and I think a worthwhile comparison, though not a hundred percent here, is the UDO itself has buffer rules for wireless communications towers that are equal to their height. That's built in to the site. We've got a, you know, just under a 160-foot tower. If that were to, good Lord forbid, topple over, it's not -- the physical tower is not reaching the bus parking lot. All of that, again, was taken into consideration between the county water district and the school board when both bodies elected to pursue this. The second standard here is that it complies with all standards, conditions, specifications of the UDO. These are a few of those. I'm not going to run completely through those, but among these are that the use itself be located interior, away from public streets. We're in the -- this section of the property is far from a public street, but it has the needed access. It's not something that's flagging you down on the side of the highway. There are no dangerous equipment apparatus. There's nothing stored here. There will be a fence. There will be design elements to keep folks from climbing on the tower. That's about the only danger this tower poses and those are built into the design of the towers, as Ms. Rineer testified. Just looking quickly. Again, nothing stored. Let me go back here. So, you know, we would submit that the use satisfies that second standard. The third is, it will not substantially injure the value of abutting land or that the use is a public necessity. Ms. Rineer's unequivocal testimony was that, given the realities of development Johnston County wide, this is a public necessity. I will also note, somewhat anecdotally, that out of intellectual curiosity, I pulled some tax cards from around the fire department water tower comparing both before the tower's installed and after. I think you all know what I quickly found; a lot of development's happened in that area since the tower's been there. If there were a substantially injurious impact on property and property values by a water tower, I think we would have seen it there. But, again, this is a public necessity. The use will be in harmony with the area in which it is located. In North Carolina, when a zoning ordinance includes a particular use as a special or conditional use in a zoning district, that itself is prima facie evidence that that use is in harmony with that district. And that's what we have here. The major utility is a special use in the O&I district. But even beyond that, Ms. Rineer testified, again, about the

quiet nature of this, about the location on the site that not only the impact that the location on the site has on the rest of the site itself and also the school, but this corner where the water tower's going to be located is away from the existing relatively dense single-family homes. It's on the agricultural side of property and, again, it doesn't impact any of the -- any of the ball fields or any of the school activities; so we also submit that it's in harmony. Ms. Maybee actually touched a little bit on the town's comprehensive plan and whether this is in general conformity with your adopted policy guidance. And I wrote it down, but I think it's over there. But I liked how she presented that. You know, how Archer Lodge grows is on a different night a policy decision that this council needs to make, but however it grows, and I think we all know it's growing, and having reliable water service to meet whatever that looks like is certainly in conformity with the policy guidance, specifically the policy guidance for economic development and work force development. And then, finally, the use will not exceed the town's ability to provide adequate public facilities. You know, this use is a water tower. It's all about increasing the ability to provide public facilities. Ms. Rineer spoke a lot about fire service being a point of concern for the county on a water supply standpoint, but it should be a point of concern for everyone. And having, you know, the ability to fully support those resources and the flexibility that having additional water resources will bring, we think it certainly satisfies this individual standard. So, with that, you know, I guess the takeaway here is that Archer Lodge is clearly growing. You know that better than I do. The addition of a water tower on a middle school is a clean fit. It's a reasonable fit. It's one the school board has signed off on and it's one the school board has experience with in other locations, and having this will allow the county and the water district to continue to provide reliable water service to folks in and around Archer Lodge. With that, I would ask that the presentation be included in the record. And we're happy to answer any additional questions. And, seriously, thank you for your time.

MAYOR MULHOLLEM: Thank you. Are there any additional questions? All right.

9. Persons opposed to granting the application shall present arguments and evidence against.

MAYOR MULHOLLEM: Item 9. Persons opposed to granting the application shall present arguments and evidence against. I think it's been established that there is no party in opposition with us tonight.

10. Opportunity for cross-examination.

MAYOR MULHOLLEM: Item 10. Opportunity for cross-examination. Counsel, I'm assuming with no party in opposition here that there would be no need for cross-examination; is that correct?

ATTORNEY BURRELL: That's correct, Mr. Mayor.

11. After all evidence has been presented, the Mayor asked the parties if there was additional relevant information that has not been presented that would make a continuance in order.

MAYOR MULHOLLEM: Item 11. After all evidence has been presented the Mayor may ask the parties if there is any additional relevant information that has not been presented that would make a continuance in order. Is there such any additional relevant information?

ATTORNEY MCGRATH: No, Mr. Mayor.

MAYOR MULHOLLEM: Thank you.

12. The Mayor entertained objections and rule on the admissibility of the evidence or exhibit.

MAYOR MULHOLLEM: Item 12. At this time, I'll entertain any objections and rule on the admissibility of the evidence or exhibit. Okay. Hearing none, I assume we could move on?

ATTORNEY BURRELL: Yes, sir.

13. Mayor - To close the Public Hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial hearing or to a publicly stated date, time, and location.

MAYOR MULHOLLEM: Item 13. At this time, I'll close the quasi-judicial public hearing, unless the hearing had been continued to the next regular scheduled quasi-judicial hearing or to a publicly stated date, time or location. That has not been done, so at this time this quasi-judicial public hearing is closed.

Mayor Mulhollem Closed the Quasi-Judicial Public Hearing at 7:47 p.m.

(WHEREUPON, THE QUASI-JUDICIAL HEARING WAS CLOSED)

14. Mayor called for a vote of each of the findings of fact/conclusions for a special use permit.

ATTORNEY BURRELL: Before we begin item 14, Mr. Mayor one change as to what is written here in the agenda regarding 160-D. Our new UDO changed some things with a quasi-judicial hearing regarding voting. As long as it is not a variance, a simple majority is all that is required for the findings-of-fact and for the special use permit approval. So instead of the super majority vote that was required; now we only need a simple majority vote of the Council.

MAYOR MULHOLLEM: Okay. Thank you for that point.

Mayor Mulhollem called for a series of votes on each of the Findings-of-Fact for:

A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

- *The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCANDA and/or 911 communication reliability. No third-party service providers will be allowed to mount equipment on the tank without additional approval from the Town.*

Council Member Jackson moved to approve the findings of fact for "A." The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

B. Access roads or entrance and exit drives are to or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.

- *The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.*

Council Member Jackson moved to approve the findings of fact for "B." The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

C. Off street parking, loading, refuse, and other service areas are located so as to be safe convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.

- *Parking is available on the tank site for maintenance vehicles.*

Council Member Jackson moved to approve the findings of fact for "C." The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

- *Yes. All will see improved service.*

After deliberation, Council Member Jackson moved to approve the findings of fact for "D." The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact.

- *The District worked with the school to site facility in an area that would not be disturb the current use of the site. Elevated tanks are often used to advertise the local community and instill civic pride. Our current policy allows for the Town to choose to place a name or logo on the tank for the cost difference from our standard letter.*

Council Member Jackson moved to approve the findings of fact for "E." The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations, and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

- *Elevated storage tanks are highly visible. The use of the site will not produce noise, odors, traffic, or nuisances, beyond original construction and infrequent (every 7-10) major maintenance. The public will not use this site.*

Council Member Jackson moved to approve the findings of fact for "F." The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

15. Mayor Mulhollem called for a motion for the Johnston County Special Use Permit.

Mayor added that the Special Use Permit application submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School property located at 762 Wendell Road, Wendell, NC.

Council Member Jackson moved to approve the special use permit for the purpose of the water tank. The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

Discussion:

- Council Member Jackson commented that he appreciated that Council Member Wilson was opposed due to the chance of a

catastrophic event. He noted he approved it due to the Planning Board recommendation and School Board approving it. He noted that the Fire Department Water Tower is much closer than the proposed tank and in the future the Town will need another tank for the fire safety in the Town.

- Council Member Wilson shared that he isn't opposed to the water tower itself, but he is opposed to the location site at the Archer Lodge Middle School.

17. Mayor Mulhollem called for a motion for the Site Plan.

Council Member Jackson moved to approve the site plan as presented. The motion was seconded by Council Member Purvis and approved by a 3 to 1 vote. Council Member Wilson opposed.

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Findings of Fact "A" as presented.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Findings of Fact "B" as presented.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Findings of Fact "C" as presented.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Findings of Fact "D" as presented.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Findings of Fact "E" as presented.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Findings of Fact "F" as presented.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Special Use Permit for Johnston County for an elevated water storage tank at the Archer Lodge Middle School at 762 Wendell Road, Wendell, NC.

CARRIED 3 to 1 (Wilson Opposed)

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Site Plan for Johnston County for an elevated water storage tank at the Archer Lodge Middle School at 762 Wendell Road, Wendell, NC.

CARRIED 3 to 1 (Wilson opposed)

- [11.15.21 Agenda Item 2. Staff Report](#)
- [11.15.21 Agenda Item 2 SUP Staff's PP](#)
- [09.20.21 Submitted SUP Application](#)
- [11.15.21 Poyner Spruill Attorney's PP](#)
- [12.01.21 Recorded Jo Co SUP Findings of Facts and Site Plan](#)

3. PUBLIC HEARING

48 - 99

- a) **Discussion and Consideration of Amending the Town of Archer Lodge Code of Ordinances, Archer Lodge, NC, Chapter 30 - UDO**

- **ARTICLE 2. - AUTHORITIES, DIVISIONS 1, 5, and 6**
- **ARTICLE 3. - PROCEDURES, DIVISION 1**
- **ARTICLE 4. - ZONING DISTRICTS, DIVISION 5**
- **ARTICLE 5. - USE REGULATIONS, DIVISION 3**

1. **Open Public Hearing**
2. **Staff Report and Planning Board Recommendations**
3. **Public Comments**
4. **Close Public Hearing**
5. **Governing Body**
 - **Discussion and Consideration of the Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2021-11-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Unified Development Ordinance: Article 2; - Authorities, Divisions 1, 5, and 6; Article 3; - Procedures, Division 1; Article 4. - Zoning Districts, Division 5; and Article 5. - Use Regulations, Division 3.**

1. Mayor Mulhollem **opened the Public Hearing.**

2. Ms. Maybee informed that Mr. Meadows would be discussing the proposed text amendments to the Town Council. She noted that advertisement was posted in accordance with the ordinance provisions.

Mr. Meadows discussed the following:

- First round of amendments for the UDO that was adopted June 7, 2021.
- Common for local governments to consider changes to the Unified Development Ordinance soon after having been adopted.
- Basic changes discussed.
 - Definition of review and authorities.
 - Clarification to powers and duties of the Technical Review Committee
 - Powers and Duties of the Town Planner position.
 - Adjustments to the clarifications in the Cluster Development provisions in the water supply/watershed overlay district (WSWOD).
 - Change in the manufactured home skirting requirements.
 - Clarification on electronic gaming use standards.
- Built a variety of tracking mechanisms in the UDO to allow keeping up with the document changes such as:
 - Ordinance Amendments Tracking Table
 - Updated footer with revision dates
 - Intend to incorporate series of editors notes into the body of the text about a particular section that changed based on the UDO text amendment.
- Suggested four basic changes to the UDO in regard to the cluster development provision in the WSWOD is as follows:
 - Remove minimum lot areas.
 - Remove minimum lot width.
 - Set-backs will still apply.

The proposed amendments appeared on the agenda.

Ms. Maybee presented the Staff Report and Planning Board Recommendations which appear at the end of the minutes.

Ms. Maybee noted that Staff requested that a copy of the Staff Report and Planning Board Recommendation and PowerPoint Presentation be included in the record.

3. Mayor Mulhollem opened the floor for **Public Comments.**

There were none.

4. Mayor Mulhollem **closed the Public Hearing at 8:26 p.m.**

5. Governing Body:

• **Discussion and Consideration of the Consistency Statement:**

- Mayor Mulhollem read the Consistency Statement.

Mayor Mulhollem called for a motion to approve the Consistency Statement and *the Approved Consistency Statement appears at the end of the minutes.*

- **Discussion and Consideration of Adopting Ordinance# AL2021-11-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Unified Development Ordinance: Article 2; - Authorities, Divisions 1, 5, and 6; Article 3; - Procedures, Division 1; Article 4. - Zoning Districts, Division 5; and Article 5. - Use Regulations, Division 3.**

Mayor Mulhollem called for a motion to adopt Ordinance# AL2021-11-1 and *the Adopted Ordinance# AL2021-11-1 appears at the end of the minutes.*

Moved by: Council Member Wilson
Seconded by: Council Member Purvis

Approved Consistency Statement as presented.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry

Adopted Ordinance# AL2021-11-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Unified Development Ordinance: Article 2; - Authorities, Divisions 1, 5, and 6; Article 3; - Procedures, Division 1; Article 4. - Zoning Districts, Division 5; and Article 5. - Use Regulations, Division 3.

CARRIED UNANIMOUSLY

- [11.15.21 Agenda Item 3. Staff Report](#)
- [11.15.21 Agenda Item 3 UDO TA Staff's PP](#)
- [11.15.21 UDA TA Approved Consistency Statement](#)
- [11.15.21 Adopted Ordinance# AL2021-11-1 Ordinance Amending Ch 30, Art 2, Div 1,5,6 Art 3, Div 1, Art 4, Div 5 and Art 5, Div 3](#)

4. ADJOURNMENT:

- a) **Having no further discussion, Mayor called for a motion to adjourn.**

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Adjourned special meeting at 8:30 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: November 11, 2021
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney
Re: Agenda Item 2. – Staff Report - Special Use Permit Application (SUP-9-1-21) submitted by Johnston County to Construct a 500,000-Gallon Elevated Water Storage Tank on the Archer Lodge Middle School Property located at 762 Wendell Road, Wendell, NC

Background:

On September 20, 2021, a Special Use Permit Application was submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A.

Accompanying the special use permit application is the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property.

A link to the special use permit application and site plan is included (see Agenda Item 7. b.)

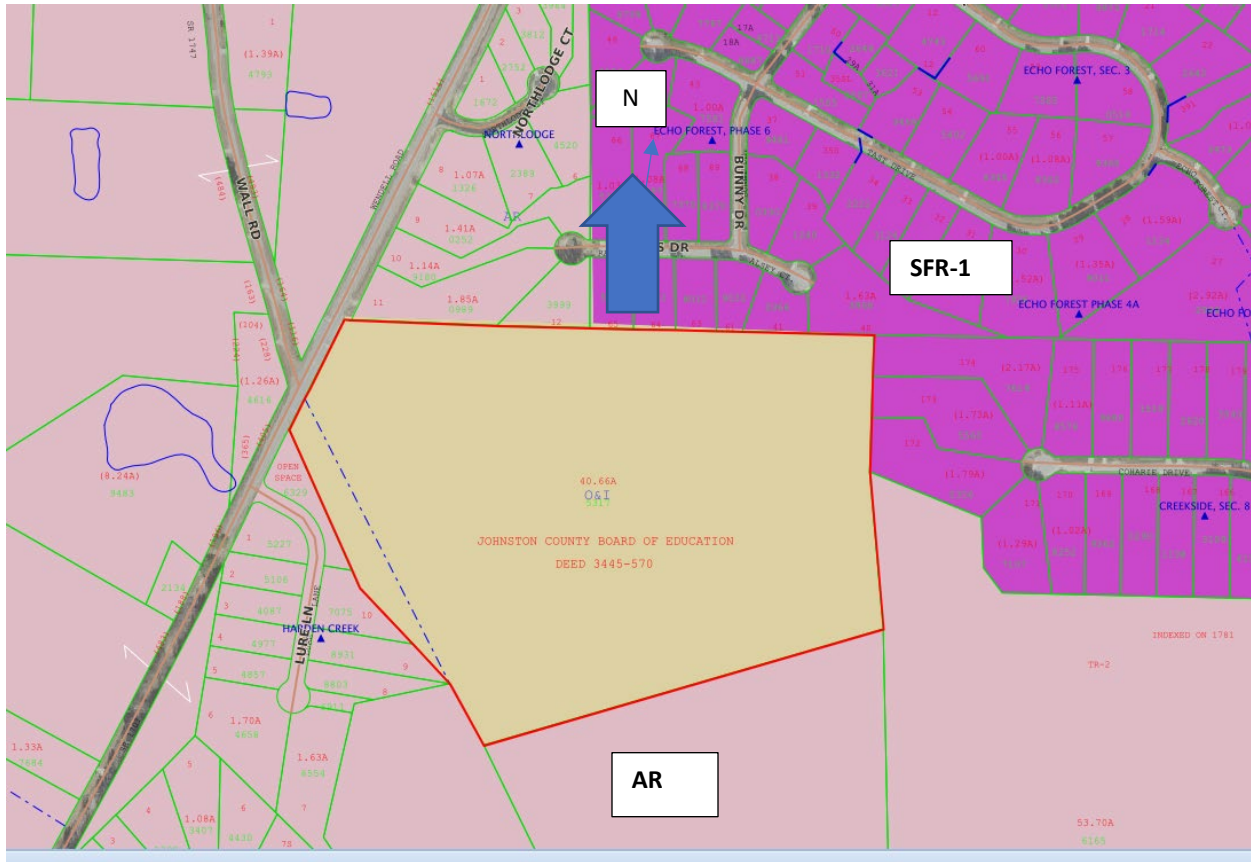
Publication Requirements:

Advertisement/public notice of the meeting and the proposed special use permit/site plan was completed in accordance with applicable NC General Statutes and Unified Development Ordinance provisions.

Zoning:

The property is zoned Office and Institutional (OI) District. It is bounded on the North and East by lands zoned Single Family Residential District (SFR-1) and Agricultural-Residential (AR) District. Bounded on the South and West by lands zoned AR.

The property is not located in Water Supply Watershed Protection Overlay District (WSWOD), nor does it contain any 100-year flood plains.



Subject Property and Adjacent Land Uses:

Staff will present photographs of the of the site and adjacent land uses at the meeting.

Technical Review Committee Comments:

As of this writing no comments have been received from the Technical Review Committee on the special use permit application/site plan.

Future Land Use Plan (Excerpts from the 2030 Archer Lodge Comprehensive Land Use Plan):

Community Vision & Mission Statement:

- "Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business."

- “Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looks for opportunity of mold future growth into the town’s core values. Archer Lodge is home to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources.”

Future Land Use:

- The *Town of Archer Lodge 2030 Comprehensive Land Use Plan* (2015) identifies key areas for land use and growth management, it makes recommendations relating to community image, small economic development and skill training, business and farming relationships, public services and infrastructure, parks, and recreation, as well as environmental protection and historic preservation.
- According to the plan, Archer Lodge is located within the Research Triangle Economic Development region designated by the State.
- Archer Lodge is described as a sub-rural community that combines the town’s agricultural and suburban lifestyles.
- Given the influx of families moving to the Town, the plan acknowledges the likelihood of change in the community.
- Archer Lodge anticipates continued agricultural uses, residential developments, and business development to be the future land uses in the Town.

Staff Recommendations:

A PowerPoint presentation given at the meeting. Staff recommends approval since it complies with applicable ordinance provisions. Staff concurs with the Planning Board recommendations.

Planning Board Recommendations:

On November 10, 2021, the Planning Board considered the proposed special use permit application and site plan. After deliberation, the Planning Board unanimously recommends approval (see Exhibit #1).

Requested Council Action:

Staff respectfully requests that the Town Council:

- a) Conduct a quasi-judicial public hearing.
- b) After closing the public hearing, deliberate on the special use permit application and site plan.
- c) Vote on each finding of fact.
- d) Vote on the site plan.

EXHIBIT #1**ARCHER LODGE PLANNING BOARD RECOMMENDATIONS
JOHNSTON COUNTY SPECIAL USE PERMIT AND SITE PLAN**

On November 10, 2021, the Archer Lodge Planning Board conducted a public meeting and deliberated on a special use permit application submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. Accompanying the special use permit application was the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A. The property is zoned Office-Institutional District (OI).

After deliberation, Planning Board voted unanimously to approve the *findings of fact* for “A.” as stated below:

- A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCANDA and/or 911 communication reliability. No third-party service providers will be allowed to mount equipment on the tank without additional approval from the Town.

After deliberation Planning Board voted unanimously to approve the *findings of fact* for “B.” as stated below:

- B. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.

The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.

After deliberation, the Planning Board voted unanimously to approve the *findings of fact* for “C” as stated below:

- C. Off-street parking, loading, refuse, and other service areas are located so as to be safe convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.

Parking is available on the tank site for maintenance vehicles.

After deliberation, the Planning Board voted unanimously to approve the *findings of fact* for “D.” as stated below:

- D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

Yes. All will see improved service.

After deliberation, voted unanimously to approve the *findings of fact* for “E.” as stated below.

- E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact.

The District worked with the school to site facility in an area that would not disturb the current use of the site. Elevated tanks are often used to advertise the local community and instill civic pride. Our current policy allows for the Town to choose to place a name or logo on the tank for the cost difference from our standard letter

After deliberation, the Planning Board voted unanimously to approve the *findings of fact* for “F.” as stated below.

- F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

Elevated storage tanks are highly visible. The tank will be seen by adjoining properties. The use of the site will not produce noise, odors, traffic, or other nuisances, beyond original construction and infrequent (every 7-10) major maintenance. The public will not use this site.

Based on the above, a motion was made by Planning Board Member Herbert Locklear and seconded by Planning Board Vice Chair Teresa Romano to recommend approval of the special use permit to the Archer Lodge Town Council. The motion carried unanimously.

After deliberation, a motion was made by Planning Board Vice Chair Teresa Romano and seconded by Planning Board Member Terry Barnes to approve the submitted site plan. The motion carried unanimously.



1

Special Use Permit Application

2

Agenda Item #1	
	<ul style="list-style-type: none"> □ On September 20, 2021, a Special Use Permit Application was submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A. Accompanying the special use permit application is the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property.

2

Town Council Requested Action

3

Agenda Item
#1

- Staff respectfully requests that the Town Council conduct quasi-judicial public hearing in accordance with adopted "Town of Archer Lodge Rules of Procedure" adopted on 11-2-21.
- Governing Body:
 - Mayor – Calls for vote. 1st and 2nd needed and the vote on **each** of the findings of fact/conclusions for the special use permit. *
 - Mayor – Calls for a vote on the Special Use Permit. 1st and 2nd needed and vote. *
 - Mayor – Calls for a vote on the Site Plan. 1st and 2nd needed and vote.

*Town Council may attach conditions of approval in accordance with the Ordinance and State Law. Super majority vote required on Findings of Fact and Approval of the Special Use Permit.

3

Quasi-Judicial Public Hearing Conduct of Public Hearing

- Swear in Witnesses, including staff, who intend to Present Evidence
- **Mayor to call the case as stated on the agenda.**
- If applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council
- Members of Town Council to disclose the following:
 - Any site visits.
 - Ex parte communications.
 - Specialized knowledge they have relevant to the case.
 - Fixed opinion that is not susceptible to change based on what they learn.
 - Conflict of Interest.
 - Financial interest; and
 - Any other information relevant to determining whether a conflict of interest
 - ** Town Council to vote on recusal of member if any conflict exists.
 - Note: The applicant or other affected persons may present any objections regarding a member's participation.
- **Mayor open the public hearing.**
- Staff to present the staff report
- All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement

4

Quasi-Judicial Public Hearing Conduct of Public Hearing

- Applicant has opportunity to present the arguments and evidence in support of the application.
 - Persons opposed to granting the application shall present arguments and evidence against.
 - Opportunity for cross-examination.
 - After all evidence has been presented, the **Mayor** may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.
 - The **Mayor** will entertain objections and rule on the admissibility of the evidence or exhibit.
 - **Mayor** to Close the public hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial hearing or to a publicly stated date, time and location.
 - The Archer Lodge Town Council to render a decision on the special use permit request. **Mayor to call for a vote on each finding of fact/conclusions, and special use permit.**
 - **Must receive a super majority vote of the Town Council for the Application to be approved.**
 - **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**
-
- **Mayor to call for a vote on the site plan.**

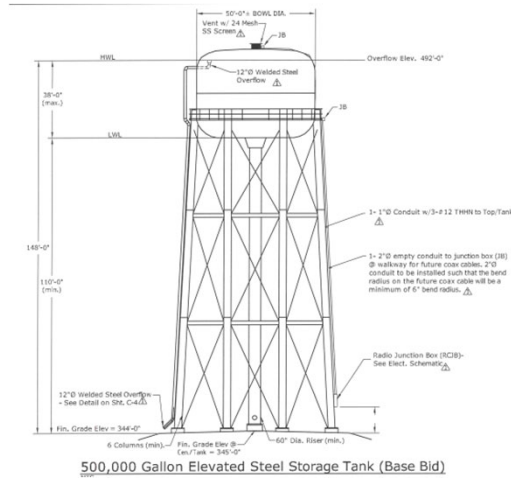
5



6

500,000 Gallon Elevated Steel Storage Tank ILLUSTRATION

7



7

Findings of Fact Submitted by Applicant via Special Use Permit Application

8

- A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied;**
 The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCADA and/or 911 communication reliability. No third party service providers will be allowed to mount equipment on the tank without additional approval by the Town.
- B. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency;**
 The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.
- C. Off-street parking, loading, refuse, and other service areas are located so as to be safe convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood;**
 Parking is available on the tank site for maintenance vehicles.
- D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;**
 Yes. All will use improved service.
- E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impacts;**
 The elevated tank will be sited in an area that would not disturb the current use of the site. Elevated tanks are often used to advertise the local community and install one jobs. Our current policy allows for Towns to choose to place a name or logo on the tank for the cost difference from our standard bidding.
- F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.**
 Elevated storage tanks are highly visible. This tank will be seen by adjoining properties. The use of this site will not produce noise, odors, traffic or other nuisance, beyond original construction and infrequent (every 7-10 year) major maintenance. The public will not use this site.

8

Future Land Use Plan (Excerpts from the 2030 Archer Lodge Comprehensive Land Use Plan):

9

- “Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business.”
- “Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looks for opportunity of mold future growth into the town’s core values. Archer Lodge is home to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources.

9

Future Land Use

10

- The Town of Archer Lodge 2030 Comprehensive Land Use Plan (2015) identifies key areas for land use and growth management, it makes recommendations relating to community image, small economic development and skill training, business and farming relationships, public services and infrastructure, parks, and recreation, as well as environmental protection and historic preservation.
- According to the plan, Archer Lodge is located within the Research Triangle Economic Development region designated by the State.
- Archer Lodge is described as a sub-rural community that combines the town’s agricultural and suburban lifestyles.
- Given the influx of families moving to the Town, the plan acknowledges the likelihood of change in the community.
- Archer Lodge anticipates continued agricultural uses, residential developments, and business development to be the future land uses in the Town.

10

Special Use Permit Consideration of Findings of Fact

11

Findings of Fact

Findings of Fact:

In order to issue a special use permit, the Town Council shall consider each of the following conditions, and based on the evidence presented at the hearing, make findings in regard to each and must find that the issuance of the special use permit promotes the public health, safety, and welfare and is in the best interest of the Town:

1. Will not materially endanger the public health, safety if located where proposed;
2. Complies with all standards, conditions, and specifications of the UDO, including Article 5 Use Regulations, and Article 6 Development Standards;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Will not exceed the Town's ability to provide adequate public facilities (fire and rescue, utilities, etc.).

