



Town of Archer Lodge

AGENDA

Regular Council Meeting

Monday, March 6, 2023 @ 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.

Page

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:

4 - 176

- 4.a. Approval of Minutes:
 - 12 July 2021 Regular Council Meeting Minutes
 - 02 Aug 2021 Regular Council Meeting Minutes
 - 07 Sept 2021 Regular Council Meeting Minutes
 - 20 Sept 2021 Work Session Minutes
 - 04 Oct 2021 Regular Council Meeting Minutes
 - 01 Nov 2021 Regular Council Meeting Minutes
 - 06 Dec 2021 Regular Council Meeting Minutes
 - 18 Jan 2022 Regular Council Meeting Minutes (Rescheduled from 03 Jan 2022)
 - 05 Dec 2022 Regular Council Meeting Minutes
 - 07 Dec 2022 Special Meeting Minutes
 - [Regular Council - Monday, 12 Jul 2021 - DRAFT](#)
 - [Regular Council - Monday, 02 Aug 2021 - DRAFT](#)
 - [Regular Council - Tuesday, 07 Sep 2021 - DRAFT](#)

[Work Session - Monday, 20 Sep 2021 - DRAFT](#)
[Regular Council - Monday, 04 Oct 2021 - DRAFT](#)
[Regular Council - Monday, 01 Nov 2021 -DRAFT](#)
[Regular Council - Monday, 06 Dec 2021 -DRAFT](#)
[Rescheduled 03 Jan 2022 Regular Council Mtg - Tuesday, 18 Jan 2022 - DRAFT](#)
[Regular Council - Monday, 05 Dec 2022 - DRAFT Minutes](#)
[Special Meeting - Wednesday, 07 Dec 2022 - DRAFT Minutes](#)

5. RECOGNITION/PRESENTATION:

- 177 5.a. Proclamation - Girl Scout Week (Sunday, March 12, 2023 - Saturday, March 18, 2023)

[Proclamation - Girl Scout Week 2023](#)

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

- 178 6.a. Discussion and Consideration of Renewing Deer Urban Archery for 2024 in the Town of Archer Lodge
[2024 Deer Urban Archery Season Renewal Form](#)
- 179 - 180 6.b. Discussion and Possible Action of Approving the Updated Assistant Town Administrator/Finance Officer Job Description
[Assistant Town Administrator Finance Officer 3.2023](#)
- 181 - 185 6.c. Discussion and Possible Action of Executing a Lease & Use Agreement between The Town of Archer Lodge & The Archer Lodge Community Center, Inc.
[Lease Use Agreement between TOAL and ALCC March 2023](#)
- 186 - 188 6.d. Discussion and Possible Action of Approving the Parks and Recreation Partial Fee Schedule
[PARKS AND RECREATION PARTIAL FEE SCHEDULE](#)

7. TOWN ATTORNEY'S REPORT:

8. TOWN ADMINISTRATOR'S REPORT:

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

10. PARKS AND RECREATION DIRECTOR'S REPORT:

11. PLANNING/ZONING REPORT:

12. CODE ENFORCEMENT OFFICER'S REPORT:

- 189 - 191 12.a. Monthly Report
[Monthly Report 03.02.23](#)

13. MAYOR'S REPORT:

14. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

15. ADJOURNMENT:



Regular Council - Minutes Monday, July 12, 2021

COUNCIL PRESENT:

Mayor Pro Tem Castleberry
Council Member Bruton
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

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

COUNCIL ABSENT:

Mayor Mulhollem

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

In the absence of Mayor Mulhollem, Mayor Pro Tem Castleberry 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 Pro Tem Castleberry led in the Pledge of Allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) No changes or additions noted.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Adopting Resolution# AL2021-07-12 Accepting American Rescue Plan Act Funds

Mayor Pro Tem Castleberry open the floor for discussion:

- Questioned funds being received and uses for the funds.

- Attorney Burrell informed that a Resolution must be approved prior to accepting the funds.
- Ms. Batten explained the following:
 - There will be two distributions of the funds, but the amounts are not known at this time.
 - The US Treasury Department will provide guidelines for the use of the funds and will be provide updates.
 - Funds will be received by the State, distributed by the County to the municipalities, and the amounts will be based on the population.
 - The Town has registered to receive the funds
 - State has created the NC Pandemic Recovery Office (NCPRO).
 - Funds must be appropriated by December 31, 2024 and spent by December 31, 2026.
 - Funds must be separate from General Fund.
 - One or more persons must be dedicated/appointed to control spending of ARPA funds.
 - More information to follow once received.

Mayor Pro Tem Castleberry called for a motion.

Adopted Resolution# AL2021-07-12 Accepting American Rescue Plan Act Funds appears as follows:

RESOLUTION# AL2021-07-12

TOWN OF ARCHER LODGE
RESOLUTION FOR ACCEPTING AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, the Town of Archer Lodge is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act (ARPA) of 2021.

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina Municipalities; and

WHEREAS, before receiving a payment, the Town Council is required to formally accept the ARPA funds; and

WHEREAS, revenue received under the ARPA must only be spent for purposes authorized by the ARPA, and applicable regulations, and by state law; and

WHEREAS, revenue received under the ARPA must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the Town of Archer Lodge must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for ARPA funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Archer Lodge that we do hereby accept and request ARPA funding to be distributed by the State of North Carolina; and

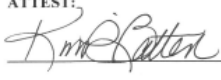
FURTHER RESOLVED that the Town of Archer Lodge affirms that the ARPA revenue will only be used for the purposes prescribed in the ARPA, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

FURTHER RESOLVED that the Town of Archer Lodge will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the Act; and

FURTHER RESOLVED that the Town of Archer Lodge will account for ARPA funds in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for ARPA funds; and

FURTHER RESOLVED that the Town Council of the Town of Archer Lodge designates and directs the Mayor, Town Administrator, or Finance Officer to take all actions necessary on behalf of the Town Council to receive the ARPA funds.

DULY ADOPTED ON THIS 12TH DAY OF JULY 2021, WHILE IN REGULAR SESSION.

ATTEST:
 (SEAL)
Kim P. Batten
Town Clerk

 (SEAL)
Matthew B. Mulhollem
Mayor

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Adopted Resolution# AL2021-07-12 Accepting American Rescue Plan Act Funds.

CARRIED UNANIMOUSLY

5. TOWN ATTORNEY'S REPORT:

- a) **Town Attorney Burrell informed that he will be reviewing "*Rules of Procedure*" for holding meetings with the Town Council, the Planning Board, and Board of Adjustment and a DRAFT version will be provided for discussion prior to adoption. Mr. Burrell gave a brief description for rules of procedure and noted that this will be an asset for future Board Members and Mayors.**
-

6. TOWN ADMINISTRATOR'S REPORT:

- a) **Mr. Gordon reported the following:**

Park Project:

- Susan Hatchell, Landscape Architect, will be sending the Construction Drawings for review this week, and if approved, construction bids will go out the following week.
- Once park grounds are cleared, a Town Park Groundbreaking Ceremony will be planned.

Sewer Project:

- Mr. Jim Thames and Mr. Gordon will be meeting next week with Rich Cappola, Town of Clayton Interim Town Manager, to discuss the sewer statistics and possibilities for the Town to work with Clayton on sewer. An update will be provided when available.

Sidewalk/Curb & Gutter Project:

- NCDOT will begin construction in front of Town Hall that will delay travel on Buffalo Road.

ALCC:

- Monthly meetings will be starting back
- Discussion followed.
-

7. PLANNING/ZONING REPORT:

- a) **Planning | Zoning | Projects | Updates**

Ms. Maybee reported the following:

- Due to internet being down, the Planning & Zoning Report was not able to be printed for the meeting so they'll be emailed.
- Permits has almost double from the prior fiscal year.
- Thanked everyone for all that was accomplished in FY2021 and gave a brief overview of the items completed.
- Looking forward to working with Attorney Burrell in getting the Rules of Procedure in place for all town Boards.
- Reviewing the Town Comprehensive Land Use Plan to make it in compliant with the new 160D Ordinance.
- Receiving Subdivision Development inquiries.
- Currently working with a Developer on a project. Once public, more details will follow.

Animal Control Report:

- Expressed appreciation for the support of the Town of Clayton in providing services to the Town.
- 21 animal complaints reported for the month of June 2021.
- Commended Ms. Kerry Barnes, Animal Control Officer for being very responsive in addressing complaints.

b) Code Enforcement

- Ms. Maybee reported the following:
- Ms. Maybee plans to give an overview next month of excerpts from the ordinance pertaining to Code Enforcement Public Nuisance definitions.
 - Reviewing Motor Vehicles – junk and inoperable.
 - Discussed other subjects being reviewed.

8. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

a) Council Member Wilson had no remarks.

b) Council Member Jackson shared that the Biscuiteers Breakfast for July 2021 was postponed until August 2021. He informed that the group meets every third Friday at the Rockin' Comet Diner in Clayton, NC. He invited those Veterans that were involved with biscuit sales for the Archer Lodge Veterans Memorial to attend.

c) Council Member Purvis shared that it was evident of the growth in Archer Lodge due to large group of people attending the ALCC July 4th Celebration and noted that concession sales were good for the Community Center. Discussion followed regarding the festivities, great fireworks, and the amount of traffic in the area.

d) Council Member Bruton expressed how much she liked hearing the Bagpipes play and shared that having it later in the day was nice. More discussion followed.

Mr. Gordon noted that on July 26, 2021, the Archer Lodge Community Center will start back holding their fourth Monday night meeting again.

e) Mayor Pro Tem Castleberry commended the Archer Lodge Community Center for having Teachers as Parade Marshalls at the July 4th Celebration Parade. He reflected on the AL Fire Department and commended their work as well as the upcoming merge with Thanksgiving Fire Department. In closing, he thanked everyone for their support during the meeting.

9. ADJOURNMENT:

a) Having no further business, Mayor Pro Tem Castleberry asked for a motion to adjourn meeting.

Moved by: Council Member Jackson
Seconded by: Council Member Purvis
Adjourned meeting at 7:16 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



Regular Council - Minutes Monday, August 2, 2021

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

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

COUNCIL ABSENT:

GUEST PRESENT:

Bruce Naegelen, Community Eco. Dev. Planner
Grant Bazemore, Boy Scout Troop 421

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:31 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

Grant Bazemore, Boy Scout Troop 421, 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 Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. RECOGNITION/PRESENTATION:

- ##### **a) Archer Lodge Retail Leakage Analysis ~ Bruce Naegelen, Community Economic Development Planner, NC Dept. of Commerce, Rural Economic Development**

Ms. Maybee introduced Mr. Bruce Naegelen, NC Dept. of Commerce, Rural Economic Development. She handed out copies of his presentation for Market & Retail Leakage Analysis.

The Market & Retail Leakage Analysis Presentation for the Town of Archer Lodge appears as follows:



The Rural Planning Center works with municipalities, county governments & other organizations in rural areas.

We help communities prepare for and respond to economic growth opportunities in ways that improve quality of life & prosperity, build community capacity & maintain rural character.

Rural Planning Services & Assistance

Strategic Planning

- Assistance in creating local economic development strategies
- Identification of economic development opportunities

Implementation Services

- Assistance with implementing community economic development strategies
- Resource identification

Technical Support

- Assistance with a range of community and economic development needs
- Community specific assistance

Training and Education

- Research, training and information services
- Capacity building

Town of Archer Lodge

North Carolina



Market & Retail Leakage Analysis

2021





For the Town of Archer Lodge by the
North Carolina Department of Commerce
Rural Economic Division
NC Main Street and Rural Planning Center



Presentation: August 2, 2021

NORTH CAROLINA DEPARTMENT OF COMMERCE

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Introduction



Background

Trade Area Description

Demographics Summary

Retail Sales Leakage Analysis

Introduction



Johnston County growth rate (24%)
twice of NC 2010-2019

Increasing development pressure
from all directions

“A commercial town center plays an
important & unique role in economic
and social development”

Lack of sewer infrastructure can be
the “greatest barrier to future
economic growth, creation of jobs
and expansion of tax base”



Primary Trade Area – Red

Secondary Trade Area - Green

Trade Areas are the contiguous geographic area around a site that generates most of the customers...

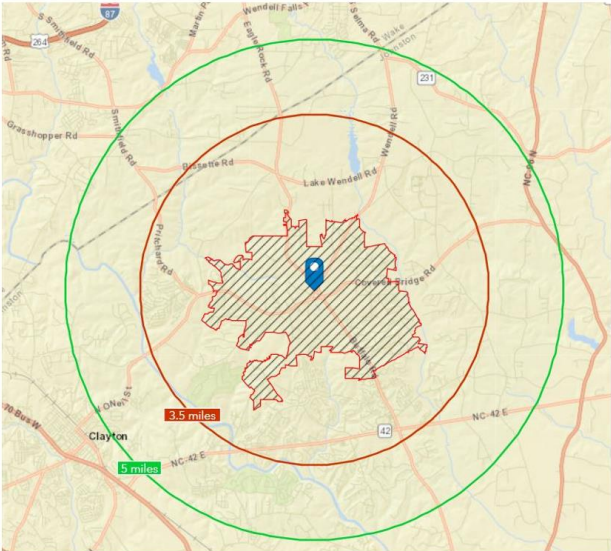


Table 1 Archer Lodge & Trade Areas¹

Archer Lodge	Johnston County	NC	Trade Areas	
			Primary (0-3.5 miles)	Secondary (0-5 miles)
4,717	213,644		Population	21,019
1,643	78,027	4,215,488	Households	7,313
2.87	2.72	2.48	Household Size (average)	2.87
			Income	
\$79,855	\$59,516	\$54,889	Median HH Income	\$81,088
\$93,772	77,482	\$78,915	Average HH Income	\$96,391
\$31,840	28,310	\$31,145	Per Capita Income	\$33,116
\$62,221	\$48,979	\$60,350	Disposable Income (median)	\$63,016
\$73,386	\$60,871	\$44,817	Disposable Income (average)	\$74,915
			Race	
80.8%	71.0%	65.8%	White	81.8%
10.3%	16.4%	21.7%	Black	10.2%
9.2%	14.5%	10.0%	Hispanic Origin	8.6%
44.7	60	60.5	Diversity Index ²	42.6
34.9	37.8	38.9	Median Age	36.2
			Housing	
\$200,313	\$173,943.00	\$187,915	Home Value (median)	\$217,741
89.8%	68.5%	55.7%	Owner Occupied Housing	86.9%
6.3%	22.9%	30.8%	Renter Occupied Housing	7.3%
3.9%	8.6%	13.6%	Vacant Housing	5.8%
			Education	
15.3%	23.8%	21.0%	High School Grad	19.8%
27.2%	16.9%	20.9%	Bachelor's degree	27.9%
9.4%	6.8%	11.7%	Graduate or Prof. degree	10.8%
			Employment	
61.7%	60.6%	60.3%	White-collar	65.1%
18.9%	15.2%	16.7%	Service	16.4%
19.4%	24.2%	23.0%	Blue-collar	18.4%

Retail Sales Leakage

NAICS	RETAIL LEAKAGE INDUSTRY GROUP	PRIMARY TRADE AREA	SECONDARY TRADE AREA
441	Motor Vehicles & Parts Dealers	\$41,758,832	\$53,281,086
442	Furniture & Home Furnishings Stores	\$3,408,341	\$4,982,081
443	Electronics & Appliance Stores	\$3,743,778	\$5,406,998
444	Bldg Materials, Garden Equip., & Supply Stores	\$11,500,922	\$13,259,361
445	Food & Beverage Stores	\$5,714,933	\$10,878,491
446	Health & Personal Care Stores	\$4,133,612	\$5,740,005
447	Gasoline Stations	\$20,935,258	\$31,784,555
448	Clothing & Clothing Accessories Stores	\$10,360,714	\$15,021,570
451	Sporting Goods, Hobby, Book & Music Stores	\$3,076,930	\$4,618,971
452	General Merchandise Stores	\$34,129,347	\$46,503,002
453	Miscellaneous Store Retailers	\$3,910,043	\$5,658,262
722	Food Services & Drinking Places	\$24,336,086	\$31,473,820
	Total Leakage	\$167,008,796	\$228,608,202
	Less Motor Vehicles	\$125,249,964	\$175,327,116



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COMMERCE

Retail Sales Potential

RETAIL POTENTIAL*	PRIMARY TRADE AREA	SECONDARY TRADE AREA
Groceries	\$39,264,558	\$63,331,849
Vehicle Purchases	\$36,914,652	\$59,670,780
Meals	\$30,454,287	\$49,325,498
Automotive Fuels	\$21,688,731	\$34,898,794
Health Cosmetics	\$12,860,283	\$20,847,177
Automotive Aftermarket	\$8,184,499	\$13,228,571
Building Materials	\$7,285,842	\$11,829,564
Miscellaneous Goods	\$6,986,333	\$11,365,090
Women's Apparel	\$6,143,783	\$9,982,910
Pets and Pet Supplies	\$5,572,544	\$9,011,199
Furniture/Sleep	\$5,071,293	\$8,258,056
Sporting Goods	\$4,526,897	\$7,391,087
Footwear	\$3,860,850	\$6,247,376
Men's Apparel	\$3,651,678	\$5,934,243
Paper Goods	\$3,642,192	\$5,883,570
Misc. Housewares	\$3,502,896	\$5,675,801
Children's Apparel	\$3,500,280	\$5,656,793
Tobacco	\$2,889,470	\$4,626,183
Garden/Nursery	\$2,882,880	\$4,692,319
Package Liquor	\$2,741,521	\$4,461,406

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DEPARTMENT of
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Retail Sales Potential

RETAIL POTENTIAL*	PRIMARY TRADE AREA	SECONDARY TRADE AREA
Major Appliances	\$2,660,641	\$4,316,478
Laundry / Cleaning	\$2,614,935	\$4,238,861
Alcoholic Beverages	\$2,258,543	\$3,674,912
Computer Hardware/Softw	\$2,106,041	\$3,415,606
Small Appliances	\$2,094,396	\$3,393,127
Television/Video Equipme	\$1,821,885	\$2,940,174
Jewelry	\$1,523,961	\$2,497,543
Toys/Games/Hobbies	\$1,420,377	\$2,293,260
Books	\$1,294,281	\$2,117,729
Audio Equipment	\$1,190,025	\$1,927,708
Home Fuels	\$1,159,549	\$1,880,526
Paint & Wallpaper	\$1,079,088	\$1,751,807
Household Textiles	\$1,069,340	\$1,731,905
Flooring/Carpeting	\$1,061,974	\$1,728,962
Photography	\$804,961	\$1,310,882
Optical	\$692,219	\$1,121,774
Tools	\$622,341	\$1,008,232
Sewing Materials/Notions	\$347,165	\$568,213
Automotive Lubricants	\$204,351	\$329,979
Total Potential	\$276,147,247	\$447,082,142



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Possible Next Steps



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Determine if a commercial town center/downtown district is desired

Determine where it could be located

Determine infrastructure needs

Establish Design Guidelines for buildings and mixed use



Discussion followed.

Ms. Maybee thanked Mr. Naegelen for his presentation and noted that it was very informative, and shows great potential for the Town. She will be forwarding Council Members a detailed copy of the report which can assist with a five-year strategic plan with hopes to create jobs for Archer Lodge citizens.

Mayor Mulhollem thanked Ms. Maybee and Mr. Naegelen for the presentation. He added that the tremendous numbers in the analysis reminds everyone how important planning and sewer affects the Town.

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Scheduling a Groundbreaking for the Archer Lodge Town Park

Mr. Gordon shared that the Town Park Bid Opening will be held Thursday, August 12, 2021 at 2:00 p.m. with plans to move dirt within a 30-to-60-day period. He proposed holding a Park Groundbreaking on Sunday, September 12th, or 19th, 2021.

Mayor Mulhollem noted that he was glad the Town is at the stage for a groundbreaking and would like to set a date that would work for Mr. and Ms. George Smith (prior landowners), so they are available to attend. He added that he would like to invite NC Representative Donna White and former Senator Rick Horner due to them being instrumental in helping the Town acquire the park land.

It was a consensus of the Council to hold the ceremony on Sunday, September 12, 2021, at 3:00 p.m. Discussion followed.

b) Discussion and Consideration of Engaging May & Place, PA to Audit Financial Records and Approving the Audit Contract for Fiscal Year June 30, 2021.

Ms. Batten reminded Council that this is an annual process to engage/approve an audit firm for an audit contract. Ms. Batten recommended approving May & Place, PA to continue with their five-year contract. Having no further discussion, Mayor Mulhollem called for a motion to approve the Letter of Engagement and Audit Contract with May & Place, PA for Fiscal Year ending June 30, 2021.

The Approved Letter of Engagement with May & Place, PA to Audit Financial Records for Fiscal Year ending June 30, 2021 appears as follows:

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 16, 2021
To the Honorable Mayor and Town Council Members
14084 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, 2021. 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, 2021. Accounting standards generally accepted in the United States of America 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. 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

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to 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. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America 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. 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 Honorable Mayor and Town Council of the Town of Archer Lodge. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. 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 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 include a paragraph that states (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 paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the 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.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. 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 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 and 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, an unavoidable risk exists that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards 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 later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. 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 generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. 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*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. 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 the 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 U.S. generally accepted accounting principles 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.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including 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 U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. 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, (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.

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 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, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. 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. 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 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.

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.

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 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. 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 parties contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately July 25, 2021, and to issue our reports no later than October 31, 2021. Dale Place is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be \$6,000.00 plus \$5,000 for each federal and/or State major programs as defined by Uniform Guidance and/or the NC Single Audit Implementation Act for the audit and \$4,500.00 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.

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 enclosed 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: *[Signature]*

Title: Town Administrator

Date: August 2, 2021

Governance signature: *[Signature]*

Title: Mayor

Date: August 2, 2021

The Approved Audit Contract with May & Place, PA for Fiscal Year ending June 30, 2021 appears as follows:

LGC-205

CONTRACT TO AUDIT ACCOUNTS

Rev. 11/2020

The	Governing Board Town Council	
of	Primary Government Unit (or charter holder) Town of Archer Lodge	
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A	

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

and	Auditor Name May & Place, PA	
	Auditor Address PO Box 900 Louisburg, NC 27549	

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/21	Audit Report Due Date 10/31/21
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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).