11

Draft Motion

12

Upon making findings of fact findings, Council Member _____ moves to approve Special Use Permit for Johnston County for an elevated water storage tank at the Archer Lodge Middle School at 762 Wendell Road, Wendell, NC and site plan. The motion was seconding by Council Member _____ with a ___ to ___ vote.

12

DRAFT TOWN COUNCIL FINDINGS OF FACT

**ARCHER LODGE TOWN COUNCIL
JOHNSTON COUNTY SPECIAL USE PERMIT AND SITE PLAN**

On November 15, 2021, the Archer Lodge Town Council conducted a quasi-judicial public hearing and deliberated on a special use permit application submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. Accompanying the special use permit application was the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A. The property is zoned Office-Institutional District (OI).

After deliberation, Councilmember _____ moved to approve the *findings of fact* for “A.” below. The motion was seconded by Councilmember _____ and approved by a __ to __ vote.

- A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCANDA and/or 911 communication reliability. No third-party service providers will be allowed to mount equipment on the tank without additional approval from the Town.

After deliberation, Councilmember _____ moved to approve the *findings of fact* for “B.” below. The motion was seconded by Councilmember _____ and approved by a __ to __ vote.

- B. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.

The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.

After deliberation, Councilmember _____ moved to approve the *findings of fact* for “C.” below. The motion was seconded by Councilmember _____ and approved by a __ to __ vote.

- C. Off-street parking, loading, refuse, and other service areas are located so as to be safe convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.

Parking is available on the tank site for maintenance vehicles.

After deliberation, Councilmember _____ moved to approve the *findings of fact* for “D.” below. The motion was seconded by Councilmember _____ and approved by a __ to __ vote.

- D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

Yes. All will see improved service.

After deliberation, Councilmember _____ moved to approve the *findings of fact* for “E.” below. The motion was seconded by Councilmember _____ and approved by a ___ to ___ vote.

- E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact.

The District worked with the school to site facility in an area that would not disturb the current use of the site. Elevated tanks are often used to advertise the local community and instill civic pride. Our current policy allows for the Town to choose to place a name or logo on the tank for the cost difference from our standard letter

After deliberation, Councilmember _____ moved to approve the *findings of fact* for “F.” below. The motion was seconded by Councilmember _____ and approved by a ___ to ___ vote.

- F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

Elevated storage tanks are highly visible. The tank will be seen by adjoining properties. The use of the site will not produce noise, odors, traffic, or other nuisances, beyond original construction and infrequent (every 7-10) major maintenance. The public will not use this site.

DRAFT TOWN COUNCIL MOTIONS

ARCHER LODGE TOWN COUNCIL JOHNSTON COUNTY SPECIAL USE PERMIT AND SITE PLAN

Based on the above, a motion was made by Councilmember _____ and seconded by Councilmember _____ to approve the special use permit. The motion was approved by a ___ to ___ vote.

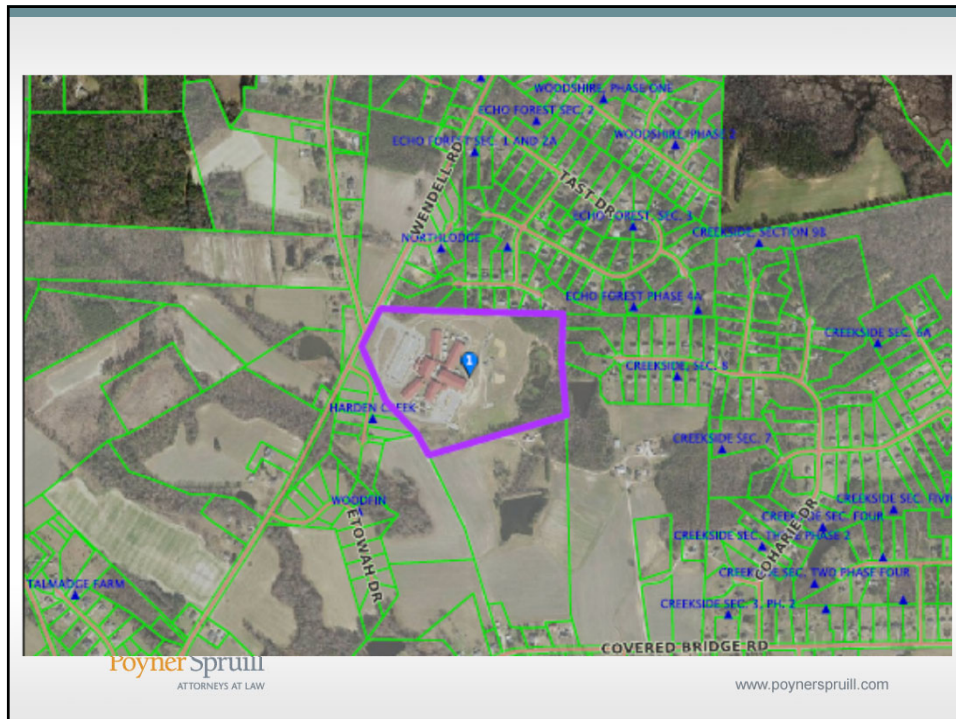
After deliberation, a motion was made by Councilmember _____ and seconded by Councilmember _____ to approve the submitted site plan. The motion was approved by a ___ to ___ vote.

762 Wendell Road Special Use Permit

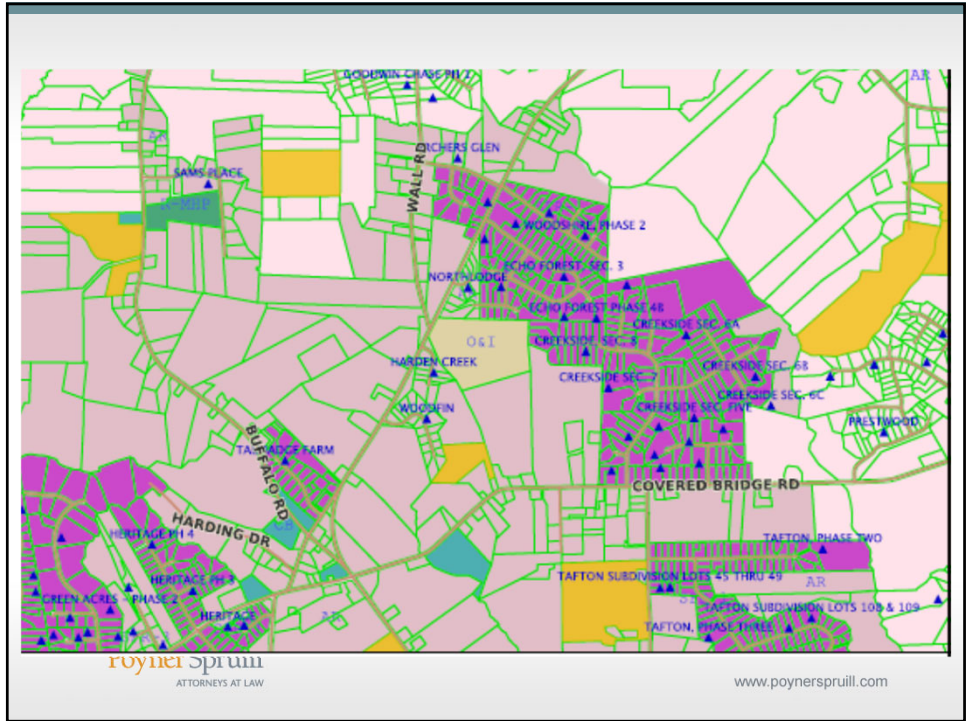
Town Council
November 15, 2021



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Sec. 30-3318(c)(4)(d) – Special Use Permit Standards

In order to issue a special use permit, the Town Council shall consider each of the following conditions, and based on the evidence presented at the hearing, make findings in regard to each and must find that the issuance of the special use permit promotes the public health, safety, and welfare and is in the best interest of the Town:

1. Will not materially endanger the public health, safety if located where proposed;
2. Complies with all standards, conditions, and specifications of the UDO, including Article 5 Use Regulations, and Article 6 Development Standards;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Will not exceed the Town's ability to provide adequate public facilities (fire and rescue, utilities, etc.).



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Sec. 30-3318(c)(4)(d) – Special Use Permit Standards

In order to issue a special use permit, the Town Council shall consider each of the following conditions, and based on the evidence presented at the hearing, make findings in regard to each and must find that the issuance of the special use permit promotes the public health, safety, and welfare and is in the best interest of the Town:

1. Will not materially endanger the public health, safety if located where proposed;
2. Complies with all standards, conditions, and specifications of the UDO, including Article 5 Use Regulations, and Article 8 Development Standards;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the Town's adopted policy guidance; and
6. Will not exceed the Town's ability to provide adequate public facilities (fire and rescue, utilities, etc.).



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Sec. 30-5303(f) – Utility Use Standards

(1) All utilities shall comply with the following standards:

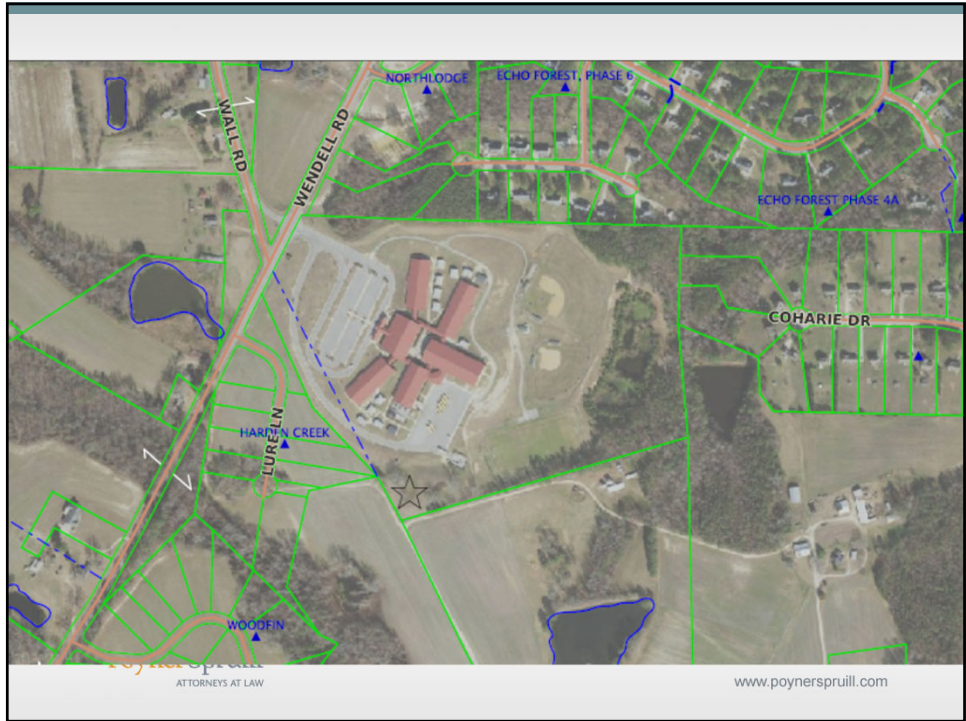
- a. Where possible, utilities should be located on lots interior to a development rather than on lots abutting streets;
- b. All dangerous apparatus shall be enclosed by a fence or wall at least eight feet in height;
- c. Major utilities may only be located on lots that meet the dimensional requirements for the zoning district where located. Minor utilities may be on lots, leaseholds, or easements that do not meet the minimum dimensional standards for lots in the district where located;
- d. The design of buildings, structures, and facilities located in residential neighborhoods shall conform as closely as possible to the character of development in the area to ensure compatibility. Utility placement and screening may also be used as a means of ensuring compatibility;
- e. No vehicles, trailers, or materials shall be stored outdoors on the premises;
- f. Portions of properties not used for facilities, off-street parking, or related services shall be maintained with natural ground cover; and
- g. Service and storage yards shall not be permitted within utility facilities located in residential or OI districts.



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ARCHER LODGE TOWN COUNCIL JOHNSTON COUNTY SPECIAL USE PERMIT AND SITE PLAN

On November 15, 2021, the Archer Lodge Town Council conducted a quasi-judicial public hearing and deliberated on a special use permit application submitted by Johnston County to construct a 500,000-gallon elevated water storage tank on the Archer Lodge Middle School 40.66-acre property, 762 Wendell Road, Wendell, NC. Accompanying the special use permit application was the proposed site plan depicting the location of the elevated storage tank on a 1.16-acre easement area on said property. The property is owned by Johnston County Board of Education, a Governmental Entity, and is referenced as Johnston County parcel tag id number 16J03017A. The property is zoned Office-Institutional District (OI).

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “A.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

- A. All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

The proposed tank will facilitate greater water system reliability, better pressure and storage for fire protection, and additional storage for growth in the region. The County will also use the tank to improve SCANDA and/or 911 communication reliability. No third-party service providers will be allowed to mount equipment on the tank without additional approval from the Town.

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “B.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

- B. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.

The existing access road to the middle school will support the infrequent need to visit the tank site. The easement agreement allows for access.

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “C.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

- C. Off-street parking, loading, refuse, and other service areas are located so as to be safe convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.

Parking is available on the tank site for maintenance vehicles.

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “D.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

- D. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

Yes. All will see improved service.

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “E.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

- E. The location and arrangement of the use on the site, screening, buffering, landscaping, pedestrian ways, and bicycle facilities harmonize with adjoining properties and the general area and minimize adverse impact.

The District worked with the school to site facility in an area that would not disturb the current use of the site. Elevated tanks are often used to advertise the local community and instill civic pride. Our current policy allows for the Town to choose to place a name or logo on the tank for the cost difference from our standard letter

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “F.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

- F. The type, size, and intensity, of the proposed use, including such considerations as the hours of operations and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

Elevated storage tanks are highly visible. The tank will be seen by adjoining properties. The use of the site will not produce noise, odors, traffic, or other nuisances, beyond original construction and infrequent (every 7-10) major maintenance. The public will not use this site.

ARCHER LODGE TOWN COUNCIL JOHNSTON COUNTY SPECIAL USE PERMIT AND SITE PLAN

Based on the above, a motion was made by Councilmember Jackson and seconded by Councilmember Purvis to approve the special use permit. The motion was approved by a 3 to 1 vote. Councilmember Wilson voted no.

After deliberation, a motion was made by Councilmember Jackson and seconded by Councilmember Purvis to approve the submitted site plan accompanying the special use permit. The motion was approved by a 3 to 1 vote. Councilmember Wilson voted no.

Matthew B. Mulhollem

Matthew B. Mulhollem
Mayor

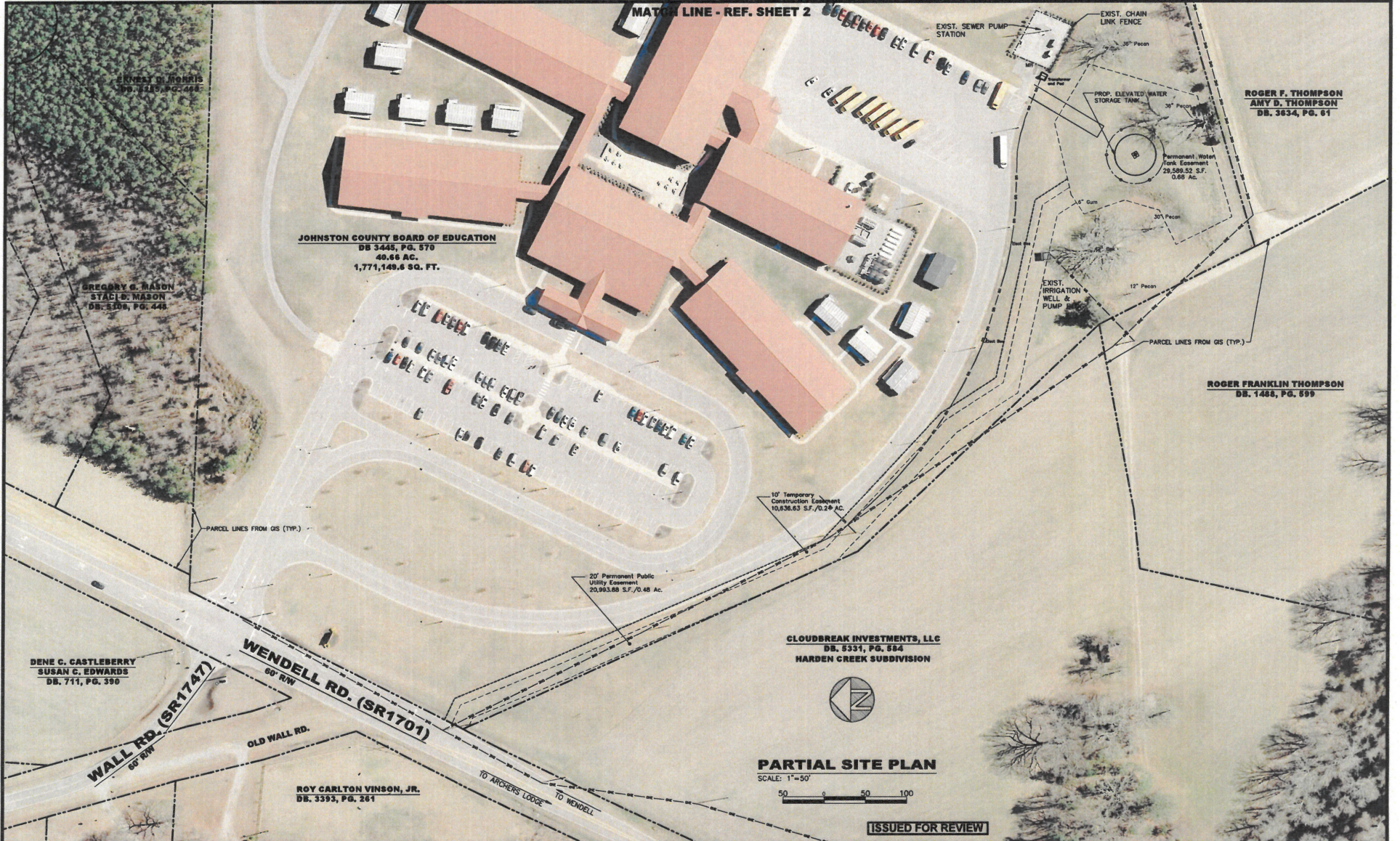
ATTEST:

Kim P. Batten

Kim P. Batten
Town Clerk



Attachment: 11.15.21 Approved Site Plan



REVISION INFORMATION			DRAWING INFORMATION		
Num	Description	Date	Init	Init	Date
				Drawn By: JCH	12/2020
				Checked By: JCH	12/2020
				Approved By: KCR	01/2021
SCALE: AS NOTED					

PARTIAL SITE PLAN FOR ARCHER LODGE REVIEW

**ARCHER LODGE MIDDLE SCHOOL
500,000 GALLON ELEVATED STORAGE TANK
SRL PROJECT NO. H-SRP-D-17-0125
ARCHER LODGE WATER DISTRICT**

JOHNSTON COUNTY
Department of Public Utilities
P.O. Box 2263
Smithfield, NC 27577



SHEET
1
of 2



TOWN OF ARCHER LODGE

14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:

Matthew B. Mulhollem

Council Members:

Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: November 11, 2021
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, CodeWright Planners
Re: Agenda Item 3. – Staff Report – Amendments to the Code Of Ordinances, Archer Lodge, North Carolina, Chapter 30 - Unified Development Ordinance (Outlined Below)

Summary: Amendments (attached) are proposed to the Archer Lodge Code of Ordinances, Chapter 30 – Unified Development Ordinance. The provisions are intended to further clarify/streamline ordinance provisions and address changes in state law.

Below is in overview/summary of the amendments. It is respectfully requested that the Town Council deliberate on the attached revisions. Proposed changes are **red text** and ~~deleted text in blue strikethrough~~.

Amendments to the Code of Ordinances, Archer Lodge, North Carolina, Chapter 30 – Unified Development Ordinance:

- Article 2.- Authorities, Divisions 1, 5, 6 and Article 3 – Procedures, Division 1 to clarify the definition, roles, and duties of respective review authorities.
- Article 4.- Zoning Districts, Division 5, to update and clarify the Water Supply Protection Overlay District (WSWOD) standards.
- Article 5.- Use Regulations, Division 3, to:
 - Update manufactured home park standards for masonry skirting in accordance with state law; and
 - Update/clarify electronic gaming operations in accordance with state law.

Publication Requirements:

Advertisement/public notice of the meeting and the proposed amendments was completed in accordance with applicable NC General Statutes and Unified Development Ordinance provisions.

Staff Recommendations:

A PowerPoint presentation will be given at the meeting. Staff recommends approval of the text amendments finding said amendments in accordance with applicable ordinance provisions. Staff also concurs with the Planning Board recommendations.

Planning Board Recommendations:

On November 10, 2021, the Planning Board considered the proposed text amendments. After deliberation voted unanimously to approve the consistency statement below and motion:

Planning Board Consistency Statement:

The Planning Board finds that the proposed amendments to Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the roles of review authorities; Article 4. - Zoning Districts, Division 5, to update the Water Supply Protection Overlay District standards; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and electronic gaming operations provisions (i.e., removes privilege license requirement) in accordance with state law are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitates environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka “Comprehensive Plan”, vision and mission statements and other adopted Town plans having bearing on the matter.

Motion:

Upon making consistency findings, the Planning Board recommends approval to the Town Council on the amendments to the Unified Development Ordinance, Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the roles of review authorities; Article 4. - Zoning Districts, Division 5, to update/clarify the Water Supply Protection Overlay District standards with clarification to (i) (2)(d) 3; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and electronic gaming operations.

Requested Town Council Action:

Staff respectfully requests that the Town Council:


- Conduct a public hearing on the proposed text amendments.
- After deliberation determine, vote on consistency statement (Draft Town Council Consistency Statement included)
- Vote to approve, deny, or modify the proposed amendments (Town Council draft motion included).

Town Council Draft Consistency Statement

The Town Council finds that the proposed amendments to Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the definition, roles, and duties of review authorities; Article 4. - Zoning Districts, Division 5, to update and clarify the Water Supply Protection Overlay District standards; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and update/clarify electronic gaming operations provisions (i.e., removes privilege license requirement) in accordance with state law are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitates environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka “Comprehensive Plan”, vision and mission statements and other adopted Town plans having bearing on the matte

Town Council Draft Motion:

Councilmember _____ moves to approve Ordinance AL#2021-11-1 as presented. The motion was seconded by Councilmember _____ and approved by a ___ to ___ vote.



UNIFIED DEVELOPMENT ORDINANCE
Text Amendment UDO-TA-1-21

Code Wright Town Council Presentation 11-10-21

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Town Council Requested Action

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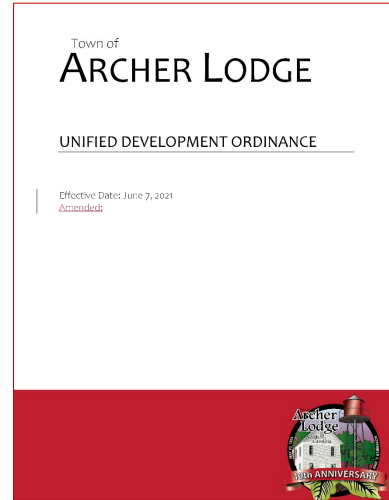
Agenda Item #2	<ul style="list-style-type: none"> □ Staff respectfully requests that the Town Council: <ul style="list-style-type: none"> □ Open Public Hearing; □ Presentation of Staff Report and Planning Board Recommendations' □ Public Comments □ Close Public Hearing □ Governing Body: <ul style="list-style-type: none"> □ Discussion and Consideration of Consistency Statement (Draft Consistency Statement included for Council's consideration.) □ Discussion & Consideration of Adopting Ordinance #AL2021-11-1 Amending Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6; Article 3. - Procedures, Division 1; Article 4. - Zoning Districts, Division 5; Article 5. - Use Regulations, Division 3.
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Overview

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- 1st UDO Amendment
- Current UDO pages with proposed amendments provided
- Proposed amendments provided in tracked changes format



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Proposed Amendments

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6 Proposed Changes:

1. Definition of 'Review Authority' (p. 20)
2. Clarification of Technical Review Committee powers & duties (p. 24, 27)
3. Clarification of Town Planner powers & duties (pp. 25-27)
4. Clarification of cluster development options in the WSWOD (pp. 93-94)
5. Changes in manufactured home skirting requirements (p. 109)
6. Clarifications of electronic gaming use standards (pp. 121-122)

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Tracking

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Amendment Tracking Table (Page 3)

Page Footers

Editor's notes

ORDINANCE AMENDMENTS

TABLE OF UDO AMENDMENTS		
UDO Number	Date	Description
UDO-TA-1-21	xx-xx-21	<ul style="list-style-type: none"> - Clarification of Review Authority roles, - Updates to the Water Supply Watershed Overlay Districts standards, - Update to manufactured home park standards for masonry skirting in accordance with State law - Revisions to Electronic Gaming Operation use standards

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Review Authority Definition

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ARTICLE 2 - AUTHORITIES

Sec. 30-2101 - Oath of office required.

ARTICLE 2 - AUTHORITIES

DIVISION 1. - GENERAL REQUIREMENTS FOR ALL REVIEW AUTHORITIES.

A review authority is any board, council, committee or staff member identified in this Ordinance that review applications for development approval under this Ordinance. An application may be reviewed by more than one review authority.

Sec. 30-2101 - Oath of office required.

- (a) All members appointed to boards shall, before entering their duties, qualify by taking an oath of office administered by the Mayor or the Mayor Pro Tem.
- (b) Oaths shall be signed and filed with the Town Clerk.
- (c) The oath to be administered is prescribed in Article VI, § 7 of the N.C. Constitution, as follows:
"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____ so help me God."

Sec. 30-2102 - Open meetings.

Except as provided by N.C. Statute, each official meeting of the public bodies described in this Article shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with §166A-19.24 of the North Carolina General Statutes shall comply with this subsection even if all members of the public body are participating remotely.

Sec. 30-2103 - Attendance.

Faithful attendance at scheduled meetings is required. The Town Council may remove any appointed member for absenteeism. Missing three or more meetings in a twelve-month period is prima facie evidence of absenteeism. The Secretary to each board shall make a report on attendance to the Town Council in writing at least once in every calendar year.

Sec. 30-2104 - Minutes and rules of procedure.

- (a) Each board shall draw up rules of procedure under which it will operate. The Town Council will adopt rules of procedure and any amendments that are consistent with the provisions of this UDO. In the absence of action by the Town Council, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Ordinance. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town's official web site.
- (b) Each board shall keep minutes of its proceedings. The Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk.

Sec. 30-2105 - Conflict of interest.

(a) A Town Council or Planning Board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this UDO where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council or Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

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ARTICLE 3 - AUTHORITIES
Sec. 30-2406 - Voting

(c) A quorum for the Board of Adjustment is four members. A quorum is necessary for the Board of Adjustment to take official action.

(d) A member who has withdrawn from the meeting without being excused, as provided in § 30-2406 Voting, shall be counted as present for purposes of determining whether a quorum is present.

Sec. 30-2406 - Voting.

(a) Once a quorum is established, the concurring vote of a majority of those present (excluding members who are disqualified) shall be necessary to make any decision, except decisions on variances.

(b) Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.

(c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

- (1) If the member has a conflict of interest as defined by § 30-2105 Conflict of Interest, above; or
- (2) If the matter at issue involves the member's own official conduct.

(d) A motion to excuse a member from voting on a specific item, or from the remainder of the meeting may be made by any Board of Adjustment member.

DIVISION 5 - TECHNICAL REVIEW COMMITTEE.

Sec. 30-2501 - Establishment.

The Town Administrator shall appoint a committee of staff members having particular expertise in the development of real property as the Technical Review Committee (TRC). The Committee shall be chaired by the Town Planner. The TRC members shall consist of the Planning Board Chair, and the Fire Chief or their designees. Other members shall serve on the TRC on an ad hoc basis, depending on the nature, size, and complexity of the development project to be reviewed include, but are not limited to: Parks and Recreation; Legal, NCCDT; and the following Johnston County agencies: Public Utilities (including storm water, erosion control, infrastructure), Environmental Health, Health Department, Inspections, and Emergency Management Services.

Sec. 30-2502 - Powers and Duties.

(a) The TRC shall provide a recommendation to the Planning Board on the following:

- (1) Major subdivisions;
- (2) Site plans; and
- (3) Plans filed with applications for a special use permit.

(b) The TRC shall review and comment, prior to consideration by other review authorities, on the following:

- (1) The Comprehensive Plan or an amendment to the Comprehensive Plan;
- (2) Planned development master plans; and
- (3) Reasonable accommodations.

(c) All plans to be reviewed and/or approved by any other body listed in this Ordinance, including the Town Council, Planning Board, and Board of Adjustment, and on all request for permits referred to the TRC by the Town Planner, both for conformity with the Town Code and with Town Council resolutions.

(d) The TRC shall participate in pre-application conferences as requested by the Town Planner.

(e) The TRC shall suggest rules of procedure and schedules to ensure that plans submitted shall be reviewed and comments returned to developers in a timely manner. The Town Council shall approve the rules of procedure.

TOWN OF ARCHER LODGE
Unified Development Ordinance

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LAST AMENDED
June 7, 2021

TRC Powers & Duties

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ARTICLE 3 - AUTHORITIES
Sec. 30-2503 - Conflicts of Interest

Sec. 30-2503 - Conflicts of Interest

The members of the TRC shall follow and abide by § 30-2603 Conflict of Interest.

DIVISION 6 - TOWN PLANNER.

Sec. 30-2601 - Powers and Duties.

The Town Planner shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(a) Review and decision.

To review and decide applications for the following:

- (1) Administrative adjustments (see Section 30-3301, Administrative adjustments);
- (2) Determinations regarding the text of this Ordinance (see § 30-3306, Determinations and Interpretations);
- (3) Exempt subdivisions;
- (4) Expedited subdivisions;
- (5) Final plats;
- (6) Floodplain development permits;
- (7) Minor subdivisions;
- (8) Temporary use permits; and
- (9) Zoning compliance permits.

(b) Review and recommendation.

To review and provide a recommendation to the Town Council on applications for vested rights certificates.

(c) Review and comment.

To review and provide comments to other review authorities on applications for the following:

- (1) Building permits;
- (2) Certificates of occupancy;
- (3) Development agreements;
- (4) Major subdivisions;
- (5) Rezoning/map amendments;
- (6) Text amendments; and
- (7) Variance requests.

(d) General planning and permitting.

- (1) To review all applications for land development for completeness and compliance with the terms of this Ordinance.
- (2) To ensure that applications submitted are reviewed and comments returned to applicants in a timely manner.
- (3) To issue and maintain a record of all development related permits, subdivisions of land and approvals on file and to make copies available to interested parties.
- (4) To provide the Town Council, Planning Board, Board of Adjustment, Town Staff, and applicants with reports and recommendations, as required by this Ordinance, other laws or regulations, or at the request of said bodies or other review authority.

TOWN OF ARCHER LODGE
Unified Development Ordinance

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LAST AMENDED
June 7, 2021

Town Planner Powers & Duties

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Town Planner Powers & Duties

ARTICLE 2 - AUTHORITIES
Sec. 30-2602 - Conflict of Interest.

(4) To interpret the language of this UDO (see § 30-3306 Determinations and interpretations).

(5) To enforce compliance with the terms of this Ordinance, unless otherwise specified.

(6) To revoke any permits provided therein.

(b) Special use, variance, and map and text amendments.

(1) To review all applications for special use permits, variances, and amendments for completeness and compliance with the terms of this Ordinance.

(2) To enforce compliance with the terms of this Ordinance, unless otherwise specified.

(c) Subdivision administration.

(1) To review all applications for the subdivision of land for compliance with the terms of this Ordinance.

(2) To approve final plats, exempt subdivisions, expedited subdivisions, and minor subdivision plats, and to revoke any permits as provided by this UDO.

(3) To provide the Town Council and Planning Board with reports and recommendations, as required by this Ordinance, other laws or regulations, or at the request of said bodies.

(4) To issue and maintain a record of all subdivisions and approvals on file and to make copies available to interested parties.

(5) To enforce compliance with the terms of this Ordinance, unless otherwise specified.

(6) To revoke any permits provided therein.

(d) Environmental protection.

(1) To administer the Town's Water Supply Watershed Protection Overlay District standards.

(2) To serve as the Floodplain Administrator in accordance with the Archer Lodge Code of Ordinances Chapter 14 Flood Damage Prevention.

(3) To revoke any permits provided therein.

Sec. 30-2602 - Conflict of Interest.

(a) No Town staff member shall make a final decision on an administrative decision required by this UDO if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the UDO.

(b) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

TOWN OF ARCHER LODGE
Unified Development Ordinance

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LAST AMENDED
June 7, 2021

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Water Supply Watershed Overlay District

ARTICLE 4 - ZONING DISTRICTS
DIVISION 5 - Overlay zoning districts.

(f) Permitted uses. The following uses are permitted as principal uses in the watershed protection overlay district provided such uses are also permitted in the underlying zoning district and providing that the requirements stated in this section and this zoning and subdivision ordinances.

(1) Protected area.

a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural Conservation and Trade Act of 1990.

b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101.0209).

c. Residential development as permitted in the underlying zoning district provided that it meets the standards of the WSWOD.

d. Nonresidential development as permitted in the underlying zoning district provided that it meets the standards of the WSWOD.

(2) Density and built-upon (impervious) limits in the protected area.

a. Where the maximum allowed built-upon area conflicts with another ordinance or standard, the stricter standard, or lower maximum allowed built-upon area applies. For example, where either (i) the Johnston County Stormwater Management Ordinance as adopted by reference by the Town, or (ii) § 30-2003 Lot size standards of this Ordinance shall apply, then lower built-upon area requirements apply.

b. Single family residential uses shall develop at a maximum of two dwelling units per acre (2 ducles) or 20,000 square feet per lot, excluding street rights-of-way. In the alternative, the maximum built-upon area shall be 24% per individual lot.

c. All other residential and non-residential development shall not exceed 24 percent built-upon area. For projects without a curb and gutter street system, development shall not exceed 30 percent built-upon area.

d. Cluster development is allowed on a project-by-project basis provided all of the following conditions are met:

1. Overall density shall meet the requirements of sub-section (1) or (2) above ~~not exceed 20,000 square feet per lot or a maximum overall density of the entire site of two dwelling units per acre~~; and
2. The minimum lot area standard for the zoning district shall not be applied, but in no instance shall an individual lot have more than 24% built-upon area; and
3. The minimum lot width standard for the zoning district shall not be applied, but the lot shall include sufficient width to accommodate both applicable side lot line or street setbacks and an additional 30 linear feet; and
4. The required setbacks for the zoning district shall continue to apply to each buildable lot; and
5. Buffers (vegetated setbacks) shall meet the requirements of sub-section (j) below; and
6. Built-upon areas are designed and located to minimize stormwater runoff impacts to receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas and maximize the flow length through vegetated areas; and
7. Areas of concentrated development shall be located in upland areas and away from surface waters and drainage ways. In determining whether these criteria have been met the approving body shall take into account site-specific factors such as topography, site layout and the protection of water quality; and
8. The remainder of the tract shall remain in a vegetated or natural state; and

TOWN OF ARCHER LODGE
Unified Development Ordinance

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LAST AMENDED
June 7, 2021

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Removes minimum lot area in favor of density / maximum lot coverage

Minimum lot width removed in favor of setbacks + 30'

Water Supply Watershed Overlay District

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Numbering / cross reference updates

ARTICLE 4 - ZONING DISTRICTS DIVISION 5 - Overlay zoning districts.

- 6.9. The area in a vegetated state shall be conveyed to a homeowner's association, the Town for preservation as a park or greenway, a conservation organization, or placed in a permanent conservation or farmland preservation easement, and
- 7.10. A maintenance agreement for the vegetated or natural area shall be recorded with the Johnson County Register of Deeds and incorporated into any restrictive covenants for the development, and
- 8.11. Vegetated swales and/or "curb outlet systems" as described in § 30-4502(i), Vegetated setback (landscape buffer area), ~~requirements~~ will be provided.
- 9. Density averaging. An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:
 - 1. The properties are within the Archer Lodge Water Supply Watershed Protection Overlay District boundary.
 - 2. Overall project density meets applicable density or stormwater control requirements of this section.
 - 3. Vegetated setbacks on both properties meet the minimum requirements in § 30-4502(i), Vegetated setback (landscape buffer area) required.
 - 4. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 - 5. Areas of concentrated densely development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainage ways.
 - 6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowner's association as common area, conveyed to the Town or Owner as a park in greenway, or placed under a permanent conservation or farmland preservation. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
 - 7. Development permitted under density averaging shall transport stormwater runoff by vegetated conveyances, to the maximum extent practicable.
 - 8. A special use permit shall be obtained from the Town Council to ensure that both properties considered together meet these standards and that potential owners have record of how these standards were applied to the properties.
- f. Low-Density Option. The standards in this ~~Section~~ ~~and sub-section 11~~ above are collectively known as the "low density option." No "high density option" is permitted in the protected area.
- g. Calculation of density
 - 1. Project density is calculated as the total built-upon area divided by the total project area.
 - 2. A project with "existing development" may calculate project density, in either of the following methods: total built-upon area divided by total project area, or (total built-upon area minus existing built-upon area) divided by (total project area minus existing built-upon area)
 - 3. When there is a net increase of built-upon area, only the area of net increase is subject to the Water Supply Watershed Protection Overlay (WSWCO) District standards.
 - 4. Where existing development is replaced with a new built-upon area, and there is a net increase of built-upon area, only the area of net increase is subject to the Water Supply Watershed Protection Overlay Standards.
- i) Vegetated setback (landscape buffer area) required.

TOWN OF ARCHER LODGE Unified Development Ordinance 94 LAST AMENDED June 7, 2021

23

Manufactured Housing

24

SL2021-117 prohibits masonry skirting requirements for units in parks

ARTICLE 5 - USE REGULATIONS DIVISION 3 - Use standards.

- a. All streets in a manufactured home park shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards.
- b. Maintenance of such streets shall be provided by the owner or operator of the park.
- c. Permanent dead-end streets or cul-de-sac shall not exceed 1,000 feet in length and shall be provided with a turnaround of at least 100 feet in diameter.
- d. New street names or manufactured home park names shall not duplicate, or be similar to, existing street names or manufactured home park names in the Town.
- e. The developer shall be required to provide and erect street name signs to State standards at all intersections within the manufactured home park.
- f. Sidewalks, or a paved pedestrian walkways, shall be provided along all streets within the manufactured home park.
- g. A minimum of two off-street automobile parking spaces surfaced with an all-weather surface such as concrete, asphalt, or crushed stone shall be provided adjacent to each manufactured home space but shall not be located within any public right-of-way or within any accessway in the park.
- h. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch lettering.
- i. All streets in the manufactured home park shall be adequately illuminated in accordance with § 30-6302.
- (3) Sidewalks.
 - a. Sidewalks shall be located on at least one side of each street within the manufactured home park.
 - b. Sidewalks shall be five feet in width located fronting arterial, collector, local, and private streets.
- (4) Residential-manufactured home park use/appearance requirements. All uses within a manufactured home park shall conform to the following regulations:
 - a. Abandoned vehicle. No junked or abandoned vehicles shall be allowed.
 - b. Additions. No living compartment or structure other than a "Florida-type" room, or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this Article are not violated.
 - c. Administrative office. An administrative office may be permitted in accordance with the State Building Code.
 - d. Building proportion. The main portion of the building, when viewed from the front lot line, shall have a building length not exceeding six times the building width.
 - e. Dwelling configuration. All manufactured homes shall comply with the standards for individual manufactured dwellings in § 30-5302(d). Manufactured dwelling, ~~space that no concrete, masonry foundation or masonry curtain wall of solid brick or brick veneer shall be required under the perimeter of the dwelling.~~
 - f. Evacuation plan. Each manufactured home park in the flood damage prevention area shall have an evacuation plan indicating alternate vehicular access and escape routes. All manufactured homes to be placed in flood prone areas shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties at each of the four corners of the manufactured home with two additional ties per side at intermediate locations.
 - g. Mailboxes. When more than five rural mailboxes are used for mail delivery, the approval of the local post office department and the State department of transportation shall be required.

TOWN OF ARCHER LODGE Unified Development Ordinance 109 LAST AMENDED June 7, 2021

24

Electronic Gaming Establishment

25

Remove privilege licenses

Clarified zoning compliance permit requirements

ARTICLE 5. - USE REGULATIONS
DIVISION 3. - Use standards.

(1) Prior to the operation of an electronic gaming operation, a zoning compliance permit ~~and privilege license for an electronic gaming operation~~ must be issued. In addition, an annual gaming machine fee in the amount of \$500.00 per gaming machine or device as established in the Town's adopted fee schedule shall be paid. This annual per gaming machine fee shall be due annually ~~as the privilege license is scheduled.~~

(2) Electronic gaming operations shall be regulated as to location in the following manner in addition to any other requirements of this Article:

- a. Electronic gaming operations shall be located a minimum of 1,000 feet measured in any direction, from:
 1. A place of worship or other religious institution;
 2. A day care center, public or private school;
 3. A public or private park, playground, public library, or cemetery;
 4. A skating rink, video arcade, or motion picture theater which shows G- or PG-rated movies to the general public on a regular basis;
 5. Electronic gaming operations, tattoo or body piercing establishments;
 6. Adult and sexually oriented businesses; or
 7. A residential zoned residential used parcel.
- b. Applicants shall submit a current straight line drawing prepared within 30 days prior to the application by a registered surveyor, depicting the property lines and the structures containing any of the above uses and the straight line measurements to each. Straight line distance shall be measured from the property line of the existing or established use to the building of the proposed electronic gaming operation. A use in sub-section (a)(2) of this section shall be considered to be existing or established if it is in place or actively under construction at the time the application is submitted. Residential zoning districts shall be based upon the most current official zoning map.
- c. Hours of operation shall be limited to 8:00 a.m. through 12:00 midnight seven days a week.
- d. No minor (17 years of age or younger) shall be allowed to operate a gaming machine subject to this Article.
- e. All electronic gaming operations shall comply with requirements of Chapter 14, Article 37 of the North Carolina General Statutes.
- f. The maximum number of gaming machines for any electronic gaming operation business is 15 and the minimum building square footage shall be at least 200 square feet per machine.
- g. Electronic gaming operations must be visible and open to the store front of the building or structure. Shading or tinting of store front windows shall not exceed 35 percent.
- ~~h. Failure to obtain a privilege license for an electronic gaming operation or pay the privilege license fees upon initial issuance or renewal of a privilege license for an electronic gaming operation as required by the Town shall result in a penalty equal to 100 percent of the fee that is due in addition to the fee itself.~~
- ~~i. Consistently and purposely hiding machines/terminals/computers, using switching devices to change screens in order to hide the true purpose and use of a computer, or any other play to hide the intended use of any computer within the establishment shall be considered as perpetrating a fraud upon the Town and shall result in the immediate permanent revocation of the establishment's privilege license/zoning compliance permit and shall result in a penalty equal to 100 percent of the fee that is due in addition to the fee itself.~~
- ~~j. There shall be an adult manager, 18 years of age or older, on the premises during the hours of operation.~~

TOWN OF ARCHER LODGE
Unified Development Ordinance

121

LAST AMENDED
June 7, 2021

25

Electronic Gaming Establishment

26

Remove privilege licenses

Clarified zoning compliance permit requirements

Off-street parking requirements

ARTICLE 5. - USE REGULATIONS
DIVISION 3. - Use standards.

~~k. Each applicant for a zoning compliance permit as required by this Article shall be upon a form approved by the Town Council and shall be filed with the Town Clerk. Each applicant shall certify, under oath, the following information:~~

1. The name, age and residence of all interested parties;
2. The address of the premises where the business shall be located;
3. The proposed hours of operation of the business;
4. The dimensions of land owned or controlled by the applicant as premises for the electronic gaming operation;
5. A description of any other business to be operated on the same premises or any adjoining premises owned or controlled by the applicant; and
6. A statement of any spot revocations of a license ~~or permit~~ of any interested party to operate an electronic gaming operation or similar business in any jurisdiction.

~~l. The applicant shall provide the serial number of each and every computer in the establishment. The Town Clerk or Town Planner will issue a Town decal including the serial number, Town terminal number, and date of issuance, to be displayed visibly on the computer or gaming terminal at all times. The Town terminal number will be assigned by the code enforcement officer at the time the application for a zoning compliance permit is submitted to development services, and shall be maintained on file by the Town. The serial numbers of computers or gaming terminals placed into service after the privilege license is granted (and the additional privilege license fees) shall be provided to the Town Clerk or Town Planner prior to any use of the machines.~~

1. Computers that are removed from the establishment shall be reported, with the serial number, to the Town Clerk or Town Planner; any replacement computer shall be reported, with the serial numbers of the original and replacement machines, to the code enforcement officer. New computers or gaming terminals must be issued a Town decal prior to operation.
2. Alteration or modification of any Town-issued decal shall be considered a zoning violation and subject to civil penalties per Article 9 Enforcement.

~~m. No interested party shall operate an electronic gaming operation unless the party shall have first applied for and received the privilege license provided for by the Town's zoning compliance permit. It shall be unlawful to operate an electronic gaming operation within the Town without a privilege license and zoning compliance permit as required by this section and the Town.~~

~~n. Electronic gaming operations that are operating at the time of the adoption of this section shall have applied for the privilege license provided for by the Town. Any such establishment denied a license shall cease operations of machines within three days of notice of such denial by the Town Clerk or Town Planner.~~

~~o. A change of any facts stated in an application filed under this Article shall be reported immediately to the Town Clerk and Town Planner. Failure to report any change of the facts stated in the application shall be subject to civil penalties as outlined in § 30-9501 Amount of civil penalties.~~

~~p. A zoning compliance certificate issued pursuant to this Article shall become void if the licensee moves or ceases to operate at the location required to be stated in the application for the license.~~

~~q. Off-street parking requirements shall be as follows:~~

1. One parking space per machine;
2. One parking space per employee; and
3. Two state department of insurance designed handicap parking spaces per first 25 parking spaces and one for every 25 parking spaces thereafter.

TOWN OF ARCHER LODGE
Unified Development Ordinance

122

LAST AMENDED
June 7, 2021

26

2030 Future Land Use Plan Excerpts

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2030 Future Land Use Plan Excerpts

- Furthermore, the proposed amendments are in accordance with the **Town of Archer Lodge, NC 2030 Comprehensive Land Use Plan**, aka “Comprehensive Plan”, and other adopted Town plans having bearing on the matter.
- The proposed revisions follow the guiding land use principals of the Comprehensive Plan. “Archer Lodge’s vision for future land development is to encourage a compatible mix of uses which preserves the Town of Archer Lodge’s small-town character while respecting its historic features.”
- Incorporates growing greener through conservation by design as a means of responsible development and farmland preservation
- Considers environmental protection with all planning.

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Next Steps...

28

Town Council Consideration

1. Consideration of Comments Expressed at the Public Hearing
2. Consideration of Staff and Planning Board Recommendation.*

Clarify (on page 93) Article 4.- Zoning Districts, Division 5, (i) (2) (d)3 to read as follows.

The minimum lot width standard for the zoning district shall not be applied, but the lot shall include sufficient width to accommodate both applicable-side lot-line-or-street setbacks and-an-additional plus 30 linear feet between the side setback lines; and
3. Make Consistency Determination (Draft Town Consistency Statement included in the Staff Report.)
4. Adoption of Amendments (Adopted amendments will be submitted to for Final Approval by Water Supply Watershed Protection Coordinator, Storm water Program, Division of Energy, Mineral, and Land Resources, NC Department of Environmental Quality)
5. Accept Redlines,
6. Add Editor’s Notes, and Update Footer
7. Post new UDO

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Discussion – Consideration- Adoption of Consistency Statement and Ordinance AL# 2021-11-2-1

Slide 29



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Town Council Draft Consistency Statement

30

Town Council Consideration

- The Town Council finds that the proposed amendments to Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the definition, roles, and duties of review authorities; Article 4. - Zoning Districts, Division 5, to update and clarify the Water Supply Protection Overlay District standards; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and update/clarify electronic gaming operations provisions (i.e., removes privilege license requirement) in accordance with state law are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitates environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", vision and mission statements and other adopted Town plans having bearing on the matte
-

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Draft Town Council Motion

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Upon making consistency findings, Council Member _____ moves to approve Archer Lodge Ordinance #AL-2021-11-1 (incorporating proposed text in **red font**, and deleting text in **blue font with strikethrough**). The motion was seconded by Council Member _____ with a ___ to ___ vote.

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11.15.2021 - Approved Consistency Statement

The Town Council finds that the proposed amendments to Chapter 30, Article 2. - Authorities, Divisions 1, 5, 6 and Article 3 - Procedures, Division 1, to clarify the definition, roles, and duties of review authorities; Article 4. - Zoning Districts, Division 5, to update and clarify the Water Supply Protection Overlay District standards; and Article 5. – Use Regulations, Division 3, to update manufactured home park standards for masonry skirting (in parks) and update/clarify electronic gaming operations provisions (i.e., removes privilege license requirement) in accordance with state law are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitate environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka “Comprehensive Plan”, vision and mission statements and other adopted Town plans having bearing on the matter.

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE: ARTICLE 2. –
AUTHORITIES, DIVISIONS 1, 5, AND 6; ARTICLE 3. – PROCEDURES, DIVISION 1;
ARTICLE 4. – ZONING DISTRICTS, DIVISION 5; AND
ARTICLE 5. – USE REGULATIONS, DIVISION 3**

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 143 - 214.5, 160A - 174, 160D - 801, and 160D - 702, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Unified Development Ordinance, as follows, attached hereto and incorporated herein by reference:

Article 2. – Authorities, Divisions 1, 5 and 6

Article 3. – Procedures, Division 1

Article 4. – Zoning District, Division 5

Article 5. – Use regulations, Division 3

Section 2. The amendments to Chapter 30 - Unified Development Ordinance, attached hereto and incorporated herein by reference, shall become effective on November 15, 2021.

DULY ADOPTED, THIS THE 15TH DAY OF NOVEMBER 2021.

TOWN OF ARCHER LODGE:

(SEAL)



Matthew B. Mulhollem, Mayor



ATTEST:



Kim P. Batten, Town Clerk

ARTICLE 2. - AUTHORITIES

DIVISION 1. - GENERAL REQUIREMENTS FOR ALL REVIEW AUTHORITIES.

A review authority is any board, council, committee, or staff member identified in this Ordinance that review applications for development approval under this Ordinance. An application may be reviewed by more than one review authority. (Amended 11-15-21 UDOTA 1-21)

Sec. 30-2101 - Oath of office required.

- (a) All members appointed to boards shall, before entering their duties, qualify by taking an oath of office administered by the Mayor or the Mayor Pro Tem.
- (b) Oaths shall be signed and filed with the Town Clerk.
- (c) The oath to be administered is prescribed in Article VI, § 7 of the N.C. Constitution, as follows:

“I,, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as, so help me God.”

Sec. 30-2102 - Open meetings.

Except as provided by N.C. Statute, each official meeting of the public bodies described in this Article shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with §166A-19.24 of the North Carolina General Statutes shall comply with this subsection even if all members of the public body are participating remotely.

Sec. 30-2103 - Attendance.

Faithful attendance at scheduled meetings is required. The Town Council may remove any appointed member for absenteeism. Missing three or more meetings in a twelve-month period is prima facie evidence of absenteeism. The Secretary to each board shall make a report on attendance to the Town Council in writing at least once in every calendar year.

Sec. 30-2104 - Minutes and rules of procedure.

- (a) Each board shall draw up rules of procedure under which it will operate. The Town Council will adopt rules of procedure and any amendments that are consistent with the provisions of this UDO. In the absence of action by the Town Council, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Ordinance. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town's official web site.
- (b) Each board shall keep minutes of its proceedings. The Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question, and the absence or failure of any member to vote, and a copy of the minutes shall be maintained on file for public record in the office of the Town Clerk.

Sec. 30-2105 - Conflict of interest.

- (a) A Town Council or Planning Board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this UDO where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Town Council or Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

- (b) *Quasi-Judicial Decisions.*--A member of the Board of Adjustment, Stormwater Review Board, or Town Council shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. Quasi-judicial decisions include variances and special use permits.

DIVISION 5. - TECHNICAL REVIEW COMMITTEE.**Sec. 30-2501 - Establishment.**

The Town Administrator shall appoint a committee of staff members having particular expertise in the development of real property as the Technical Review Committee (TRC). The Committee shall be chaired by the Town Planner. The TRC members shall consist of the Planning Board Chair, and the Fire Chief or their designees. Other members shall serve on the TRC on an ad hoc basis, depending on the nature, size, and complexity of the development project to be reviewed include, but are not limited to: Parks and Recreation, Legal, NCDOT, and the following Johnston County agencies: Public Utilities (including storm water, erosion control, infrastructure), Environmental Health, Health Department, Inspections, and Emergency Management Services.

Sec. 30-2502 - Powers and Duties.

- (a) The TRC shall provide a recommendation to the Planning Board on the following:
- (1) Major subdivisions;
 - (2) Site plans; and
 - (3) Plans filed with applications for a special use permit. (Amended 11-15-21 UDOTA 1-21)
- (b) The TRC shall review and comment, prior to consideration by other review authorities, on the following:
- (1) The Comprehensive Plan or an amendment to the Comprehensive Plan;
 - (2) Planned development master plans; and
 - (3) Reasonable accommodations. (Amended 11-15-21 UDOTA 1-21)
- (c) The TRC shall participate in pre-application conferences as requested by the Town Planner.
(Amended 11-15-21 UDOTA 1-21)

Sec. 30-2503 - Conflicts of Interest

The members of the TRC shall follow and abide by § 30-2603 Conflict of interest.

DIVISION 6. - TOWN PLANNER.

Sec. 30-2601 - Powers and Duties.

The Town Planner shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

(a) Review and decision. (Amended 11-15-21 UDOTA 1-21)

To review and decide applications for the following:

- (1) Administrative adjustments (see Section 30-3301, Administrative adjustments);
- (2) Determinations regarding the text of this Ordinance (see § 30-3306, Determinations and interpretations);
- (3) Exempt subdivisions;
- (4) Expedited subdivisions;
- (5) Final plats;
- (6) Floodplain development permits;
- (7) Minor subdivisions;
- (8) Temporary use permits; and
- (9) Zoning compliance permits.