2.

At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. 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 performed under the requirements found in Subpart F of 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).

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).

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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 Accounting 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 this due date or the audit fee, an amended contract along with a written explanation of the delay 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.
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 (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on 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 along with an Audit Report Reissued Form (available on the Department of State Treasurer website). 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, 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 charter schools or 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, the Governing Board, and the Auditor.

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 28 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 charter schools or 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 Governmental 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.

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CONTRACT TO AUDIT ACCOUNTS

Rev. 11/2020

30. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

31. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

32. 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>

33. 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.

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

LGC-205

CONTRACT TO AUDIT ACCOUNTS

Rev. 11/2020

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 *Governmental 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: Kim P. Batten Title and Unit / Company: Finance Officer/Town Clerk Email Address: kim.batten@archerlodgenc.gov

OR Not Applicable ☐ (Identification of SKE Individual not applicable for GAAS-only audit 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. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the billings for the last annual audit of the unit submitted to the Secretary of the LGC. Should the 75% cap provided below conflict with the cap calculated by LGC Staff based on the billings on file with the LGC, the LGC calculation prevails. 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 FEES

Primary Government Unit	Town of Archer Lodge
Audit Fee	\$ 6,000.00
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ 5,000.00
Writing Financial Statements	\$ 4,500.00
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$ 7,875.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$

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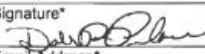
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CONTRACT TO AUDIT ACCOUNTS

Rev. 11/2020

SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
May & Place, PA	
Authorized Firm Representative (typed or printed)*	Signature*
Dale Place	
Date*	Email Address*
07/16/21	dale@mayandplace.com

GOVERNMENTAL UNIT

Governmental Unit*	
Town of Archer Lodge	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Matthew B. Mulhollem	
Date	Email Address
8-2-2021	matt.muhollem@archerlodgenc.gov

Chair of Audit Committee (typed or printed, or "NA")	Signature
NA	
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.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Kim P. Batten	
Date of Pre-Audit Certificate*	Email Address*
8/2/2021	kim.batten@archerlodgenc.gov

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CONTRACT TO AUDIT ACCOUNTS

Rev. 11/2020

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
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.

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.



Page 9

Moved by: Council Member Jackson
Seconded by: Council Member Purvis
Approved Letter of Engagement and Audit Contract with May & Place, PA to Audit Financial Records for Fiscal Year Ending June 30, 2021.
CARRIED UNANIMOUSLY

c) **Discussion and Consideration of Adopting Resolution# AL2021-08-02 Authorizing the Town Administrator to Award an Informal Construction Contract for the Archer Lodge Town Park**

- Mr. Gordon discussed the following:
- Explained the definition of an informal bid versus a formal bid and noted that this bid is only for grading the Town Park as related to the PARTF Grant.
 - Informed that the Bid Opening will be held Thursday, August 12, 2021, at 2:00 p.m. and is opened to the public and he invited everyone to attend.
 - This Resolution will eliminate a delay of getting the grading project underway by allowing the Town Administrator the authority to approve a contract without having to wait until the next Town Council Meeting for approval.
 - The ballfield construction will be on the next bids that will be sent out.

The Mayor read the proposed Resolution# AL2021-08-02.

Mayor Mulhollem opened the floor for questions or comments. Correction was noted on the Resolution from Monday, August 12, 2021, to Thursday, August 12, 2021.

Mayor Mulhollem called for a motion.

The adopted/corrected Resolution# AL2021-08-02 Authorizing the Town Administrator to Award an Informal Construction Contract for the Archer Lodge Town Park appears as follows:


RESOLUTION# AL2021-08-02

TOWN OF ARCHER LODGE
RESOLUTION AUTHORIZING THE TOWN ADMINISTRATOR TO
AWARD AN INFORMAL CONSTRUCTION CONTRACT
FOR THE ARCHER LODGE TOWN PARK

WHEREAS, the Town of Archer Lodge is in the process of constructing a municipal Town Park (hereinafter the "Park").

WHEREAS, a notice for construction bids of the Park has been made public; and

WHEREAS, the anticipated cost of construction of the Park is under the \$500,000 threshold level set forth in the North Carolina General Statutes for a formal bidding process, allowing the Town to accept informal bids; and

WHEREAS, the deadline for all bids to be submitted is up to 2:00 PM on **Thursday, August 12, 2021**, at which time all bids shall be opened by the Town Administrator; and

WHEREAS, the Town is required by state law to award contracts to the lowest responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract submitted or reject all bids; and

WHEREAS, the Town Council will not have a regularly scheduled council meeting until Tuesday, September 7, 2021, which is after bid opening, and Town Council desires the contract to be awarded prior to that meeting; and

WHEREAS, pursuant to NCGS 143-129(a), the Town Council may delegate the Town Administrator the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the Town Council.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Archer Lodge that we do hereby authorize the Town Administrator to award an informal construction contract for the Archer Lodge Town Park; and

FURTHER RESOLVED that in the event that it be necessary, the Town Administrator is hereby additionally authorized to reject all bids submitted and not award a contract for the construction of the Park.

DULY ADOPTED ON THIS 2ND DAY OF AUGUST 2021, WHILE IN REGULAR SESSION.

ATTEST:



Kim P. Batten
Town Clerk




Matthew B. Mulhollem
Mayor

Moved by: Council Member Wilson
 Seconded by: Mayor Pro Tem Castleberry
Adopted Resolution# AL2021-08-02 Authorizing the Town Administrator to Award an Informal Construction Contract for the Archer Lodge Town Park to include changing the day on the Resolution for bids to be submitted from Monday, August 12, 2021 to Thursday, August 12, 2021.
 CARRIED UNANIMOUSLY

6. TOWN ATTORNEY'S REPORT:

a) Attorney Burrell shared the following:

- Ms. Maybee and himself have been reviewing the UNC School of Government **"Rules of Procedure,"** that was shared with Council at the July 12, 2021 Regular Town Council Meeting.
- Encouraged Council to provide changes/recommendations and share those with Ms. Batten or Ms. Maybee.
- Informed that Staff prefers adoption of the **"Rules of Procedure"** by the November 1, 2021, Regular Town Council Meeting.
- Advised that if adopted, the procedures would be for all Town Boards and any new incoming members.

7. TOWN ADMINISTRATOR'S REPORT:**a) Mr. Gordon reported the following:**

- Ms. Batten and himself met with Rich Cappola, Clayton Interim Town Manager, and was advise that the Town of Clayton is still working on the possibility for the Town to have access to sewer capacity.
 - The Archer Lodge Community Center has planned a Christmas Parade and Celebration to be held on Saturday, December 4, 2021 and noted that he will be securing a Christmas Float for the Town.
 - Ms. Batten added to the discussion regarding the meeting with Mr. Cappola with the following comments:
 - Regarding the July 4, 2020 Celebration Event, Mr. Cappola shared that the Town of Clayton would like to piggy-back with the Town of Archer Lodge in providing an all-day July 4th Celebration, with the Town of Clayton holding a daytime event and the Town of Archer Lodge providing the Fireworks Celebration in the evening, which would help with limited parking in Archer Lodge.
 - She expressed appreciation to Mr. Cappola for the Town of Clayton providing an Animal Control Officer for the Town of Archer Lodge.
 - She added that she informed Mr. Cappola that the Animal Control fees were contracted to be reviewed by the Town of Clayton annually and advised him that she did not think that it was being reviewed. Ms. Batten informed him that the Town of Archer Lodge wants to pay its' fair share of the animal control expenses.
-

8. PLANNING/ZONING REPORT:**a) Planning | Zoning | Projects | Updates**

Ms. Maybee shared the following:

- Continuing to issue permits electronically and it is streamlining the customer service process very well.
 - Ms. Lawhorn is entering past Zoning Permits into the permitting software database, which will help in getting accurate reports.
 - Issued a couple of exempt subdivision plats in July 2021.
 - Working with a developer on residential development located in a watershed area and complies with the ordinance provisions.
 - Continuing to work on updating the Comprehensive Land Use Plan.
 - Reviewing the Rules of Procedure with Attorney Burrell.
-

b) Code Enforcement

Ms. Maybee reported the following for July 2021:

- Shared the Animal Control Report for July 2021 reported by Kerry Barnes, Animal Control Officer.
- Tall grass, contamination, and trees obstructing view violations were addressed.

c) CAMPO Update

- Ms. Maybee reported the following:
- The next NC Capital Area Metropolitan Planning Organization (CAMPO) meeting will be held Thursday, August 5, 2021, at 10:00 a.m. virtually.
 - Looking to update the Southeast Area Study (SEAS).
 - Audited by the Federal Government.

9. MAYOR'S REPORT:

- a) Mayor Mulhollem thanked Mayor Pro Tem Castleberry for presiding over the Monday, July 12, 2021 Regular Town Council Meeting in his absence.**

10. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

- a) Council Member Wilson had no remarks.**
- b) Council Member Jackson had no remarks.**
- c) Mayor Pro Tem Castleberry shared that there is two large potholes on the highway near his Mother's home and Lee Heating & Air Conditioning that could cause a serious accident. He asked Ms. Maybee for a NCDOT contact to report them.**
- d) Council Member Purvis had no remarks.**
- e) Council Member Bruton shared that current bids for NCDOT are at 70% above the estimates. She hopes that the Town Park bids will come in good, if not, she hopes that an extension with the PARTIF Grant will be allowed due to the COVID Pandemic. She encouraged everyone to stay abreast of the situation.**

11. ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.**

Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Adjourned meeting at 7:39 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



Regular Council - Minutes Tuesday, September 7, 2021

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member 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 Purvis

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:31 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 noted.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. CONSENT AGENDA:

a) Approval of Minutes:

03 May 2021 Regular Council Meeting Minutes
17 May 2021 Work Session Minutes

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

Approved Consent Agenda.

CARRIED UNANIMOUSLY

5. **DISCUSSION AND POSSIBLE ACTION ITEMS:**

a) **Discussion and Consideration of Adopting a Grant Project Ordinance for the American Rescue Plan Act (ARPA) Funds (Ordinance# AL2021-09-1)**

Ms. Batten explained that since a Resolution was adopted to receive the ARPA Funds, the next phase is adopting a grant project ordinance establishing a budget for using the ARPA funds and placing the funds in a separate bank account. She explained the proposed ordinance and details pertaining to the receipt of the funds. Ms. Batten noted that the Town received half of the funds on August 13, 2021. Mayor Mulhollem opened the floor for discussion.

- Information was shared from the last TJCOG Meeting regarding grants for parks and recreation and other grants that may be available. Mr. Gordon advised that he contact TJCOG to gain more information. Discussion followed.
- Suggestion that everyone review the ARPA Funds materials to help brainstorm on how the Town could best use the ARPA Funds. This would allow for discussion at the Monday, September 20, 2021, Work Session.
- Recommendation to keep good records of using Federal ARPA Funds.

Ms. Batten noted that she would email everyone links to information related to ARPA Funds. Mayor Mulhollem called for a motion.

Adopted Ordinance# AL2021-09-1 Adopting a Grant Project Ordinance for the American Rescue Plan Act (ARPA) appears as follows:

ORDINANCE# AL2021-09-1

**TOWN OF ARCHER LODGE
GRANT PROJECT ORDINANCE FOR THE
AMERICAN RESCUE PLAN ACT FUNDS**

BE IT ORDAINED by the Town Council of the Town of Archer Lodge, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. This ordinance is to establish a budget for the grant project to be funded by the American Rescue Plan Act of 2021 (ARPA). The Town of Archer Lodge is projected to receive grant funds totaling \$1,050,427 which will be provided in two disbursements. The first disbursement in the amount of \$525,213 has been received on August 13, 2021 and the second disbursement for 2022 will be released no sooner than one year after the first disbursement, and may vary slightly depending on funds returned and other factors.

Section 2. These funds may be used in accordance with the American Rescue Plan Act of 2021, and to the extent authorized by North Carolina state law.

Section 3. The Town of Archer Lodge has until December 31, 2024 to use or encumber these funds and if encumbered, the Town has until December 31, 2026 to finish any associated work on the grant project.

Section 4. The following amounts are appropriated for the project and authorized for expenditure:

ARPA Capital Outlay	\$	<u>1,050,427</u>
<i>Total</i>	\$	<u><u>1,050,427</u></u>

Section 5. The following revenues are anticipated to be available to complete the project:

ARPA Funds	\$	<u>1,050,427</u>
<i>Total</i>	\$	<u><u>1,050,427</u></u>

Section 6. The Finance Officer is hereby directed to maintain within the ARPA Grant Project Fund specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements and any state regulations that may apply.

Section 7. The Council hereby ratifies the acceptance of ARPA funds on August 13, 2021 and the actions of the Finance Officer with regards to said funds.

Section 8. The Finance Officer is directed to report on the financial status of the project as needed by Council.

Section 9. Copies of the grant project ordinance shall be on file with the Finance Officer and Town Clerk for direction in carrying out this project.

ORDINANCE# AL2021-09-1

Section 10. This grant project ordinance expires on December 31, 2026, or when all the ARPA funds have been expended by the Town, whichever occurs first.

DULY ADOPTED THIS, THE 7TH DAY OF SEPTEMBER 2021.

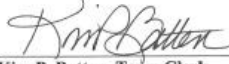
TOWN OF ARCHER LODGE


Matthew B. Mulhollem, Mayor

(SEAL)



ATTEST:


Kim P. Batten, Town Clerk

Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Adopted Ordinance# AL2021-09-1 Adopting a Grant Project Ordinance for the American Rescue Plan Act (ARPA)
CARRIED UNANIMOUSLY

b) **Discussion and Consideration of Adopting Budget Amendment for Fiscal Year Ending June 30, 2022 (BA 2022 01)**

Ms. Batten explained that due to receiving the American Rescue Plan Act (ARPA) Grant in two distributions from the US Treasury, the first year being 2021 and the second year being 2022, as well as adopting the Grant Project Ordinance discussed in 5.a), a Budget Amendment for both the General Fund and the newly created ARPA Fund is a must. No discussion followed. Mayor called for a motion.

Adopted Budget Amendment (BA 2022 01) appears as follows:

Town of Archer Lodge
Fiscal Year Ending June 30, 2022

BA 2022 01

Budget Amendment # BA 2022 01
Date: 07-Sep-21


KPS
BATTEN

General Fund/American Rescue Plan Act Grant Fund

Account	Account Number	Budget	Amendment	Amended Budget
Revenues:				
Gen/American Rescue Plan Act Grant (ARPA)	10-3450-0000	-	1,050,427.00	1,050,427.00
ARPA/Transfer From General Fund	42-3900-3910	-	1,050,427.00	1,050,427.00
Total Increase (Decrease) in Revenues			2,100,854.00	
Expenditures:				
Gen/Interfund Transfers: Transfer to Am Rescue Plan(ARPA)Fnd 42	10-9900-0042	-	1,050,427.00	1,050,427.00
ARPA/Capital Outlay	42-4190-5100	-	1,050,427.00	1,050,427.00
Total Increase (Decrease) in Expenditures			2,100,854.00	
			-	

Justification for Budget Amendment:
To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 7th day of September 2021

ATTEST:

Kim P. Batten, Town Clerk




Matthew B. Mulhollem, Mayor


Mike Gordon, Budget Officer

SEPTEMBER 7, 2021

REGULAR COUNCIL MEETING

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Moved by: Mayor Pro Tem Castleberry

Seconded by: Council Member Wilson

**Adopted Budget Amendment for Fiscal Year Ending June 30, 2022
(BA 2022 01)**

CARRIED UNANIMOUSLY

6. TOWN ATTORNEY'S REPORT:

a) Attorney Burrell reported the following on the draft version of the Archer Lodge Rules of Procedure and Code of Ethics:

- The draft version for the Rules of Procedure and Code of Ethics is almost completed by Ms. Maybee and Attorney Burrell.
- The Rules of Procedure will apply to the Town Council and any appointed Town board members.
- The Code of Ethics will apply to anyone involved with the Town, including elected officials, appointed board members or town employees.
- Scheduled to have a draft copy for review at the September 20, 2021 Town Council Work Session with possible adoption at the October 4, 2021 Regular Town Council meeting.
- The State Statutes and Roberts Rules of Order for procedures for meetings are all built into it the draft version.

7. TOWN ADMINISTRATOR'S REPORT:

a) Mr. Gordon reported the following:

Sewer Update:

- Rich Cappola, Clayton Interim Manager, and the Town of Clayton Wastewater Project Engineers will be scheduling a meeting with Mr. Gordon, Ms. Batten, and a Wastewater Engineer representing the Town of Archer Lodge to discuss details and estimated costs pertaining to connection.
- Searching for grants that may come available that can be used for town sewer.
- Staff met virtually with the County Commissioner and the Public Utilities Director regarding sewer connections for the Town but did not receive any commitments from them.
 - Ms. Batten added that staff was informed by the County of plans for having an engineer visit all the towns in Johnston County to conduct a survey of needs of each town and also discussed plans for an elevated water tower to be installed at the Archer Lodge Middle School. She commended Commissioner Butch Lawter for promoting the plans for the County to conduct a survey of all the towns.
 - Ms. Batten clarified that during the virtual meeting with County staff, the Town was only asking for sewer to be placed in the proposed commercial center and not the entire town.
 - Ms. Maybee encouraged everyone to contact the elected county officials to remind them that Archer Lodge can bring in revenue for Johnston County and should be included in the County's plans for the towns. Everyone concurred.

Town Park Update:

- The Groundbreaking Ceremony scheduled for Sunday, September 12, 2021, has been cancelled due to bids for the grading project being much higher than anticipated.
- Bids were higher due to increased costs for materials.

- The architect and the engineer for the park is in the process of tweaking the grading project plans to reduce costs of materials.
- Staff is planning to apply for a PARTF Grant deadline extension in 2022 to allow the Town to have the grading project rebid with a broader timeline for bid submissions.

Buffalo Rd/Curb & Gutter Project Update:

- The stormwater pipe next to the Veterans Memorial Site has been installed by the NCDOT Sidewalk Project crew, and they have piles of dirt being stored near the Veterans Memorial Site for possible use in other areas of the project.

8. FINANCIAL/TOWN CLERK'S REPORT:

a) Preliminary Financial Reports for June 2021

Ms. Batten noted that the financials are preliminary reports for period ending June 30, 2021. The general fund revenues are approximately 96% collected of those expected but more franchise tax revenues are expected on September 15, 2021 for the previous fiscal year. The general fund expenditures are at approximately 91% of those anticipated. Currently revenues exceed expenditures by roughly \$74,000. The audit will show the exact amounts when completed.

The Capital Reserve Fund showed activity of some investment earnings and a transfer from the General Fund to the Capital Reserve Fund in the amount of \$50,000. There were no expenditures in the Capital Reserve Fund.

The Park Reserve Fund showed activity of some investment earnings as well as the monthly transfer from the General Fund to the Park Reserve Fund for the three-cents tax designation. Regarding expenditures in the Park Reserve Fund for the month of June 2021, there was a transfer to the Archer Lodge Town Park Fund of approximately \$15,300 for expenditures in that project fund with a year-to-date amount of \$76,300,

The Public Safety Reserve Fund showed activity of some investment earnings and another transfer from the General Fund to the Public Safety Reserve Fund in the amount of \$25,000 which totals \$50,000 for the fiscal year. There were no expenditures in the Public Safety Fund.

The Archer Lodge Town Park Project Fund showed approximately \$120,400 in revenues and approximately \$76,300 in expenditures for fiscal year ending June 30, 2021.

b) Interim Financial Reports for July 2021

Ms. Batten shared that the General Fund Revenues for period ending July 31, 2021 was less than 1% collected. The General Fund Expenditures were slightly less than 8% and the annual transfers from the General Fund of \$25,000 to the Capital Reserve Fund and the Public Safety Reserve Fund were completed as approved in the Budget Ordinance for Fiscal Year ending June 30, 2022.

Regarding the Capital Reserve Fund, Ms. Batten shared that revenues consisted of investment earnings as well as the annual transfer from the General Fund in the amount of \$25,000. There were no expenditures in the Capital Reserve Fund during the month of July 2021.

Regarding the Park Reserve Fund, Ms. Batten noted that investment earnings as well as the monthly three-cent tax transfer were the only

revenues totaling approximately \$1,600. There was a transfer of roughly \$5,000 to the Archer Lodge Town Park Project fund.

Regarding the Public Safety Reserve Fund, Ms. Batten remarked that investment earnings as well as the annual transfer from the General Fund in the amount of \$25,000 transpired. There were no expenditures in the Public Safety Reserve Fund during the month of July 2021.

Comparing July 2020 with July 2021, Ms. Batten shared that revenues were slightly lower in 2021 by roughly \$1,000 and the expenditures in 2021 had increased by approximately \$43,000 in 2021. She noted that July 2021 had a bigger deficit between revenues and expenditures than July 2020. No further information was provided.

9. PLANNING/ZONING REPORT:

a) Planning | Zoning | Projects | Updates

Ms. Maybee reported the year in summary through July 31, 2021, as follows:

- The quantity of permit applications almost doubled.
- The Town has updated and adopted the ordinances, watershed provisions, floodplain provisions, and are now in compliance with the State and Federal regulations that were mandated.
- Currently updating the Town Comprehensive Land Use Plan to comply with 160D Unified Development Ordinance and there's a 2022 deadline for completion. Updates will be provided as they come available.
- Continually seeing residential growth.
- Johnston County is applying for a special use permit for an additional Johnston County Water Tower in Archer Lodge and will be presented to the Town Council at an upcoming quasi-judicial hearing.

- b)** Ms. Maybee reported the following:
- 13 Animal Control cases reported in August 2021.
 - Provided a copy of an excerpt from the 160D Unified Development Ordinance regarding enforcement of ordinances.
- Discussion followed.