(b) Review and recommend. (Amended 11-15-21 UDOTA 1-21)

To review and provide a recommendation to the Town Council on applications for vested rights certificates.

(c) Review and comment. (Amended 11-15-21 UDOTA 1-21)

To review and provide comments to other review authorities on applications for the following:

- (1) Building permits;
- (2) Certificates of occupancy;
- (3) Development agreements;
- (4) Major subdivisions;
- (5) Rezoning/map amendments;
- (6) Text amendments; and
- (7) Variance requests.

(d) General planning and permitting. (Amended 11-15-21 UDOTA 1-21)

- (1) To review all applications for land development for completeness and compliance with the terms of this Ordinance.
- (2) To ensure that submitted applications are reviewed and comments returned to applicants in a timely manner.
- (3) To issue and maintain a record of all development related permits, subdivisions of land and approvals on file and to make copies available to interested parties.
- (4) To provide the Town Council, Planning Board, Board of Adjustment, Town Staff, and applicants with reports and recommendations, as required by this Ordinance, other laws or regulations, or at the request of another review authority.
- (5) To enforce compliance with the terms of this Ordinance, unless otherwise specified.

(6) To revoke any permits provided therein.

(e) *Environmental protection.*

(1) To administer the Town's Water Supply Watershed Protection Overlay District standards.

(2) To serve as the Floodplain Administrator in accordance with the Archer Lodge Code of Ordinances Chapter 14 Flood Damage Prevention.

Sec. 30-2602 - Conflict of Interest.

- (a) No Town staff member shall make a final decision on an administrative decision required by this UDO if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the UDO.
- (b) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

ARTICLE 3. - PROCEDURES

DIVISION 1. - SUMMARY PROCEDURES TABLE.

(Amended 11-15-21 UDOTA 1-21)

APPLICATION SUMMARY TABLE								
Review Authority Actions:			C = Comment; R = Recommendation; D = Decision; A = Appeal;					
Pre-Application Conferences			M = Mandatory; O = Optional; N/A = Not Applicable					
Type of Review:			| =Public Meeting; /\=Legislative Hearing; {}=Quasi-Judicial Hearing					
APPLICATION TYPE	UDO SECTION NUMBER	PRE-APPLICATION	REVIEW AUTHORITY /1/					
			TOWN PLANNER	TECH. REVIEW COMMITTEE	PLANNING BOARD	BOARD OF ADJUSTMENT	TOWN COUNCIL	SUPERIOR COURT
Administrative Adjustment	30-3301	M	D	•	•	{A}	•	•
Appeal	30-3302	N/A	•	•	•	{D}	•	A
Building Permit /2/	30-3303	N/A	C	•	•	•	•	•
Certificate of Occupancy /2/	30-3304	N/A	C	•	•	•	•	•
Comprehensive Plan	30-3305	M	C	C	|R|	•	/D\	A
Determination and Interpretation	30-3306	O	D /3/	•	•	{D} /4/	•	•
Development Agreement	30-3307	M	C	•	|R|	•	/D\	A
Exempt Subdivision	30-3308	N/A	D	•	•	{A}	•	•
Expedited Subdivision	30-3309	N/A	D	•	•	•	•	A
Final Plat	30-3310	N/A	D	•	•	•	•	A
Floodplain Development Permit	30-3311	N/A	D	•	•	{A}	•	•
Major Subdivision	30-3312	O	C	R	|D|	•	•	A
Minor Subdivision	30-3313	O	D	•	•	{A}	•	•
Planned Development	30-3314	M	•	C	|R|	•	/D\	A
Reasonable Accommodation	30-3315	O	•	C	•	•	{D}	A
Rezoning/Map amendment	30-3316	O	C	•	|R|	•	/D\	A
Site Plan	30-3317	M	•	R	|R|	•	/D\	A
Special Use Permit	30-3318	M	•	R	|R|	•	{D}	A
Temporary Use Permit	30-3319	N/A	D	•	•	{A}	•	•
Text Amendment	30-3320	O	C	•	|R|	•	/D\	A
Variance	30-3321	M	C	•	•	{D}	•	A

APPLICATION SUMMARY TABLE								
Review Authority Actions:			C = Comment; R= Recommendation; D = Decision; A = Appeal;					
Pre-Application Conferences			M = Mandatory; O = Optional; N/A = Not Applicable					
Type of Review:			| |=Public Meeting; / \=Legislative Hearing; { }=Quasi-Judicial Hearing					
APPLICATION TYPE	UDO SECTION NUMBER	PRE-APPLICATION	REVIEW AUTHORITY /1/					
			TOWN PLANNER	TECH. REVIEW COMMITTEE	PLANNING BOARD	BOARD OF ADJUSTMENT	TOWN COUNCIL	SUPERIOR COURT
Vested Rights Certificate	30-3322	O	R	•	•	•	/D\	A
Zoning Compliance Permit	30-3323	N/A	D	•	•	{A}	•	•
NOTES:								
/1/ Review authorities are defined in Article 2, Authorities.								
/2/ Issued by Johnston County Building Inspections Dept.; Town Planner checks for zoning compliance.								
/3/ The Town Planner shall decide interpretations of the text of this Ordinance.								
/4/ The Board of Adjustment shall decide interpretations of the Official Zoning Map.								

DIVISION 5. - OVERLAY ZONING DISTRICTS.

Sec. 30-4501 - Intent.

It is the intent of this Division to provide for various zoning districts which shall overlay the conventional and planned development zoning districts enumerated in this Article, and which shall provide for special review of development within such overlay districts in accordance with the intents, procedures, and standards established for the overlay districts.

Sec. 30-4502 - Water supply watershed protection overlay district (WSWOD).

- (a) *Authority.* The General Assembly has, in §§143-214.5, 160A-174, 160D-801 and, 160D-702 of the North Carolina General Statutes, delegated the responsibility and directed the Town to establish water supply watershed protection programs, to regulate land use and development within water supply watersheds and to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.
- (b) *Intent.* The Water Supply Watershed Protection Overlay District (WSWOD) is to provide, in designated watershed areas, a higher level of control from activities and situations that could degrade the quality of the water entering the Neuse River, as identified in the State watershed protection management plan.
- (c) *Applicability.* The provisions of this section shall apply within the area designated as a public water supply watershed by the N.C. Environmental Commission and are defined and established on the map entitled "Water Supply Watershed Protection Overlay District of Archer Lodge, North Carolina," on the Official Zoning Map of the Town. Land use and development within this district that requires an erosion and sedimentation control permit must comply with all the requirements of this Article and the underlying zoning district.
- (d) *Exceptions to applicability.* The watershed protection requirements of this section shall not apply to:
 - (1) Development established prior to December 4, 2009, the first date of adoption of this Ordinance.
 - (2) New or existing single-family detached dwelling unit.
 - (3) Development that does not require an erosion and sedimentation control permit.
 - (4) Existing development, unless it is expanded or replaced, in which case the rules at sub-section (f) below apply.
 - (5) In addition, the following exceptions also apply:
 - a. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Town; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
 - b. It is not intended that these regulations interfere with any easement, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
 - (6) *Non-conforming lots.* If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single-family residential purposes. If a non-conforming lot of record is contiguous to another lot owned by the same party, the lots shall be combined to make a conforming lot or one that is more conforming than each lot individually. Any lot or parcel created as part of any other type of subdivision that is exempt from this Ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

(e) *Definitions.* The terms used in this section are further defined in Article 10: Measurement and Definitions.

(f) *Permits.*

(1) *Zoning compliance permit / Watershed protection permit.*

- a. Except where either (i) a single family residence is constructed on a lot deeded prior to Dec. 4, 2009, or (ii) An erosion and sedimentation control permit is not required, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any zoning compliance permit be issued nor shall any change in the use of any building or land be made until a the information required by this section has been received by the Town Planner and a watershed protection permit has been issued. No watershed protection permit shall be issued except in conformity with the provisions of this Ordinance. This permit shall be filed with the Town and shall expire at the end of 24 months if not used, or if a building permit is not obtained.
- b. Watershed protection permit applications shall be filed with the Town Planner. The application shall include a completed application form and supporting documentation deemed necessary by the Town.
- c. Prior to issuing a watershed protection permit, the Town Planner may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.
- d. A zoning compliance permit shall serve as a watershed protection permit for development located within the Water Supply Watershed Protection Overlay (WSWOD). A zoning compliance permit shall not be issued unless the development complies with all applicable requirements in this section. If the zoning compliance permit is denied, the Town Planner shall notify the applicant in writing stating the reasons for denial.

(2) *Building permit required.* Except where provided elsewhere in this Article, no building permit required under the State Building Code shall be issued for any activity for which a watershed protection permit is required until a zoning compliance permit has been issued.

(3) *Watershed protection occupancy permit.*

- a. Prior to the occupancy or use of a building erected, altered, or moved and/or prior to the change of use of any building or land, the Town Planner shall issue a watershed protection occupancy permit certifying that all requirements of this Article have been met.
- b. A certificate of occupancy shall serve as a watershed protection occupancy permit for development located within the Water Supply Watershed Protection Overlay (WSWOD). A certificate of occupancy shall not be issued unless the development complies with all applicable requirements in this section.
- c. If the watershed protection occupancy permit is denied, the Town Planner shall notify the applicant in writing stating the reasons for denial.

(g) *Occupied lots.* This category consists of lots occupied for residential purposes at the time of the adoption of the ordinance from which this Article is derived. These lots may continue to be used, provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after Dec. 4, 2009, and such lots individually or together have less area than the minimum requirements for residential purposes specified in this Article, such lots shall be combined to create lots which meet the minimum size requirements, or which minimize the degree of nonconformity. The undeveloped lot may not be developed unless and until it complies with this ordinance.

(h) *Industrial use of land.* This category consists of existing industrial uses and/or the storage of hazardous or toxic materials where a spill containment plan is not implemented and where such use of the land is not permitted to be established in the watershed area. Such existing uses may be continued except as provided for in sub-section (1)(d) below.

(i) *Permitted uses.* The following uses are permitted as principal uses in the watershed protection overlay district provided such uses are also permitted in the underlying zoning district and providing that the requirements stated in this section and this zoning and subdivision ordinances.

(1) *Protected area.*

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11 .0101.0209).
- c. Residential development as permitted in the underlying zoning district provided that it meets the standards of the WSWOD.
- d. Nonresidential development as permitted in the underlying zoning district provided that it meets the standards of the WSWOD.

(2) *Density and built-upon (impervious) limits in the protected area.*

- a. Where the maximum allowed built-upon area conflicts with another ordinance or standard, the stricter standard, or lower maximum allowed built-upon area applies. For example, where either (i) the Johnston County Stormwater Management Ordinance as adopted by reference by the Town, or (ii) § 30-7203 Lot size standards of this Ordinance shall apply, then lower built-upon area requirements apply.
- b. Single family residential uses shall develop at a maximum of two dwelling units per acre (2 du/ac) or 20,000 square feet per lot, excluding street rights-of-way. In the alternative, the maximum built upon area shall be 24% per individual lot. (Amended 11-15-21 UDOTA 1-21)
- c. All other residential and non-residential development shall not exceed 24 percent built-upon area. For projects without a curb and gutter street system, development shall not exceed 36 percent built-upon area.
- d. Cluster development is allowed on a project-by-project basis provided of all of the following conditions are met: (Amended 11-15-21 UDOTA 1-21)
 1. Overall density shall not exceed 20,000 square feet per lot or a maximum overall density of the entire site of two dwelling units per acre; and
 2. The minimum lot area standard for the zoning district shall not be applied, but in no instance shall an individual lot have more than 24% built-upon area; and
 3. The minimum lot width standard for the zoning district shall not be applied, but the lot shall include sufficient width to accommodate both side setbacks and plus 30 feet between the side setback lines; and
 4. The required setbacks for the zoning district shall continue to apply to each buildable lot; and
 5. Buffers (vegetated setbacks) shall meet the requirements of sub-section (j) below; and
 6. Built-upon areas are designed and located to minimize stormwater runoff impacts to receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas and maximize the flow length through vegetated areas; and
 7. Areas of concentrated development shall be located in upland areas and away from surface waters and drainage ways. In determining whether these criteria have been met the approving body shall take into account site-specific factors such as topography, site layout and the protection of water quality; and
 8. The remainder of the tract shall remain in a vegetated or natural state; and
 9. The area in a vegetated state shall be conveyed to a homeowner's association, the Town for preservation as a park or greenway, a conservation organization, or placed in a permanent conservation or farmland preservation easement; and

10. A maintenance agreement for the vegetated or natural area shall be recorded with the Johnston County Register of Deeds and incorporated into any restrictive covenants for the development; and
 11. Vegetated swales and/or “curb outlet systems” as described in § 30-4502(j), Vegetated setback (buffer), will be provided. (Amended 11-15-21 UDOTA 1-21)
- e. *Density averaging.* An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:
1. The properties are within the Archer Lodge Water Supply Watershed Protection Overlay District boundary.
 2. Overall project density meets applicable density or stormwater control requirements of this section.
 3. Vegetated setbacks on both properties meet the minimum requirements in § 30-4502(j), Vegetated setback (landscape buffer area) required.
 4. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
 5. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainage ways.
 6. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to the Town or County as a park or greenway, or placed under a permanent conservation or farmland preservation A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
 7. Development permitted under density averaging shall transport stormwater runoff by vegetated conveyances, to the maximum extent practicable.
 8. A special use permit shall be obtained from the Town Council to ensure that both properties considered together meet these standards and that potential owners have record of how these standards were applied to the properties.
- f. *Low-Density Option.* The standards in Section (2) are collectively known as the “low density option.” No “high density option” is permitted in the protected area. (Amended 11-15-21 UDOTA 1-21)
- g. *Calculation of density.*
1. Project density is calculated as the total built upon area divided by the total project area;
 2. A project with “existing development” may calculate project density. in either of the following methods: total built upon area divided by total project area, or (total built-upon area minus existing built-upon area) divided by (total project area minus existing built-upon area)
 3. When there is a net increase of built-upon area, only the area of net increase is subject to the Water Supply Watershed Protection Overlay (WSWOD) District standards.
 4. Where existing development is replaced with a new built-upon area, and there is a net increase of built-upon area, only the area of net increase is subject to the Water Supply Watershed Protection Overlay Standards.
- (j) *Vegetated setback (landscaped buffer area) required.*
- (1) *Vegetated setback (buffer)*

- a. Vegetated setbacks or buffers are required along all perennial streams and waterbodies as indicated on either the most recent versions of the U.S. Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps, which are incorporated herein by reference and are available online at no cost at <http://www.usgs.gov/pubprod>; or another map developed by the Town, County, or N.C. DEQ and approved by the Environmental Management Commission.
 - b. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations. "Qualified Individual" is defined in § 30-10301, Defined terms.
 - c. *Width of vegetated setback / buffers.* The following minimum widths apply from both banks or sides of any surface waters, including perennial streams, lakes, ponds, reservoirs measured horizontally from the normal pool elevation of impoundments or the top of bank of streams:
 1. Thirty feet for all Low-Density Option development; or
 2. Ten feet OR equivalent as determined under 15A NCAC 02B.0622 for agricultural activities.
- (2) *Uses of the vegetated setback/buffer.* The vegetated setbacks may be cleared or graded but shall be replanted and maintained in grass or other vegetation. No new built-upon area shall be allowed except for the following uses where it is not practical to locate them elsewhere:
- a. Publicly funded linear projects such as roads, greenways, and sidewalks;
 - b. Water-dependent structures such as docks; and
 - c. Minimal footprint uses such as poles, signs, utility appurtenances and security lights. Built-upon area associated with these uses shall be minimized and the channelization of run-off shall be avoided.
 - d. Artificial stream bank and shoreline stabilization is not subject to the requirements of this sub-section.
 - e. Divisions of property into lots that are exempt from the subdivision requirements in this Ordinance shall implement the requirements of this sub-section to the maximum extent practicable considering site-specific factors including technical and cost considerations as well as water-quality protection.
- (k) *Additional requirements for low density projects.* Low-density projects shall comply with all of the following:
- (1) *Vegetated conveyances.* Stormwater runoff from any development shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criteria has been met the Town Planner shall take into account site specific factors such as topography and site layout as well as water quality protection. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances meeting the following criteria satisfy the following requirements:
 - a. Side slopes shall be no steeper than 3:1 (horizontal-to-vertical) unless it is demonstrated to the Town Planner that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
 - b. The conveyance is designed so that it does not erode during peak flow from the 10-year storm as demonstrated by engineering calculations submitted with the application for a watershed protection permit by a professional engineer licensed by the State of North Carolina.
 - (2) *Curb outlet systems.* Instead of vegetated conveyances, low density projects have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. The requirements for curb outlet systems are as follows:
 - a. The curb outlets are located so that the swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity.

- b. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery to surface waters shall be provided.
 - c. The swale's cross-section shall be trapezoidal with a minimum bottom width of two feet.
 - d. The side slope of the swale or vegetated area shall be no steeper than 3:1 (horizontal-to-vertical).
 - e. Low density developments may use treatment swales designed in accordance with 15A N.C. Administrative Code 02H.1061.
- (l) *Establishment of the Watershed Review Board.* The Board of Adjustment shall serve as the Watershed Review Board as it is required in 15A N.C. Administrative Code 02B.0623 (5) (March 1, 2019).
- (1) Instead of the relying upon the standards in § 30-3321, Variance, the Watershed Review Board shall use the following standards when considering applications for variances from these WSWOD standards:
- a. There are difficulties or hardships that prevent compliance with § 30-4502 Water Supply Watershed Protection Overlay (WSWOD) District; and
 - b. The variance is in accordance with the general purposes and intent of § 30-4502(b) Intent; and
 - c. If the variance is granted, the proposed development will ensure equal or better protection of the waters of the State than the requirements of this 30-4502, Water Supply Watershed Protection Overlay (WSWOD) District and that the stormwater controls will function in perpetuity.
- (2) *Procedural changes to quasi-judicial hearing procedures.* In addition to the requirements of § 30-3205(c), Quasi-judicial public hearings, the following procedures will be followed:
- a. *Minor watershed variances.* A thirty-day comment period shall run following the submission of a completed variance application and before the Watershed Review Board hears the application. The Town Planner shall notify all other local governments having jurisdiction in the watershed and all entities using the water supply for consumption.
 - b. *Major watershed variances.* A decision by the Watershed Review Board to approve a major watershed variance shall be preliminary only. The Town Planner shall within 30 days of the Watershed Review Board's decision, forward a record of the hearing, findings, and conclusions of law to the Environmental Management Commission for review and final decision. The preliminary record of the hearing shall include:
 - 1. The variance application;
 - 2. The hearing notices;
 - 3. The evidence presented;
 - 4. Motions, offers of proof, objections to evidence, and rulings on them;
 - 5. Proposed findings and expectations;
 - 6. The proposed decision, including all conditions proposed to be added to the permit.
 - c. If the Environmental Management Commission approves the decision of the Watershed Review Board or approves the decision with conditions, then the Environmental Management Commission shall prepare decision that authorizes the Watershed Review Board to issue a final decision including any conditions added by the Environmental Management Commission.
 - d. If the Environmental Management Commission denies the major watershed variance, it shall send the decision to the Watershed Review Board for final action in accord with the Environmental Management Commission's order.
- (m) *Additional duties of the Town Planner.* The Town Planner shall maintain the following records and furnish a copy to the Water Resources Division upon request:

- (1) A copy of the records of all variance applications heard by Watershed Review Board, including the record of decision; and
 - (2) A description of all projects for which the Watershed Review Board has granted a variance; and
 - (3) Records of inspections of stormwater control measures.
- (n) *Operation and maintenance of stormwater control measures (SCM).* When engineered stormwater control measures are required, they shall be operated and maintained according to the provisions of 15A NCAC 02B.0623 (7), as amended, which is incorporated herein by reference as if fully set out herein.

Sec. 30-4503 - Amendments to overlay district boundaries.

Amendments to the boundary of an overlay district shall be made consistent with § 30-3316, Rezoning/Map amendment. Requests to expand an existing overlay district boundary shall only be considered where such request abuts, adjoins, or is contiguous to, the established overlay district boundary.

DIVISION 3. - USE STANDARDS.

Sec. 30-5301 - Agricultural uses.

- (a) *Agri-tourism.* Agri-tourism shall be subject to the district dimensional requirements where located, and shall require approval of a site plan in accordance with § 30-3317. Nothing shall limit the sale of concessions or products grown on site as part of an agri-tourism use.
- (b) *Agriculture and horticulture.* Agriculture and horticulture uses (structures and activities) taking place outside of a bona fide farm use shall be located at least 50 feet from any lot line shared with a residential zoning district and at least 100 feet from any existing residence on an adjacent lot.
- (c) *Agriculture support service.* Such uses shall be limited to a maximum of 6,500 gross square feet of floor area in the CB district.

Sec. 30-5302 - Residential uses.

- (a) *Assisted living facility.* Such uses shall not be primarily for the treatment of contagious diseases, mental illness, or addiction.
- (b) *Family Care Home*
 - (1) Family care homes shall comply with the standards in § 160D-907 of the North Carolina General Statutes.
 - (2) A lot containing a family care home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or a group home.
- (c) *Group home.* A group home shall comply with the following standards:
 - (1) A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or another group home;
 - (2) The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities;
 - (3) The number of occupants in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable Town regulations and State requirements;
 - (4) The use shall maintain a residential appearance compatible with its surroundings when proposed in a residential or mixed-use district; and
 - (5) The use shall meet all State requirements, as well as all applicable housing and building code requirements.
- (d) *Manufactured dwelling.* A manufactured dwelling shall comply with § 160D-910 of the North Carolina General Statutes, and the following standards:
 - (1) All class A and B manufactured homes, regardless of availability of public utilities, shall have a minimum lot size of one acre;
 - (2) Class A manufactured homes shall have a minimum 80-foot-wide front yard width and shall front on and the front door shall be parallel to the roadway and/or the access road;
 - (3) It shall be occupied only as a single-family dwelling;
 - (4) It shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;
 - (5) It shall maintain a minimum width of 16 feet;
 - (6) It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;

- (7) The towing apparatus, wheels, axles, and transporting lights shall be removed;
- (8) It shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, installed under the perimeter and unpierced except for required ventilation and access;
- (9) It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the North Carolina Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;
- (10) It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following:
- a. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
 - b. Cedar or other wood siding;
 - c. Stucco siding; or
 - d. Brick or stone siding;
- (11) It shall maintain a roof pitch with a minimum vertical rise of three feet for each 12 feet of horizontal run;
- (12) It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
- (13) It shall provide an eave projection of no less than six inches, which may include a gutter; and
- (14) In no instance shall a manufactured home be used solely for the purposes of storage.
- (e) *Manufactured home park.*
- (1) *Utility requirements.* All manufactured home parks shall conform to the following utility requirements:
- a. An accessible adequate, safe supply of water shall be provided in each residential-manufactured home park. When a municipal water supply is not available, a community water supply shall be developed and its supply used exclusively in accordance with the standards of all applicable State, County and Town agencies.
 - b. Adequate and safe sewage disposal facilities shall be provided in all residential-manufactured home parks. Collection systems and sewage treatment plants shall comply with the standards of all applicable State, County, and Town agencies. Individual septic tank systems can be considered, if soil, topography, and groundwater conditions are favorable and such systems are approved by the appropriate State, County, and local agencies.
 - c. To protect the public health and monitor on-site wastewater systems, an environmental health authorization to relocate a manufactured/mobile home on a vacated or about to be vacated manufactured/mobile home space served by a septic tank within a manufactured home park is required. This authorization will be needed prior to issuing a building permit. The environmental authorization requirement is part of the laws and rules governing the operation of septic systems under provisions of 15A NCAC .1900 or § 130A-337(c) of the North Carolina General Statutes. Once a relocation application is received at the environmental health office, a member of the staff will make a visit to the lot in question to determine if the septic system appears to be in operating order. If the septic system appears to be functioning properly then an authorization to relocate a manufactured home on that lot will be issued. At that point, the owner of the manufactured home can secure a building permit.
 - d. All utilities, including piping, phone, electricity, and cable, shall be underground.
- (2) *Streets and parking.* All manufactured home parks shall conform to the following street and parking requirements:

- a. All streets in a manufactured home park shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards.
- b. Maintenance of such streets shall be provided by the owner or operator of the park.
- c. Permanent dead-end streets or cul-de-sac shall not exceed 1,000 feet in length and shall be provided with a turnaround of at least 100 feet in diameter.
- d. New street names or manufactured home park names shall not duplicate, or be similar to, existing street names or manufactured home park names in the Town.
- e. The developer shall be required to provide and erect street name signs to State standards at all intersections within the manufactured home park.
- f. Sidewalks, or a paved pedestrian walkways, shall be provided along all streets within the manufactured home park.
- g. A minimum of two off-street automobile parking spaces surfaced with an all-weather surface such as concrete, asphalt, or crushed stone shall be provided adjacent to each manufactured home space but shall not be located within any public right-of-way or within any accessway in the park.
- h. All spaces within a manufactured home park shall be serially numbered for mailing address purposes. These numbers shall be displayed in the front of the manufactured home on the driveway side with four-inch lettering.
- i. All streets in the manufactured home park shall be adequately illuminated in accordance with § 30-6302.

(3) *Sidewalks.*

- a. Sidewalks shall be located on at least one side of each street within the manufactured home park.
- b. Sidewalks shall be five feet in width located fronting arterial, collector, local, and private streets.

(4) *Residential-manufactured home park use/appearance requirements.* All uses within a manufactured home park shall conform to the following regulations:

- a. *Abandoned vehicle.* No junked or abandoned vehicles shall be allowed.
- b. *Additions.* No living compartment or structure other than a "Florida-type" room, or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this Article are not violated.
- c. *Administrative office.* An administrative office may be permitted in accordance with the State Building Code.
- d. *Building proportion.* The main portion of the building, when viewed from the front lot line, shall have a building length not exceeding six times the building width.
- e. *Dwelling configuration.* All manufactured homes shall comply with the standards for individual manufactured dwellings in § 30-5302(d), Manufactured dwelling, except that no continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer, shall be required under the perimeter of the dwelling. (Amended 11-15-21 UDOTA 1-21)
- f. *Evacuation plan.* Each manufactured home park in the flood damage prevention area shall have an evacuation plan indicating alternate vehicular access and escape routes. All manufactured homes to be placed in flood prone areas shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties at each of the four corners of the manufactured home with two additional ties per side at intermediate locations.
- g. *Mailboxes.* When more than five rural mailboxes are used for mail delivery, the approval of the local post office department and the State department of transportation shall be required.