10. MAYOR'S REPORT:

- a) Mayor Mulhollem had no report.**

11. COUNCIL MEMBERS' REMARKS:

(Town related, non-agenda items)

- a) Council Member Wilson asked everyone to please remember his brother and family in their prayers due to the loss of his sister-in-law.**
- b) Council Member Jackson reflected on the 20th Anniversary of the 9/11/2001 attacks on the USA.**
- c) Mayor Pro Tem Castleberry had no remarks.**

d) Council Member Bruton had no remarks.

12. ADJOURNMENT:

a) Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Adjourned meeting at 7:59 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



Work Session - Minutes Monday, September 20, 2021

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

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

COUNCIL ABSENT:

MEDIA PRESENT:

None

Page

1 WELCOME/CALL TO ORDER:

- a) **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.**

2 OLD BUSINESS:

4 - 32

- a) **Discussion of Suggested Rules of Procedures for a Town Council and Appointed Boards ~ Marcus Burrell**

Mr. Burrell and Ms. Maybee handed out a **DRAFT** version of the Code of Ethics and Rules of Procedure for members to review.

Attorney Burrell discussed the following:

- Defined a Town Official as anyone that represents the Town such as the Mayor, Council Members, Town Employees (full and part-time), Planning Board Members, Board of Adjustment, and any member of a board that may be established by the Town Council.
- Stated that the **"Code of Ethics"** applies to a Town Official and to anyone that represents the Town.
- Noted that the proposed **"Rules of Procedure"** parallels the 160D Unified Development Ordinance and the NC General Statutes.
- Asked that Council review the information and contact Staff with any questions or recommendations of changes.
- Shared that the final version is planned for possible adoption at the Monday, October 4, 2021, Regular Town Council Meeting and be in effect prior to any newly appointed/elected officials before the new year (2022) begins.
- Explained that these adopted Rules of Procedure and Code of Ethics will replace any sources used prior to the adoption.
- Advised of a correction needed in the draft copy of the Code of Ethics pertaining to the Statutory Reference 160A-87.(a) regarding members having a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office and again within 12 months after each subsequent election or appointment to the office.

Ms. Maybee informed that once adopted, a training session will be scheduled. She informed that it would include the procedures for Quasi-Judicial meeting requirements. Mayor Mulhollem expressed that this will be a great tool to have in place for current and future Town Officials.

Mayor Mulhollem opened the floor for any questions or comments. No discussion followed.

[AL Rules of Procedure Ethics for Town Officials 09-20-21](#)

3 NEW BUSINESS:

a) Discussion of Eligible Uses of the American Rescue Plan Act (ARPA) Funds as provided by the US Treasury Department

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

Mr. Gordon asked everyone to review the provided materials for the ARPA Funds and submit any ideas they may have for the use of the funds. Ms. Batten gave an overview of the materials and asked that everyone share their ideas and noted that staff would contact ARPA sources to see if their suggestions meet the requirements.

Council Member Purvis offered suggestions to keep in mind when thinking of ideas on how to use the ARPA funds and staying within the requirements :

- Offering grants for non-profits instead of making donations.
- Funds can't be used for re-occurring costs or maintenance.
- If the Town approves grants to a non-profit, any purchases made with the funds would have to be pre-approved by the Town.
- Use ARPA funds in place of monies designated in the budget for a project that will meet the ARPA requirements.
- Town enter an agreement with another entity to put the combined funds to good use.
- Considering ways the funding would best benefit the community.

The following ideas were shared:

- Park equipment for special needs adults and children.
- Stations to rest or for stretching exercises while using the walking trails.
- Upgrade equipment for broadband that is being maintained by the schools.
- Upgrade stormwater drainage in Town.
- Provide funding for food drives and items that will benefit the schools.

Mr. Gordon encouraged everyone to contact staff with any ideas.

b) Discussion of Opposing the Environmental Budget Provisions included in Senate Bill 105 (The Appropriations Bill) Section 5.14.(a); Section 12.16.(a); and Section 41.47.(a)

Attorney Burrell shared the following information:

- These provisions are allowing the State Legislature to take the powers of regulation away from the Town.
- Section 5.14.(a) prevents the Town from regulating the removal of trees within Town Limits and would require the Town to have special permission through the General Assembly to develop a statute that

specifically states that the Town of Archer Lodge has permission to develop their own ordinances regulating the removal of trees.

- Section 12.16.(a) prevents the Town from having standards for stormwater buffers/controls that are more restrictive than that of the State.
- Section 41.47.(a) takes controls away from the Town for zoning ordinances, non-conforming uses such as outdoor advertising, billboards that would create the State's own non-conforming use that would supersede the Town's ordinance.
- Noted that all three provisions would take the control away from the Town. Many municipalities, private companies, and organizations have drafted resolutions and letters opposing the bill to protect the towns regulatory powers.

Discussion followed.

Due to time constraints, Ms. Batten recommended that Board Members contact Senator Lisa Barnes opposing the bill, and the Town can follow up with a resolution at the October 4, 2021, Town Council Meeting. Ms. Batten noted that she would email the contact information for Senator Barnes for convenience.

4 ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem adjourned the work session at 7:28 p.m.**
-

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk

CODE OF ETHICS FOR TOWN OFFICIALS OF THE TOWN OF ARCHER LODGE, NORTH CAROLINA

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this Code is to establish guidelines for ethical standards of conduct for the Mayor, Commissioners, Town Employees, and appointed Boards and all references herein to Town Officials shall be understood to include: the Mayor, all Councilmembers, all Town employees (full-time and part-time), all Planning Board members, all Board of Adjustment members, and any member of a Town board that may be established by the Town Council. This Code should not be considered a substitute for the law.

Town Officials must be able to act in a manner to maintain their integrity and independence yet must be responsible to the interests and needs of those they represent. Town Officials serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this position to the proper functioning of representative government. At the same time, Town Officials must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Town Officials must know how to distinguish these roles and when each role is appropriate, and they must act accordingly. Town Officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Town Official must determine appropriate conduct within his or her own conscience.

I. A Town Official shall obey the law.

Town Officials shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the General Assembly pursuant thereto. Town Officials specifically acknowledge and agree to comply with the requirements of NCGS 14-234 entitled "Public Officers or Employees Benefiting from Public Contracts; Exceptions."

II. A Town Official should uphold the integrity and independence of his or her office.

Town Officials should demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all their public activities in order to inspire public confidence and trust in town government. Town Officials should participate in establishing, maintaining, and enforcing, and should themselves observe high

standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

- III. A Town Official should avoid impropriety and the appearance of impropriety in all his or her activities. (UDO Article 2., Div.1 – General Requirements for All Review Authorities, Section 30-2105 - Conflict of Interest)

It is essential that town government attract those citizens that are best qualified and willing to serve. Town Officials have legitimate interests, economic, professional and vocational, of a private nature. Town Officials should not be denied, and should not deny to other members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Town Officials must exercise their best judgment to determine when this is the case. Town Officials should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of their position in town government.

Town Officials should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of their position to advance the private interests of others; nor should they convey, or permit others to convey, the impression that they are in a special position to influence them. Town Officials shall not grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen. Any member of the Town Council or appointed Board, who has an interest in any official act or action being considered, should publicly disclose on the record the nature and extent of such interest, and should withdraw from any consideration of the matter if excused pursuant to N.C.G.S. § 160A-75.

- IV. A Town Official should perform the duties of the office diligently. (UDO Article 2., Div. 2 – Town Council, Section 30-2201 - Powers and Duties; UDO Article 2, Div., 3., - Planning Board, Section 30-2304; UD Article 2, Div. 4 – Board of Adjustment, Section 30-2404 – Powers and Duties of Board; UDO Article 2., Div. 5 – Technical Review Committee, Section 30-2502 – Duties; UDO Article 2., Div. 6. - Town Planner, Section 30-2601 – Powers and Duties)

While performing the duties of the office prescribed by law, Town Officials should give precedence to these duties over other activities. In the performance of prescribed duties, the following standards should apply:

A. Legislative responsibilities

1. Town Officials should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly

decision-making, rules of the Council and open government.

2. Town Officials should respect the legitimacy of the goals and interest of other Town Officials and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative responsibilities

1. Town Officials should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should remain unswayed by partisan interests, public clamor, or fear of criticism.
2. Town Officials should demand and contribute to the maintenance of order and decorum in proceedings before the Town.
3. Town Officials should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of other Town Officials.
4. Town Officials should accord to every person who is legally interested in a proceeding before the Town full right to be heard according to law.
5. Town Officials should dispose promptly of the business of the Town for which they are responsible.

C. Administrative responsibilities

1. Town Officials should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of the Town. Town Officials should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow Town Officials.
2. Town Officials should conserve the resources of the Town in their charge. They should employ Town equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. Town Officials who become aware of improper conduct by another Town Official should promptly inform the Mayor or Town Administrator.
4. Town Officials should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

V. A Town Official should conduct the affairs of the Town in an open and public

manner. (UDO Article 2., Div.1 – General Requirements for All Review Authorities, Section 30-2102 - Open Meetings)

Town Officials should be aware of the letter and intent of the State's Open Meetings Law and should conduct the affairs of the Town consistent with the letter and spirit of that law, to inspire and maintain public confidence in the integrity and fairness of town government and the office held by each Town Official. Consistent with this goal of preserving public trust, Town Officials should be aware of the need for discretion in deliberations where the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential Town employees, to orderly and responsible decision making to the integrity of other governmental processes or to other legitimate interests of the Town.

- VI. A Town Official should regulate his or her extra governmental activities to minimize the risk of conflict with his or her official duties. (UDO Article 2., Div.1 – General Requirements for All Review Authorities, Section 30-2105 - Conflict of Interest)
 - A. Town Officials should inform themselves concerning conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
 - B. Town Officials should refrain from financial and business dealings that tend to reflect adversely on the Town or to interfere with the proper performance of official duties.
 - C. Town Officials should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Town.
 - D. Information acquired by Town Officials in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.
- VII. A Town Official should refrain from political activity inappropriate to his or her office.
 - A. Town Officials have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of town government, and to make themselves available to citizens of the Town so that they may ascertain and respond to the needs of the community. In doing so, Town Officials may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
 - B. Candidates for the office of Councilmember, including incumbents:
 - 1. Should inform themselves concerning the laws of this state with regard

to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;

2. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
3. Should not misrepresent their identity, qualifications, present position, or other fact and
4. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

VIII. A Councilmember shall attend ethics education training as required by statute.

All members of governing Councils shall receive a minimum of two clock hours of ethics education within 12 months after initial election or appointment to the office, and again within 12 months after each subsequent election or appointment to the office in accordance with NCGS 160A-84. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level. The ethics education may be provided by various qualified sources, including the NC League of Municipalities and UNC School of Government, or other qualified sources of the Council's choosing. The Clerk to the governing Council shall maintain a record verifying receipt of the ethics education by each member of the Council.

IX. Confidentiality agreement.

- A. In consideration of any/all points discussed as part of any Town Council Meeting deemed to be "Exempt Confidential Information" (Closed Session) or indeed any personal information pertaining to that of a town employee, a Town Official:
 1. Shall not communicate, disclose or make available any part of the Confidential Information discussed to that of a third party;
 2. Formally agrees not to directly or indirectly use, or permit others to use, the Confidential Information other than for addressing an action point;
 3. Shall not make any announcement of disclosure in connection with the Confidential Information discussed as part of a closed session defined in NCGS §143-318.11 without the prior approval of Town of Archer Lodge Town Council.
- B. The obligations of confidentiality and non-use will not apply with respect to any of the following:
 1. Information which is generally available to the public;
 2. Information which is subsequently disclosed by third parties having no obligations of confidentiality;

3. Information which is or becomes generally available to the public via Town Minutes, through no act or default on the part of the Town Official.
- C. Without prejudice to the generality of Section 2, information shall not be deemed to be generally available to the public by reason only that it is known to only a few of those people to whom it may be of interest and a combination of two or more parts of the Confidential Information shall not be deemed to be generally available to the public by reason only of each separate part being so available.
 - D. Each Town Official is responsible for ensuring that all measures necessary are taken to secure the confidentiality of such information, including but not limited to:
 1. Keeping separate all Confidential Information and all information generated based on the Confidential Information discussed as part of a closed session and records;
 2. Ensure that, all documents and any other material bearing any confidential information is left at the Town Offices following a meeting so that it can be correctly disposed of;
 3. No Town Official is to use, reproduce, transform or store any of the confidential information whatsoever outside the Council Chamber without the prior approval of majority of the Town Council and with the Town Clerk's full knowledge; and
 4. No Town Official is to obtain from employees having access to the Confidential Information, their undertakings being to maintain the same as confidential and taking such steps as may be reasonably desirable to enforce such obligations.
 - E. The failure by an individual Town Official to comply at any time with any one or more of the terms or conditions of this agreement may result in a formal public reprimand by a majority vote of the Archer Lodge Town Council.
 - F. All rights in the Confidential Information are reserved by the party to which it belongs and no rights or obligations other than those expressly set out in this agreement are granted or to be implied from this agreement.
 - G. The rights, duties and obligations of the Town Council and its Members and the validity, interpretation, performance and legal effect of this agreement shall be governed and determined by the laws of North Carolina.

TOWN OF ARCHER LODGE RULES OF PROCEDURE

(UDO, Article 2, Div. 3 – Planning Board, Section 30-2302 - Appointment and Terms, UDO, Article 2, Div. 4 – Board of Adjustment, Section 30-2402 - Appointment and Terms)

A. ORGANIZATIONAL MEETING (UDO, Article 2, Div. 1 – General Requirements for All Review Authorities, Section 30-2101 – Oath of Office)

At the first regular meeting in December, following a general election in which Council members are elected, the newly elected members shall take and subscribe to the oath of office, immediately following dispensing with any routine unfinished business of the prior council (such as approval of minutes). As the next order of business, the Council shall elect a Mayor Pro Tempore and conduct any other organizational business deemed appropriate (such as committee appointments).

At the first regular meeting of the Planning Board and the Board of Adjustment in January, the Board shall elect, from its members, a Chair and Vice-Chair, adopt meeting agenda format and meeting schedule. The Chair shall preside over the meetings and retain the ability to make and second motions and vote on all matters before the Board. The Vice-Chair shall fulfill the role of Chair in the absence or disability of the Chair.

B. OFFICE OF MAYOR

The Mayor shall preside at all meetings of the Archer Lodge Town Council. To address the Town Council, a member must be recognized by the Mayor. The Mayor shall have the following powers:

1. To rule motions out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain the rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency;
6. To vote on matters before the Council in the event of a tie number of votes by members of the Town Council.

At the organization meeting, Council shall elect from among its members, a Mayor Pro-tempore to serve at the pleasure of the Council. The election shall

be for a two (2) year term and the official shall perform the duties of Mayor during any absence or disability of the Mayor. If the Mayor Pro-tempore should need to fulfill the duties of the Mayor, he or she shall retain the duties of Councilmember including voting on all matters and shall count towards the establishment of a quorum.

C. QUORUM (UDO Article 2, Div. 3 – Planning Board, Section 30-2305, Meeting and Quorum; UDO Article 2, Div. 4. – Board of Adjustment, Section 30-2405-Meetings and Quorum)

A majority of the actual membership of the Council, Planning Board, Board of Adjustment, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether a quorum is present.

A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present, the hearing shall be deferred to the next regular public hearing meeting, without further advertisement.

D. REGULAR MEETING

The Archer Lodge Town Council shall hold its Regular Meeting on the first Monday of each month, except that if a regular meeting is a legal holiday, the meeting shall be rescheduled. All meetings shall be held in the Jeffrey D. Barnes Council Chambers unless notice is otherwise given.

E. AGENDA

The Town Clerk shall prepare the agenda for the meeting. Any elected Town Council member may direct the Town Clerk to place an item of business on the agenda. For the agenda to be published and distributed in a timely manner, such directive needs to be received on or before the due date requested by the Town Clerk.

Requests for items of business to appear on the agenda from individuals or organizations will be placed on the agenda under Public Comment or Public Presentations, at the discretion of the Town Clerk. Any request for an item of business to appear on the agenda from individuals or organizations must be received at least one (1) week before the meeting. The agenda should include all items, particularly action items and announcements, that are expected to be considered. Any item placed on the agenda, whether to be discussed openly or approved in consent, should have an exhibit sheet accompanied by supporting documents. These exhibit sheets should have a concise but understandable

description of what the council is to consider.

This procedure would also be required of any item placed on the agenda during the "approval of agenda" section of the town council meeting. Every effort should be made to not add an agenda item during the meeting. However, where it is deemed necessary, an exhibit sheet with supporting documentation should be provided to the mayor, each council member, the town administrator, and the town attorney prior to a vote to amend the agenda. No recommendation for action on any item should come before the council without written justification and supporting information.

Each council member shall receive a copy of the draft agenda and supporting exhibits in advance of the regularly scheduled town council meeting.

F. ORDER OF BUSINESS

Items shall be placed on the agenda according to the Order of Business. Unless modified by council vote, the order of business for each regular meeting shall be as follows:

Welcome/Call to Order
Convocation
Pledge of Allegiance
Approval of Agenda
Open Forum/Public Comments
Recognitions/Presentations
Discussion and Possible Action Items
Town Attorney's Report
Town Administrator's Report
Planning/Zoning Report
Mayor's Report
Council Members' Remarks
Adjournment

Boards and/or Committees may, from time to time, need to make a report to the Town Council or recommend action to the Town Council. Reports or recommendations from any Board or Committee to the Council will be placed in the "Discussion and Possible Action Items" portion of the agenda.

G. PUBLIC ADDRESS TO THE COUNCIL/BOARD

Any individual or group may address the Council/Board during the Public Comment portion of the meeting.

A fixed standard time limit shall be established under these rules, announced at the beginning of each public comment session whether at a regular meeting (3 min) or a public hearing (5 min), and strictly adhered to with the Town Clerk being a timekeeper.

A standard statement should be read prior to each of these comment sections that explain to the speaker and audience that comments are welcome but certain aspects (personnel for an example) cannot be discussed. The speaker should also be told that, in general, the council will take comments under consideration but will probably have no comment in that meeting.

In the event the Mayor determines that numerous or lengthy comments will be offered, he or she may, in order to ensure that all positions are heard:

1. Designate a spokesperson for a group of persons propounding a certain position;
2. Arrange for delegates from any such group to speak whenever the numbers of such persons propounding a particular position exceeds the capacity of the Town Council Chambers; and
3. Arrange for the Johnston County Sheriff's Department to ensure that such meeting is conducted in an orderly manner.

H. PUBLIC HEARING (UDO Article 3., Div. 2., - Standard Review Procedures, Section 30-3204 - Public Notification)

Public hearings required by law or deemed advisable by the Council shall be organized by special order, adopted by a majority vote that sets forth the subject, date, place and time of the hearing, as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to:

1. Fixing the maximum time allotted to each speaker;
2. Providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
3. Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the council chambers (so long as arrangements are made for those excluded from the council chambers to listen to the hearing); and
4. Provide for the maintenance of order and decorum in the conduct of the

hearing.

All notice and other requirements of the Open Meetings Law applicable to Council meetings shall also apply to public hearings at which a majority of the Council is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of the law have been given, may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Council is present.

At the time of the hearing, the Mayor, or his or her designee, shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing closed.

In order to provide sufficient time for all public hearings and speakers, a public hearing cannot serve as a question and answer time. Town staff will direct in all notices required by law, that in order to allow sufficient time for all public hearings, any questions or research should be conducted by any such interested person(s) in advance of the public hearing. Town staff may facilitate the public's edification by using the Town's website or maintaining a printed file accessible to the public which contains relevant information about the subject matter of the public hearing.

I. QUASI-JUDICIAL HEARING PROCEDURAL GUIDELINES (UDO Article 3., Div. 2. – Standard Review Procedures, Section 30-3205 - Public Meetings and Hearings, (C) Quasi-Judicial Public Hearing, and Subsection (6) Standing)

1. Purpose and General Information. Quasi-judicial decisions arise in a variety of local government settings. In Archer Lodge, the Town Council holds quasi-judicial hearings for special use permits, certain subdivision and site plan applications and for certain other applications. The Board of Adjustment ("BOA") holds quasi-judicial hearings for variance and reasonable accommodation requests and appeals of staff decisions, including zoning and minimum housing appeals. The Town Council and BOA are collectively referred to in this policy as the "Hearing Body." The Archer Lodge Unified Development Ordinance is referred to as the "UDO."

During a quasi-judicial hearing, the Hearing Body must hold an evidentiary hearing and make its decision based on the written and oral evidence presented. Unlike legislative decisions, a quasi-judicial decision must be based solely on the evidence presented and cannot be based on opinions of members of the Hearing Body. Put differently, a quasi-judicial

decision is one that requires the Hearing Body to find facts and exercise discretion when applying the standards of an ordinance to a specific situation.

This policy is adopted to provide flexible guidance for the conduct of quasi-judicial hearings. It is designed to be used in conjunction with the other Rules of Procedures. This policy is based on North Carolina law, but is not designed to create any additional rights or obligations and does not provide any procedural rights to any person. The failure of Hearing Body or any other person to adhere to this policy shall not affect the validity of any hearing, action taken, or decision made. To the extent there is conflict or any discrepancy between these recommended procedures and the NC General Statutes, case law, or Town ordinances (collectively "law"), the law shall prevail.

2. Who May Appear at the Hearing? Corporations must be represented by a licensed attorney. Non-corporate applicants and individuals opposed to the application that have standing may represent themselves or be represented by an attorney, legal counsel is strongly advised. Any party may call expert or lay witnesses to testify. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses and may not represent an applicant or those opposed to an application, unless the representation is approved by the Hearing Body before witnesses are sworn and evidence is introduced. The Hearing Body reserves the right to deny non-attorney representation for non-corporate parties.
3. Prior to the Hearing. All exhibits and evidence to be introduced during the hearing and names and addresses of all lay and expert witnesses should be submitted to the Town at least ten (10) days before the hearing date and electronic PDF files are preferred. The Town may designate staff members responsible for processing each application (sometimes 'Staff Representative') as the person to whom such exhibits should be submitted. Copies should also be provided to any other known parties. By receiving exhibits and evidence prior to the hearing the Town is able to post such exhibits with the agenda. Failure to provide evidence or exhibits by the date and time specified shall mean the applicant or other party is responsible for providing a sufficient number of copies of such exhibits at the hearing. If possible, electronic submissions should meet ADA accessible guidelines (i.e., screen-reader friendly PDF, text file format, etc.). Photos and illustrations should be provided as .jpeg or .tiff format images. These .jpeg or .tiff images may be embedded in the PDF or text file provided but must also be provided as separate files.