- h. Project identification sign.* Park identification signs shall comply with the standards for a monument sign in accordance with § 30-6806, Signs in residential districts.
- (5) *Solid waste.* The residential-manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste in accordance with § 30-6901 Collection of solid waste and recycling.
- (6) *Resident requirements.* All residential-manufactured home park residents must be required to comply with an established set of requirements through contracts, restrictive covenants, or other valid means. Failure to enforce such restrictions subjects the property to revocation of the manufacturing home park zoning.
- (7) *Landscape requirements.*
- a. All manufactured home parks shall be landscaped in accordance with § 30-6501, Landscaping.
- b. A landscaped buffer strip shall be provided at all exterior property lines and shall consist of an approved wall, fence, or a planted strip at least eight feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than 20 feet apart and not less than one row of dense shrubs, spaced not more than five feet apart and five feet in height; after one growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.
- (8) *Conformance with residential-manufactured home park standards.*
- a. It shall be unlawful for any person to construct or engage in the construction of any manufactured home park or make any addition or alteration to an existing manufactured home park within the Town's planning jurisdiction unless a final plan of the manufactured home park has been approved in accordance with this section.
- b. No new manufactured home park or manufactured home park addition shall be occupied until a certificate of occupancy has been issued by the County inspections department.
- c. The owners, management, or occupants to whom a construction permit for a manufactured home park is issued shall operate the park in compliance with this section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- d. The County inspections department may, after due notice, subject to the right of appeal, suspend or revoke the certificate of occupancy for failure to maintain the park in compliance with the provisions of this section.
- e. The certificate of occupancy may be revoked for a specific section of a manufactured home park which is in violation and occupancy allowed to continue in portions of the park which are in conformity with the certificate of occupancy. The Town Planner and the Johnston County Inspections and Environmental Health Departments may conduct as many inspections of manufactured home parks as are deemed necessary to ensure the compliance of applicable standards.
- (9) *Certificate of occupancy and compliance.*
- a. The Town Council will authorize the Town Planner to issue a zoning compliance certificate prior to the issuance of a County inspections department certificate of occupancy and compliance.
- b. A certificate of occupancy must be authorized and issued by the inspections department prior to occupancy of a manufactured home park. Construction must conform to the approved plan.
- c. A certificate of occupancy may be issued if all required work, other than the completion of the foundation skirting, is completed, provided that a certificate of completion is issued by the Town Planner within 90 days of the issuance of the certificate of occupancy.
- d. If no certificate of completion is issued within 90 days, the certificate of occupancy shall be void.

(f) *Nursing home.*

- (1) Such uses shall not be primarily for the treatment of contagious diseases, mental illness, or addiction.
- (2) Nursing homes in the CB district shall be limited to a maximum of 18 patients.

Sec. 30-5303 - Institutional uses.

(a) *Church.* All buildings shall be set back at least 20 feet from any lot line.

(b) *Day care, adult.* Such uses shall be limited to a maximum of 12 adults in the CB district.

(c) *Day care, child.*

- (1) Such uses shall be limited to a maximum of 2,500 gross square feet in the NB district and a maximum of 5,000 gross square feet in the CB district.
- (2) Day care uses taking place within a private dwelling are treated as an accessory use (see Division 4).

(d) *Health care use.* Medical clinics, outpatient treatment facilities, and urgent care uses shall be limited to a maximum of 12,500 gross square feet in the CB district.

(e) *Telecommunications facilities.*

- (1) *Purpose and intent.* This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town's planning jurisdiction have reliable access to wireless communications services. More specifically, the provisions of this section are intended to:

- a. Ensure adequate protection of residential areas and uses from potential adverse impacts of wireless communications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
- b. Encourage the placement of wireless telecommunications facilities in non-residential areas;
- c. Minimize the number of new major telecommunications towers generally;
- d. Create conditions where wireless telecommunications service providers are able to provide wireless telecommunications services effectively and efficiently in accordance with State and federal law;
- e. Strongly encourage the joint use or collocation of new and existing wireless telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;
- f. Establish collocation and concealed towers as the preferred options for the accommodation of wireless telecommunications equipment; and
- g. Ensure that wireless telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

- (2) *Applicability.* The standards in this section shall apply to all wireless telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

- a. Removal of antennas, antenna support structures, or wireless telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
- b. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
- c. Routine maintenance on an existing wireless telecommunication facility;

- d. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
 - e. Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment; and
 - f. Dish antenna or earth stations.
- (3) *Retention of expert assistance and reimbursement by applicant.* The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating application for a wireless telecommunications facility, including the construction and modification of the site, in accordance with these standards.
- a. Upon filing an application, an applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the review of any application, including the construction and modification of the site, once permitted.
 - b. The initial deposit shall be in the amount set forth in the adopted fee schedule and shall be paid at the time the application is submitted. The Town will maintain a separate escrow account for all such funds.
 - c. The Town consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted.
 - d. If at any time during the process this escrow account has a balance less than an amount set forth in the adopted fee schedule, the applicant shall immediately, upon notification by the Town, replenish the escrow account so that it maintains the minimum required balance. Any additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application.
 - e. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.
- (4) *Wireless telecommunications facilities distinguished.* The following use types and configurations are considered to be wireless telecommunications facilities subject to these requirements:
- a. New and replacement major telecommunication towers of 50 feet in height or taller;
 - b. New and replacement minor telecommunication towers of up to 50 feet in height;
 - c. Stealth or concealed telecommunication towers, antennae, or wireless telecommunications equipment;
 - d. Major collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections;
 - e. Minor collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections; and
 - f. The installation of small wireless telecommunications facilities on land outside a public street right-of-way.
- (5) *General standards applicable to all types of wireless telecommunications facilities.* The following requirements shall apply to all new wireless telecommunications facilities and any modifications to an existing wireless telecommunications facility that exceeds the scope of routine maintenance, as defined in this section.
- a. *Building permit required.* Prior to installation or modification exceeding the scope of routine maintenance, all wireless telecommunications facilities shall receive a building permit in accordance with the requirements in this Ordinance.

- b. *Compliance with federal and state regulations.* All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to wireless telecommunications facilities in §§160D-930 through 160D-934 of the North Carolina General Statutes.
- c. *Interference.* No wireless communication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless telecommunications signals in accordance with FCC requirements.
- d. *Structurally sound.* All elements of a wireless telecommunication facility shall demonstrate, to the satisfaction of the Town, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.
- e. *Sight distance at intersections.* All elements of a wireless telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distance triangles. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the Town or the State.
- f. *Accessory equipment.* Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing wireless telecommunications equipment and other supplies in direct support of the operation of the wireless telecommunications facility. Any equipment or materials not used in direct support of such operation shall not be stored on the site.
- g. *Obstruction lighting.* Lighting of a wireless telecommunications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.
- h. *Signage.* Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Town Planner.
- i. *Unauthorized access prohibited.* Telecommunications towers and vertical projections with wireless telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the wireless telecommunication facility whether through use of walls or fencing with a minimum height of six feet above adjacent grade, or anti-climbing devices.
- j. *Nonconforming wireless telecommunications facilities.*
1. Lawfully established wireless telecommunications facilities in operation prior to June 7, 2021, that do not comply with these standards may remain and operate as nonconforming uses.
 2. Ordinary and routine maintenance may be performed on a nonconforming wireless telecommunications facility.
 3. Minor collocation of antennae, antenna-support structures, and related wireless telecommunications equipment is allowed, provided that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.
 4. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and §160D-932 of the North Carolina General Statutes, be permitted on a nonconforming wireless telecommunications facility.
 5. In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming wireless telecommunications tower.
- k. *Cessation.*

1. A wireless telecommunication facility shall be considered to have ceased operation if the Town receives written notice from a wireless services provider that it intends to cease operations at a particular wireless telecommunication facility, or a wireless telecommunications facility ceases to transmit a wireless telecommunications signal for a period of 30 consecutive days or longer.
 2. Upon receipt of a written notice from a wireless services provider or upon determination that a wireless communication facility has ceased operation, the Town shall forward written documentation of the cessation to the wireless services provider, or the owner of the land, if different.
 - l. *Abandonment.*
 1. The wireless telecommunications facility shall be deemed abandoned if wireless telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.
 2. Upon making a determination that a wireless telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.
 - m. *Removal.*
 1. The Town may require the wireless services provider or the owner of the land, if different, to remove an abandoned wireless telecommunications facility within 30 days of the date it is deemed abandoned.
 2. Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned telecommunications facility within 30 days of the date that notice of abandonment is filed, the Town may cause the wireless telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.
- (6) *Standards for specific types of wireless telecommunication facilities.*
- a. *Collocations distinguished.* All collocations shall be classified as either a major collocation or a minor collocation in accordance with Article 10, and the following:
 1. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and §160D-931 of the North Carolina General Statutes.
 2. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and §160D-931 of the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and §160D-931 of the North Carolina General Statutes.
 3. In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of wireless telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.

4. *Substantial modification.* Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification: a) Increasing the existing overall height of the telecommunications tower by the greater of: 20 feet or more than ten percent; or b) Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: more than the width of the telecommunications tower at the height of the appurtenance; or more than 20 feet from the edge of the tower; or c) Increasing the square footage of an existing equipment compound by more than 2,500 square feet. Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower.
 5. *Maximum height.* Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten feet above the highest point of the building's roof or parapet wall.
 6. *Method of attachment.* Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Town Planner shall require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.
 7. *Appearance when concealed.* When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or negatively impacted.
 8. *Setbacks.* In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height, to the maximum extent practicable. Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.
- b. *Telecommunications tower, major.* A new or replacement telecommunications tower with a height of 50 feet or more above grade is a major telecommunications tower subject to these standards. A new or replacement telecommunications tower with a height less than 50 feet above grade shall be considered a minor telecommunications tower.
1. *Setbacks.* Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements, to the maximum extent practicable.
 2. *Maximum height.* The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 200 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.

3. *Collocation required.* Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards: a) Towers of 50 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment; b) Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment; c) Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment.
- c. *Telecommunications tower, minor.* A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional wireless communications facility. A minor wireless telecommunications tower is a use that is designed to appear as a traditional wireless communications facility except that the maximum height of the tower portion of the facility is less than 30 feet above grade.
1. *Appearance of a concealed telecommunications tower.* A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related wireless telecommunications equipment in order to obscure its purpose as a wireless telecommunications facility, to the maximum extent practicable. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light poles, flag poles, or evergreen trees. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer.
 2. *Setbacks.* Concealed and minor telecommunications towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for non-residential uses. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements above, to the maximum extent practicable.
 3. *Maximum height.* The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. The maximum height for a minor telecommunications tower is less than 50 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.
 4. *Collocation.* Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.
- d. *Wireless communications facilities, small.* An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the Town may choose to issue separate decisions on one or more of the facilities included within a consolidated application.

1. *Located within public right-of-way.* In cases where a small wireless facility is proposed within a public right-of-way, the small wireless facility shall comply with all standards applicable to the right-of-way.
2. *Timeframe for review.* Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the Town and the applicant from mutually agreeing to a longer review period.
3. *Timing for operation.* Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.
4. *Maximum equipment size.* In no instance shall a small wireless facility exceed the following maximum size limitations; a small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation: a) Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less; b) All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.
5. *Maximum height.* No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.
6. *Placement.* A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.
7. *Method of attachment.* Antennae, antenna-support structures, or other wireless communications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Town Planner shall require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.
8. *Appearance.* The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the Town may require the small wireless facility to be configured or concealed to ensure compatibility with the structure.
9. *Electrical service.* In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.

(f) *Utilities, major and minor.*

- (1) *All utilities shall comply with the following standards:*
 - a. Where possible, utilities should be located on lots interior to a development rather than on lots abutting streets;
 - b. All dangerous apparatus shall be enclosed by a fence or wall at least eight feet in height;
 - c. Major utilities may only be located on lots that meet the dimensional requirements for the zoning district where located. Minor utilities may be on lots, leaseholds, or easements that do not meet the minimum dimensional standards for lots in the district where located;
 - d. The design of buildings, structures, and facilities located in residential neighborhoods shall conform as closely as possible to the character of development in the area to ensure compatibility. Utility placement and screening may also be used as a means of ensuring compatibility;
 - e. No vehicles, trailers, or materials shall be stored outdoors on the premises;
 - f. Portions of properties not used for facilities, off-street parking, or related services shall be maintained with natural ground cover; and
 - g. Service and storage yards shall not be permitted within utility facilities located in residential or OI districts.
- (2) Ground-based electrical substations and transformers shall be considered as minor utilities and shall also comply with the following additional standards:
 - a. Ground-based electrical substations and transformers may only be located on a lot of one acre in area when located in a residential or OI district;
 - b. Ground-based electrical substations and transformers shall include non-climbable fences or comparable safety devices to limit accessibility by the general public;
 - c. Ground-based electrical substations and transformers shall include a durable masonry wall, fence, hedge, or other natural planting of comparable opacity shall be provided along the exterior lot lines abutting a lot in a residential or OI district;
 - d. Walls, fences, or hedges required in this section shall be between five and seven feet in height measured from the ground along the lot line; and
 - e. Plantings shall maintain an initial height of at least three feet at time of planting and shall achieve an average height of six feet within two years of the time of planting.
- (3) Communications or relay towers associated with a utility use type shall comply with the following additional standards:
 - a. Communications or relay towers associated with a utility use type may only be located on a lot of one acre in area when located in a residential or OI district; and
 - b. The minimum distance from the base of any tower to the nearest property line shall be equal to the height of the tower.

Sec. 30-5304 - Commercial uses.

- (a) *Automotive painting/body shop.* These uses shall comply with the following standards:
 - (1) Buildings shall be limited to a gross floor area of up to 2,000 square feet within the CB district;
 - (2) No more than eight vehicles may be stored outside overnight;
 - (3) Any vehicles or materials stored overnight shall be located within a designated storage area; and
 - (4) All storage areas shall be enclosed by a fully opaque fence or wall with a minimum height of six feet.
- (b) *Automotive parts and accessory sales.* These uses are limited to a maximum of 6,500 square feet of floor area per lot.

- (c) *Automobile repair and servicing (without painting/bodywork)*. These uses shall comply with the following standards:
- (1) Buildings shall be limited to a gross floor area of up to 2,000 square feet within the CB district;
 - (2) No more than eight vehicles may be stored outside overnight;
 - (3) Any vehicles or materials stored overnight shall be located within a designated storage area; and
 - (4) All storage areas shall be enclosed by a fully opaque fence or wall with a minimum height of six feet.
- (d) *Automobile sales or rentals*. Uses primarily involving the sales or rental of automobiles, trucks, or recreational vehicles shall comply with the following standards:
- (1) Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
 - (2) No vehicles or other similar items shall be displayed on the top of a building;
 - (3) All lights and lighting shall be designed and arranged so no source of light is directly visible from any abutting residential property; and
 - (4) Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.
- (e) *Automotive towing and storage lot*. Automotive towing and storage lot uses shall comply with the following requirements:
- (1) A maximum of no more than 50 vehicles at any one time shall be stored on the property.
 - (2) All towed vehicles must be stored in an approved vehicle towing and storage area.
 - (3) The minimum size of the fenced storage area shall be 3,000 square feet.
 - (4) An opaque chain link fence (with slats) or chain link fence supplemented with evergreen vegetation, of a minimum height necessary to fully screen all vehicles stored on the site, shall be provided around all accessible sides of the storage area.
 - (5) All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.
 - (6) The storage area shall be paved with asphalt or concrete to minimize dust emissions and the buildup of dirt, mud, and other debris.
 - (7) All lighting shall be shielded in accordance with § 30-6303 Outdoor lighting, so as not to cast direct light upon any adjacent residential lot.
 - (8) No storage area shall be permitted within 100 feet of any residentially-zoned property or within any required front yard.
 - (9) All buildings used to protect stored motor vehicles shall be located on the same lot.
- (f) *Bar, cocktail lounge, or private club*. A bar, cocktail lounge, or private club shall comply with the following requirements:
- (1) Such uses shall be separated from a church or school use type by at least 200 feet;
 - (2) The use shall not orient the primary entrance toward an abutting lot in a residential district;
 - (3) The use shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district;
 - (4) Outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
 - a. The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district;

- b. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use; and
 - c. Any applicable NCDOT requirements.
- (g) *Bed and breakfast.* A bed and breakfast shall comply with the following standards:
- (1) Be owner-occupied or have a manager who resides on the premises;
 - (2) Have no more than six sleeping rooms;
 - (3) Have only one kitchen;
 - (4) Limit meals served on the premises to overnight guests only; and
 - (5) Limit any signage to ground signage with a maximum sign face area of six square feet.
- (h) *Bottle shop.* A bottle shop use shall comply with the standards for a Bar, Cocktail Lounge, or Private Club.
- (i) *Business incubator.*
- (1) A business incubator may be provided as a principal use in its own building, as a tenant in a multi-tenant building, or as an accessory use to an existing office, personal service, or industrial use.
 - (2) When proposed as an accessory use to an existing business or development, the floor area devoted to the business incubator shall not exceed 25 percent of the building's gross floor area.
 - (3) Business incubators shall meet the off-street parking requirement for this use type in the Table of Minimum Off-Street Parking Requirements, not the individual types of uses within the business incubator.
 - (4) Floor area within a building serving as a business incubator may be used for storage, but no outdoor activity or storage is permitted.
- (j) *Car wash or automobile detailing.* Such use types are limited to a maximum of four individual bays 4 bays or up to 2,500 sf detail service area.
- (k) *Coffee shop / bakery.* Coffee shops, bakeries, and other specialty eating establishments shall be limited to a maximum gross floor area of 3,500 square feet in the NB district and 4,000 square feet in the CB district. Outdoor seating area shall not be included within the maximum allowable gross floor area.
- (l) *Convenience store.*
- (1) In the NB district, such uses are limited to a maximum gross floor area of 3,500 square feet and a maximum of six fuel pumps.
 - (2) In the CB district, such uses are limited to a maximum gross floor area of 5,000 square feet and a maximum of 12 fuel pumps.
- (m) *Co-working space.*
- (1) Use types and activities associated with a co-working space shall be limited to the range of activities typically associated with office uses.
 - (2) Food or beverages produced or sold within the use shall be limited to patrons of co-working space not the general public.
 - (3) Delivery of personal services within the co-working space (manicure, massage, education, exercise classes, child care, etc.) shall be limited to patrons of the co-working space.
 - (4) Facilities for pets shall be indoors or fully screened from adjacent streets and other uses.
- (n) *Electronic gaming operations.*

- (1) Prior to the operation of an electronic gaming operation, a zoning compliance permit must be issued. In addition, an annual gaming machine fee in the amount of \$500.00 per gaming machine or device as established in the Town's adopted fee schedule shall be paid. This annual per gaming machine fee shall be due annually. (Amended 11-15-21 UDOTA 1-21)
- (2) Electronic gaming operations shall be regulated as to location in the following manner in addition to any other requirements of this Article:
 - a. Electronic gaming operations shall be located a minimum of 1,000 feet measured in any direction, from:
 1. A place of worship or other religious institution;
 2. A day care center, public or private school;
 3. A public or private park, playground, public library, or cemetery;
 4. A skating rink, video arcade, or motion picture theater which shows G- or PG-rated movies to the general public on a regular basis;
 5. Electronic gaming operations, tattoo or body piercing establishments;
 6. Adult and sexually oriented businesses; or
 7. A residential zoned/residential used parcel.
 - b. Applicants shall submit a current straight line drawing prepared within 30 days prior to the application by a registered surveyor, depicting the property lines and the structures containing any of the above uses and the straight line measurements to each. Straight line distance shall be measured from the property line of the existing or established use to the building of the proposed electronic gaming operation. A use in sub-section (2) of this section shall be considered to be existing or established if it is in place or actively under construction at the time the application is submitted. Residential zoning districts shall be based upon the most current official zoning map. (Amended 11-15-21 UDOTA 1-21)
 - c. Hours of operation shall be limited to 8:00 a.m. through 12:00 midnight seven days a week.
 - d. No minor (17 years of age or younger) shall be allowed to operate a gaming machine subject to this Article.
 - e. All electronic gaming operations shall comply with requirements of Chapter 14, Article 37 of the North Carolina General Statutes.
 - f. The maximum number of gaming machines for any electronic gaming operation business is 15 and the minimum building square footage shall be at least 200 square feet per machine.
 - g. Electronic gaming operations must be visible and open to the store front of the building or structure. Shading or tinting of store front windows shall not exceed 35 percent.
 - h. Consciously and purposely hiding machines/terminals/computers, using switching devices to change screens in order to hide the true purpose and use of a computer, or any other ploy to hide the intended use of any computer within the establishment shall be considered as perpetrating a fraud upon the Town and shall result in the immediate permanent revocation of the zoning compliance permit. (Amended 11-15-21 UDOTA 1-21)
 - i. There shall be an adult manager, 18 years of age or older, on the premises during the hours of operation.
 - j. Each applicant for a zoning compliance permit shall be upon a form approved by the Town Council and shall be filed with the Town Clerk. Each applicant shall certify, under oath, the following information: (Amended 11-15-21 UDOTA 1-21)
 1. The name, age and residence of all interested parties;
 2. The address of the premises where the business shall be located;

3. The proposed hours of operation of the business;
 4. The dimensions of land owned or controlled by the applicant as premises for the electronic gaming operation;
 5. A description of any other business to be operated on the same premises or any adjoining premises owned or controlled by the applicant; and
 6. A statement of any prior revocations of a license or permit of any interested party to operate an electronic gaming operation or similar business in any jurisdiction.
- k. The applicant shall provide the serial number of each and every computer in the establishment. The Town Clerk or Town Planner will issue a Town decal including the serial number, Town terminal number, and date of issuance, to be displayed visibly on the computer or gaming terminal at all times. The Town terminal number will be assigned by the code enforcement officer at the time the application for a zoning compliance permit is submitted and shall be maintained on file by the Town. (Amended 11-15-21 UDOTA 1-21)
1. Computers that are removed from the establishment shall be reported, with the serial number, to the Town Clerk or Town Planner; any replacement computer shall be reported, with the serial numbers of the original and replacement machines, to the code enforcement officer. New computers or gaming terminals must be issued a Town decal prior to operation.
 2. Alteration or modification of any Town-issued decal shall be considered a zoning violation and subject to civil penalties per Article 9 Enforcement.
- l. No interested party shall operate an electronic gaming operation unless the party shall have first applied for and received a zoning compliance permit. It shall be unlawful to operate an electronic gaming operation within the Town without a zoning compliance permit as required by this section and the Town. (Amended 11-15-21 UDOTA 1-21)
- m. A change of any facts stated in an application filed under this Article shall be reported immediately to the Town Clerk and Town Planner. Failure to report any change of the facts stated in the application shall be subject to civil penalties as outlined in § 30-9501 Amount of civil penalties.
- n. A zoning compliance certificate issued pursuant to this Article shall become void if the licensee moves or ceases to operate at the location required to be stated in the application for the license.
- o. There shall be no alcohol sales or alcohol consumption on the premises of an electronic gaming operation.
- (o) *Event venue.* Event venues shall be operated in accordance with the following standards:
- (1) Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.
 - (2) The maximum number of guests shall be in accordance with the maximum occupancy of the principal structure in accordance with the State Building Code.
 - (3) Outdoor activities shall not take place between the hours of midnight and 7:00 AM.
 - (4) Exterior lighting shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited. Lighting of accessible paths may be provided, if necessary.
 - (5) In cases where off-site parking is employed, the event venue shall maintain an agreement with the owner of land where vehicles are parked.
 - (6) The venue shall ensure guests may access the venue safely from off-site parking areas.
 - (7) In no instance shall vehicles be parked along streets in ways that block driveways, sight triangles, or emergency access.

- (8) The event venue shall provide sufficient on-site trash receptacles, and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.
- (9) Event venue uses shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests to do not inadvertently trespass on adjacent lots.
- (10) Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.
- (p) *Financial service.* Financial service uses shall comply with the following standards:
- (1) Such uses shall be limited to a maximum gross floor area of 4,000 square feet in the CB district; and
 - (2) Uses with accessory features like automated teller machines and drive-throughs shall comply with the applicable accessory use standards in Division 4 of this Article.
- (q) *Hair, nails, and skin-related service.* Such uses shall be limited to a maximum of 500 square feet of floor area in the NB district and up to 2,000 square feet in the CB district.
- (r) *Heavy equipment and tool rental.* Uses primarily involving the sales, rental, service, or storage of heavy equipment shall comply with the following standards:
- (1) No heavy equipment or building displays shall be located within a required setback or perimeter buffer;
 - (2) No heavy equipment shall be displayed on the top of a building; and
 - (3) All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.
- (s) *Indoor commercial recreation.* Such uses are limited to a maximum of 6,000 gross square feet in the NB district and a maximum of 12,500 gross square feet in the CB district.
- (t) *Microbrewery or microdistillery.* Such uses shall comply with the standards for a Bar, Cocktail Lounge, or Private Club.
- (u) *Office, professional.* Such uses shall be limited to a maximum of 3,500 gross square feet in the NB district and a maximum of 12,500 square feet in the CB district.
- (v) *Outdoor shooting range.* Outdoor shooting ranges may be permitted subject to the requirements of the district and provided that:
- (1) Outdoor shooting ranges shall be located on a site or parcel with an area of at least ten acres.
 - (2) No part of a shooting range shall be located within 100 feet of any property line and less than 1,000 feet from any residential dwelling or school, as measured from the firing line in the direction of the line of fire.
 - (3) Shooting range facilities shall be constructed, at a minimum to include the following protective barriers:
 - a. Backstops with a minimum height of twenty feet;
 - b. Side berms or walls with a minimum height of eight feet;
 - c. Firing line covers of overhead safety baffles for rifle fire only;
 - d. The range shall be enclosed by a six-foot chain link fence with a lockable gate at the entrance; and
 - e. No trespassing – Danger – Shooting Range signs shall be posted along range fence lines every 150 feet.
 - (4) Weapons types are restricted to pistol, rifle, or shotgun.
 - (5) The use of explosives or any target that detonates is prohibited.

- (6) At least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.
- (7) No individuals under the age of 18 are permitted on the range during any practice or qualification of firearms unless such individual is participating in an organized and properly supervised event being conducted onsite by law enforcement personnel.
- (8) The operators of the shooting range shall provide proof of accident and liability insurance coverage. A minimum coverage of \$1,000,000 per individual and \$2,000,000 in the aggregate shall be maintained.
- (w) *Outdoor storage (as a principal use).* The following standards shall apply to all outdoor storage areas:
- (1) The extent of the outdoor storage area shall be clearly delineated on an application for establishment of the use;
 - (2) Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located;
 - (3) Outdoor storage areas are prohibited between the development's principal structure(s) and an arterial or collector street;
 - (4) No outdoor storage area shall be located within a required perimeter landscaping buffer;
 - (5) Flammable liquids or gas containers in excess of 1,000 gallons shall be stored underground;
 - (6) No materials shall be stored in areas intended for vehicular or pedestrian circulation;
 - (7) No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement; and
 - (8) All areas of outdoor storage shall be surrounded by an opaque fence or wall of a minimum height sufficient to conceal the material stored within from off-site views. In the event the fence or wall is located within a required setback, the fence or wall shall not exceed the maximum height for fences or walls specified in Division 4 of Article 6 Development Standards. Nothing shall limit the height of a screening fence or wall if it is located 20 feet or more from the edge of a required setback.
 - (9) In no instance shall materials, equipment, or other items located within a storage area be visible above the fence or wall surrounding them.
 - (10) In no instance shall a manufactured or mobile home be used for the purposes of storage.
- (x) *Packaging and Printing Service.* Such uses shall be limited to a maximum of 2,000 gross square feet in the NB district and a maximum of 5,000 square feet in the CB district.
- (y) *Pharmacy.* Pharmacies shall comply with the following standards:
- (1) Such uses shall be limited to a maximum gross floor area of 6,500 square feet in the CB and OI districts; and
 - (2) Uses with accessory features like a drive-through shall comply with the applicable accessory use standards in Division 4 of this Article.
- (z) *Retail use.*
- (1) Except for grocery stores, no individual retail use shall occupy more than 3,500 gross square feet in the NB district or more than 12,500 gross square feet in the CB district.
 - (2) Thrift stores, flea markets, and pawn shops shall be limited to a maximum gross floor area of 6,500 square feet in the CB district.
 - (3) Nothing shall limit the establishment of a shopping center or other use that includes more than one retail establishment, but in no instance shall a lot or site include more than 100,000 gross square feet of retail uses on any single lot or site.
 - (4) A grocery store shall have a maximum gross floor area of 15,000 square feet in the NB district.