- (a) If prior to the hearing an applicant or a person opposed to an application has questions about the process, he or she may contact the Staff Representative for more information. It is inappropriate for anyone to contact any member of the Hearing Body.
 - (b) Prior to the hearing the Staff Representative, applicant or other person may suggest time limits for testimony and agreement on other procedural matters. The applicant may also request a continuance prior to the hearing by contacting the Staff Representative. (UDO Article 3., Div. 2., – Standard Review Procedures, Section 30-3210 - Modification, Continuance, or Withdrawal.)
- 4. Responsibilities of the Presider. The Mayor (if the hearing is before the Town Council) or the Chair of the BOA (if the hearing is before that body), shall preside over the hearing (the "Presider"). The Presider must recognize speakers and members of the Hearing Body before they are heard. The Presider may rule on any objections or requests from participants in the hearing regarding the procedure of the hearing or evidence presented. The Presider may rule on the competence (i.e., the admissibility) of evidence with or without an objection from a participant. The Presider should allow every speaker to be heard but may limit and/or cut off evidence or testimony that is irrelevant, repetitive, incompetent, inflammatory, or hearsay. The Presider may place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay.

The Presider may impose additional requirements and take actions as may be necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing, allocating reasonable time for each side to present their testimony and evidence, limiting the overall time for the hearing, and delaying a hearing to a later point in the agenda or continuing the hearing to a later meeting.

- 5. Responsibilities of the Hearing Body. Members of the Hearing Body must make their decision solely on the written and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications. Members may, however, view the premises at issue before the hearing so long as at the commencement of the hearing the members disclose the site visit and any facts or information collected from the site visit that is relevant to the case.

Likewise, at the commencement of the hearing, or during the hearing if it only becomes evident then, members must disclose any specialized knowledge they may have that is relevant to the case.

Members of the Hearing Body should refrain from ex parte communications about upcoming or ongoing cases with any parties or other members of the Hearing Body, and at the commencement of the hearing, members must disclose ex parte communications. Members may seek and receive general, technical information pertaining to the case from Town staff prior to the hearing, but Town staff should provide the information to all during the hearing before the entire Hearing Body.

6. Responsibility of Those Who Testify. In addition to other responsibilities of the applicant and others who testify ("witnesses"), witnesses shall observe time limits imposed on testifying unless the Presider grants additional time. Witnesses shall avoid hearsay evidence. Hearsay evidence is testimony that the witness does not know of his or her own personal knowledge, including that which someone else told the witness and the use or introduction of signed petitions and letters. Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert, witnesses are not competent to testify about the impact of a proposed land use on the value of nearby property, the danger to public safety resulting from increases in traffic or other matters that require special training or expertise like the level of noise that will be generated. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about the impact on property values, the danger to public safety from increases in traffic, and other matters that require special training or expertise.
7. Standing. Only parties with standing may present arguments or evidence at the evidentiary hearing. A party with standing is an aggrieved party who would suffer special damages from the outcome of the matter. The following have standing as a party:
 - (a) A person with a legal interest in the subject property (this includes ownership; lease interest; an option or contract to purchase the property; or an interest created by an easement, restriction, or covenant),
 - (b) The applicant before the decision-making board,
 - (c) A person who will suffer special damages as a result of the decision (these damages must be ones that are distinct from those damages to the public at large), and

- (d) An association organized to promote the interest of a particular area (such as homeowners' association or community associate) so long as at least one member would have standing as an individual and the association was not created in response to the development at issue.
8. Conduct of the Hearing. The order of business for each hearing should be as follows: (UDO, Article 3., Div. 2. – Standard Review Procedures, Section 30-3205 – Public Meetings and Hearings, Subsection (c) – Quasi-Judicial Public Hearings.)
- (a) All persons, including Town staff, who intend to present evidence must be sworn in.
 - (b) The Presider shall call the case as advertised on the agenda. The Presider may state something along the lines of:
 - i. This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the ordinance standards/criteria and the competent, substantial and material evidence received during this hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions of fear of potential increases in crime, traffic or impacts on property values do not constitute competent evidence.
 - (c) If the applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Hearing Body for such representation as set forth in Section 2 above.
 - (d) Members of the Hearing Body should disclose the following:
 - i. Any site visits;
 - ii. Ex parte communications;
 - iii. Specialized knowledge they have relevant to the case;
 - iv. Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
 - a) Whether they have a close familial, business or other relationship with the applicant or other affected person;

- b). Whether they have a financial interest in the outcome of the case; and
 - c). Any other information relevant to determining whether a conflict of interest exists.
- (e) If necessary, the Hearing Body will vote on recusal of members at this time. A member shall not participate in the hearing if the member has a fixed opinion prior to the hearing that is not susceptible to change; has engaged in undisclosed ex parte communications; has a close family, business or other associational relationship with the applicant or an affected person; or has a financial interest in the outcome of the matter.
- (f) The applicant or other affected person (having been sworn in) shall present any objections they may have to a member's participation. If an objection is made to the participation of a member based on personal bias or other ground for disqualification, the Hearing Body shall determine the matter as part of the record.
- (g) The Presider shall open the hearing.
- (h) The Staff Representative should present the staff report.
- (i) Evidence and the appropriate number of exhibits that were not provided by the deadline in advance of the hearing shall be given to the Clerk and any opposing party. The Clerk shall number the exhibits if they have not already been numbered and shall distribute to Hearing Body. If an exhibit is presented it becomes part of the record and will not be returned.
- (j) If all parties are represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement.
- (k) The applicant shall present the arguments and evidence in support of the application. The applicant shall address applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification. If all parties are represented by attorneys, opposing parties may ask questions of (cross-examine) the applicant (if the applicant testifies) or supporting witnesses at this time. If those opposed to the applicant are not represented by attorneys, the Presider may prefer to delay cross-examination until all sides present their arguments and evidence.

- (l) Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body or the Town may ask questions for clarification. If all parties are represented by attorneys, the applicant may cross-examine the speaker or opposing witnesses at this time.
- (m) The Presider will provide Town staff and/or their attorney an opportunity to present relevant arguments or evidence.
- (n) If cross-examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses. Those who oppose the application should cross examine the applicant (if the applicant testified) and the applicant's supporting witnesses first. Then the applicant may cross examine those witnesses who spoke in opposition to the application. Both sides will be permitted to present rebuttals to opposing testimony. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Presider may rule on such objection or take it under advisement.
- (o) After all evidence has been presented, the Presider may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order. The Presider will entertain objections and rule on the admissibility of the evidence or exhibit.
- (p) Unless the Presider continues the public hearing to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time and location, the Presider shall close the period for public discussion. The Hearing Body shall publicly discuss the case without further general input from the public. Members of the Hearing Body, however, may seek clarification or ask questions of persons previously sworn on any piece of evidence presented. Cross-examination and rebuttals may be made only on new evidence presented. The hearing shall be closed after Hearing Body deliberations are complete.
- (q) Unless the hearing has been continued, the Hearing Body shall render a decision on the matter, or, if it so chooses, recess the case

to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time and location. The Town Council may approve an application by vote of a majority of the members. The BOA may approve variances only by a vote of four-fifths of the members of the Board (excluding vacant positions and members who are disqualified from voting, if there are no qualified alternates available).

- (r) Any motion to approve an application that does not receive the required majority or super-majority vote means the application has been denied. If an application has been denied, findings of fact and conclusions must be made to support that decision.
- (s) The Hearing Body may attach conditions to the approval of any application in accordance existing state law and Town Code.
- (t) A written decision must be approved for every quasi-judicial application, generally at the next scheduled meeting of the Hearing Body. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions (See Section X).

9. Burden of Proof, Testimony, and Evidence.

- (a) Burden of Proof for Special Use Permits and Subdivision/Site Plan Approvals: The applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that the standards of the applicable unified development ordinances (UDO) have been met. If the applicant meets all the standards of the UDO, the applicant is entitled to approval unless those opposed to the application produce substantial, competent and material evidence that one or more of the standards have not been met. If the applicant fails to put forth sufficient evidence to show they meet all the criteria, then the Hearing Body must deny the application. For example, for a special use, the applicant must establish that the application meets the specific criteria for the specific use proposed and that it meets all of the general criteria of the UDO. For site/subdivision plan, the applicant must establish that the application meets the applicable criteria of the UDO.
- (b) Burden of Proof for Variances: The applicant has the burden of producing sufficient substantial, competent and material evidence for the Hearing Body to conclude that unnecessary hardships would

result from carrying out the strict letter of the zoning ordinance. The BOA must deny a request for a variance unless the applicant puts forth sufficient evidence that all of the criteria of UDO have been met.

- (c) **Burden of Proof for Appeals:** Appeals of administrative decisions are only quasi-judicial decisions in the limited sense that they require the same due process protections as are given in other quasi-judicial proceedings (for example, the rights to present evidence and cross examine). Unlike other quasi-judicial decisions, however, an appeal of an administrative decision presents a question of law, which the Hearing Body considers de novo. "De novo" means the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must seek to interpret the ordinance so as to give effect to the Town Council's intent when it adopted the ordinance. The Hearing Body shall not reverse or modify an administrative decision unless it finds that the administrative officer erred in the application or interpretation of the terms of the UDO, Town Code, or related policies adopted by the Town. The other common rules of statutory construction apply as well. Appeals are typically in the nature of certiorari to the superior court as set forth in N.C.G.S. §160D-1402.
- (d) **Testimony and Evidence:** All lay and expert testimony, including the Town staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group in order to avoid repetitive testimony. Inflammatory, irrelevant, repetitive and incompetent testimony and hearsay is not permitted. The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that which a reasonable mind would regard as sufficiently supporting a specific result." Competent evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Courts often refer to that is relevant to the issue being considered by the Hearing Body.
 - i. **Lay Versus Expert Testimony:** As a general rule, anyone with relevant knowledge to the case may provide factual information, but only experts may provide opinion testimony. Lay witnesses should not provide opinion testimony, as this testimony is generally deemed incompetent. Expert testimony must be competent wherein the expert has

qualifications relevant to the matter before the Hearing Body. Under N.C.G.S. § 160D-1402(j)(3), expert testimony is required in three cases:

- a). The use of property in a particular way would affect the value of other property;
- b). The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; and,
- c). Other matters about which only expert testimony would generally be admissible under the rules of evidence, such as the level of noise that will be generated.

(e) Conditions of Approval. (UDO Article 3., Div. 2. – Standard Review Procedures, Section 30-3206 - Conditions of Approval.)

- i. Conditions Generally: The Hearing Body may attach conditions to approvals of special use permits, subdivision and site plans, and variances, and such other approvals as law may permit. For special use permits and subdivision and site plans, conditions must be reasonable and appropriate and limited to those that require changes in a project "that are necessary to bring the project into compliance with the standards" of the applicable statutes and ordinances. For variances, conditions must be "reasonably related to the variance."

Conditions cannot require the applicant to take action with regard to a piece of property that is not a part of the application being considered, and conditions cannot require the alteration of a special use permit previously issued to a third party.

- ii. Conditions on Appeals Decisions: Unlike conditions on special use permits, subdivision plans, site plans, and variances, the Hearing Body's authority in an appeal is limited to reversing or affirming, wholly or partly, or modifying the staff decision. Moreover, the Hearing Body only has only the powers of the officer from whom the appeal is taken. An appeal of an administrative decision cannot be used to impose conditions or vary the ordinance.

- (f) Written Decision. (UDO Article 3., Div. 2. – Standard Review Procedures, Section 30-3207 – Written Decision.) The Hearing Body must reduce its decision to writing, and the written decision must reflect the Hearing Body's determination of contested facts and their application to the specific standards for the particular use and the general standards contained in UDO for special uses, for subdivision plans and site plans, for variances, and for reasonable accommodations. For approvals or denials of these types of applications, the Hearing Body should make conclusions as to each applicable standard as appropriate. Even if the Hearing Body denies an application because it fails to meet one or two criteria, the better practice is to make findings of fact and conclusions as to all standards, so the record is clear in the event the decision is appealed.

There are no specific UDO standards that apply to the appeal of an administrative decision; instead, the Hearing Body should make findings of fact and conclusions that are relevant to the specific ordinance that is at issue in the appeal. Findings of fact must also be made to support conditions attached to any approval. The written decision must be signed by the Presider or other authorized member of the Hearing Body, and becomes effective upon filing with the Planning Department. A copy of the written decision must be delivered to the applicant, property owner, and others as required by state law.

- (g) Withdrawal of the Application. An application or appeal will be considered to have been withdrawn under the following circumstances (UDO Article 3., Div. 2. – Standard Review Procedures, Section 30-2210 – Modification, Continuance, or Withdrawal.)
- i. The applicant submits a written request to withdraw the application or appeal;
 - ii. The property owner, if different than the applicant, submits a notarized request to withdraw the application or appeal;
 - iii. The Hearing Body requests the applicant to furnish additional information within a specified period of time, and such information is not furnished by the applicant within the time period allowed;
- (h) Without prior notification to the Presider or Clerk, the applicant does not appear at the scheduled hearing to testify regarding the merits of the application; or

- (i) The applicant appears at the scheduled hearing and requests that the application be withdrawn.
- (j) Reconsideration/Reopening. Substantive decisions on the merits of a request cannot be reconsidered and decided cases cannot be reopened following the approval of a written decision. If there has been a material change in circumstances, the case may be submitted as a new case under the unified development ordinance. (UDO Article 3. ,Div. 2. – Standard Review Procedures, Section 30-3210 – Reconsideration.)

X. ACTIONS TAKEN BY COUNCIL, PLANNING BOARD, AND BOARD OF ADJUSTMENT IN MEETINGS (Planning Board and Board of Adjustment shall be referred to as “Boards” or “Board”)

A. MOTION

The Council and Boards shall proceed by motion. Any member may make a motion.

B. SECOND REQUIRED

A motion shall require a second. Any motion without a second shall fail.

C. ONE MOTION AT A TIME

A member may make only one motion at a time.

D. SUBSTITUTE MOTION

A substitute motion is out of order while another substantive motion is pending.

E. ADOPTION BY MAJORITY VOTE (See UDO Article 2, Division 2. – Town Council, Section 30-2201 – Powers and Duties; UDO Article 2, Division 3. – Planning Board, Section 2306 – Voting; UDO Article 2., Division 4 – Board of Adjustment, Section 2406 – Voting)

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by the Unified Development Ordinance, or the laws of North Carolina.

F. DEBATE

The Mayor (for Council) or Chair (for Boards) shall open the floor to discussion among the members on each motion, after a second is received, and shall preside over the discussion according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before a member who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

G. RATIFICATION OF ACTIONS

To the extent permitted by law, Council or Boards may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

H. PROCEDURAL MOTIONS

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn (or recess) to a time and place certain shall also comply with the requirements of Rule 2(c).
2. To Take a Brief Recess.
3. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived.
4. To Suspend the Rules of Procedure. The motion requires for adoption, a vote equal to two-thirds of the actual membership of the Council or (Chair) for Boards, excluding vacant seats. The Council or Board may not suspend provisions of the rules that state requirements imposed by law on the Council or Board.
5. To Divide a Complex Motion and Consider It by Paragraph.

6. To Defer Consideration. A substantive motion, whose consideration has been deferred, expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
7. Call of the Previous Question. This motion is not in order until there has been at least ten (10) minutes of debate and every member has had an opportunity to speak once.
8. To Postpone to a Certain Time or Day.
9. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council/Board, whether the committee has reported the matter to the Council/Board.
10. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. A motion to amend may be made at any time prior to the call for a vote of the original motion.
11. To Revive Consideration. The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.
12. To Reconsider. This motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
13. To Rescind or Repeal. The motion is not in order if rescission or repeal of an action is forbidden by law.
14. To Prevent Reconsideration for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption, a vote equal to two-thirds of the actual membership of the Council or Board, excluding vacant seats. If adopted, the restriction imposed by the motion remains in effect for six (6) months or until the next organizational meeting of the Council or Board, whichever occurs first, unless otherwise provided in the Unified Development Ordinance.

I. RENEWAL OF MOTION

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

J. WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before a vote.

K. DUTY TO VOTE

Every member must vote unless excused by the remaining members according to State law. A member who wishes to be excused from voting shall so inform the Mayor/Board Chair, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Council Chambers or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

L. INTRODUCTION OF ORDINANCES

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by Council or Boards.

M. ADOPTION OF ORDINANCES

An affirmative vote equal to a majority of all members of the Council not excused from voting on the question shall be required to adopt an ordinance or to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the Town.

No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

N. ADOPTION OF THE BUDGET ORDINANCE

Notwithstanding the provisions of any Town Charter, general law, or local act:

1. Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meetings of Council by a simple majority of those present and voting, a quorum being present;

2. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by Council;
3. The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to Council and ending with the adoption of the budget ordinance, the Town Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the Open Meetings Law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each Member of Council has actual notice of each Special Meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken. This rule does not allow and may not be construed to allow the holding of closed meetings or executive session by the Council if it is otherwise prohibited by law from holding such a meeting or session.

O. CLOSED SESSIONS

Council or Boards may hold closed sessions as provided by law (See N.C.G.S. §143-318.11). Council or Boards shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the general purpose of the closed session and must be approved by the vote of the majority of those present and voting. Council shall terminate the closed session by a majority vote.

Only those actions specifically authorized by statute may be taken in closed session. A motion to adjourn or to recess to a time and date certain shall not be in order during a closed session. This does not preclude a brief recess.

P. SPECIAL, EMERGENCY, & ADJOURNED MEETINGS

1. Special Meetings. The Mayor, the Mayor Pro-tempore, or any two members of the Town Council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subject(s) to be considered. At least forty-eight (48) hours before a special meeting is called in this manner, written notice of the meeting

stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Council Member or left at his or her usual dwelling place; (b) posted on the Town's principal bulletin board; and (c) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

Only those items of business specified in the notice may be transacted at a Special Meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A Special Meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the Special Meeting shall specify its time, place and purpose. At least forty-eight (48) hours before a Special Meeting is called in this manner, notice of the time, place, and purpose of the meeting shall be (a) posted on the council's principal bulletin board; and (b) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. (Such notice shall be mailed or delivered at least forty-eight (48) hours before meeting to each Council Member and to the Mayor if he or she was not present at the meeting at which the Special Meeting was scheduled.)

2. Emergency Meetings. The Mayor, the Mayor Pro-tempore, or any two members of the Town Council may at any time call an Emergency Council Meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Council Member or left at his or her usual dwelling place at least six (6) hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire services, or station's telephone number, with the Town Clerk. This notice shall be given by the same method used to notify the Mayor and Council Members and shall be given at the expense of the party notified.

Emergency Meetings shall only be called because of general unexpected circumstances that require immediate consideration by the Town Council. Only business connected with the emergency may be considered at an emergency meeting.

3. Adjourned (or recessed) Meetings. A properly called regular, special, or emergency meeting may be adjourned (or recessed) by a procedural motion made and adopted as provided in Rule 17(a) in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned (or recessed) session of a properly called regular, special, or emergency meeting.
4. Work Sessions. A work session of the Town Council shall be an open public meeting wherein the Council informally reviews material for and discusses items of importance to the Town and upcoming agenda items, but no official decisions or conclusions are made and no action is taken.

Q. VIRTUAL MEETINGS AND ATTENDANCE

Virtual meetings shall apply to any meeting held remotely. Virtual attendance shall apply to both telephonic and video attendance by a Council or Board member. Virtual meetings shall be reserved for declared state of emergencies and shall be conducted pursuant to NCGS §166A-19.24. All Council and Board member shall make all efforts to attend meetings in person. If virtual attendance is necessary, the member requesting virtual attendance shall notify the Mayor or Chair and Town Clerk twenty-four (24) hours prior to the start of the meeting, unless advance notice is impracticable. Virtual attendance shall be preferable to the member not participating in the meeting. If a member is attending a meeting virtually, they shall be counted towards a quorum as if they were physically present in the council chambers at all times they are in virtual attendance. At the beginning of any meeting where a member is in virtual attendance, the Mayor or Chair shall announce that the member is in virtual attendance. Voting by members in virtual attendance shall be made by roll call. In the event that a member who is in virtual attendance should lose connection, they will not be counted as having been present for any subsequent votes.

R. MEETING MINUTES (UDO Article 2., Div. 1. – General Requirements for all Review Authorities, Section 30-2104 – Minutes and Rules of Procedure.)

Full and accurate minutes of the Council or Board Meetings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes and the “aye’s and “no’s upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during closed sessions. Minutes and other records of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of

the closed session.

S. VACANCIES

A vacancy that occurs in an elective office of a town shall be filled by appointment of the town council. If the term of the office expires immediately following the next regular municipal election, or if the next regular municipal election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled municipal election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive office shall be filled by the same authority that makes the initial appointment.



**Regular Council - Minutes
Monday, October 4, 2021**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

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

COUNCIL ABSENT:

GUESTS PRESENT:

Leeanne McManus, Urban Wireless
Madison Lee, Urban Wireless

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1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:39 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 Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. RECOGNITION/PRESENTATION:

8 - 31

a) Urban Wireless Communication Tower Proposal ~ Leeanne McManus & Madison Lee

Ms. McManus thanked Mayor Mulhollem and Council for allowing her to discuss a proposal for a wireless facility on the Town Park property located on Castleberry Road.

Ms. McManus shared that she is an agent of T-Mobile and works with TeleCad Wireless. She provided materials for her presentation which appear following the signature page at the close of the minutes.

Comments and Concerns:

- Liability insurance on the facility - Ms. McManus responded that a Certificate of Insurance (COI) would be provided with a specific amount that is covered by APC Towers Co., owner of tower, and any coverage outside of that would be up to the town.
- Location - Ms. McManus confirmed that the Town would determine the location of the tower. Ms. McManus shared that the small parcel of land across the road from the park site has not been determined if it's appropriate for the tower, but she informed that she didn't think there would be any issues with that location. Mayor Mulhollem informed that the Town would need to keep the location of the ballfields in mind when determining the tower site. Mr. Gordon informed that once Council determines if they wish to move forward with the tower, then Staff will notify Ms. Susan Hatchell, Landscape Architect, for her professional input with regards to the perfect location on the park property.
- Setbacks - Ms. Manus was unable to provide this information. Ms. Maybee shared that the setbacks on non-stealth towers are based on the overall structure of the tower.
- Interference - Ms. McManus informed that there will not be any interference from the signal. Mr. Gordon shared that the Town would keep that in consideration when determining a location for the 50' x 50' area.
- Council's Interest - Ms. Maybee informed that the presentation was to determine the interest of the Council and would be subject to a conditional use permit.
- Percentage of Revenues - Ms. McManus informed that APC Towers Co. could provide that information. Mayor Pro Tem Castleberry reminded everyone that when determining if the tower would be a good source of revenue for the Town, please keep in mind that it's the taxpayers' monies that support the park and recommended that all revenues from the tower be for recreation services. Council Member Wilson acknowledged that he's interested in having a tower facility on the small parcel of land across the road from the Town Park due to potential revenues which could help with the costs of maintaining the park. Council Member Jackson shared that he's interested in the tower to produce revenues to help with the costs of the park.
- Internet Coverage - Ms. Manus informed that the tower is on a different frequency and would provide a larger coverage area for cellular phone and data service only.
- High Voltage - Ms. Manus informed that there would not be high voltage with the tower itself.
- Tower No Longer Needed - If in the future T-Mobile decides that they no longer have use of the tower, Ms. McManus informed that it would be included in the contract with APC Towers Co.
- Tax Issues - Ms. McManus informed that she would check with APC Towers Co. for information dealing with taxes.
- Lease Length - Ms. McManus shared that the length of time varies but are typically 30 years or longer.
- Tower Access - Ms. McManus informed that most require 24/7/365 access to the facility for emergency reasons. She noted that no additional road is required and if needed, APC Towers Co. would provide a driveway at the site.
- Fencing - Ms. McManus informed that the location would be surrounded by fence and secured.

- Appearance of Tower - Ms. McManus shared that many options are available, and Council along with Planning Staff will choose the best one for the town. Ms. Maybee informed that she would share the different appearance options of the tower with Council.

Mayor Mulhollem determined it was the consensus of the Council to move forward with the possibility of allowing a tower site on Town park property and to provide more information. Ms. McManus shared that the next steps would be constructing a tower and determining the location. No further discussion.

Urban Wireless Solutions Tower Proposal-Castleberry Road

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Adopting Resolution# AL2021-10-04 Opposing Senate Bill 105

Mayor Mulhollem reminded everyone that this agenda item was discussed at the September 20, 2021 Work Session. He opened the floor for any questions. Discussion followed regarding some of the Council having sent emails to Representative Barnes opposing the bill.

Having no further discussion Mayor Mulhollem called for a motion.

Adopted Resolution# AL2021-10-04 Opposing Senate Bill 105 appears as follows:



RESOLUTION# AL2021-10-04

TOWN OF ARCHER LODGE

RESOLUTION OPPOSING SENATE BILL 105

WHEREAS, the North Carolina General Assembly is considering the 2021 Appropriations Act Senate Bill 105, including Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," Section 41.47(a) entitled "Revisions to Outdoor Advertising Control Act" and Section 12.16(a) entitled "Clarify Local Authority for Stormwater Ordinances"; and

WHEREAS, the harmful environmental provisions proposed in the Appropriations Bill is of great concern to the citizens and Elected Officials of the Town of Archer Lodge and other municipalities within North Carolina; and

WHEREAS, provisions within the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," to restrict local tree ordinances, would severely diminish or even eliminate the ability of local government to determine what is best for its community and the ability to protect the rights of existing property owners; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," would require all local governments to obtain special authorization from the General Assembly prior to enacting a tree protection ordinance and void all existing ordinances protecting existing trees that were established without special authority; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," is inconsistent with the State's laws regarding tree removal and preservation around outdoor advertising in addition to the State's historic preservation laws that allow local governments to protect the vegetation of historic sites; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," conflicts with G.S. 160D-921 regarding the ability of local jurisdictions to delay approvals following clear-cutting; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," creates a conflict with any prior development agreement, planned development, or special use permit approval that included tree preservation as a condition of approval; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," interferes with the ability of local governments to provide supplemental credit towards landscaping requirements for retained/preserved existing vegetation; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," inhibits the Town's ability to protect sensitive natural resources; and

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," would severely restrict the Town's ability to promote sustainable patterns that help reduce energy costs; and



RESOLUTION# AL2021-10-04

WHEREAS, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," could result in a more confusing regulatory framework as local governments would be required to receive individual express authority from the General Assembly; and

WHEREAS, the billboard industry regularly seeks to limit local government controls over signage; and

WHEREAS, the N.C. Sierra Club supports local government efforts to regulate billboards to protect trees and community aesthetics; and

WHEREAS, this provision, Section 41.47(a) includes language that was in a 2019 billboard bill (H 645) that was vetoed by Governor Cooper; and

WHEREAS, Section 41.47(a) would ease billboard relocations at the expense of local government control, and may threaten local ordinances that ban digital billboards; and

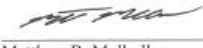
WHEREAS, Section 12.16.(a) would bar all local stormwater ordinances and riparian buffer protections that are not required by federal or state law; and

WHEREAS, Section 12.16.(a) would hamper local flexibility and makes no sense at a time when many N.C. communities – *from the coast to the mountains* – are trying to protect residents from intensifying storms and flooding.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Archer Lodge, North Carolina, expresses opposition to Senate Bill 105 Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," Section 41.47(a) entitled "Revisions to Outdoor Advertising Control Act" and Section 12.16.(a) entitled "Clarify Local Authority for Stormwater Ordinances" and urges the North Carolina General Assembly and the Governor of the State of North Carolina to oppose the proposed legislation.

BE IT FURTHER RESOLVED that the Town Council requests that the Honorable Senator Lisa S. Barnes and the North Carolina Senate prioritize removal of these harmful environmental budget provisions from Senate Bill 105, and if passed, that Governor Cooper veto the bill.

DULY ADOPTED ON THIS 4TH DAY OF OCTOBER 2021, WHILE IN REGULAR SESSION.

 (SEAL)
Matthew B. Mulhollem
Mayor

ATTEST:
 (SEAL)
Kim P. Batten
Town Clerk



Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Adopted Resolution# AL2021-10-04 Opposing Senate Bill 105.
CARRIED UNANIMOUSLY

6. TOWN ATTORNEY'S REPORT:

a) Attorney Burrell reported the following:

- Code of Ethics have been removed and the focus will be on the Rules of Procedure.
- Quasi-Judicial rules were moved to an appendix due to not being used on a regular basis.
- Asked Council to please contact Staff with any questions or concerns regarding the revised draft version of the Rules of Procedure.

Mayor Mulhollem shared that he thought it would be very beneficial and thanked everyone for their time in putting it together. Ms. Maybee noted that she would email a revised DRAFT version of the ***"Rules of Procedure"*** to everyone for them to review.

A resolution adopting the Rules of Procedure will be included on the November 1, 2021 Regular Town Council Meeting Agenda for possible adoption.

Ms. Batten informed Council that the NCLM has a web based orientation course for Municipal Advisory Boards, Commissions, and Committees that

includes a topic on Rules and Procedures for Boards if anybody was interested.

7. TOWN ADMINISTRATOR'S REPORT:

a) Mr. Gordon reported the following:

- The Veterans Memorial Committee will be holding a ceremony for Veterans Day on Thursday, November 11, 2021 and afterwards, there will be a celebration at the Archer Lodge Community Center with a band and food trucks.
 - Shared that the Veterans Memorial Committee is hoping that the weather for the Veterans Day Event will be good, and the Town sidewalk and gutter project will be completed before that date.
 - He noted that no invitations will be mailed, but the event will be advertised on social media and by word of mouth.
-

8. FINANCIAL/TOWN CLERK'S REPORT:

a) Interim Financial Reports for August 2021

In looking at the General Fund for month ending August 31, 2021, Ms. Batten shared that the first distribution of ARPA funds had been received in the amount of \$525,213.38. She noted that the other revenues in the General Fund were from motor vehicle taxes, alcohol taxes, permitting and investment earnings. The transfer from the Park Reserve Fund to the General Fund was the annual loan payment on the park land property to the Smith family. The expenditures in the general fund were at approximately 14% of those appropriated for the fiscal year with the loan payment on the park land being paid in August in the amount of \$62,000.

The Capital Reserve Fund, Park Reserve Fund and Public Safety Reserve Fund had investment earnings during the month totaling roughly \$222 which is low due to interest rates. The Park Reserve Fund had additional revenues of roughly \$1,690 from the three-cents tax transfer from the General Fund. The only expenditure for the month in the Park Reserve Fund was the transfer to the General Fund for the annual loan payment on the park.

The Archer Lodge Town Park Project Fund showed approximately \$5,100 of revenues and no expenditures were reported for the month ending August 31, 2021.

Comparing August 2021 with August 2020, revenues were higher by approximately \$6,800 in 2021 but so were the expenditures. August 2021 expenditures were roughly \$37,400 more than in August 2020. Expenditures exceeded revenues more in August 2021 than they did in August 2020 by \$30,700. Ms. Batten noted that the closer that we get to the first of the new year, then the revenues would begin to exceed expenditures. No further information was provided.

Regarding ARPA, Ms. Batten explained there is much information being shared in emails from UNC School of Government, NCLM and the US Department of Treasury. The first reporting for ARPA has been delayed until April 30, 2022 and for entities that received less than \$10 million in ARPA funds (Non-Entitlement Units, NEU) will report annually.

9. PLANNING/ZONING REPORT:**a) Planning | Zoning | Projects | Updates**

Ms. Maybee reported the following:

- September Permits Issued - 7
- Animal Control Reports - 15
- Thanked the Town of Clayton for providing animal control services.
- Asked Council for ideas and feedback regarding revising the Planning reports and comments were as follows.
 - Mayor Mulhollem informed that he was pleased with the reports.
 - Ms. Maybee suggested adding an additional column for data and costs of construction if requested by Council Members.
- Received a permit application from Johnston County to construct an elevated storage tank (water tower) at the Archer Lodge Middle School and will discuss at a later date.
- Received an exempt plat for Rufus Lane and was approved.
- Received a complaint regarding excessive dust that is coming from development in the Flowers Plantation and is blowing over the homes on Kentucky Drive in Horseman's Run Subdivision. Ms. Maybee noted that the County is following up for any code compliance violations.
- Working with the Johnston County GIS to overlay the future Land Use Map for help in identifying parcels and property boundaries in detail. She noted that it will be added to the revised Land Use Plan, that is due July 2022, to make it compliant with the 160D UDO.
- Plans to review the Sewer Feasibility Study and the Archer Lodge Bike and Pedestrian Study to see how they can be included in the overlay of the Land Use Map.

b) Code Enforcement

Ms. Maybee reported the following:

- Commended development partners being good to work with.
- Received complaints from Kentucky Dr. regarding excessive dust coming from a nearby construction site located in the County and noted that the County is looking into this.
- Responded to questions regarding NCDOT taking ownership of subdivision streets and questions of whether they will they maintain right-of-way. Ms. Maybee explained that NCDOT would maintain the right-of-way for subdivisions streets.

10. MAYOR'S REPORT:**a) Mayor Mulhollem conveyed that he has been approached by citizens with questions regarding the status of NCDOT road projects in the Town and whether or not the Town has considered lowering the speed limit through Town due to speeding issues.****Discussion:**

- **The Mayor advised that he would like to discuss a town wide speed limit and how it would fit the Town at a future meeting.**
- **Council Member Bruton questioned whether the radar speed sign, that was placed in front of Town Hall, has proven to be successful in slowing drivers through that area. It was the consensus of the Board that it had been effective due to personal experiences while driving through.**
- **Mr. Gordon noted that plans are to move the sign to various areas throughout the Town.**

- Council Member Jackson suggested leaving the existing sign in place due to children playing sports in the area and consider purchasing another sign to move in different areas of the Town.

11. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

- a) Council Member Wilson informed that he would be out of town from October 21 - 27, 2021.
- b) Council Member Jackson shared that he may be out of Town due to family sickness and will advise as soon as possible. He shared information on a recent history trip to Gettysburg and his experiences and expressed being impressed.
- c) Mayor Pro Tem Castleberry shared the following:
- He recently attended a Clayton, NC Town Square Concert Event that the Embers Beach Music Band was performing, and he expressed how appreciative he was for the band dedicating the last 25 minutes of the show to the Veterans by having them come up in front and allowing the crowd to shake hands with them while the band was playing patriotic music.
 - Regarding the Johnston County Economic Development he shared that there are several people/businesses interested in building warehouses in the county.
 - Amazon has increased the pay rates for positions that with be coming to the Amazon Distribution in Smithfield, NC.
- d) Council Member Purvis had no remarks.
- e) Council Member Bruton asked about the schedule for submitting applications for the vacant seats on the Planning Board and Board of Adjustment. Ms. Batten responded that the deadline for the applications is Wednesday, October 20, 2021 and noted that six applications have been submitted with the possibility of two more being submitted. She noted that the applications will be presented to the Council for review prior to the Monday, November 1, 2021 Regular Town Council Meeting and oaths will be given at the Monday, December 6, 2021 Regular Town Council Meeting.

12. ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.
- Moved by: Mayor Pro Tem Castleberry
Seconded by: Council Member Jackson
Adjourned Meeting at 7:52 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



September 27, 2021

Town Council
Town of Archer Lodge
14094 Buffalo Road
Archer Lodge, NC 27527

RE: Communications Tower Proposal-Archer Lodge Town Park

Members of the Archer Lodge Town Council:

We are before you to present a proposal for construction of a wireless communications tower at your future Archer Lodge Town Park on Castleberry Road. After extensive research of the area and meeting with your Town Administrator, Mike Gordon, and Town Planner, Julie Maybee, we arrived at the location that is the subject of this proposal. At a high level and by way of introduction, the site would consist of a tower structure up to 195' in height (specific type of structure is to be determined) within a 50' x 50' fenced compound, with equipment cabinets situated within the compound. More detail and how this location was chosen will be provided in the following discussion.

I. Background

A partner company of Urban Wireless Solutions, Telecad Engineering, was engaged by T-Mobile to find a suitable location for a cell site in the Archer Lodge area. This search area was among many that T-Mobile is pursuing throughout the Raleigh/Durham/Greensboro area to enhance its network capacity needs in the region.

Typically, T-Mobile does not construct its own tower structures. Its first option is almost always to search for existing structure upon which to collocate. In this particular case, T-Mobile specifically identified the water tank that is located at the Archer Lodge Fire Station.

Initially, we researched that structure noting that it already had another wireless provider located on it, AT&T. Speaking with representatives of Johnston County that are involved in managing the water tank, we were informed that AT&T currently has plans to update its equipment at the water tank but is unable to do so because the tank itself has structural issues if additional equipment were to be added. Thus, AT&T is in a holding pattern for its upgrades, and the water tank most certainly would not accommodate the additional loading that T-Mobile would require. Water tank structural upgrades are can be very costly and can be time consuming.

We then spoke with Archer Lodge Fire Chief, Phillip Driver. He indicated that he did not want to see additional wireless equipment placed on the water tank since neither the fire

*6175 Courtland Drive, Canton, Michigan 48187
(248) 914-3560
www.urbanwireless.us*

department or the Town receives revenue from such installations. We then suggested the idea of constructing another tower on the fire station property. Chief Driver was not receptive to that idea, as he did not want to see additional space on that property taken up because of wanting to maintain the open space for training purposes.

That led us to meeting with Mike Gordon and Julie Maybee. Specifically, we wanted to discuss the idea of locating a tower on the Town Hall property or across the street at the community center and ball field property. Mike and Julie ruled out the Town Hall property because of its size and not being able to establish a good location on the property for such a project.

Discussing the community center and ball field property, it was not specifically ruled out. However, we were informed that the Town itself does not own that property and would not be in a position to negotiate a lease for such a project at that location.

We were then directed to the property on Castleberry Road to be known as the Archer Lodge Town Park. This particular parcel seemed to make sense because of its size and because it is as of yet undeveloped. We personally viewed the property and submitted the location to T-Mobile engineering, who has approved the location.

Please note also, one of the primary reasons that we would prefer to reach an agreement with the Town of Archer Lodge is because the zoning criteria is slightly more favorable for a tower on public property.

II. Proposal

With a general location chosen to consider, a few more specifics can be provided to sketch out a proposal to the Town of Archer Lodge for a tower project at the proposed park property.

First, we have not selected a specific location for a tower on the property itself as of yet. However, Julie has provided us with a survey of the entire park parcel, as well as a drawing of the possible park layout. These are attached herein as Exhibit A.

On the park layout, you will see that we have suggested a possible location for the tower development. This location was chosen due to a number of factors: 1) the location is in an area denoted for a future gravel parking area. It is presumed that giving up a 50' x 50' parcel in this area will minimally burden activities at the park and be out of harms way; 2) the location is located somewhat in the middle of the overall property so that it would not be problematic to meet setbacks from property lines and roads; 3) the location is situated along the natural tree line so that compound/base has some screening from the roads and most of the park.

Of course, the exact location is subject to the Council and Administration's approval and by further investigation of the land at that specific area. Surveying will also be necessary, along with consideration of setback requirements.

As for the tower and compound development itself, it should be noted these activities will be done by APC Towers. As mentioned previously, T-Mobile does not typically construct its own tower structures and own them. APC Towers will also be the Lessee in this arrangement with the Town of Archer Lodge.

APC Towers, based in Raleigh, is a well-known tower constructor and manager of wireless infrastructure across the Country. They have developed sites with all of the major wireless providers, including Verizon, AT&T, T-Mobile and now DISH. APC Towers has been chosen to work with T-Mobile in this particular case.

Assuming the Town Council decides to move forward, APC will work with the administration to nail down the specific location on the park property for the tower. APC will then survey the property to determine the precise layout of the lease parcel. The compound itself will be fairly simple. It will consist of a 50' x 50' fenced area graveled within the boundaries of the fence. The fencing can be chain link or some other agreed upon material. Within the compound will be the tower itself and equipment cabinets of the providers that choose to lease space on this tower. Individual lease parcels within such a compound typically run 15' x 10' on average. It is possible that an emergency backup generator could be included in the compound.

The tower itself will be a 180' to 195' structure. It can take a variety of shapes from the basic monopole to some sort of what we call "stealth" design. Those will be discussed momentarily. The tower will be designed to accommodate multiple wireless providers. Being in the business of constructing and managing towers, it is a primary motivation of APC Towers to attract as many possible tenants to the tower project as possible. At this time, we know T-Mobile will locate on this tower. Not knowing the plans of other carriers, we cannot project others that will be on the tower at this time. However given that there are no other tower structures located within the immediate vicinity, it is highly possible that others will come to this location.

Regarding the tower design, we have included a number of possibilities for a potential structure. These photo simulations are not to scale, as we have not surveyed the property as of yet, but they should give you an idea as to what a possible tower structure could look like at the proposed location. These photo sims are attached herein as Exhibits B and C.

The first batch of photos (Exhibit B) were taken looking directly at the location from Castleberry Road. The first photo is obviously the undeveloped land. The second photo taken from the same view is that of a flagpole. These are often not preferred because they are not well suited to accommodate the various providers' equipment. In addition, it is often difficult to maintain a flag on these structure as the winds at such elevations are hard on the flags themselves. Many communities simply choose to leave them bare as a unipole.

The third photo is that of the typical monopole. These are by far the most common structure used for wireless infrastructure, are the most accommodating for the providers' equipment and the most cost effective. These structures also make attachment for multiple carriers much less difficult. Many people when initially seeing these structures in the

planning stages are worried about the aesthetics. Admittedly, these towers are quite noticeable when they are initially erected, but they do tend to blend into the background over time just as your basic telephone pole.

The fourth photo is that of a monopine. These, along with the flagpole, are probably the most common of the “stealth” designs. These are disfavored by many because they are typically much taller than surrounding foliage. You see many examples of this structure if you drive up and down Interstate 85 through North Carolina. Of stealth designs, these are often more preferred by the wireless providers because they are most akin to the standard monopole with fairly easy attachment to the structure being possible. One of the major downsides to these structures is that the branches cause significantly greater wind loading than a basic tower. This requires the pole itself to be much more stout and take up more space at its base within the compound.

The fifth, sixth and seventh photos have similar explanations. The silo would seem to fit within the general area given the somewhat rural makeup of the immediately surrounding properties. The old-fashioned water tank structure would also seem to be a fit given the lightly developed nature of the area. A 180’ structure of this type could be problematic, but could still be a consideration. The shrouded monopole is a very simple design and of course is very much like the standard monopole. The shrouding could present issues if more than two wireless providers would locate on the tower from a visual perspective. In each of these cases, it is relatively easy for the wireless providers to attach their equipment. In the case of the silo or water tank, the lease compound may have to be slightly enlarged because these structures are wider at the base. It is also thought that the Town could have their logo or other signage of their choosing placed on one of these structures. Of course that would be up to the Council and administration.

The second batch of photos (Exhibit C) are precisely the same structures in the same order, but from a view more to the SW of the proposed tower location. In all of these views, you get an idea of how the tree line will shield the view of the compound from the south and west of the property.

This leads to the discussion on a possible lease. We would rather not get into specific negotiations on a lease arrangement in this document. We can tell you that there are a number of ways in which a lease can be structured. Typically, leases are set for five 5-year lease terms with automatic renewals. Some are set up with multiple terms of 10 years.