(aa) *Self-service storage.* Self-service storage facilities shall comply with the following standards:

- (1) The use shall be located on a lot or site of at least two acres in area;
- (2) No more than 50 percent of the total site may be occupied by buildings;
- (3) External-access only storage buildings shall not exceed 20 feet or one story in height;
- (4) No activity other than storage shall take place within a storage unit; and
- (5) Storage of hazardous, toxic, or explosive substances shall be prohibited.

(bb) *Sexually oriented/adult business.*

- (1) *Authority and jurisdiction.* The provisions of this Article are adopted by the Town Council under authority granted by the General Assembly in § 14-202.10 et seq. of the North Carolina General Statutes. This Article shall apply to every building, lot, tract, or parcel of land within the planning jurisdiction of the Town.
- (2) *Purpose.* For the purpose of promoting the health, safety, morals and general welfare of the citizenry of the Town, this Article is adopted by the Town Council to regulate adult and sexually oriented businesses located in the Town. Further, the regulations of this Article have been made with reasonable consideration among other things, as to the character of the Town and its areas and their peculiar suitability for these businesses.
- (3) *Abrogation.* The regulations of this Article shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, or regulations previously adopted pursuant to law in any established zoning district in the Town. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.
- (4) *Massage of private parts prohibited.* It shall be unlawful for any person to massage or offer to massage the private parts of another for hire in the Town. The term "massage" is defined as meaning the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. The term "private parts" is defined as meaning the penis, scrotum, mons, veneris, vulva or vaginal area. The provisions of this Article shall not apply to licensed medical practitioners, osteopaths, or chiropractors, or persons operating at their direction, in connection with the practice of medicine, chiropractic, or osteopathy.
- (5) *Scope and provisions of this section.*
 - a. *Sexually oriented/adult businesses.* No sexually oriented/adult business shall be permitted in any building located within 1,000 feet in any direction from:
 1. A building used as a dwelling.
 2. A building in which an adult business or a sexually oriented business is located.
 3. A building used as a church, synagogue, or other house of worship.
 4. A building used as a public school or as a state-licensed day care center.
 5. Any lot or parcel on which a public playground, public swimming pool, or public park is located.
- (6) *Nonconforming adult businesses and sexually oriented adult businesses.* Any adult business or sexually oriented business lawfully operating on the effective date of the ordinance from which this Article is derived, that is in violation of this Article shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered.

(cc) *Spa, Day or Medical.* Such uses shall be limited to a maximum of 12,500 gross square feet of floor area in the OI and CB districts.

(dd) *Veterinary clinic.* Such uses are limited to a maximum of 12,000 gross square feet of floor area.

Sec. 30-5305 - Industrial uses.

- (a) *Asphalt or concrete plant.* An asphalt or concrete plant shall comply with the following standards:
- (1) An asphalt plant shall be located at least 50 feet from a lot line.
 - (2) A security fence, a minimum of six feet in height, shall be provided around the use.
 - (3) Within one year of the cessation of the use, all equipment and stock piles incidental to the operation shall be dismantled and removed by and at the expense of the landowner.
 - (4) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress.
 - (5) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.
 - (6) Access drives shall be located no closer than 15 feet from a lot line.
 - (7) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.
- (b) *Extractive industry.* Quarries and other extractive industries shall comply with the following requirements:
- (1) The minimum development area shall be five acres.
 - (2) The use shall not require the use of residential neighborhood streets to gain ingress or egress.
 - (3) Where the final slope of areas being excavated will exceed 30 percent, such areas shall be enclosed with a fence at least five feet high located not less than ten feet from the excavation's edge.
 - (4) Excavated areas, stockpiles, waste storage piles, and associated processing, storage, and loading areas shall be fully screened from view from principal arterials, collector streets, and lots in residential zoning districts.
 - (5) No blasting operations shall be conducted during the hours from 6:00 p.m. to 7:00 a.m., and when conducted, shall not cause unreasonable amounts of noise, vibration, dust, or flying debris on nearby lots.
 - (6) No operations shall impede the normal flow of any stream or watercourse, silt up or pollute any stream, undermine any public road or bridge, or promote flooding on adjacent land.
 - (7) Upon discontinuance of operations, all buildings and equipment shall be removed, and excavated areas shall be rehabilitated in accordance with a rehabilitation plan included as part of the application to establish the use.
 - (8) The rehabilitation plan shall identify the ways the site will be to returned as closely as possible to its original condition or a condition suitable for a specified alternate use. The rehabilitation plan shall address the storage and protection of topsoil removed during the course of operations as well as regrading, re-fertilization, and replanting.
 - (9) The estimated cost of carrying out the rehabilitation plan shall be filed with the application. The estimate shall be certified as approximately correct by a professional engineer licensed to practice in the State of North Carolina with expertise in rehabilitation.
 - (10) A rehabilitation guarantee, payable to the Town, shall be required in an amount equal to the estimated cost of carrying out the rehabilitation plan.
 - (11) The rehabilitation guarantee shall be maintained as a legally binding obligation until such time as the Town Council determines that all rehabilitation work has been satisfactorily completed.

(12) If the Town Council finds that extractive uses have been discontinued for a period of 12 consecutive calendar months and that no major attempts have been made to implement the rehabilitation plan, it shall order forfeiture of the guarantee and the proceeds shall be used to carry out, to the extent possible, the rehabilitation plan.

(c) *Flex space.* Flex space use shall comply with the following standards:

(1) Flex space uses shall meet the off-street parking requirement for this use type in the Table of Minimum Off-Street Parking Spaces Required (See § 30-6701), not the individual types of uses within the flex space;

(2) The following activities shall not be included within a flex space use type:

- a. Residential dwellings;
- b. Churches;
- c. Sexually oriented/adult businesses;
- d. Restaurants; and
- e. Cocktail lounges, or private clubs;

(3) Outdoor storage or business-related activity is permitted as an accessory use, subject to all applicable standards in this Ordinance.

(d) *Makerspace.* Makerspace uses shall be configured in accordance with the following standards:

(1) No outdoor storage or activity shall be permitted;

(2) The use shall include adequate ventilation and equipment for the dispersal of vapors, dust, or airborne contaminants created within the structure;

(3) The use shall include a fire suppression system as required by the fire marshal;

(4) No operation between the hours of 11:00 PM and 7:00 AM; and

(5) Incidental sale of products created on site is permitted.

(e) *Manufacturing, light.* All light manufacturing uses shall comply with the following standards:

(1) Buffer and setback areas in the side and rear may not be used for parking; and

(2) Finished products for display and sale shall not occupy more than 40 percent of the land area between the principal building and all adjacent streets.

(f) *Salvage or junkyard.* Junk yards, including junked automobile storage, shall be subject to the following regulations:

(1) Junk yards shall be located at least 200 linear feet, as measured from the required perimeter screening from any lot in a residential zoning district;

(2) An opaque screen eight feet in height shall be required around all boundaries;

(3) Any planted opaque screen shall be at least four feet in height when planted; and

(4) No required front or side yard shall be used for storage purposes.

(g) *Solar energy conversion, major.* Major solar energy conversion uses shall meet the following requirements:

(1) *Setbacks.* Solar farms and their appurtenant components shall conform to the principal building setbacks of the underlying zoning district which they are located.

(2) *Height requirements.* Individual modules/panels shall be a maximum of 25 feet in height as measured from the grade at the base of the structure to the apex of the structure.

(3) *Site plan.* A site plan, drawn and stamped by a state-licensed surveyor or engineer, shall be submitted showing the following:

- a. The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements;
- b. Any preexisting structures on the same lot, and principal structures on other properties that would affect the placement of solar panels;
- c. Parking and access areas;
- d. Location of any proposed solar access easements;
- e. Location where wiring is brought together for inter-connection to system components and/or the local utility power grid, and location of disconnect switch;
- f. Any proposed new structures; and
- g. Any other relevant elements as requested by the board of adjustment.

(4) *Other requirements.*

- a. Development of a farm will be subject to other overlay district regulations including watershed impervious surface limits.
- b. Solar farms shall be fully screened from adjoining properties and adjacent roads by an evergreen buffer capable of reaching a height of ten feet within three years of planting, with at least 75 percent opacity at the time of planting.
- c. All outdoor lighting shall be shielded to direct light and glare onto the system's premises and may be of sufficient intensity to ensure security.
- d. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- e. Solar panels shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions. Only the attachment of the pole, rack or suitable foundation at the ground contact shall be counted towards impervious calculations.
- f. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- g. No ground-mounted large solar energy systems shall be affixed to a block wall or fence.
- h. With the exception of the manufactures, or installer's identification, appropriate warning signs, and owner identification sign, all other signs shall be prohibited. Not more than one manufacturer label bonded to or painted upon the solar energy system shall be permitted.
- i. It is the responsibility of the owner to remove all obsolete or unused systems within 12 months of cessation of operations.
- j. The Town Planner shall be provided copies of any lease agreement, solar access easement, and plan for removal of system/equipment. If the system is to be interconnected to the local utility power grid, a copy of the conditional approval from the local utility must also be provided before a special use permit will be granted.
- k. The farm and components shall meet all requirements of the state building code.
- l. The farm and components shall comply with the current edition of the National Electrical Code, UL listed, and be designed with an anti-reflective coating.
- m. The electrical disconnect switch shall be clearly identified and unobstructed and shall be noted clearly on the site plan.

- n. The owner or future owner of a property onto which a solar farm is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.
- o. Inverter noise shall not exceed 40 dBA, measured at the property line.
- (5) *Decommissioning, abandonment, hazard abatement.* A signed and notarized decommissioning plan shall be submitted with the special use permit application and shall be in a form suitable to be recorded with the Register of Deeds. The decommissioning plan shall include, at a minimum, all the following provisions and requirements:
- a. Following a six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the system. Decommissioning includes removal of solar panels, support columns, buildings, cabling, electrical components, and any other associated facilities down to 72 inches below grade;
- b. Identification of any other conditions or circumstances upon which decommissioning will be initiated (e.g., end of lease, condition of a potential public safety hazard, etc.);
- c. Following removal, disturbed earth shall be graded and reseeded, unless the landowner requests in writing that access roads or other land surface areas are not to be restored;
- d. Prompt repair or removal of any structures that no longer function, become damaged, or that constitute a safety hazard regardless of whether due to neglect, man-made, or natural causes;
- e. The timeframe for completion of removal and decommissioning activities shall be from 180 days to 12 months unless otherwise extended following receipt of an application for extension; and
- f. A signed statement from the party responsible for completing the decommissioning plan acknowledging their responsibility to execute the decommissioning plan in accordance with these standards.
- (6) *Decommissioning performance guarantee.* A performance guarantee for the potential decommissioning of a major solar energy conversion system shall be provided to the Town by an applicant in accordance with the following standards:
- a. The guarantee shall be posted with the Town prior to establishment of the facility;
- b. The performance guarantee shall renew automatically and shall include a minimum 60-day notice to the Town prior to cancellation;
- c. The guarantee shall be provided by a company on the U.S. Department of Treasury's Listing of Certified Companies;
- d. A guarantee consisting of a bond certificate shall be submitted to the Town Planner each year verifying the bond has been properly renewed;
- e. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost, or \$50,000, whichever is greater, and shall not be reduced by the salvage value;
- f. Cost estimates for decommissioning shall be determined by a North Carolina licensed engineer or a licensed contractor and shall be provided by the applicant;
- g. Compliance with these requirements shall be fulfilled upon deposit of a certified check deposited with the Finance Officer;
- h. Funds deposited with the Finance Officer will only be returned when the facility is decommissioned, and any necessary site restoration is completed; and
- i. The full amount of the bond or certified check shall remain in full effect until the facility is decommissioned and any necessary site restoration is complete.



**Regular Council - Minutes
Monday, July 8, 2024**

COUNCIL PRESENT:

Mayor Mulhollem
Council Member Bruton
Council Member Jackson
Council Member Wilson

STAFF PRESENT:

Bryan Chadwick, Town Administrator
Marcus Burrell, Town Attorney
Jason Kress, Town Planner
Kim P. Batten, Assistant Administrator/Finance Officer
Chris Allen, Parks & Recreation Director
Jenny Martin, Human Resources Officer/Town Clerk

COUNCIL ABSENT:

Mayor Pro Tem Castleberry
Council Member Purvis

MEDIA PRESENT:

None

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1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:32 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

b) Pledge of Allegiance

Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No changes or additions.

Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Approved the Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

a) No public comments.

4. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Amending the Budget FY25

Mayor Mulhollem opened discussion to amend the adopted FY25 Budget. Discussion followed.

Moved by: Council Member Jackson
Seconded by: Council Member Bruton

Approved to decrease the 4% COLA to zero percent as adopted in the FY25 Budget and increase the 2% Merit Pay up to 5% for employees.

CARRIED 2 to 1 (Wilson opposed)

4 b) Discussion and Possible Action of Approving the Resolution Adopting the Town of Archer Lodge Cafeteria Plan (Resolution# AL2024-07-08)

Ms. Martin explained Resolution# AL2024-07-08, which must be adopted each year.

Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Adopted Resolution# AL2024-07-08 Town of Archer Lodge Cafeteria Plan.

CARRIED UNANIMOUSLY

[AL2024-07-08 Resolution Adopting the Town of Archer Lodge Cafeteria Plan Signed](#)

5. TOWN ATTORNEY'S REPORT:

a) Attorney Burrell had no report.

6. ASSISTANT TOWN ADMINISTRATOR/FINANCE OFFICER'S REPORT:

a) Interim Financial Reports for May 2024

Ms. Batten updated the Council on the May 2024 financial reports.

7. PARK AND RECREATION DIRECTOR'S REPORT:

a) Mr. Allen provided the following report:

- Completed the third session out of a total of four for Popsicles in the Park, a family program geared toward reading literacy for youth ages 5 to 12. There was a total of 98 participants, averaging 30 participants per session.
- Starting the second session of Softball Clinics with currently 17 participants. The first session peaked at 26 participants and the second session is full.
- Volleyball Camp will be held the first week in August 2024. is at 17 participants.
- Fall Volleyball has been cancelled.
- Registration has opened for Flag Football, Baseball, and Softball with potentially 250 to 300 participants.
- Waiting to hear the results from two grants: 1) USA Explore Archery \$25, 000 and 2) NRPA Coaching \$20,000.

8. TOWN PLANNER'S REPORT:

a) Zoning Report

Mr. Kress explained and updated the Council on the zoning report.

9. MAYOR'S REPORT:

5 a) In preparation of the FY2026 Budget, Mayor Mulhollem distributed a draft "Budget Review and Pushing Timeline Up List for 2026" that included budget tasks and a timeline to discuss, to hopefully reduce use of the Fund Balance. He read the list of items and shared that the purpose for gathering the information was to give Staff and Council direction for planning the FY26 budget.

Mayor Mulhollem shared that due to family obligations he would be out of Town, Friday, June 13, 2024, through Thursday, June 26, 2024.

[Budget Review and Pushing Timeline Up for 2026](#)

10. COUNCIL MEMBERS' REMARKS:

a) Council Member Wilson discussed the extreme heat that has been in North Carolina and in other States and reminded everyone to stay hydrated and protect their pets from the heat while outside.

b) Council Member Jackson expressed approval of the budget discussion. He asked everyone to keep him and the group of kids from Archer Lodge in their prayers while they are traveling to the NC Mountains and working on house roofs.

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c) Council Member Bruton expressed support for the budget preparation schedule. She asked everyone to remember to not just drink water when in the extreme heat, but include beverages with electrolytes as well. She distributed a leaflet, "Blueprint for Safety", that she received from the Capital Area Metropolitan Planning Organization (CAMPO).

[CAMPO - Blueprint for Safety](#)

11. ADJOURNMENT:

a) Having no further discussion, Mayor Mulhollem called for a motion to adjourn the meeting.

Moved by: Council Member Jackson
Seconded by: Council Member Wilson
Adjourned meeting at 7:32 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Jenny Martin, Town Planner



**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE TOWN OF ARCHER LODGE CAFETERIA PLAN**

WHEREAS, on this date, the Town of Archer Lodge Town Council did meet to discuss the implementation of Town of Archer Lodge Flexible Benefits Plan to be effective, 7/1/2024. Let it be known that the following resolutions were duly adopted by the Town of Archer Lodge Town Council and that such resolutions have not been modified or rescinded as of the date hereof; and

WHEREAS, that the form of Cafeteria Plan, as authorized under Section 125 of the Internal Revenue Code of 1986, presented to this meeting is hereby adopted and approved and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan.

WHEREAS, that the Plan Year shall be for a period beginning on 7/1/2024 and ending 6/30/2025.

WHEREAS, that the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be applied.


WHEREAS, that the proper officers of the Employer shall act as soon as possible to notify employees of the adoption of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is hereby approved.

WHEREAS, the undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document, and Summary Plan Description for Town of Archer Lodge's Flexible Benefits Plan approved and adopted in the foregoing resolutions.

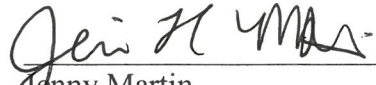
NOW, THEREFORE, BE IT RESOLVED, that the Archer Lodge Town Council of the Town of Archer Lodge, North Carolina, hereby adopts the Town of Archer Lodge Cafeteria Plan.

DULY ADOPTED ON THIS 8th DAY OF JULY 2024, WHILE IN REGULAR SESSION.

ATTEST:



(SEAL)
Matthew B. Mulhollem
Mayor



(SEAL)
Jenny Martin
Town Clerk



Budget Review and Pushing Timeline Up for 2026

1. Discuss the below and set a schedule in August.
 - Employee benefits review and comparison (Sept)
 - Review of P&R goals & programs (Sept)
 - Review of other categories? (other than Sept)
 - Staff & council discussion of budget goals (Jan)
 - Staff & council pair up to review budget vs Actual YTD
 - Each team shares recommendations with group
 - Staff presentation of cumulative results to include estimated revenue projections and fund balance totals
 - Individual council members meet with staff to discuss
 - After hearing feedback, staff creates draft budget proposal and presents to council
 - Work session to fully discuss draft budget proposal
 - After feedback, Budget Officer finalizes budget proposal
 - Budget Presentation
 - Public review period
 - Public hearing
 - June Vote (separate meeting than public hearing)



BLUEPRINT FOR SAFETY

CAMPO Regional Transportation Safety Action Plan



NORTH CAROLINA
Department of Transportation



NC Capital Area Metropolitan Planning Organization

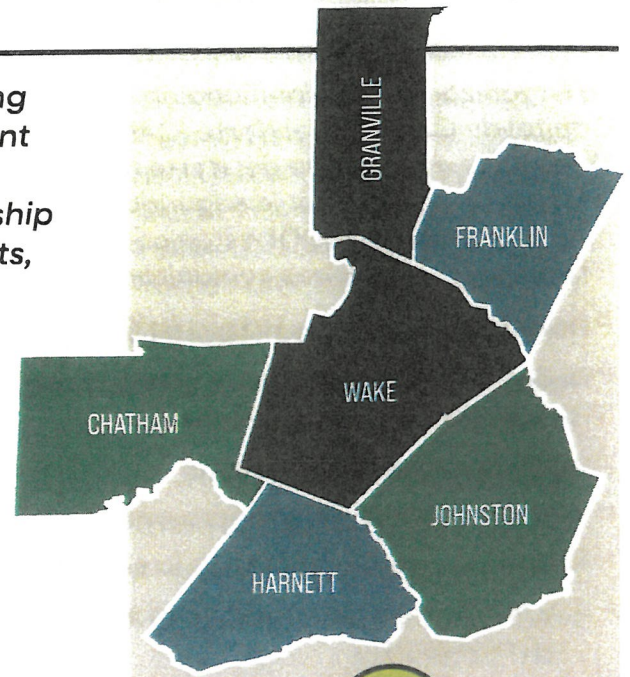
The North Carolina Capital Area Metropolitan Planning Organization (CAMPO) and North Carolina Department of Transportation (NCDOT) are developing a plan for improving safety in our region. This study is a partnership with local officials, community organizations, residents, workers, and visitors across the region.

Blueprint for Safety Plan Priority:

Significantly reduce fatalities and serious injuries on the region's transportation network.

The Plan Will:

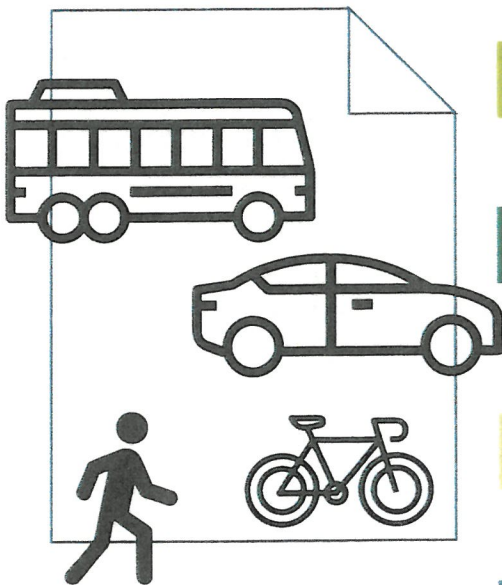
- ▶ Inform regional efforts taken toward safer travel ways.
- ▶ Increase awareness of transportation safety and risks.
- ▶ Recommend safety improvements – for all travelers (e.g., drivers, pedestrians, cyclists).



SURVEY You are here!

1

HOW ARE WE CREATING A SAFETY PLAN?



2

DEFINE where transportation safety is most at risk.

3

ANALYZE available safety data and current roadway plans in the CAMPO region.

4

INCORPORATE equity into transportation planning.

5

COLLABORATE to implement a transportation safety plan for all users.

WHAT DO YOU THINK? HOW CAN TRAVEL BE SAFER IN YOUR COMMUNITY?

Visit <https://publicinput.com/blueprintforsafety> or scan this QR code to **take the survey**, find more information, and sign up for updates!



<https://publicinput.com/blueprintforsafety>



MAPA HACIA LA SEGURIDAD

CAMPO Plan de Acción Regional de la Seguridad de Transporte



NORTH CAROLINA
Department of Transportation



NC Capital Area Metropolitan Planning Organization

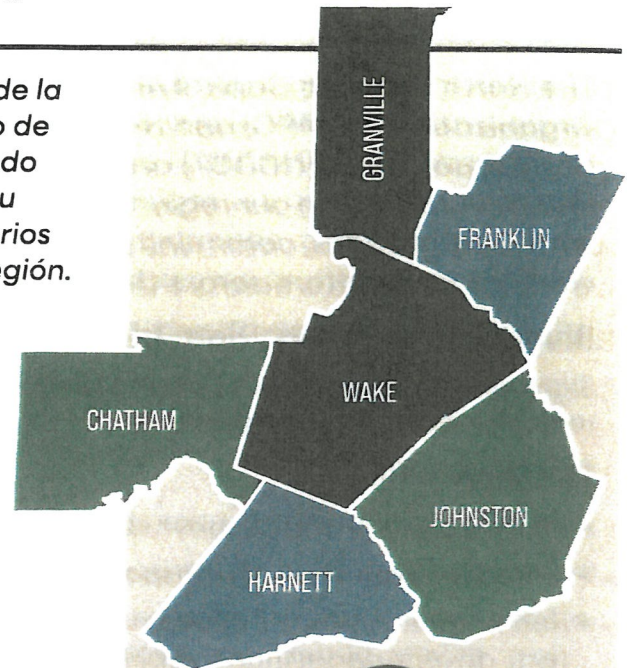
La Organización de Planificación Metropolitana del Área de la Capital de Carolina del Norte (CAMPO) y el Departamento de Transporte de Carolina del Norte (NCDOT) están desarrollando un plan para aumentar la seguridad en las carreteras en su región. CAMPO y NCDOT están colaborando con funcionarios locales, organizaciones comunitarias, y residentes de la región.

Prioridad del Mapa Hacia la Seguridad:

Reducir significativamente muertes y heridos graves en la red de transporte de la área.

Adicionalmente, el plan:

- ▶ Informará los esfuerzos para carreteras más seguras.
- ▶ Recomendará aumentos en la seguridad.
- ▶ Aumentará la conciencia de la seguridad y los riesgos del transporte.



ENCUESTA ¡Está aquí! **1**

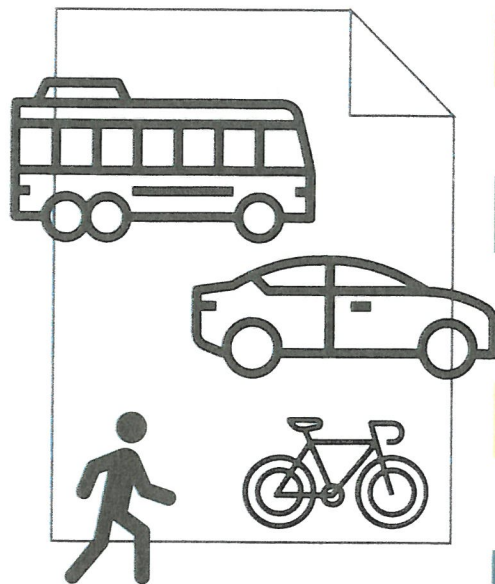
**COMPORTE CON NOSOTROS
COMO LAS CARRETERAS
PUEDAN SER MAS SEGURAS
EN SU COMUNIDAD:**

Escanee el código QR o haz clic en este enlace para contestar unas preguntas sobre la seguridad de las carreteras en la región de CAMPO .



Para más información:
Vaya al sitio web del Blueprint for Safety Plan para información general y actualizaciones del plan.

¿CÓMO CREAMOS UN PLAN DE SEGURIDAD?



- 2** **DEFINIR** donde la seguridad del transporte corre mayor riesgo.
- 3** **ANALIZAR** datos de seguridad disponibles y planes viales actuales en la región de CAMPO.
- 4** **INCORPORAR** la equidad en la planificación del transporte.
- 5** **COLLABORAR** para implementar un plan de seguridad vial para todos los usuarios.