In situations like these, the property owner, in this case Archer Lodge, receives a base rent amount representing ground rent. This is paid monthly or annually with fixed percentage increases each year or per term. The Lessor then usually gets a percentage of the revenue received by the tower owner for each wireless provider that collocates on the tower. These are basic considerations of a typical cell tower lease. Much more specific provisions can be discussed and included further into negotiations. The bottom line is that a lease can be structured so as to benefit the community, as well as the tower owner and carriers beyond simply providing better wireless service to the area.

September 27, 2021

Obviously, there are many more issues to discuss and finalize. There is also much due diligence that needs to be completed by APC Towers, including zoning and permitting, before any tower could be erected. The purpose of this proposal is to bring this project to the attention of the Archer Lodge Town Council and determine whether there is interest in moving forward with development and lease negotiations of a wireless tower at the town park property.

We will be present at your October 4, 2021, Town Council meeting, where we hope to discuss this proposal and answer any other questions you might have. We sincerely hope that there is mutual interest in this project and that a mutually beneficial project for all involved can be realized.

Thank you in advance for your time and attention. We look forward to meeting you all on the 4th.

Sincerely,

Urban Wireless Solutions

Douglas Weber

Douglas Weber

Cc: Leeanne McManus, Telecad Engineering
Madison Lee, APC Towers

EXHIBIT A

SUBDIVISION ADMINISTRATOR'S CERTIFICATE

THIS PLAT IS EXEMPT FROM SUBDIVISION REGULATION WITHIN THE TOWN OF ARCHER LODGE PLANNING JURISDICTION.
6/10/19 Robert E. Black, AICP
DATE ZONING & SUBDIVISION ADMINISTRATOR

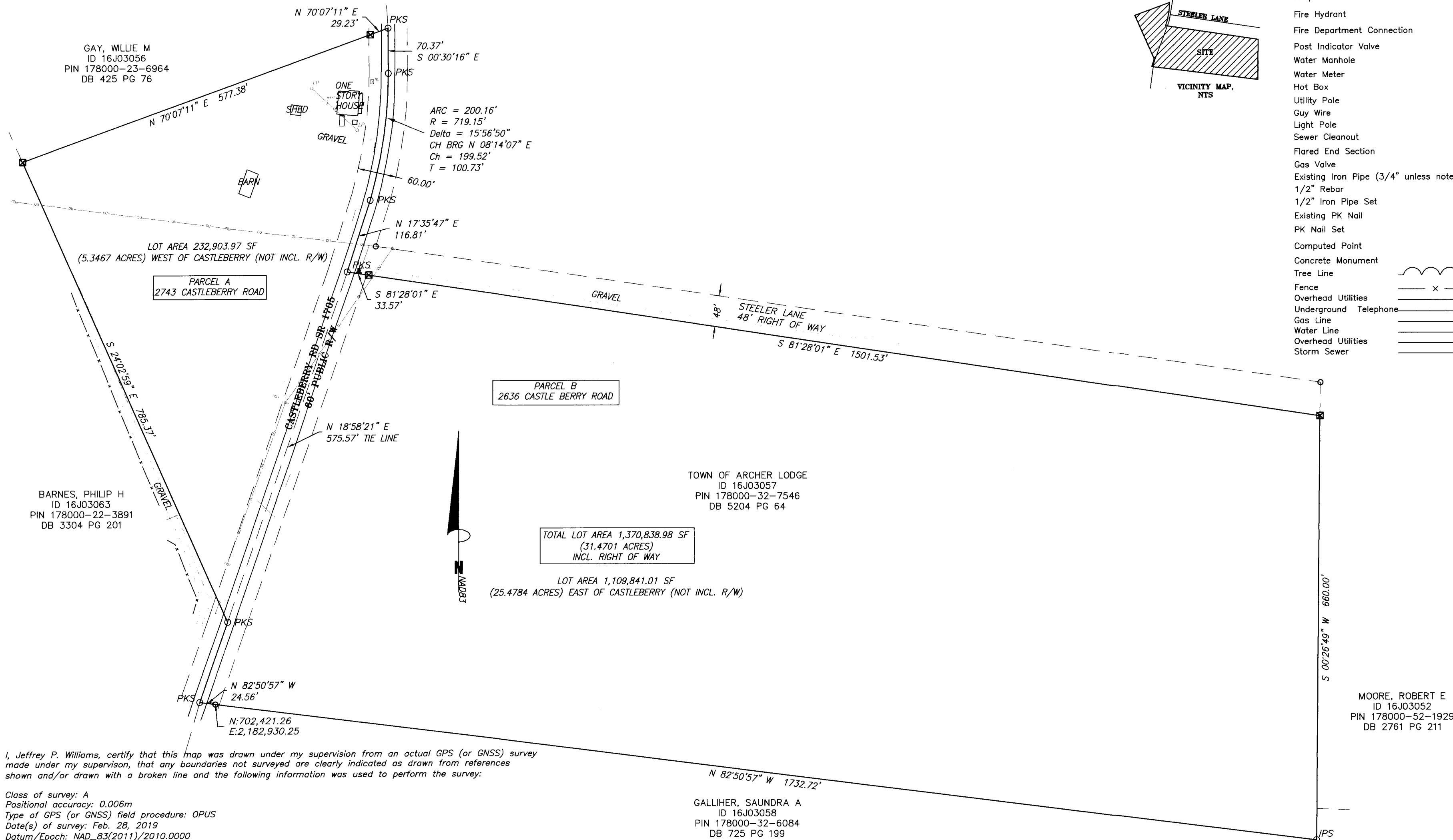
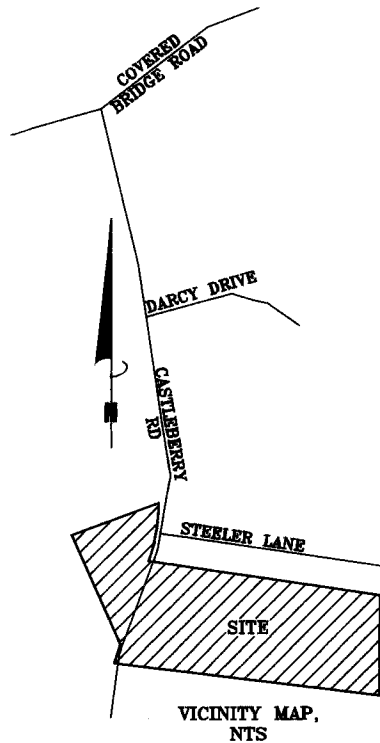
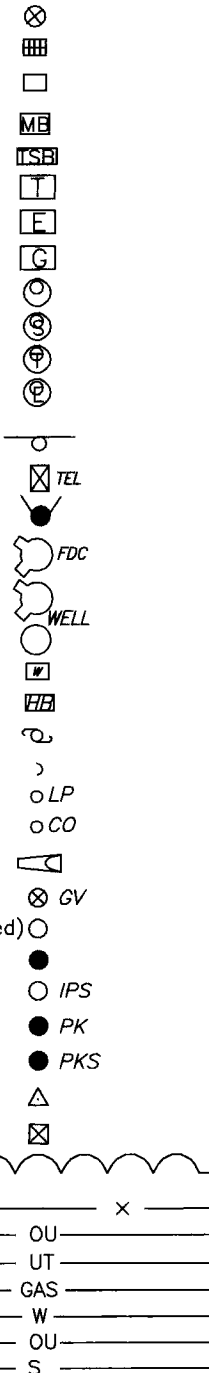
JOHNSTON COUNTY REGISTER OF DEEDS

STATE OF NORTH CAROLINA, JOHNSTON COUNTY

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDING THIS 11 DAY OF JUNE 2019 AT 10:51:27 AM
Cynthia M. Stinson, Esq., deputy
REG. OF DEEDS ASST. REG. OF DEEDS
BOOK 89 PAGE 78

LEGEND

- Water Valve
- Yard Inlet
- Curb Inlet/Catch Basin
- Mail Box
- Traffic Signal Box
- Electric Transformer
- Electric Junction Box
- Gas Meter
- Sanitary Sewer Manhole
- Storm Sewer Manhole
- Telephone Manhole
- Electric Manhole
- Sign
- Telephone Pedestal
- Fire Hydrant
- Fire Department Connection
- Post Indicator Valve
- Water Manhole
- Water Meter
- Hot Box
- Utility Pole
- Guy Wire
- Light Pole
- Sewer Cleanout
- Flared End Section
- Gas Valve
- Existing Iron Pipe (3/4" unless noted)
- 1/2" Rebar
- 1/2" Iron Pipe Set
- Existing PK Nail
- PK Nail Set
- Computed Point
- Concrete Monument
- Tree Line
- Fence
- Overhead Utilities
- Underground Telephone
- Gas Line
- Water Line
- Overhead Utilities
- Storm Sewer

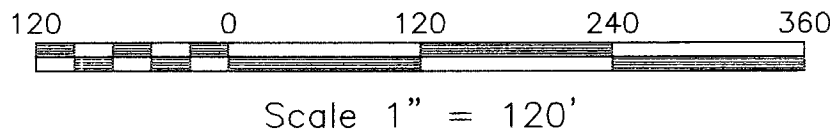
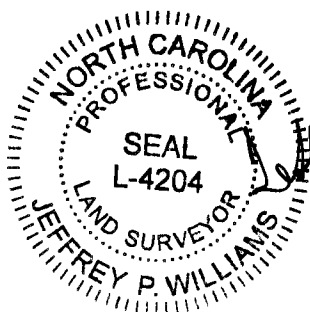


I, Jeffrey P. Williams, certify that this map was drawn under my supervision from an actual GPS (or GNSS) survey made under my supervision, that any boundaries not surveyed are clearly indicated as drawn from references shown and/or drawn with a broken line and the following information was used to perform the survey:

Class of survey: A
Positional accuracy: 0.006m
Type of GPS (or GNSS) field procedure: OPUS
Date(s) of survey: Feb. 28, 2019
Datum/Epoch: NAD_83(2011)/2010.0000
Published/fixed control:
PID DESIGNATION LATITUDE LONGITUDE DISTANCE(m)
DK7578 NCTA TARBORO CORS ARP N355256.961 W0773421.396 76632.3
DM3989 NCKI KINSTON CORS ARP N351918.567 W0773649.270 80338.9
DG5938 NCCA CARTHAGE CORS ARP N352030.048 W0792305.085 98329.2
DG9328 DURH DURHAM COOP CORS ARP N355946.129 W0785358.036 58352.0
DK7133 NCJA JACKSON NC CORS ARP N362430.563 W0772615.308 117419.8
DK7551 NCWA WASHINGTON 2007 CORS ARP N353334.784 W0770331.441 120718.7
DI1680 NCET ELIZABETHTOWN CORS ARP N343913.601 W0783111.734 114563.9
DF9213 NCBU BURLINGTON CORS ARP N360529.586 W0792612.176 105515.3
DL4001 LS06 LOYOLA LS06 CORS ARP N363647.534 W0781733.786 103837.0
Geoid model: GEOID12B
Combined grid factor: 0.99989051
Units: US Survey Feet

That this plat was prepared in accordance with G.S. 47-30 as amended.
That this plat meets the requirement of G.S. 47-30 section F-11-c(1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

Witness my original signature and seal this the 10th day of June, 2019.



Scale 1" = 120'

NOTES

- 1) THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE THERE MAY EXIST ENCUMBRANCES TO TITLE OF THE SUBJECT PROPERTIES NOT ADDRESSED BY THIS SURVEY.
- 2) THIS SITE IS IN FLOOD ZONE X (MINIMAL FLOOD RISK) PER FEMA PANEL 3720178000J DATED 12/2/2005.
- 3) UTILITIES SHOWN AS MARKED BY THEIR RESPECTIVE AGENTS AND PUBLIC RECORD DOCUMENTS.
- 4) NO HORIZONTAL CONTROL MONUMENT FOUND WITHIN 2000'.

BOUNDARY SURVEY

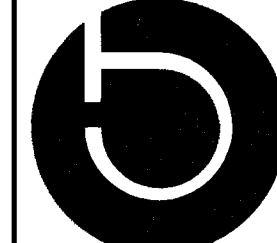
CASTLEBERRY RD

WILDERS TOWNSHIP, JOHNSTON COUNTY, NORTH CAROLINA

SURVEY FOR

TOWN OF ARCHER LODGE

14094 Buffalo Road, Clayton NC 27527



Coulter Jewell Thames, Inc.
ENGINEERING-LAND SURVEYING-LANDSCAPE ARCHITECTURE
111 West Main Street Durham, North Carolina 27701
p919.682.0368 f919.688.5646 jw@cjtpa.com
LIC. #1209

Other References:

Drawn By:	JPW
Checked By:	JPW
Scale:	1"=120'
Project No:	1903
Date:	May 21, 2019
Sheet No.	1 of 1



ARCHER LODGE TOWN PARK Archer Lodge, North Carolina

JULY 8, 2021
BID SET

SITE DATA

NAME: ARCHER LODGE TOWN PARK
OWNER: TOWN OF ARCHER LODGE
DESIGNER: TOWN OF ARCHER LODGE
CONTACT: TOWN ENGINEER/ADMINISTRATOR
ADDRESS: 14094 BUFFALO ROAD, ARCHER LODGE, NC 27327
TELEPHONE: (919) 335-9727

PROPERTY ADDRESS: 2743 CASTLEBERRY ROAD, ARCHER LODGE, NC 27327
PARCEL ID NUMBER (NCE): 18000000000000000000
DEED BOOK AND PAGE: DB0204 PG46
ZONING DISTRICT: ENVIRONMENTALLY SENSITIVE AREA DISTRICT (ES)
OVERLAY ZONING DISTRICTS: WATER SUPPLY WATERSHED PROTECTION DISTRICT (WSW)
CURRENT LAND AREA: 101.603 ACRES
PROPOSED USE: PARK / RECREATIONAL FACILITIES
EXISTING IMPERVIOUS AREA: NONE
PROPOSED IMPERVIOUS AREA: 9.3% OF THE OVERALL SITE

SHEET INDEX

Cover Sheet	SW-1	Existing Conditions & Clearing Plan
SW-2	Site Layout Plan - West	
SW-3	Site Layout Plan - East	
SW-4	Site Details	
C-100	Utility Plan	
C-200	Grading and Storm Drainage Plan	
C-300	Erosion Control Plan Ph 1	
C-301	NCDDOT Driveway Detail	
C-400	NPDES Stabilization Plan	
C-500.1	NPDES Stabilization & Materials Handling	
C-500.2	NPDES Stabilization & Materials Handling	
C-501	Details	
C-502	Details	
C-503	Details	
C-504	Details	

PLANS BY OTHERS
Duke Energy Parking Lot Lighting Plan -
For Contractor's information and coordination
purposes only

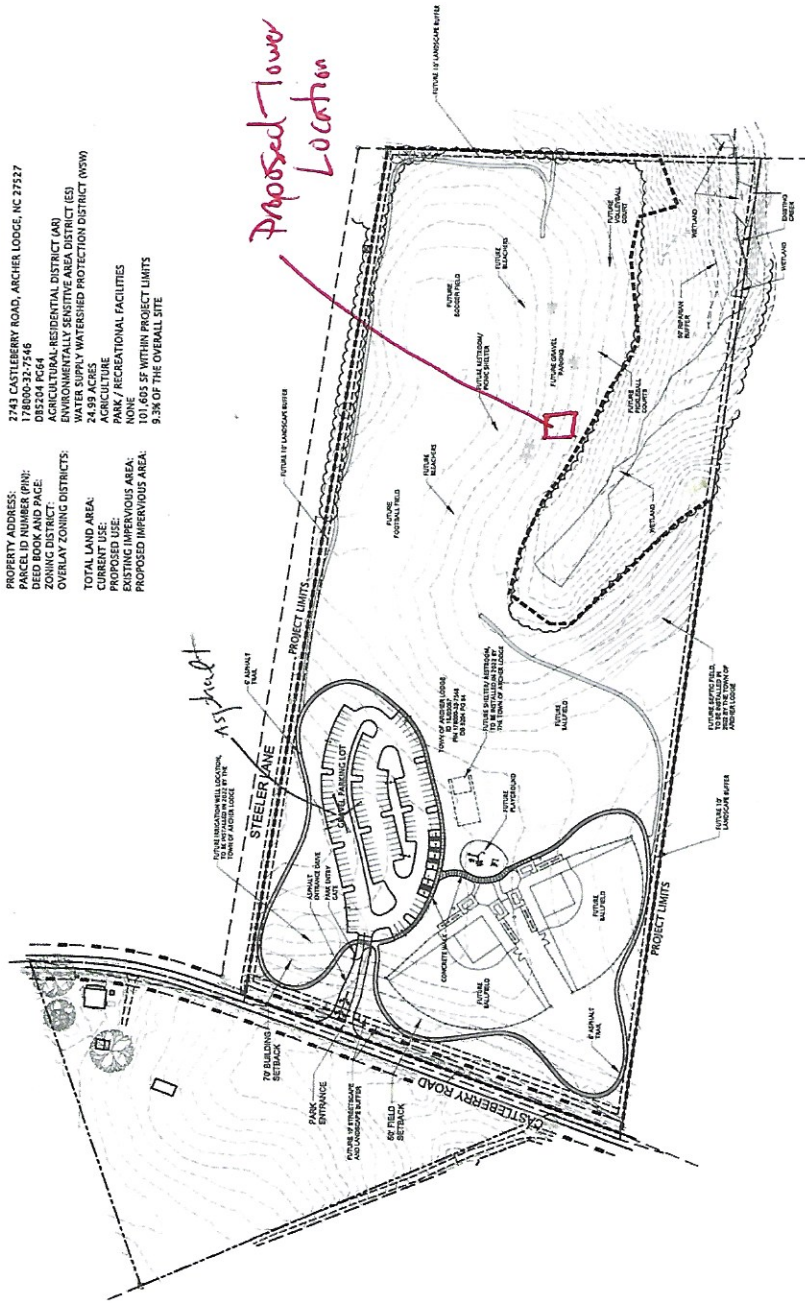


EXHIBIT B

VIEW 1 BEFORE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER FLAG POLE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER MONOPOLE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER MONOPINE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER SILO



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER OLD FASHION WATER TANK



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER MONOPOLE WITH SHROUD AROUND ANTENNAS



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

EXHIBIT C

VIEW 1 BEFORE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER FLAG POLE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER MONOPOLE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER MONOPINE



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER SILO



PREPARED FOR:



PREPARED BY:

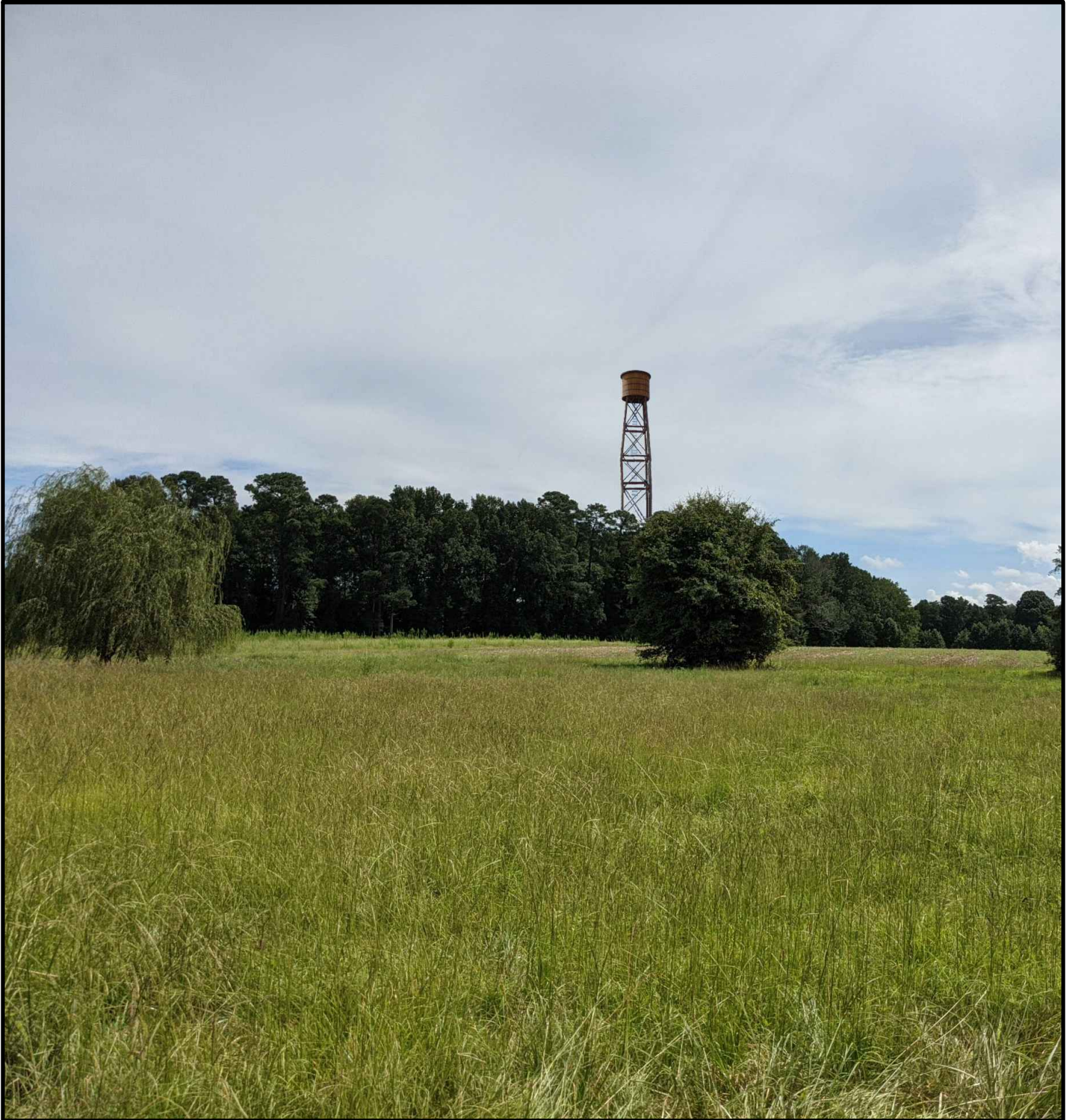


1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER OLD FASHION WATER TANK



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER

VIEW 1 AFTER MONOPOLE WITH SHROUD AROUND ANTENNAS



PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130
HIXSON, TN 37343
PH: 423-843-9500
FAX: 423-843-9509

SITE NAME:

ARCHER LODGE TOWER



Regular Council - Minutes Monday, November 1, 2021

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

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

COUNCIL ABSENT:

MEDIA PRESENT:

Page

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. APPROVAL OF AGENDA:

a) No changes or additions.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Appointing or Reappointing Three Planning Board Members/Board of Adjustment Members for a Three-Year Term Beginning January 2022 - December 2024

To facilitate the process of voting, Mayor Mulhollem informed that ballots are being provided to vote for three applicants to fill the three vacant seats. Once completed, he asked that they fold their ballot in half when completed and give to Attorney Burrell for tallying. Following the tally, Attorney Burrell will pass them to Mr. Gordon and Ms. Batten to tally as well.

Ms. Batten informed that the applications were hand delivered to Council Members a week in advance of the meeting allowing ample time to review. Ms. Batten read aloud, in alphabetical order by last name, the seven applicants that submitted applications for the Planning Board/Board of Adjustment seats. Those expressing interest to serve on the Town of Archer Lodge Planning Board/Board of Adjustment were as follows:

- 1. A. Terry Barnes
- 2. Christopher (Chris) Cipriani
- 3. John Oglesby
- 4. Patricia Robson
- 5. Tamara Rolison
- 6. Teresa Romano
- 7. Israel Lee Stacker

Council Member Bruton expressed how pleased she was to see the number of citizens taking an interest in serving on the Boards by applying. Mayor Mulhollem agreed and was very appreciative of the number of applications.

Attorney Burrell informed Mayor Mulhollem that Mr. Gordon, Ms. Batten, and himself came to the same tabulation on the ballots and one applicant received the most votes and there was a three-way tie for only two remaining seats. He asked Mayor Mulhollem to cast a vote to break the tie. Attorney Burrell informed that the ballots would be available for public viewing immediately following the meeting for inspection until the approval of the minutes for this meeting.

Mayor Mulhollem informed that he had reviewed the applications submitted in advance of the meeting and his vote for the three vacant seats on the Planning Board/Board of Adjustment for period beginning January 2022 - December 2024 were as follows:

- 1. A. Terry Barnes
- 2. Christopher (Chris) V. Cipriani
- 3. John F. Oglesby

Mayor Mulhollem called for a motion to reappoint Terry Barnes and John Oglesby and to appoint Chris Cipriani.

Moved: Council Member Jackson
Seconded by: Council Member Purvis

Reappointed Terry Barnes and John Oglesby and Appointed Chris Cipriani as Planning Board Members/Board of Adjustment Members for a Three-Year Term Beginning January 2022 - December 2024.

CARRIED UNANIMOUSLY

-
- b) **Discussion and Consideration of Changing the Monday, November 15, 2021 Work Session to a Special Meeting for the Purpose of Deliberating on the following:**
- 1. **Quasi-Judicial Public Hearing: 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, and;**
 - 2. **Public Hearing: Amendments to the Town of Archer Lodge Code of Ordinances, Archer Lodge, NC, Chapter 30 - UDO**
 - **ARTICLE 2. - AUTHORITIES, DIVISIONS 1, 5, 6**
 - **ARTICLE 3. - PROCEDURES, DIVISION 1**

- **ARTICLE 4. - ZONING DISTRICTS, DIVISION 5**
- **ARTICLE 5. - USE REGULATIONS, DIVISION 3**

Council Member Bruton asked if the special use permit information will be forthcoming, and Ms. Maybee replied that she would provide the information as soon as possible. There was no further discussion.

TOWN OF ARCHER LODGE				
2021 CALENDAR				
TOWN COUNCIL MEETINGS				
MONTH	REGULAR MEETING	WORK SESSION	BUDGET RETREAT	SPECIAL MEETING
January	Monday, Jan 4			
February	Monday, Feb 1		Monday, Feb 15	
March	Monday, Mar 1			
April	Monday, Apr 5			
May	Monday, May 3	Monday, May 17		
June	Monday, Jun 7	Monday, Jun 21		
July	Monday, Jul 12			
August	Monday, Aug 2			
September	Tuesday, Sep 7	Monday, Sep 20		
October	Monday, Oct 4			
November	Monday, Nov 1	Monday, Nov 15		Monday, Nov 15
December	Monday, Dec 6			

Council Member Jackson made a motion.

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

Approved to change the Monday, November 15, 2021, Work Session to a Special Meeting for the Purpose of Deliberating on the following:

1. **Quasi-Judicial Public Hearing: 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, and;**
2. **Public Hearing: Amendments to the Town of Archer Lodge Code of Ordinances, Archer Lodge, NC, Chapter 30 - UDO**
 - **ARTICLE 2. - AUTHORITIES, DIVISIONS 1, 5, 6**
 - **ARTICLE 3. - PROCEDURES, DIVISION 1**
 - **ARTICLE 4. - ZONING DISTRICTS, DIVISION 5**
 - **ARTICLE 5. - USE REGULATIONS, DIVISION 3**

CARRIED UNANIMOUSLY

c) Discussion and Consideration of the "Town of Archer Lodge Rules of Procedure" DRAFT Version as Provided

Mayor Mulhollem thanked Staff and Attorney Burrell for working together on this project. He shared that it will be a helpful tool now and in the future for the Town Council and Advisory Boards.

Mayor Mulhollem opened the floor for discussion. Council Member Bruton commented that it was a good job, nice details, and well laid out. Mr. Gordon noted that Attorney Burrell and Ms. Maybee worked together on the project. No further discussion.

11 - 30

d) Discussion and Consideration of Approving a Resolution Adopting Archer Lodge Rules of Procedure for the Town Council, Boards/Committees (Resolution# AL2021-11-01a)

Mayor Mulhollem called for a motion.

Council Member Wilson asked if this is a final version. Mayor Mulhollem confirmed that it was a final version.

Ms. Batten asked if she could comment on 4(c). Mayor Mulhollem approved. She informed that page 3 of the draft version needed the following corrected:

- Section F. Order of Business, the first sentence does not specify the type of agenda. Attorney Burrell confirmed that it should be regular agenda.
 - Section F. Order of Business, the "Consent Agenda" was omitted.
- No further discussion.

The corrections to page 3 appear as follows:

F. ORDER OF BUSINESS

In general, items shall be placed on the regular agenda according to the Order of Business. Unless modified by council vote, the order of business for each regular meeting shall be as follows:

Welcome/Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Open Forum/Public Comments

Recognitions/Presentations

Discussion and Possible Action Items

Town Attorney's Report

Town Administrator's Report

Finance Officer/Town Clerk Report

Planning/Zoning Report

Mayor's Report

Council Members' Remarks

Adjournment

Boards and/or Committees may, from time to time, need to make a report to the Town Council or recommend action to the Town Council. Reports or recommendations from any Board or Committee to the Council will be placed in the "Discussion and Possible Action Items" portion of the agenda.

G. PUBLIC ADDRESS TO THE COUNCIL/BOARD

Any individual or group may address the Council/Board during the Public Comment portion of the meeting.

A fixed standard time limit shall be established under these rules, announced at the beginning of each public comment session whether at a regular meeting (3 min) or a public hearing (5 min), and strictly adhered to with the Town Clerk being a timekeeper.

A standard statement should be read prior to each of these comment sections that explain to the speaker and audience those comments are welcome but certain aspects (personnel for an example) cannot be discussed. The speaker should also be told that, in general, the council will take comments under consideration but will probably have no comment in that meeting.

In the event the Mayor determines that numerous or lengthy comments will be offered, he or she may, in order to ensure that all positions are heard:

1. Designate a spokesperson for a group of persons propounding a certain position;

3

Mayor Mulhollem called for a motion as amended on page 3.

Adopted Resolution# AL2021-11-01a Adopting Archer Lodge Rules of Procedure for the Town Council, Boards/Committees appears as follows:



RESOLUTION# AL2021-11-01a

TOWN OF ARCHER LODGE

RESOLUTION ADOPTING ARCHER LODGE RULES OF PROCEDURE

FOR THE TOWN COUNCIL, BOARDS / COMMITTEES

WHEREAS, the stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of governmental structure. The purpose of the “Archer Lodge Rules of Procedure,” incorporated herein, is to provide a comprehensive and uniform set of rules of procedures under which the Town Council, Boards/Committees will conduct meetings.

WHEREAS, the “Archer Lodge Rules of Procedure” comply with mandated law;

NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby adopts the “Archer Lodge Rules of Procedure.”

DULY ADOPTED ON THIS 1ST DAY OF NOVEMBER 2021 WHILE IN REGULAR SESSION.

ATTEST:



(SEAL)

Kim P. Batten

Town Clerk



(SEAL)

Matthew B. Mulhollem

Mayor



The Approved Rules of Procedure as Amended appear following the signature page at the close of the minutes.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Adopted Resolution# AL2021-11-01a Adopting Archer Lodge Rules of Procedure for the Town Council, Boards/Committees as Amended.

CARRIED UNANIMOUSLY

[Town of Archer Lodge Rules of Procedure - Approved as Amended](#)

e) Discussion and Consideration of Approving a Resolution Adopting the 2022 Holiday Schedule (Resolution# AL2021-11-01b)

Mayor Mulhollem opened the floor for discussion.

Having none, Mayor Mulhollem called for a motion.

Adopted Resolution# AL2021-11-01b Adopting the 2022 Holiday Schedule appears as follows:



RESOLUTION# AL2021-11-01b

TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE 2022 HOLIDAY SCHEDULE

WHEREAS, it is the policy of the Town to follow the holiday schedule provided by the State of North Carolina for its employees; and

WHEREAS, the below 2022 Holiday Schedule was retrieved from the State of North Carolina website <https://oshr.nc.gov/state-employee-resources/benefits/leave/holidays#2022>

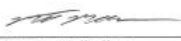
2022 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	December 31st	Friday
Martin Luther King Jr's Birthday	January 17th	Monday
Good Friday	April 15th	Friday
Memorial Day	May 30th	Monday
Independence Day	July 4th	Monday
Labor Day	September 5th	Monday
Veterans Day	November 11th	Friday
Thanksgiving	November 24th & 25th	Thursday & Friday
Christmas	December 23rd, 26th & 27th	Friday, Monday & Tuesday

NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby adopts the 2022 Holiday Schedule as presented.

DULY ADOPTED ON THIS 1ST DAY OF NOVEMBER 2021 WHILE IN REGULAR SESSION.

ATTEST:

Kim P. Batten
Town Clerk


Matthew B. Mulhollem
Mayor



Moved by: Council Member Jackson
Seconded by: Council Member Purvis
Adopted Resolution# AL2021-11-01b Adopting the 2022 Holiday Schedule

CARRIED UNANIMOUSLY

f) **Discussion and Consideration of Approving a Resolution Adopting the 2022 Town Council Meeting Schedule (Resolution# AL2021-11-01c)**

- Mayor Mulhollem opened the floor for discussion.
- Suggestion to remove the November Work Session and add a Work Session in October to keep it from being during a holiday. Discussion followed and agreed.

Adopted Resolution# AL2021-11-01c Adopting the 2022 Town Council Meeting Schedule as Amended appears as follows:



RESOLUTION# AL2021-11-01c

TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE 2022
TOWN COUNCIL MEETING SCHEDULE

WHEREAS, the Archer Lodge Town Council exists to conduct the business of the citizens; and

WHEREAS, the Regular Town Council meetings for the Archer Lodge Town Council are held the first Monday of the month at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers, unless otherwise noted; and

WHEREAS, the Work Sessions for the Archer Lodge Town Council are held the third Monday of the month at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers, unless otherwise noted; and

WHEREAS, each meeting of the Archer Lodge Town Council is open to the public, except as provided by NC G.S. 143-318.11; and

WHEREAS, the Archer Lodge Town Council may amend the yearly meeting schedule in accordance with NC G.S. 143-318.12:

TOWN OF ARCHER LODGE 2022 CALENDAR TOWN COUNCIL MEETINGS			
MONTH	REGULAR MEETING	WORK SESSION	BUDGET RETREAT
January	Monday, Jan 3		
February	Monday, Feb 7		Monday, Feb 21
March	Monday, Mar 7		
April	Monday, Apr 4		
May	Monday, May 2	Monday, May 16	
June	Monday, Jun 6		
July	Monday, Jul 11		
August	Monday, Aug 1		
September	Tuesday, Sep 6	Monday, Sep 19	
October	Monday, Oct 3	Monday, Oct 17	
November	Monday, Nov 7		
December	Monday, Dec 5		

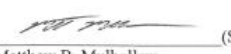
NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby adopts the 2022 Town Council Meeting Schedule as presented.

DULY ADOPTED ON THIS 1ST DAY OF NOVEMBER 2021 WHILE IN REGULAR SESSION.

ATTEST:

Kim P. Batten
Town Clerk




(SEAL)
Matthew B. Mulhollem
Mayor

Moved by: Council Member Bruton
Seconded by: Council Member Wilson
Adopted Resolution# AL2021-11-01c Adopting the 2022 Town Council Meeting Schedule with an amendment to remove the November 21, 2022 Work Session and add an October 17, 2022 Work Session.
CARRIED UNANIMOUSLY

5. **TOWN ATTORNEY'S REPORT:**

- a) **Attorney Burrell had no report.**

6. **TOWN ADMINISTRATOR'S REPORT:**

- a) **Mr. Gordon shared the following:**
- The Veterans Day Ceremony and Celebration will be held Thursday, November 11, 2021, at 11:00 a.m. Following the ceremony, ALCC will have two food trucks and the Town has sponsored the CAT5 Band to perform on stage from 12:30 p.m. to 2:30 p.m.
 - Due to high bids, the park plans are being reconfigured with hopes to rebid in January 2022. Anticipating starting the grading in March or April 2022.
 - The curb, gutter and paving project in front of Town Hall should be completed by November 22, 2021.

- The Covered Bridge Road project may not begin until February 2023.

7. FINANCIAL/TOWN CLERK'S REPORT:

a) Interim Financials Reports for September 2021

Ms. Batten shared that September 30, 2021 marks the end of the first quarter (25% complete) of fiscal year ending June 30, 2022. Having amended the budget in September due to ARPA funds, the Revenues collected in the General Fund are slightly over the 25 percentile which mainly consists of ad valorem and motor vehicle taxes as well as sales taxes. She noted that the expenditures are roughly 32% of those appropriated and the ARPA funds have been transferred to the ARPA Fund 42 per IRS/State guidelines. That big transfer amount attributes to the percentage of the expenditures being higher than normal.

Ms. Batten noted that the Capital Reserve Fund, Park Reserve Fund and Public Safety Reserve Fund had investment earnings during the month totaling roughly \$370. The Park Reserve Fund had additional revenues due to the three-cents tax transfer of approximately \$7,500 from the General Fund. There were no expenditures in either of these three funds during the month of September 2021.

Ms. Batten mentioned that the Archer Lodge Town Park PARTF Project Fund had very little activity. Total revenues of \$12,719 have exceeded the expenditures in the amount of \$5,088 by approximately \$7,631.

Also, Ms. Batten stated that the ARPA Fund had received \$78 in investment earnings since receiving the first distribution and no expenditures were reported for the month ending September 30, 2021.

In comparing September 2021 with September 2020, Ms. Batten shared that revenues in the General Fund were higher in September 2021 by approximately \$7,768 and expenditures were also higher in September 2021 by approximately \$37,414. Expenditures exceeded revenues more in September 2021 than they did in September 2020 by roughly \$29,700. Ms. Batten anticipates this deficit will change as the fiscal year continues closer to January 2022. Nothing further was provided.

8. PLANNING/ZONING REPORT:

a) Planning | Zoning | Projects | Updates

Ms. Maybee reported the following:

- Total of 7 permits for October 2021.
- Inventory of permits issued:
 - Harden Creek Subdivision - 10 out of 10
 - Woodfin - 19 out of 20
 - Bittle Creek - 12 out of 14 new lots and there are 4 existing lots.
 - Vinson Park - 18 out of 20
 - North Lodge - Completed
 - Wallbourne - 20 out of 20
 - Heritage - 48 of 48 for Phase 3 & 4
 - Mayfield - 19 out of 20
- Have been contacted by a number of developers regarding a 32 lot and 16 lot subdivisions.
- Participated in NC League of Municipalities Training for Boards Webinar.
- The training for the American Rescue Plan Act (ARPA) is an in-depth class.

- Working with Chad Meadows on a minor subdivision brochure for the Town website and updated the major subdivision applications.
- Thanked Attorney Burrell and others that participated in putting together the Rules of Procedure for all Town Boards.

b) Code Enforcement

Ms. Maybee provided the October 2021 Code Report and shared the following:

- 7 animal control complaints in October 2021.
- Thanked Kerry Barnes, Animal Control Officer, for her help in taking care of the complaints.
- Reports of tall grass, a burned down house, lights being obstructed, dust over nearby street in a subdivision from construction site in the county.
- The majority of the complaints have been taken care of.
- Thanked Johnston County Development Partners, NCDOT, Sheriff Department for their help.
- A reduced number of signs in the road right-of-way have been reported.

Ms. Maybee mentioned that she will provide the Council with a copy of the Special Use Permit application and site plan for review. The Staff Report will be included with the recommendations of the Planning Board and the Technical Review Committee at the next Council Meeting.

In addition, she will provide a copy of the proposed amendments to the 160D Unified Development Ordinance. She is streamlining and clarifying ordinance provisions that will be presented to the Planning Board at their November 10, 2021 meeting.

c) CAMPO Updates

No Report.

9. MAYOR'S REPORT:

- a) Mayor Mulhollem reported the following:**
- **Encouraged everyone to attend the Veterans Day Celebration that will be held on Thursday, November 11, 2021.**
 - **Asked everyone to vote and support the two current council members that will be on the ballot on Tuesday, November 2, 2021 at the Archer Lodge Community Center.**
 - **Reminded everyone that pictures of the current Council Members will be taken at the Monday, December 6, 2021 Regular Town Council Meeting.**

10. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

- a) Council Member Bruton had no remarks.**

-
- b) Council Member Wilson informed that he and his wife were able to travel to see his brother and informed that his health had improved some.**

-
- c) Council Member Jackson mentioned the upcoming holidays and discussed the Archer Lodge Christmas Parade, which is scheduled for Saturday, December 4, 2021.**

d) **Mayor Pro Tem Castleberry shared his good medical report on his heart and that he will be able to have treatment next week. He asked for prayers for an upcoming trip to Florida to see his son, Seth, play in the Turkey Bowl.**

e) **Council Member Purvis encourage everyone to vote and to remember to attend the Veterans Day Celebration.**

11. ADJOURNMENT:

a) **Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.**

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

Adjourned meeting at 7:37 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk

TOWN OF ARCHER LODGE RULES OF PROCEDURE

A. ORGANIZATIONAL MEETING

At the first regular meeting in December, following a general election in which Council members are elected, the newly elected members shall take and subscribe to the oath of office, immediately following dispensing with any routine unfinished business of the prior council (such as approval of minutes). As the next order of business, the Council shall elect a Mayor Pro Tempore and conduct any other organizational business deemed appropriate (such as committee appointments).

At the first regular meeting of the Planning Board and the Board of Adjustment in January, the Board shall elect, from its members, a Chair and Vice-Chair, adopt meeting agenda format and meeting schedule. The Chair shall preside over the meetings and retain the ability to make and second motions and vote on all matters before the Board. The Vice-Chair shall fulfill the role of Chair in the absence or disability of the Chair.

B. OFFICE OF MAYOR

The Mayor shall preside at all meetings of the Archer Lodge Town Council. To address the Town Council, a member must be recognized by the Mayor. The Mayor shall have the following powers:

1. To rule motions out of order, including any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain the rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency;
6. To vote on matters before the Council in the event of a tie number of votes by members of the Town Council.

At the organization meeting, Council shall elect from among its members, a Mayor Pro-tempore to serve at the pleasure of the Council. The election shall be for a two (2) year term and the official shall perform the duties of Mayor during any absence or disability of the Mayor. If the Mayor Pro-tempore should need to fulfill the duties of the Mayor, he or she shall retain the duties of Councilmember including voting on all matters and shall count towards the establishment of a quorum.

C. QUORUM

A majority of the actual membership of the Council, Planning Board, Board of Adjustment, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present shall be counted as present for the purpose of determining whether a quorum is present.

A quorum of the Council shall be required at all public hearings required by state law. If a quorum is not present, the hearing shall be deferred to the next regular public hearing meeting, without further advertisement.

D. REGULAR MEETING

The Archer Lodge Town Council shall hold its Regular Meeting on the first Monday of each month, except that if a regular meeting is a legal holiday, the meeting shall be rescheduled. All meetings shall be held in the Jeffrey D. Barnes Council Chambers unless notice is otherwise given.

E. AGENDA

The Town Clerk shall prepare the agenda for the meeting. Any elected Town Council member may direct the Town Clerk to place an item of business on the agenda. For the agenda to be published and distributed in a timely manner, such directive needs to be received on or before the due date requested by the Town Clerk.

Requests for items of business to appear on the agenda from individuals or organizations will be placed on the agenda under Public Comment or Public Presentations, at the discretion of the Town Clerk and Town Administrator. Any request for an item of business to appear on the agenda from individuals or organizations must be received at least one (1) week before the meeting. The agenda should include all items, particularly action items and announcements, that are expected to be considered. Any item placed on the agenda, whether to be discussed openly or approved in consent, should have an exhibit sheet accompanied by supporting documents. These exhibit sheets should have a concise but understandable description of what the council is to consider.

This procedure would also be required of any item placed on the agenda during the "approval of agenda" section of the Town Council meeting. Every effort should be made to not add an agenda item during the meeting. However, where it is deemed necessary, an exhibit sheet with supporting documentation should be provided to the Mayor, each Councilmember, the Town Administrator, and the Town Attorney prior to a vote to amend the agenda. No recommendation for action on any item should come before the Council without written justification and supporting information.