<https://publicinput.com/blueprintforsafety>



UNIFIED DEVELOPM ENT ORDINANCE

Text Amendment AL2024-08-1

Overview

- ❑ 6th UDO Amendment
- ❑ Current UDO pages with proposed amendments provided
- ❑ Proposed amendments provided in tracked changes format
- ❑ Planning Board Review 5.15.24

Town of
ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE

Effective Date: June 7, 2021

Amended: ~~January 3, 2023~~ August 5, 2024



AL2024-08-1

- 3 main changes
 - ▣ Food Trucks
 - ▣ Itinerant Merchants
 - ▣ Home Burial

ORDINANCE AMENDMENTS

TABLE OF UDO AMENDMENTS		
ORDINANCE NUMBER	ADOPTION DATE	DESCRIPTION
AL2021-11-1	11-15-21	- Clarification of Review Authority roles, - Updates to the Water-Supply Watershed Overlay Districts standards - Update to manufactured home park standards for masonry skirting in accordance with State law - Revisions to Electronic Gaming Operation use standards
AL2022-03-1	03-07-22	- Bona fide farm exemptions - Electronic plat signatures - Subdivision requirements table (new Division 6 of Appendix) - Simple and super majority voting calculations
AL2022-08-1	08-01-22	- Removal of Planning Board review of Special Use Permits
AL2022-08-2	08-01-22	- Limitations on successive minor subdivisions - Updates to plat certifications - Public utility extension clarity - Accessory structure setbacks - Parking space width revisions
AL2023-01-1	01-03-23	- Clarified appellate bodies for administrative decisions on subdivisions - Added rules for shared driveways - Clarified rules for paving of existing gravel streets
<u>AL2024-08-1</u>	<u>08-05-24</u>	- <u>Clarified the zoning districts where food trucks are permitted</u> - <u>Clarifies allowable activities on Town-owned /controlled sites</u> - <u>Establishes standards for home burial</u>

§30-5405(d) Private Burial p. 133, 135

4

ACCESSORY USE OR STRUCTURE TYPE	ZONING DISTRICTS											ACC. USE STANDARDS §30-
	AR	SFR-1	SFR-2	SFR-3	RM HP	RMF	OI	NB	CB	LI	PD	
Accessory Dwelling Unit	P	P	S	S	•	P	S	•	•	•	A	5405(a)
Amateur Ham Radio	P	P	P	P	P	P	P	P	P	P	A	5405(b)
Automated Teller Machine	•	•	•	•	•	•	S	P	P	P	A	5405(c)
<u>Burial, Private</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>A</u>	<u>5405(d)</u>
Child Care, Incidental	P	P	P	P	P	P	P	S	•	•	A	5405(de)
Drive Through	•	•	•	•	•	•	•	S	P	S	A	5405(ef)

(d) Burial, private. The burial of human remains may take place as an authorized accessory use only in accordance with the following standards:

(1) Up to one set of human remains may be interred on a lot or site following submittal of a death certificate and issuance of a Zoning Compliance Certificate by the Town;

(2) The burial site shall only be permitted as an accessory to a permitted principal use;

(3) Any aspects of the burial located above grade shall be considered as an accessory structure subject to the standards in Sec. 30-5403 - General standards for all accessory uses and structures;

(4) The burial shall take place in accordance with applicable State law regarding proximity to potable water sources and interment practices;

(5) The burial site shall be clearly demarcated on a plat or plot plan and recorded with the Johnston County Register of Deeds;

(6) The burial site shall include a physical marker indicating its function as a burial site that is visible to the naked eye; and

(3)(7) Following establishment of a burial site, no further subdivision of the lot or tract shall take place on lots of two acres in area or less.

Planning Board
Recommendations

§30-10301 Definitions p. 270

5

portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.

BUMP OUT

See "Building Projection."

BURIAL, PRIVATE

The interment of human remains, whether cremated or otherwise, underground or within a tomb or vault. The broadcast of cremated remains is not considered as a burial.

BUSINESS INCUBATOR

A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses.

C

CALIPER

means measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches or 12 inches above the ground, based on

Planning Board
Recommendations

§30-5503(c)(1) Food Trucks p. 142, 143

Planning Board
Recommendations

(c) *Standards for specific temporary uses.*

(1) *Food truck and pushcart vendors.* Food truck operations and pushcart vendors shall comply with the following:

- a. *Location.* Food trucks and push carts may only be operated in the following zoning districts:
 1. The Neighborhood Business (NB) district, subject to the additional standards in subsection (iii) below;
 2. The Community Business (CB) district;
 - ~~3.~~ 3. The Light Industrial (LI) district;
 - ~~3.4.~~ 3.4. The Agricultural Residential (AR) district, when operated on the same lot as an agritourism, farmers market, or governmental use type, and
 - ~~4.5.~~ 4.5. Within a PD district provided the temporary use is listed in the associated master plan or terms and conditions statement.
- b. *Placement during and after food sales.*
 1. Food trucks and push carts shall be parked on private property with the property owners' permission and shall not be parked within any public street, right-of-way, or sidewalk unless in the NB or AR districts, or the street has been closed for a special event.
 2. A food truck or push cart shall be removed after operating hours or a special event and be stored in a legally permissible location.
- c. *Additional standards for food trucks and push carts within the neighborhood business district.*
 1. Food trucks operating between the hours of 8 am and 5 pm shall not be parked on the street for more than two consecutive hours unless the street has been closed for a special event.
 2. The customer access for food sales shall be from the side of the food truck facing the sidewalk not the street.
 3. Food sales shall not impede pedestrian traffic along the sidewalk.
 4. Push carts operating in the NB district shall not operate or sell food upon any sidewalk.
- ~~d.~~ d. *Additional standards for food trucks and push carts when operated on governmental land.*
 1. Operators shall secure a license or other agreement to operate a food truck or push cart in addition to a temporary use permit prior to commencement.
 2. In cases where a license or governmental agreement conflicts with the standards in this Ordinance or other Town requirements, the more restrictive standard shall control.
 3. Except during Town-sponsored or Town-sanctioned special events, the total number of food trucks or push carts on a single governmental site shall be limited to a maximum of five per day and no more than three on the same lot or site at any one time.
- ~~e.~~ e. *Minimum distance from certain use types.*
 1. No food truck or pushcart vendors shall operate within 400-60 feet of any school, religious institution, or cemetery.

§30-5503(c)(1) Food Trucks p. 142, 143

Planning Board Recommendati ons

2. No food truck shall operate within 75 feet from the main entrance of any restaurant during business hours, unless authorized by a restaurant.

e.f. Operation.

1. The food truck or pushcart owner or their designee shall be present at all times except in case of an emergency.
2. The hours of operation shall be between the hours of 7:00 a.m. and ~~2:00 a.m.~~10:00 p.m. except for special events, and then shall be limited to the hours of operation associated with the special event.
3. A food truck shall either sell food or beverage that is exempt from health department regulation, or obtain approval from the county health department where food sales take place.
4. Food truck operators and push cart vendors are responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators and vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public.
5. The vendor shall keep all areas within ten feet of the truck or cart clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease is to be disposed into tree pits, storm drains, or onto the sidewalks, streets, or other public locations. Under no circumstances shall grease be released into or disposed of in a sanitary sewer system.

f.g. Associated features.

1. There shall be no audio amplifier or similar device to attract the attention of the public.

§ 50-5503(c)(2) Itinerant Merchant

Sales

p. 143, 144

(2) *Itinerant merchant sales.* Itinerant merchant sales, not including food truck and pushcart vendors, are permitted on lots owned or operated by a governmental entity or in non-residential and planned development districts, subject to the following standards:

a. Generally.

1. Except when located on a governmental lot or site, the sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located;
2. Itinerant merchants shall file an indemnification form with the Town when engaged in open air sales;
3. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, and areas where pedestrian access is needed to ensure safe movement through or across a site;
4. Signage shall comply with the standards for temporary signage in Division 8 of Article 6;
5. All merchandise and related materials shall be removed from the site following the sale;
6. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to ~~10:00~~ 10:00 PM, except for special events, and then shall be limited to the hours of operation associated with the special event; and
7. Permitted itinerant merchant sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.

b. Additional standards for itinerant merchants operating on governmental land.

Planning Board
Recommendati
ons

§50-5505(c)(2) Itinerant Merchant Sales

p. 143, 144

ARTICLE 5. - USE REGULATIONS

DIVISION 5. - Temporary uses.

1. Operators shall secure a license or other agreement to conduct itinerant merchant sales in addition to a temporary use permit prior to commencement.
 2. In cases where a license or governmental agreement conflicts with the standards in this Ordinance or other Town requirements, the more restrictive standard shall control.
 - 7.3. Except during Town-sponsored or Town-sanctioned special events, the total number of itinerant merchants on a single governmental site shall be limited to a maximum of five per day and no more than three on the same lot or site at any one time.
- (3) *Outdoor seasonal sales.* Outdoor seasonal sales are permitted on a lot in all zoning districts, subject to the following standards:

Planning Board Recommendation

10

- Consideration on 5-15-24

- Unanimous approval, subject to additional revisions as discussed (shown here in yellow)

Town of
ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE

Effective Date: June 7, 2021

Amended: ~~January 3, 2023~~ August 5, 2024



Next Steps...

11



1. Public Hearing with Town Council 8-5-24
2. Adoption of Amendments, if appropriate
3. Accept Redlines, Add Editor's Notes, and Update Footer
4. Post new UDO

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
TOWN OF ARCHER LODGE, NORTH CAROLINA,
CHAPTER 30 - UNIFIED DEVELOPMENT ORDINANCE:
ARTICLE 5. – USE REGULATIONS, DIVISION 4 AND DIVISION 5; AND
ARTICLE 10. – MEASUREMENTS AND DEFINITIONS, DIVISION 3**

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 143 - 214.5, 160A - 174, 160D - 801, and 160D - 702, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30 – Unified Development Ordinance, as follows, attached hereto, and incorporated herein by reference:

Article 5. – Use Regulations, Division 4 and Division 5; and
Article 10. – Measurements and Definitions, Division 3

Section 2. The amendments to Chapter 30 - Unified Development Ordinance, attached hereto and incorporated herein by reference, shall become effective on August 5, 2024.

DULY ADOPTED, THIS THE 5th DAY OF August 2024.

TOWN OF ARCHER LODGE: (SEAL)

Matthew B. Mulhollem, Mayor

ATTEST:

Jenny H. Martin, Town Clerk

Town of
ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE

Effective Date: June 7, 2021

Amended: ~~January 3, 2023~~ August 5, 2024



ACKNOWLEDGEMENTS



TOWN COUNCIL

Matt Mulhollem, Mayor
Clyde Castleberry, Mayor Pro Tem
Teresa Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark Wilson

PLANNING BOARD

John Oglesby, Chair
Hearbert Locklear, Vice Chair
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[Mike Gordon](#) [Bryan Chadwick](#), Town Administrator
Kim P. Batten, [Asst. Town Administrator/Finance Officer](#) [Town Clerk](#)
[Jenny Martin](#), [Human Resources Officer/Town Clerk](#)
[Julie Maybee](#) [Jason Kress](#), Town Planner
Marcus Burrell, Town Attorney (Hewett Law Group)
Joyce Lawhorn, Deputy [Town Clerk](#)

CONSULTANTS

CodeWright Planners
The Brough Law Firm PLLC



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ORDINANCE AMENDMENTS

TABLE OF UDO AMENDMENTS		
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AL2021-11-1	11-15-21	<ul style="list-style-type: none"> - Clarification of Review Authority roles, - Updates to the Water-Supply Watershed Overlay Districts standards - Update to manufactured home park standards for masonry skirting in accordance with State law - Revisions to Electronic Gaming Operation use standards
AL2022-03-1	03-07-22	<ul style="list-style-type: none"> - Bona fide farm exemptions - Electronic plat signatures - Subdivision requirements table (new Division 6 of Appendix) - Simple and super majority voting calculations
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ARTICLE 5. - USE REGULATIONS

DIVISION 4. - Accessory uses.

COMMON ACCESSORY USE TABLE												
"P" = Permitted with a Zoning Compliance Permit, subject to applicable accessory use standards "S" = Permitted with a Special Use Permit, subject to applicable accessory use standards "A" = Allowed provided the use is listed in the PD Terms and Conditions Statement, subject to applicable accessory use. "." = Prohibited [#] = Table Note												
ACCESSORY USE OR STRUCTURE TYPE	ZONING DISTRICTS											ACC. USE STANDARDS §30-
	AR	SFR-1	SFR-2	SFR-3	RM HP	RMF	OI	NB	CB	LI	PD	
Accessory Dwelling Unit	P	P	S	S	.	P	S	.	.	.	A	5405(a)
Amateur Ham Radio	P	P	P	P	P	P	P	P	P	P	A	5405(b)
Automated Teller Machine	.	.	.	.	.	.	S	P	P	P	A	5405(c)
<u>Burial, Private</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>.</u>	<u>.</u>	<u>.</u>	<u>.</u>	<u>.</u>	<u>.</u>	<u>A</u>	<u>5405(d)</u>
Child Care, Incidental	P	P	P	P	P	P	P	S	.	.	A	5405(de)
Drive Through	.	.	.	.	.	.	.	S	P	S	A	5405(ef)
Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	A	5405(fg)
Family Health Care Structure	P	P	P	P	P	P	P	.	.	.	A	5405(gh)
Guard House, Shelter, or Gatehouse	P	S	S	S	P	P	P	P	P	P	A	5405(hi)
Home Occupation	P	P	P	P	S	P	S	.	.	.	A	5405(ii)
Outdoor Dining and Seating	.	.	.	.	.	.	.	P	P	.	A	5405(jk)
Outdoor Display/Sales	S	.	.	.	.	.	.	P	P	P	A	5405(kl)
Outdoor Storage (as an accessory use)	.	.	.	.	.	.	.	S	P	P	A	5405(lm)
Parking of Commercial Vehicles	P	S	S	S	.	.	.	P	P	P	A	5405(nn)
Parking of Heavy Trucks or Trailers	.	.	.	.	.	.	.	.	P	P	A	5405(oo)
Parking of Recreational Vehicles	P	P	P	P	.	.	.	.	.	.	A	
Play Equipment	P	P	P	P	P	P	.	.	.	.	A	
Produce Stand	P	.	.	.	.	.	P	P	.	.	A	5405(ep)
Solar Energy System (small scale)	P	P	P	P	P	P	P	P	P	P	A	5405(pq)
Stable (horses)	P	P	P	P	.	.	.	.	.	.	A	5405(qr)
Storage of Unlicensed or Inoperable Vehicles or Trailers	P	P	P	P	P	.	.	.	.	.	A	5405(rs)
Swimming Pool/Hot Tub	P	P	P	P	P	P	.	.	.	.	A	5405(st)
Tool/Storage Shed	P	P	P	P	.	P	.	P	.	P	A	

COMMON ACCESSORY USE TABLE												
"P" = Permitted with a Zoning Compliance Permit, subject to applicable accessory use standards "S" = Permitted with a Special Use Permit, subject to applicable accessory use standards "A" = Allowed provided the use is listed in the PD Terms and Conditions Statement, subject to applicable accessory use. "*" = Prohibited [#] = Table Note												
ACCESSORY USE OR STRUCTURE TYPE	ZONING DISTRICTS											ACC. USE STANDARDS §30-
	AR	SFR-1	SFR-2	SFR-3	RM HP	RMF	OI	NB	CB	LI	PD	
Underground Storage Tank	P	.	.	.	.	.	.	P	P	P	A	5405(<u>tu</u>)

Sec. 30-5405 - Specific standards for common accessory uses.

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this section is provided in the "Acc. Use Standards" column of the Common Accessory Use Table. These standards may be modified by other applicable standards or requirements in this Ordinance.

- (a) *Accessory dwelling unit (ADU).* An accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling, and shall comply with the following standards:
 - (1) No more than one ADU shall be located on a lot with a single-family detached dwelling;
 - (2) An ADU shall not exceed 35 percent of the total amount of finished floor area in the principal structure;
 - (3) An ADU shall not exceed one story in height, but nothing shall limit an ADU from being located on a second or third story provided the structure complies with the applicable maximum height limitations in the district where located;
 - (4) An ADU and the principal dwelling shall have the same street address and mailbox;
 - (5) An ADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit;
 - (6) An ADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot); and
 - (7) An ADU shall be served by public or private potable water and wastewater treatment system and may be served by water, sanitary sewer, gas, and electrical utilities shared with the principal use.
- (b) *Amateur ham radio.* Amateur radio antennas shall comply with §160D-905 of the North Carolina General Statutes and the following:
 - (1) Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade;
 - (2) Towers or antennas attached to a principal structure shall be located on a side or rear elevation; and
 - (3) Freestanding towers or antennas shall be located behind the principal structure.
- (c) *Automated teller machine (ATM).*

(1) An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

(2) If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) for a drive through.

(3) The overall character of an automated teller machine in terms of materials, colors, and architectural character shall be compatible with that of the principal structure.

(d) *Burial, private.* The burial of human remains may take place as an authorized accessory use only in accordance with the following standards:

(1) Up to one set of human remains may be interred on a lot or site following submittal of a death certificate and issuance of a Zoning Compliance Certificate by the Town;

(2) The burial site shall only be permitted as an accessory to a permitted principal use;

(3) Any aspects of the burial located above grade shall be considered as an accessory structure subject to the standards in Sec. 30-5403 - General standards for all accessory uses and structures;

(4) The burial shall take place in accordance with applicable State law regarding proximity to potable water sources and interment practices;

(5) The burial site shall be clearly demarcated on a plat or plot plan and recorded with the Johnston County Register of Deeds;

(6) The burial site shall include a physical marker indicating its function as a burial site that is visible to the naked eye; and

~~(3)~~(7) Following establishment of a burial site, no further subdivision of the lot or tract shall take place on lots of two acres in area or less.

(d)(e) *Child care, incidental.* An incidental child care or home day care for up to five unrelated children is permitted as an accessory use to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

(e)(f) *Drive through.* Drive-through facilities shall comply with the following standards:

(1) Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot with a residential zoning district designation;

(2) Drive-through windows, menus, or order boxes shall not be located on the front façade of the building they serve;

(3) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces; and

(4) Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.

~~(f)~~(g) *Electric vehicle (EV) charging station.*

(1) Electric vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.

(2) A required accessible parking space may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.

(3) EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

- (8) Use of an alternate location or date;
 - (9) Modification or elimination of certain proposed activities;
 - (10) Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
 - (11) Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.
- (c) *Standards for specific temporary uses.*
- (1) *Food truck and pushcart vendors.* Food truck operations and pushcart vendors shall comply with the following:
 - a. *Location.* Food trucks and push carts may only be operated in the following zoning districts:
 - 1. The Neighborhood Business (NB) district, subject to the additional standards in subsection (iii) below;
 - 2. The Community Business (CB) district;
 - 3. The Light Industrial (LI) district;
 - 3.4. The Agricultural Residential (AR) district, when operated on the same lot as an agri-tourism, farmers market, or governmental use type, and
 - 4.5. Within a PD district provided the temporary use is listed in the associated master plan or terms and conditions statement.
 - b. *Placement during and after food sales.*
 - 1. Food trucks and push carts shall be parked on private property with the property owners' permission and shall not be parked within any public street, right-of-way, or sidewalk unless in the NB or AR districts, or the street has been closed for a special event.
 - 2. A food truck or push cart shall be removed after operating hours or a special event and be stored in a legally permissible location.
 - c. *Additional standards for food trucks and push carts within the neighborhood business district.*
 - 1. Food trucks operating between the hours of 8 am and 5 pm shall not be parked on the street for more than two consecutive hours unless the street has been closed for a special event.
 - 2. The customer access for food sales shall be from the side of the food truck facing the sidewalk not the street.
 - 3. Food sales shall not impede pedestrian traffic along the sidewalk.
 - 4. Push carts operating in the NB district shall not operate or sell food upon any sidewalk.
 - d. Additional standards for food trucks and push carts when operated on governmental land.
 - 1. Operators shall secure a license or other agreement to operate a food truck or push cart in addition to a temporary use permit prior to commencement.
 - 2. In cases where a license or governmental agreement conflicts with the standards in this Ordinance or other Town requirements, the more restrictive standard shall control.
 - 3. Except during Town-sponsored or Town-sanctioned special events, the total number of food trucks or push carts on a single governmental site shall be limited to a maximum of five per day and no more than three on the same lot or site at any one time.
 - d.e. Minimum distance from certain use types.
 - 1. No food truck or pushcart vendors shall operate within 400-60 feet of any school, religious institution, or cemetery.

2. No food truck shall operate within 75 feet from the main entrance of any restaurant during business hours, unless authorized by a restaurant.

e.f. *Operation.*

1. The food truck or pushcart owner or their designee shall be present at all times except in case of an emergency.
2. The hours of operation shall be between the hours of 7:00 a.m. and ~~2:00 a.m.~~ 10:00 p.m., except for special events, and then shall be limited to the hours of operation associated with the special event.
3. A food truck shall either sell food or beverage that is exempt from health department regulation, or obtain approval from the county health department where food sales take place.
4. Food truck operators and push cart vendors are responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators and vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public.
5. The vendor shall keep all areas within ten feet of the truck or cart clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease is to be disposed into tree pits, storm drains, or onto the sidewalks, streets, or other public locations. Under no circumstances shall grease be released into or disposed of in a sanitary sewer system.

f.g. *Associated features.*

1. There shall be no audio amplifier or similar device to attract the attention of the public.
2. No tables, chairs, or other structures shall be allowed outside of the food truck or around a push cart.
3. Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck or push cart. No other form of advertising shall be permitted.

- (2) *Itinerant merchant sales.* Itinerant merchant sales, not including food truck and pushcart vendors, are permitted on lots owned or operated by a governmental entity or in non-residential and planned development districts, subject to the following standards:

a. *Generally.*

1. Except when located on a governmental lot or site, ~~T~~the sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located;
2. Itinerant merchants shall file an indemnification form with the Town when engaged in open air sales;
3. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, and areas where pedestrian access is needed to ensure safe movement through or across a site;
4. Signage shall comply with the standards for temporary signage in Division 8 of Article 6;
5. All merchandise and related materials shall be removed from the site following the sale;
6. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to ~~11~~ 10:00 PM, except for special events, and then shall be limited to the hours of operation associated with the special event; and
7. Permitted itinerant merchant sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.

b. *Additional standards for itinerant merchants operating on governmental land.*

1. Operators shall secure a license or other agreement to conduct itinerant merchant sales in addition to a temporary use permit prior to commencement.
2. In cases where a license or governmental agreement conflicts with the standards in this Ordinance or other Town requirements, the more restrictive standard shall control.
- ~~7.~~3. Except during Town-sponsored or Town-sanctioned special events, the total number of itinerant merchants on a single governmental site shall be limited to a maximum of five per day and no more than three on the same lot or site at any one time.

- (3) *Outdoor seasonal sales.* Outdoor seasonal sales are permitted on a lot in all zoning districts, subject to the following standards:
- a. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;
 - b. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM;
 - c. Exterior lighting shall comply with the requirements in Division 3 of Article 6;
 - d. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards for a temporary dwelling, and is removed at the end of the sales;
 - e. The on-site accessory sale of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards; and
 - f. Outdoor seasonal sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.
- (4) *Portable storage container.* Portable storage containers may be permitted as a temporary use to a single-family detached, duplex, or townhouse dwelling unit, subject to the following standards.
- a. *Types distinguished.* Portable storage containers shall take one of the following three forms:
 1. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated;
 2. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
 3. A fully-enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.
 - b. *Permit required.* A building permit shall not be required for a portable storage container, but a temporary use permit is required.
 - c. *Exemptions.* The standards in this section shall not apply to portable storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.
 - d. *Maximum size.* Containers shall be no larger in dimension than eight feet in height, eight feet in width, or 20 feet in length.
 - e. *Maximum number.*
 1. No more than two portable storage containers shall be located on a single lot or parcel of land.
 2. No other type of container or shipping container shall be located on the same lot or parcel of land when one or two portable shipping containers are in place.

TABLE OF DEFINED TERMS	
TERM	DEFINITION(S)
BUILDING WING	means a portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.
BUILDING, ACCESSORY	See "Accessory Building."
BUILDING, PRINCIPAL	means a building or, a group of buildings, in which the principal use of the lot is conducted.
BUILT-UPON AREA (IMPERVIOUS SURFACE)	As used in the water supply watershed protection overlay district, impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail (a linear corridor on land or water protected from motor vehicles, providing public access for recreation or transportation) that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
BULKY ITEMS SALES	A retail establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.
BUMP OUT	See "Building Projection."
<u>BURIAL, PRIVATE</u>	<u>The interment of human remains, whether cremated or otherwise, underground or within a tomb or vault. The broadcast of cremated remains is not considered as a burial.</u>
BUSINESS INCUBATOR	A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses.
C	
CALIPER	means measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches or 12 inches above the ground, based on the size of the tree being measured.
CAMPER	A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.

May & Place, PA

CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 900
LOUISBURG, NC 27549
Bus: 919-496-3041
Fax: 919-496-6342

SCOTT H. MAY, CPA
DALE R. PLACE, CPA, CFE

July 24, 2024

To the Honorable Mayor and Town Council Members
14094 Buffalo Road
Archer Lodge, NC 27527

We are pleased to confirm our understanding of the services we are to provide the Town of Archer Lodge for the year ended June 30, 2024.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Archer Lodge as of and for the year ended June 30, 2024. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Archer Lodge's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Archer Lodge's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Local Government Employees' Retirement System's Schedule of the Proportionate Share of the Net Pension Liability and Contributions.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Archer Lodge's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and individual fund statements
- 2) Budgetary schedules and other schedules

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standard* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and

are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Archer Lodge and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risk(s) of material misstatement as part of our audit planning:

- Management override of controls.

- Improper revenue recognition due to fraud.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting

misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Archer Lodge's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the Town of Archer Lodge in conformity with accounting principles generally accepted in the United States of America based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed, and approved the financial statements, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and *Government Auditing Standards*.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Mayor and Town Council; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of May & Place, PA, and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of May & Place, PA, personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we

will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Dale Place is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately July 31, 2024, and to issue our reports no later than October 31, 2024.

Our fee for these services will be \$8,000.00 plus \$6,000.00 for each federal and/or State major program as defined by the Uniform Guidance and/or the NC Single Audit Implementation Act for the audit and \$6,500.00 for the financial statement preparation. Our invoices for these fees will be rendered in accordance with the North Carolina Local Government Commission instructions as detailed in the contract. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of the Town of Archer Lodge’s financial statements. Our report will be addressed to the Town Council of the Town of Archer Lodge. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor’s report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity’s internal control and compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that Town of Archer Lodge is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

We appreciate the opportunity to be of service to the Town of Archer Lodge and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy, and return it to us.

Very truly yours,

May & Place, PA

May & Place, PA

RESPONSE:

This letter correctly sets forth the understanding of the Town of Archer Lodge.

Management signature: _____

Title: Town Administrator – Bryan R. Chadwick_____

Date: _____

The	Governing Board
of	Primary Government Unit
and	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Auditor Address

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Date Audit Will Be Submitted to LGC
-----	--------------------	-------------------------------------

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: **Title and Unit / Company:** **Email Address:**

OR Not Applicable *(Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)*

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

Discretely Presented Component Unit	
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
Authorized Firm Representative (typed or printed)*	Signature*
Date*	Email Address*

GOVERNMENTAL UNIT

Governmental Unit*	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$
Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.



Affidavit of Parent, Guardian or Legal Custodian for Employment, Internship, or Volunteer of Minor Age at the Town of Archer Lodge

In the Matter of Applicant's Full Name:	Parent/Guardian/Legal Custodian Information Name:
Date of Birth: ___/___/____	Address:
Age:	City:
School Attending (if applicable):	State:
	Zip Code:
	Phone (primary):

The Parent, Guardian, or Legal Custodian of Applicant States as Follows:

1. I am the parent guardian legal custodian (as checked) of the child listed above.
2. My child resides or will be residing with the adult (hereinafter caregiver adult) listed below and the caregiver adult is domiciled at the address listed below.
 Name of caregiver adult:
 Address:
3. My child is a minor: Yes or No
4. My child is applying for (as checked):
 Employment Internship Volunteer (assistant coaching, programs, events, etc.)
5. I acknowledge and understand the following (as checked):
 - Certain criminal offenses or adjudications of a minor may or may not appear on a criminal background check.
 - The Town of Archer Lodge has adopted a Personnel Policy, which includes a Post-Offer Drug Screen, Physical Exam, Driver's License Check, and Criminal History Check Policy that states that all job applicants that are offered a position with the Town may be required to submit to a criminal history check and/or drug screen. The Town shall rescind any offer of employment to any applicant who has an unacceptable criminal history check or drug screen.
 - The Town of Archer Lodge has adopted a Personnel Policy, which includes a Volunteer Policy that subjects all volunteers to the Town's Drug & Alcohol-Free Workplace, Substance Abuse, and Drug and Alcohol Testing Policy as well as a criminal history check. The Town reserves the right to refuse the services of an applicant pursuant to the Volunteer Policy.



6. I acknowledge and understand that because my child is a minor and certain criminal offenses or adjudications may or may not appear on a criminal history check, I certify the following (as checked):
- My child does not have any criminal misdemeanor or felony adjudications, which may or may not appear on a criminal history check, that would disqualify my child from employment, internship, or volunteering with the Town of Archer Lodge.
7. I acknowledge and understand the following (as checked):
- I hereby consent to the Town of Archer Lodge to conduct a drug screen on my child who is a minor.

Signature of Parent/Guardian/Legal Custodian

Date

Signature of Human Resources

Date

Town of Archer Lodge
Fiscal Year Ending June 30, 2025



Budget Amendment # BA 2025 01
Date: 05-Aug-24

General Fund

Account	Account Number	Budget	Amendment	Amended Budget
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Revenues:

Gen/Jo Co Tourism Authority Grant	10-3492-0000	-	5,000.00	5,000.00
Gen/Fund Balance Appropriated	10-3990-0000	378,000.00	(80,450.00)	297,550.00
				-

Total Increase (Decrease) in Revenues **(75,450.00)**

Expenditures:

Gen/Admin/Retiree Medical	10-4120-1832	700.00	(700.00)	-
Gen/Public Buildings/Professional Fees	10-4190-1900	20,000.00	(10,000.00)	10,000.00
Gen/Public Buildings/Communications	10-4190-3340	23,000.00	20,760.00	43,760.00
Gen/Public Buildings/Building Permits	10-4190-5900	10,000.00	(5,000.00)	5,000.00
Gen/Public Safety/Contracted Services-Animal Control	10-4300-3550	6,000.00	(750.00)	5,250.00
Gen/Transportation(Public Works)/Street Lights	10-4510-3330	11,000.00	(2,000.00)	9,000.00
Gen/Transportation(Public Works)/Contracted Services	10-4510-3500	5,000.00	(5,000.00)	-
Gen/Planning_Zoning/Training & Meetings	10-4910-3110	8,000.00	(2,000.00)	6,000.00
Gen/Planning_Zoning/Code Enforcement Services	10-4910-3650	2,000.00	(1,000.00)	1,000.00
Gen/Parks & Recreation/Salaries (Part-Time)	10-6120-1220	40,000.00	(5,000.00)	35,000.00
Gen/Parks & Recreation/Professional Fees	10-6120-1900	-	20,000.00	20,000.00
Gen/Parks & Recreation/Program Materials & Supplies-Parks & Rec	10-6120-2050	80,000.00	(10,000.00)	70,000.00
Gen/Parks & Recreation/Contracted Services	10-6120-3500	76,000.00	(20,760.00)	55,240.00
Gen/Parks & Recreation/Small Equipment & Furnishings	10-6120-5000	10,000.00	(4,000.00)	6,000.00
Gen/Interfund Transfers/Transfer to Capital Reserve Fund 30	10-9900-0030	25,000.00	(25,000.00)	-
Gen/Interfund Transfers/Transfer to Public Safety Reserve Fund 32	10-9900-0032	25,000.00	(25,000.00)	-
				-

Total Increase (Decrease) in Expenditures **(75,450.00)**

-

Justification for Budget Amendment:

To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 5th day of August 2024

ATTEST:

Jenny Martin, Town Clerk

Matthew B. Mulhollem, Mayor

Bryan Chadwick, Budget Officer

Classification and Pay Study Information for Municipalities

Conducting a classification and pay study typically takes approximately 2.5 to 5 months, depending on the size of the organization. The MAPS Group's approach is to make the process as transparent and understandable as possible. We believe this is important because a good study can have a negative morale impact if employees misunderstand it or if the study lacks credibility with employees. Studies for NC municipalities are performed under a contract between the NCLM and the municipality. The NCLM subcontracts with us to perform the study. The NCLM guarantees quality and satisfaction.

We also strongly recommend undertaking a study only when there is commitment to follow through with funding the implementation. The negative impact on morale is significant if a study is not implemented. Implementation costs are the significantly greater cost, not the fee to conduct the study. We work with organizations to phase the study in over two or three years if the implementation costs are greater than can be allocated in one year.

Frequency. The rule of thumb is that these studies are performed about every 5 years in stable organizations. Organizations experiencing a lot of growth or change need studies more frequently and some use a rotational study reviewing a third of positions every year such as public safety one year, labor and trades a second year, and administrative and professional jobs the final year. The advantage of the rotational study is that it spreads implementation costs out over multiple years rather than having them all hit in one year and employees and elected officials get used to this being a part of business rather than an major event.

Questionnaires. All employees who are in the retirement system are typically included in the study and each employee in the study should complete a Position Description Questionnaire. The questionnaires can be downloaded in either Word or PDF from our website www.themapsgroup.com. The Word document can be completed digitally and then printed and signed. Hand written form completion on the PDF version is fine as well.

On-site Meetings and Interviews. Once we receive the completed questionnaires, we schedule an on-site visit that includes meetings and interviews. We usually start with a meeting with management and department heads and go over the process and methodology of the study, answer questions, discuss time lines, and identify a list of organizations to include in the salary survey. We then have orientation meetings for employees to attend to hear about the process and methodology and ask questions. The number of these meetings depends on the size of the workforce.

During this or future trips we also conduct interviews with employees. We interview at least one employee with each different set of duties as described on the questionnaires regardless of job titles. The purpose of the interviews is to make sure we accurately understand duties and responsibilities listed on the questionnaires so we can accurately classify the jobs and make accurate salary comparisons.

Analysis and Report Preparation. After interviews we conduct the salary survey, write a narrative report with our findings, prepare organization charts that reflect recommended classification titles, prepare the recommended salary chart and assign each classification to a salary range based on market data, identify which positions are exempt for FLSA purposes, perform a benefits survey, and write or update class specifications (job descriptions). All of this is then sent back to the organization in draft form for review and to provide us with feedback before finalizing the study and presenting it to elected officials.

Personnel Policy Update. In most classification and pay studies, we also review and make recommendations to update the personnel policy. Review is for modern, effective and best practices approaches as well as legal and regulatory compliance. If the policy needs significant updates, we

typically recommend a new policy.

Management Recommendations. We also typically review payroll and HR processes such as time sheets, performance evaluation systems, and other HR related management systems and make recommendations for improvement.

Presentation to Elected Officials. We have found that a presentation to elected officials on the process and methodology of the study prior to providing the recommendations to them helps them understand and review the study with better context and acceptance. It is best to present the study in a work session environment because it takes approximately 1 to 1.25 hours. We typically do a 30 to 45 minute presentation (depending on questions) and then pass out the study documents and walk elected officials through the document. We then leave it with them for review and come back when they are ready to address any questions or issues.



434 Fayetteville Street
Suite 1900
Raleigh, NC 27601
919-715-4000
nclm.org

July 10, 2024

Kim Batten
Finance Officer
Town of Archer Lodge
14094 Buffalo Road
Archer Lodge, NC 27527

Dear Kim,

We are pleased to be able to offer the enclosed Memorandum of Agreement to the Town of Archer Lodge to perform the specified human resource management services as described herein.

This contract will be performed through an agreement between the North Carolina League of Municipalities and the MAPS Group. This private consulting firm consists of former and current practicing personnel professionals in the public sector who specialize in human resources and general management. They are, or have been, employed in human resources departments at the state and municipal level of government and undertake consulting assignments for the North Carolina League of Municipalities.

I will have overall responsibility for this project to determine that all contractual obligations of this study are successfully met.

If you have any questions or need clarification on any item contained within our Memorandum of Agreement, please contact me at the League Office.

Sincerely,

Lou Bunch

Lou Bunch
Senior Municipal Human Resources Consultant

Enclosures

cc: The MAPS Group

MEMORANDUM OF AGREEMENT
HUMAN RESOURCE MANAGEMENT SERVICE
TOWN OF ARCHER LODGE

THIS AGREEMENT is made and entered into this ____ day of _____, 2024 by and between the North Carolina League of Municipalities, an unincorporated association, hereinafter called "League", and the Town of Archer Lodge, an incorporated municipality hereinafter called "Town."

WITNESSETH

In consideration of the amounts of money hereinafter agreed to be paid, and in consideration of the other conditions hereinafter agreed to by the Town of Archer Lodge, the League offers to perform the following services:

Scope of Services. The League agrees to provide through its subcontractor The MAPS Group the services described and set forth in Attachment "A", Scope of Services, which is incorporated into and made a part of the Memorandum of Agreement by reference.

Time for Performance. The time for performance will be approximately three (3) months. The contract can begin in September 2024 or at a time mutually agreed upon between The MAPS Group and the Town.

Cost. The fee for the proposed work is \$6,400.00. In addition, the Town will be billed for actual itemized expenses for mileage, meals, lodging, printing and supplies and actual travel time at \$25.00 per hour (estimated at around \$400.00)

In consideration of the services performed by the League, the Town agrees to abide by and perform the following:

The MAPS Group will bill the Town for one payment of \$3,200.00 at the beginning of the study, and a final payment of the same amount plus actual itemized expenses and travel time when the study is completed. The Town agrees to remit payment to The MAPS Group upon receipt of each of the statements referred to above.

Execution. If this Memorandum of Agreement is not executed and returned to the League Office within thirty (30) days from the submission date, the time frame for performance may have to be renegotiated.

E-verify. The MAPS Group certifies that it currently complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.



Iran Divestment Act Certification. As of the date of this Agreement, The MAPS Group certifies that it is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58 and that The MAPS Group will not utilize any subcontractor found on the State Treasurer's Final Divestment List.

Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of North Carolina. Venue shall lie in Wake County.

If the terms of this contract are acceptable, please sign two (2) copies and return one to the League office.

SUBMITTED BY:

NORTH CAROLINA LEAGUE OF
MUNICIPALITIES

Lou Bunch

Lou Bunch
Senior Municipal Human Resources Consultant

7/10/2024

Submission Date

ACCEPTED BY:

TOWN OF ARCHER LODGE

Name

Title

Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of Finance Officer)



ATTACHMENT "A"

SCOPE OF SERVICES

PAY AND CLASSIFICATION STUDY

SCOPE OF SERVICES

Objectives of Study

The primary purpose of this study is to conduct a comprehensive pay and classification study and update the personnel policy for the Town of Archer Lodge to include the following work study objectives:

- To study and evaluate all positions covered by the NCLGERS within the Town for the purpose of determining the proper position classification and salary for each employee.
- To conduct a comprehensive salary survey of appropriate public and private sector organizations to determine that the Town's salaries, benefits and wages are competitive within the applicable job market.
- To prepare or update class specifications for each position class based upon current job duties and requirements, outlining appropriate ADA information.
- To prepare a pay plan for the Town as required to maintain a competitive system of salaries and wages.
- To identify those classes of positions that are "exempt" and "non-exempt" in compliance with the Fair Labor Standards Act (F.L.S.A.) of 1983 as amended in 1985.
- To review and make recommendations concerning the effectiveness of the Town's overall compensation system including compression issues.
- To update the personnel policy to reflect modern and effective staff management and most recent laws, regulations and court cases.

In addition, the study will evaluate the Town's Human Resource Management system including hiring, on-boarding, time keeping, regulatory compliance, record keeping, compensation systems, performance evaluation, benefits administration, training, engagement climate, and employee communications and relations.

Study Work Components

A. Preparation of the Classification and Pay Plan

1. Conduct a comprehensive review of the Town's Personnel system for the purposes of staff orientation and to provide data and information to be used in the preparation of the classification and compensation data and related study components.
2. Conduct a meeting with Town Manager and staff to discuss the various work components of the study and to explain the study methodology and approach. At this meeting we will

also discuss the appropriate labor market for surveying salary data and the project schedule.

3. Conduct orientation sessions with employees to cover the purposes and process of the study. These meetings help establish realistic expectations with employees and reduce mis-information. The meetings will cover:

- * purposes of the study;
- * steps in conducting the study;
- * study methodology;
- * what the study will and will not cover;
- * distribution and review of how to complete questionnaires; and
- * answer any questions

4. Survey existing employee positions. This task will involve a review of the completed questionnaires, desk audits with representative employees in each class, and conferences with each department head to review and verify information presented on the questionnaires and in the desk audits. The purpose of this task is to determine that The MAPS group obtains comprehensive, factual, and accurate data and information. This task also resolves any conflicting information or data.

5. Following the review and field audit of existing employee positions, class specifications (often called job descriptions) will be prepared. These class specifications will be written to comply with OSHA and ADA regulations. The MAPS Group will use the following factors to classify jobs:

- * Difficulty, complexity, and variety of work
- * Education and experience requirements of the job
- * Nature and extent of public contact
- * Physical effort and hazards; and
- * Supervision given and received.

B. Development of the Pay Plan

1. A survey of salary plans will be performed utilizing public sector jurisdictions and other organizations for the purpose of recommending wage and salary schedules that are competitive and sufficient to attract and retain qualified employees. The identification of competitive organizations will be made by the Town in consultation with The MAPS Group. The salary survey will request hiring and maximum salaries for each position surveyed.
2. A comprehensive analysis of the salary survey will be prepared.
3. Following analyses of all inputs considered previously in Study Components A and B, all classes of posi

C. Preparation of the Employee Allocation List

1. Following completion of the classification plan and compensation schedule, an allocation list will be prepared showing employees by name, present classification, proposed classification, present salary grade, proposed salary grade, recommended salary, and proposed increase amount (if applicable).
2. Costs for implementation options of the plan will be provided. Up to three options will be provided with graphs illustrating impact of each option on salary compression as well as costs. Options will be designed specifically to address compression if needed and desired.

If more than three options are needed, there will be an additional charge of \$250 per additional option.

FLSA Status

As part of this study, the MAPS Group will identify and recommend positions that the Town may consider Exempt from the Wage and Hour Provisions of the Fair Labor Standards Act.

Personnel Policy

The MAPS Group will review and make recommendations for updating the Town's personnel policy to be consistent with modern and effective human resource management and current laws and regulations. The personnel policy is reviewed for policy versus procedural language and is recommended to meet a balance of providing guidance without including unnecessarily restrictive or detailed procedures. If needed, a new policy will be provided.

Communication with the Town

During the study, MAPS principals will be available to Town management to clarify any steps, current stage of the study, or other issues related to the study by phone or Email. In addition, while MAPS principals are on site for orientation and/or interviews, personal consultations are available as necessary to the study. A draft of the study will be sent to management for review and MAPS will make one visit to discuss management reactions to the study prior to finalizing it. After the draft review, the MAPS Group will make a presentation to the Town Council/Board of Commissioners and then return once more to respond to discussion and questions. Any additional trips will require additional fees.

Involvement of Town Staff

Town staff members will be required to complete position description questionnaires for each position, prepare organization charts, participate in interviews if selected (all department directors will be interviewed), provide current employee data including copies of current salary plan and employee information by department with name, current classification, current grade, date of hire, date of last promotion, and current annual salary. These last components are needed for calculating the costs of implementation options.

Results of the Study

The study will result in the publication and delivery to the Town of ten (10) copies of the report to include the classification plan, class specifications, compensation plan, implementation costs, personnel policy and management recommendations. The MAPS representative will formally present the study to the Town Board and be available to respond to questions.

Plan Maintenance

Once the study is complete and implemented, the MAPS Group will provide assistance to Town staff on maintenance of the plan including the classification of new or revised positions, market revisions to the pay plan and other assistance as needed. The MAPS Group will provide telephone consultation and will classify new or revised positions as needed for up to three years following the study for \$200 per position. Additional work may be performed on a maintenance contract.

In addition, the MAPS Group will provide the Town with a linked spreadsheet that will allow for market adjustments (cost of living increases) to automatically update the salary schedule and class listings and provide the Town with a digital copy of all class specifications.

Project Staff

The study will be led by Rebecca L. Veazey. Additional team members will be subject to approval by the Town.

VITA
REBECCA L. VEAZEY

BORN: Durham County, North Carolina

EDUCATION:

Southern High School, Durham, N. C.
B. A. Speech and Education - University of North Carolina at Chapel Hill
M. P. A. - University of North Carolina at Chapel Hill
Municipal Administration Course, Institute of Government
Group Facilitation and Consultation Course, Institute of Government

CAREER PROGRESSION:

President Emerita, The MAPS Group
President, The MAPS Group (Management and Personnel Services) - a consulting group providing personnel, organization development, training, and management services for local governments
Principal, the MAPS Group
Human Resources Director, Durham County
Director of Personnel, Town of Cary (Cary's first Personnel Director)
Personnel Officer, Town of Chapel Hill
Training Specialist, Town of Greensboro

PROFESSIONAL ACTIVITIES:

International Personnel Management Association (IPMA). Lifetime Achievement Award 2010. Active in N. C. Chapter including serving as Treasurer, on program committee for state chapter for three years, on Regional program committee one year, and chairperson of Finance Strategic Planning Committee.
Organization of Municipal Personnel Officers (OMPO), Life Member Award, Board Member, President, and Immediate Past President.
North Carolina League of Municipalities, Board of Directors, 1985-1987.
American Society for Training and Development, Triangle Chapter member.
Facilitation and Organization Development Group, (FODG) founding member
Systems Thinking in Government Group

COMMUNITY AND OTHER ACTIVITIES:

U. N. C. General Alumni Association, Board of Directors
U. N. C. Master of Public Administration Alumni Association, Past President
Local Government Employees Federal Credit Union, founding member, Loan Committee Chairperson, and member of the Board of Directors
United Way Campaign Chair, Durham County and Town of Cary

EXPERIENCE:

Conducting classification and pay studies for municipalities, counties, councils of governments, housing authorities, and other non-profit organizations.

Facilitating/leading the development and implementation of performance management and performance pay programs as both an internal and external consultant.

Experience (continued)

Serving as facilitator at strategic planning and team building retreats for staffs, boards, and elected officials. Also, providing on-going developmental facilitation to assist an organization with team building; organization development; planned change; development of mission, vision, and values; development of compensation philosophies; leadership development; or other issues.

Developing and conducting management and supervisory training on a variety of topics including leadership, coaching and feedback, conducting performance reviews, principles of supervision, communications skills, motivation techniques, legal issues in supervision, hiring the right person, effective grievance and disciplinary actions administration, conflict resolution, facilitation skills, and a number of other topics. This includes designing and updating materials and teaching and coordinating the School of Government's comprehensive Effective Supervisory Management Program since 2002.

Administering assessment instruments and providing interpretation and feedback or training; instruments include EQ-I (Emotional Intelligence Quotient), Myers Briggs, Human Patterns, Styles of Management Inventory, Johari Window (Personnel Relations Inventory), Leadership Profile System, Ego State Assessment, FIRO B, etc.

Developing and conducting assessment centers and serving as an in assessor for the purpose of selection, promotion, succession planning, and professional development.

Conducting recruitment and selection processes focused on assessing management excellence in candidates.

Establishing and revising policies and programs on a variety of personnel topics including writing personnel policies, establishing recruitment and selection procedures, developing performance review forms and procedures, and problem-solving employee relations issues and grievances.

Speaking on a variety of personnel and management topics at the School of Government, NCLM Convention, IPMA (international and state conferences), Area Health Education Centers, parks and recreation conferences, and for other groups.

Teaching personnel administration course to students in the MPA Program at UNC-G and in a six weeks seminar at NCSU, and teaching a seminar on facilitation skills to students in the MPA Program at UNC.

Teaching or assisting with teaching Ground Rules for Effective Groups, facilitation, Mental Models Model I and II, and related principles and concepts to public sector and other groups.

CLIENTS ON CONSULTANT PROJECTS:

Municipalities:

Apex
Atlantic Beach
Bald Head Island
Banner Elk
Archer Lodge
Blowing Rock
Boone
Brevard
Butner
Carrboro
Carthage
Charlotte
Chapel Hill
Claremont
Clayton
Clinton
Concord
Creedmoor
Dallas
Elon
Forest City
Franklin
Fuquay Varina
Garner
Gibsonville
Harrisburg
Henderson
Hendersonville
Hertford
Holly Springs
Hudson
Kill Devil Hills
Laurel Park
Lowell
Morrisville
Mount Pleasant
Nags Head
Oak Island
Ocean Isle Beach
Pinehurst
Red Springs
Reidsville
Saluda
Selma
Shalotte
Spindale
Sylva
Tarboro
Wallace
Weaverville

Weldon
Wendell
Williamston

Counties:

Alleghany
Anson
Avery
Beaufort
Columbus
Currituck
Dare
Harnett
Hyde
Iredell
Mitchell
Nash
Orange
Perquimans
Person
Rowan
Rutherford
Tyrrell
Vance
Wake County Sheriff=s Office
Wilkes

Councils of Government:

Albemarle Commission
Centralina Council of Governments
Isothermal Planning and Development
Kerr Tar Council of Governments
Land of Sky
Triangle J Council of Governments
Western Piedmont COG

Housing Authorities:

Mount Airy
North Wilkesboro

Other Nonprofit/Governmental Agencies:

Contentnea Metropolitan Sewerage District
Davidson Water
Institute/School of Government
North Carolina League of Municipalities
Raleigh Durham International Airport
Tuckaseegee Water and Sewer Authority

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into this ___ day of _____, 2024, by and between the Town of Archer Lodge, North Carolina, a municipal corporation (“Town”) and Johnston County Little League, a North Carolina Non-Profit Corporation (“JCLL”). The Town and JCLL may be referred to as a “Party” or collectively as the “Parties.”

WITNESSETH:

WHEREAS, the Town has entered into a lease agreement (Lease) with Archer Lodge Community Center, Inc., a North Carolina Non-Profit Corporation (ALCC) for the exclusive use and control of the baseball field, multi-purpose field, and bathroom facilities at the picnic shelter located at 14009 Buffalo Rd., Archer Lodge, North Carolina (the Property); and

WHEREAS, the Town owns property on Castleberry Rd. where the Town is currently operating the Archer Lodge Town Park which includes baseball fields (the Town Park); and

WHEREAS, JCLL had entered into a Memorandum of Understanding (“MOU”) with the Town dated June 19, 2023; and

WHEREAS, the Parties anticipate future cooperation with each other regarding use of all fields for baseball/softball/T-ball; and

WHEREAS, the Parties desire to terminate the prior MOU of June 19, 2023 and enter into this new MOU to express their understandings with respect to the foregoing;

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties have the following understandings:

1. **Current Use Agreement.** The Parties agree and understand that all use and rental agreements for use of the Property shall be with the Town and ALCC shall have no authority to encumber the use of the Property. All use and rental agreements for the Property and the Town Park shall be subject to the Town’s adopted rental and fee schedule unless otherwise stated
 - a. The Town shall be responsible for the following:
 - i. League Registration using Town of Archer Lodge Parks and Recreation Software and adults interested in coaching/volunteering shall register through the same software
 - ii. Scheduling baseball officials and part-time staff as needed
 - iii. Supplying uniforms consisting of a team hat/headbands and shirt/jersey for regular season teams

- iv. Sets guidelines and approves scheduling of practices, games, evaluations, and special events planned by JCLL at all Town-maintained facilities
 - v. Facility maintenance and field preparation for regular season games at Town-maintained fields
 - vi. Remitting the Little League for players' liability insurance not to exceed \$4,000.00 directly to Little League Baseball, Inc. (JCLL will provide invoices to Town)
 - vii. Will be responsible for any marketing materials that utilizes the Town name or Town logo
 - viii. End of season awards
 - ix. Day-to-day oversight of parent/spectator conduct
 - x. Provide part-time staff to maintain scoreboards
 - xi. Town to be responsible for Senior Leagues (13 and up) for both baseball and softball
- b. JCLL shall be responsible for the following:
- i. Allow the Town to be a stakeholder and a position on the JCLL Board of Directors within Little League guidelines
 - ii. Day-to-day oversight of players and coaches
 - iii. Conducting background checks for all volunteers and coaches
 - iv. Responsible for reserving fields for scheduling practices, games, evaluations, and special events for JCLL within guidelines set by Town at all Town-maintained facilities
 - v. Securing sponsorship and fundraising outreach
 - vi. Organizing special events and volunteers for special events
 - vii. Conducting draft day evaluations and facilitation of the draft
 - viii. Constructing and submitting uniform orders
 - ix. Supplying JCLL patches and sponsorship logos on uniforms
 - x. Maintenance of non-Town-maintained fields (e.g. Riverwood Middle, Clayton Middle, and Clyde's Chapel)
 - xi. Responsible for any items associated with All-Star (e.g. evaluations, selections, uniforms, field usage, etc.)
 - xii. Provide the official scorekeeping using Game Changer App
 - xiii. Use of Town maintained fields for regular season games without being charged the fees associated with the Town fee schedule
2. **Effective Date.** This MOU shall be effective, give notice to the Parties, and be binding on their heirs, successors and assigns as of July 1, 2024.
3. **Annual Review.** This MOU shall be reviewed annually following the spring season by representatives of both parties to allow for clarifications or changes that may need to be addressed.
4. **Term.** This MOU shall remain in effect for a term of three (3) years beginning July 1, 2024. This MOU shall automatically renew unless either Party provides

written notice of their desire not to renew no later than 180 days prior to the end of the current three (3) year term.

*** SIGNATURES APPEAR ON THE FOLLOWING PAGE ***

IN WITNESS WHEREOF, this MOU has been approved by the Town Council for the Town of Archer Lodge as of the ____ day of _____, 2024 and is executed by its Mayor and Town Clerk with authority duly given and as an act of the Town of Archer Lodge.

TOWN OF ARCHER LODGE

By: _____
Matthew Mulhollem, Mayor

ATTEST:

Jenny Martin, Town Clerk

IN WITNESS WHEREOF, this MOU has been approved by Johnston County Little League as of the ____ day of _____, 2024 and is executed by its President with authority duly given and as an act of Johnston County Little League.

JOHNSTON COUNTY LITTLE LEAGUE

By: _____
Andy Knepper, President