Each Councilmember shall receive a copy of the draft agenda and supporting exhibits in advance of the regularly scheduled town council meeting.

F. ORDER OF BUSINESS

In general, items shall be placed on the regular agenda according to the Order of Business. Unless modified by council vote, the order of business for each regular meeting shall be as follows:

Welcome/Call to Order
 Invocation
 Pledge of Allegiance
 Approval of Agenda
 Consent Agenda
 Open Forum/Public Comments
 Recognitions/Presentations
 Discussion and Possible Action Items
 Town Attorney's Report
 Town Administrator's Report
 Finance Officer/Town Clerk Report
 Planning/Zoning Report
 Mayor's Report
 Council Members' Remarks
 Adjournment

Boards and/or Committees may, from time to time, need to make a report to the Town Council or recommend action to the Town Council. Reports or recommendations from any Board or Committee to the Council will be placed in the "Discussion and Possible Action Items" portion of the agenda.

G. PUBLIC ADDRESS TO THE COUNCIL/BOARD

Any individual or group may address the Council/Board during the Public Comment portion of the meeting.

A fixed standard time limit shall be established under these rules, announced at the beginning of each public comment session whether at a regular meeting (3 min) or a public hearing (5 min), and strictly adhered to with the Town Clerk being a timekeeper.

A standard statement should be read prior to each of these comment sections that explain to the speaker and audience those comments are welcome but certain aspects (personnel for an example) cannot be discussed. The speaker should also be told that, in general, the Council will take comments under consideration but will probably have no comment in that meeting.

In the event the Mayor determines that numerous or lengthy comments will be offered, he or she may, in order to ensure that all positions are heard:

1. Designate a spokesperson for a group of persons propounding a certain position;

2. Arrange for delegates from any such group to speak whenever the numbers of such persons propounding a particular position exceeds the capacity of the Town Council Chambers; and
3. Arrange for the Johnston County Sheriff's Department to ensure that such meeting is conducted in an orderly manner.

H. PUBLIC HEARING

Public hearings required by law or deemed advisable by the Council shall be organized by special order, adopted by a majority vote that sets forth the subject, date, place and time of the hearing, as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to:

1. Fixing the maximum time allotted to each speaker;
2. Providing for the designation of spokespersons for groups of persons supporting or opposing the same positions;
3. Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the council chambers (so long as arrangements are made for those excluded from the council chambers to listen to the hearing); and
4. Provide for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the Open Meetings Law applicable to Council/Board meetings shall also apply to public hearings at which a majority of the Council/Board is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of the law have been given, may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the Council/Board is present.

At the time of the hearing, the Mayor/Chair, or his or her designee, shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing closed.

In order to provide sufficient time for all public hearings and speakers, a public hearing cannot serve as a question and answer time. Town staff will direct in all notices required by law, that in order to allow sufficient time for all public hearings, any questions or research should be conducted by any such interested person(s) in advance of the public hearing. Town staff may facilitate the public's edification by using the Town's website or maintaining a printed file accessible to the public which contains relevant information about the subject matter of the public hearing.

Required Quasi-Judicial Public hearings and actions taken the Town Council or Board of Adjustment shall be in accordance with the Appendix, Division 1 – Quasi-Judicial Procedural Guidelines, and is incorporated herein.

II. ACTIONS TAKEN BY COUNCIL, PLANNING BOARD, AND BOARD OF ADJUSTMENT IN MEETINGS (Planning Board and Board of Adjustment shall be referred to as “Boards” or “Board”)

A. MOTION

The Council and Boards shall proceed by motion. Any member may make a motion.

B. SECOND REQUIRED

A motion shall require a second. Any motion without a second shall fail.

C. ONE MOTION AT A TIME

A member may make only one motion at a time.

D. SUBSTITUTE MOTION

A substitute motion is out of order while another substantive motion is pending.

E. ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by the Unified Development Ordinance, or the laws of North Carolina.

F. DEBATE

The Mayor (for Council) or Chair (for Boards) shall open the floor to discussion among the members on each motion, after a second is received, and shall preside over the discussion according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before a member who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

G. RATIFICATION OF ACTIONS

To the extent permitted by law, Council or Boards may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

H. PROCEDURAL MOTIONS

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn (or recess) to a time and place certain shall also comply with the requirements of Rule 2(c).
2. To Take a Brief Recess.
3. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived.
4. To Suspend the Rules of Procedure. The motion requires for adoption, a vote equal to two-thirds of the actual membership of the Council or (Chair) for Boards, excluding vacant seats. The Council or Board may not suspend provisions of the rules that state requirements imposed by law on the Council or Board.
5. To Divide a Complex Motion and Consider It by Paragraph.
6. To Defer Consideration. A substantive motion, whose consideration has been deferred, expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
7. Call of the Previous Question. This motion is not in order until there has been at least ten (10) minutes of debate and every member has had an opportunity to speak once.
8. To Postpone to a Certain Time or Day.
9. To Refer to a Board/Committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council/Board, whether the committee has reported the matter to the Council/Board.
10. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. A motion to amend may be made at any time prior to the call for a vote of the original motion.
11. To Revive Consideration. The motion is in order any time within one hundred

(100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

12. To Reconsider. This motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
13. To Rescind or Repeal. The motion is not in order if rescission or repeal of an action is forbidden by law.
14. To Prevent Reconsideration for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption, a vote equal to two-thirds of the actual membership of the Council or Board, excluding vacant seats. If adopted, the restriction imposed by the motion remains in effect for six (6) months or until the next organizational meeting of the Council or Board, whichever occurs first, unless otherwise provided in the Unified Development Ordinance.

I. RENEWAL OF MOTION

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

J. WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before a vote.

K. DUTY TO VOTE

Every member must vote unless excused by the remaining members according to State law. A member who wishes to be excused from voting shall so inform the Mayor/Board Chair, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, unless otherwise stated in Section II, subsection Q., a failure to vote by a member who is physically present in the Council Chambers or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

L. INTRODUCTION OF ORDINANCES

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by Council or Boards.

M. ADOPTION OF ORDINANCES

An affirmative vote equal to a majority of all members of the Council not excused

from voting on the question shall be required to adopt an ordinance or to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the Town.

No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

N. ADOPTION OF THE BUDGET ORDINANCE

Notwithstanding the provisions of any Town Charter, general law, or local act:

1. Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meetings of Council by a simple majority of those present and voting, a quorum being present;
2. No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by Council;
3. The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to Council and ending with the adoption of the budget ordinance, the Town Council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the Open Meetings Law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each Member of Council has actual notice of each Special Meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken. This rule does not allow and may not be construed to allow the holding of closed meetings or executive session by the Council if it is otherwise prohibited by law from holding such a meeting or session.

O. CLOSED SESSIONS

Council or Boards may hold closed sessions as provided by law (See N.C.G.S. § 143-318.11). Council or Boards shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the general purpose of the closed session and must be approved by the vote of the majority of those present and voting. Council shall terminate the closed session by a majority vote.

Only those actions specifically authorized by statute may be taken in closed session. A motion to adjourn or to recess to a time and date certain shall not be in order during a closed session. This does not preclude a brief recess.

P. SPECIAL, EMERGENCY, & ADJOURNED MEETINGS

1. Special Meetings. The Mayor, the Mayor Pro-tempore, or any two members of the Town Council may at any time call a special Council meeting by signing a written notice stating the time and place of the meeting and the subject(s) to be considered. At least forty-eight (48) hours before a special meeting is called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be: (a) delivered to the Mayor and each Councilmember or left at his or her usual dwelling place; (b) posted on the Town's principal bulletin board; and (c) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

Only those items of business specified in the notice may be transacted at a Special Meeting called in this manner unless all members are present or have signed a written waiver of notice.

A Special Meeting may also be called or scheduled by vote of the Council in open session during another duly called meeting. The motion or resolution calling or scheduling the Special Meeting shall specify its time, place, and purpose. At least forty-eight (48) hours before a Special Meeting is called in this manner, notice of the time, place, and purpose of the meeting shall be (a) posted on the council's principal bulletin board; and (b) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. (Such notice shall be mailed or delivered at least forty- eight (48) hours before meeting to each Council Member and to the Mayor if he or she was not present at the meeting at which the Special Meeting was scheduled.)

2. Emergency Meetings. The Mayor, the Mayor Pro-tempore, or any two members of the Town Council may at any time call an Emergency Council Meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Council Member or left at his or her usual dwelling place at least six (6) hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire services, or station's telephone number, with the Town Clerk. This notice shall be given by the same method used to notify the Mayor and Council Members and shall be given at the expense of the party notified.

Emergency Meetings shall only be called because of general unexpected circumstances that require immediate consideration by the Town Council. Only business connected with the emergency may be considered at an emergency meeting.

3. Adjourned (or recessed) Meetings. A properly called regular, special, or emergency meeting may be adjourned (or recessed) by a procedural motion made and adopted as provided in Rule 17(a) in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned (or recessed) session of a properly called regular, special, or emergency meeting.
4. Work Sessions. A work session of the Town Council shall be an open public meeting wherein the Council informally reviews material for and discusses items of importance to the Town and upcoming agenda items, but no official decisions or conclusions are made, and no action is taken. In general, items placed on the agenda shall be as follows:

Welcome/Call to Order

Invocation

Old Business

New Business

Adjournment

Q. VIRTUAL MEETINGS AND ATTENDANCE

Virtual meetings shall apply to any meeting held remotely. Virtual attendance shall apply to both telephonic and video attendance by a Council or Board member. Virtual meetings shall be reserved for declared state of emergencies and shall be conducted pursuant to N.C.G.S. § 166A-19.24. All Council and Board member shall make all efforts to attend meetings in person. If virtual attendance is necessary, the member requesting virtual attendance shall notify the Mayor or Chair and Town Clerk twenty-four (24) hours prior to the start of the meeting, unless advance notice is impracticable. Virtual attendance shall be preferable to the member not participating in the meeting. If a member is attending a meeting virtually, they shall be counted towards a quorum as if they were physically present in the Council chambers at all times they are in virtual attendance. At the beginning of any meeting where a member is in virtual attendance, the Mayor or Chair shall announce that the member is in virtual attendance. Voting by members in virtual attendance shall be made by roll call. In the event that a member who is in virtual attendance should lose connection, they will not be counted as having been present for any subsequent votes.

R. MEETING MINUTES

Full and accurate minutes of the Council or Board Meetings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes and the "aye's and "no's upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during closed sessions. Minutes and other records of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

S. VACANCIES

A vacancy that occurs in an elective office of a Town shall be filled by appointment of the Town Council. If the term of the office expires immediately following the next regular municipal election, or if the next regular municipal election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled municipal election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the Council is such that a quorum of the Council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the Council shall then proceed to fill the remaining vacancies. If the number of vacancies on the Council is such that a quorum of the Council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the Council, or upon the petition of any five registered voters of the city. Vacancies in appointive office shall be filled by the same authority that makes the initial appointment.

APPENDIX

DIVISION 1: QUASI-JUDICIAL PROCEDURAL GUIDELINES

I. QUASI-JUDICIAL HEARING PROCEDURAL GUIDELINES

1. Purpose and General Information. Quasi-judicial decisions arise in a variety of local government settings. In Archer Lodge, the Town Council holds quasi-judicial hearings for special use permits, certain subdivision, and site plan applications and for certain other applications. The Board of Adjustment ("BOA") holds quasi-judicial hearings for variance and reasonable accommodation requests and appeals of staff decisions, including zoning and minimum housing appeals. The Town Council and BOA are collectively referred to in this policy as the "Hearing Body." The Archer Lodge Unified Development Ordinance is referred to as the "UDO."

During a quasi-judicial hearing, the Hearing Body must hold an evidentiary hearing and make its decision based on the written and oral evidence presented. Unlike legislative decisions, a quasi-judicial decision must be based solely on the evidence presented and cannot be based on opinions of members of the Hearing Body. Put differently, a quasi-judicial decision is one that requires the Hearing Body to find facts and exercise discretion when applying the standards of an ordinance to a specific situation.

This policy is adopted to provide flexible guidance for the conduct of quasi-judicial hearings. It is designed to be used in conjunction with the other Rules of Procedures. This policy is based on North Carolina law but is not designed to create any additional rights or obligations and does not provide any procedural rights to any person. The failure of Hearing Body or any other person to adhere to this policy shall not affect the validity of any hearing, action taken, or decision made. To the extent there is conflict or any discrepancy between these recommended procedures and the NC General Statutes, case law, or Town ordinances (collectively "law"), the law shall prevail.

2. Who May Appear at the Hearing? Corporations must be represented by a licensed attorney. Non-corporate applicants and individuals opposed to the application that have standing may represent themselves or be represented by an attorney, legal counsel is strongly advised. Any party may call expert or lay witnesses to testify. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses and may not represent an applicant or those opposed to an application, unless the representation is approved by the Hearing Body before witnesses are sworn and evidence is introduced. The Hearing Body reserves the right to deny non-attorney

representation for non-corporate parties.

3. Prior to the Hearing. All exhibits and evidence to be introduced during the hearing and names and addresses of all lay and expert witnesses should be submitted to the Town at least ten (10) days before the hearing date and electronic PDF files are preferred. The Town may designate staff members responsible for processing each application (sometimes 'Staff Representative') as the person to whom such exhibits should be submitted. Copies should also be provided to any other known parties. By receiving exhibits and evidence prior to the hearing the Town is able to post such exhibits with the agenda. Failure to provide evidence or exhibits by the date and time specified shall mean the applicant or other party is responsible for providing a sufficient number of copies of such exhibits at the hearing. If possible, electronic submissions should meet ADA accessible guidelines (i.e., screen-reader friendly PDF, text file format, etc.). Photos and illustrations should be provided as .jpeg or .tiff format images. These .jpeg or .tiff images may be embedded in the PDF or text file provided but must also be provided as separate files.
 - (a) If prior to the hearing an applicant or a person opposed to an application has questions about the process, he or she may contact the Staff Representative for more information. It is inappropriate for anyone to contact any member of the Hearing Body.
 - (b) Prior to the hearing the Staff Representative, applicant or other person may suggest time limits for testimony and agreement on other procedural matters. The applicant may also request a continuance prior to the hearing by contacting the Staff Representative.
4. Responsibilities of the Presider. The Mayor (if the hearing is before the Town Council) or the Chair of the BOA (if the hearing is before that body), shall preside over the hearing (the "Presider"). The Presider must recognize speakers and members of the Hearing Body before they are heard. The Presider may rule on any objections or requests from participants in the hearing regarding the procedure of the hearing or evidence presented. The Presider may rule on the competence (i.e., the admissibility) of evidence with or without an objection from a participant. The Presider should allow every speaker to be heard but may limit and/or cut off evidence or testimony that is irrelevant, repetitive, incompetent, inflammatory, or hearsay. The Presider may place reasonable and equitable limitations on the presentation of evidence, arguments, and cross-examination of witnesses so that the matter at hand is heard without undue delay.

The Presider may impose additional requirements and take actions as maybe necessary or desirable to facilitate the fair and efficient conduct of the hearing and other agenda items. Additional requirements or actions may include requiring witnesses to sign up in advance of the hearing, allocating reasonable time for each side to present their testimony and evidence, limiting the overall time for the hearing, and delaying a hearing to a later point in the agenda or

continuing the hearing to a later meeting.

5. Responsibilities of the Hearing Body. Members of the Hearing Body must make their decision solely on the written and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications. Members may, however, view the premises at issue before the hearing so long as at the commencement of the hearing the members disclose the site visit and any facts or information collected from the site visit that is relevant to the case. Likewise, at the commencement of the hearing, or during the hearing if it only becomes evident then, members must disclose any specialized knowledge they may have that is relevant to the case.

Members of the Hearing Body should refrain from ex parte communications about upcoming or ongoing cases with any parties or other members of the Hearing Body, and at the commencement of the hearing, members must disclose ex parte communications. Members may seek and receive general, technical information pertaining to the case from Town staff prior to the hearing, but Town staff should provide the information to all during the hearing before the entire Hearing Body.

6. Responsibility of Those Who Testify. In addition to other responsibilities of the applicant and others who testify ("witnesses"), witnesses shall observe time limits imposed on testifying unless the Presider grants additional time. Witnesses shall avoid hearsay evidence. Hearsay evidence is testimony that the witness does not know of his or her own personal knowledge, including that which someone else told the witness and the use or introduction of signed petitions and letters. Witnesses shall focus their testimony on the applicable criteria. Unless they are a qualified expert, witnesses are not competent to testify about the impact of a proposed land use on the value of nearby property, the danger to public safety resulting from increases in traffic or other matters that require special training or expertise like the level of noise that will be generated. Non-expert witnesses are competent to testify about facts known to them and their opinion so long as it is not about the impact on property values, the danger to public safety from increases in traffic, and other matters that require special training or expertise.
7. Standing. Only parties with standing may present arguments or evidence at the evidentiary hearing. A party with standing is an aggrieved party who would suffer special damages from the outcome of the matter. The following have standing as a party:
 - (a) A person with a legal interest in the subject property (this includes ownership; lease interest; an option or contract to purchase the property; or an interest created by an easement, restriction, or covenant),
 - (b) The applicant before the decision-making board,
 - (c) A person who will suffer special damages as a result of the decision (these damages must be ones that are distinct from those damages to

the public at large), and

- (d) An association organized to promote the interest of a particular area (such as homeowners' association or community associate) so long as at least one member would have standing as an individual and the association was not created in response to the development at issue.
8. Conduct of the Hearing. The order of business for each hearing should be as follows:
- (a) All persons, including Town staff, who intend to present evidence must be sworn in.
 - (b) The Presider shall call the case as advertised on the agenda. The Presider may state something along the lines of:
 - i. This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the ordinance standards/criteria and the competent, substantial, and material evidence received during this hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions of fear of potential increases in crime, traffic or impacts on property values do not constitute competent evidence.
 - (c) If the applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Hearing Body for such representation as set forth in Section 2 above.
 - (d) Members of the Hearing Body should disclose the following:
 - i. Any site visits;
 - ii. Ex parte communications;
 - iii. Specialized knowledge they have relevant to the case;
 - iv. Whether they have a fixed opinion that is not susceptible to change based on what they learn at the hearing;
 - a) Whether they have a close familial, business or other relationship with the applicant or other affected person;
 - b). Whether they have a financial interest in the outcome of the case; and
 - c). Any other information relevant to determining whether a conflict of interest exists.
 - (e) If necessary, the Hearing Body will vote on recusal of members at this

time. A member shall not participate in the hearing if the member has a fixed opinion prior to the hearing that is not susceptible to change; has engaged in undisclosed ex parte communications; has a close family, business or other associational relationship with the applicant or an affected person; or has a financial interest in the outcome of the matter.

- (f) The applicant or other affected person (having been sworn in) shall present any objections they may have to a member's participation. If an objection is made to the participation of a member based on personal bias or other ground for disqualification, the Hearing Body shall determine the matter as part of the record.
- (g) The Presider shall open the hearing.
- (h) The Staff Representative should present the staff report.
- (i) Evidence and the appropriate number of exhibits that were not provided by the deadline in advance of the hearing shall be given to the Clerk and any opposing party. The Clerk shall number the exhibits if they have not already been numbered and shall distribute to Hearing Body. If an exhibit is presented it becomes part of the record and will not be returned.
- (j) If all parties are represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement.
- (k) The applicant shall present the arguments and evidence in support of the application. The applicant shall address applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body, or the Town may ask questions for clarification. If all parties are represented by attorneys, opposing parties may ask questions of (cross-examine) the applicant (if the applicant testifies) or supporting witnesses at this time. If those opposed to the applicant are not represented by attorneys, the Presider may prefer to delay cross-examination until all sides present their arguments and evidence.
- (l) Persons opposed to granting the application shall present the arguments and evidence against the application based on the applicable approval criteria. Members of the Hearing Body or any attorney representing the Hearing Body, or the Town may ask questions for clarification. If all parties are represented by attorneys, the applicant may cross-examine the speaker or opposing witnesses at this time.
- (m) The Presider will provide Town staff and/or their attorney an opportunity to present relevant arguments or evidence.
- (n) If cross-examination was not done at the conclusion of each side's case, then both sides will be permitted to cross examine previous witnesses.

Those who oppose the application should cross examine the applicant (if the applicant testified) and the applicant's supporting witnesses first. Then the applicant may cross examine those witnesses who spoke in opposition to the application. Both sides will be permitted to present rebuttals to opposing testimony. Both sides may, as necessary, object to incompetent evidence and testimony (such as improper lay opinion testimony and hearsay) offered by other witnesses. The Presider may rule on such objection or take it under advisement.

- (o) After all evidence has been presented, the Presider may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order. The Presider will entertain objections and rule on the admissibility of the evidence or exhibit.
- (p) Unless the Presider continues the public hearing to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time and location, the Presider shall close the period for public discussion. The Hearing Body shall publicly discuss the case without further general input from the public. Members of the Hearing Body, however, may seek clarification or ask questions of persons previously sworn on any piece of evidence presented. Cross-examination and rebuttals may be made only on new evidence presented. The hearing shall be closed after Hearing Body deliberations are complete.
- (q) Unless the hearing has been continued, the Hearing Body shall render a decision on the matter, or, if it so chooses, recess the case to the next regularly scheduled quasi-judicial meeting of the Hearing Body or to a publicly stated date, time, and location. The Town Council may approve an application by vote of a majority of the members. The BOA may approve variances only by a vote of four-fifths of the members of the Board (excluding vacant positions and members who are disqualified from voting if there are no qualified alternates available).
- (r) Any motion to approve an application that does not receive the required majority or super-majority vote means the application has been denied. If an application has been denied, findings of fact and conclusions must be made to support that decision.
- (s) The Hearing Body may attach conditions to the approval of any application in accordance existing state law and Town Code.
- (t) A written decision must be approved for every quasi-judicial application, generally at the next scheduled meeting of the Hearing Body. As part of the written decision, the Hearing Body must make findings of fact and conclusions as to applicable standards and any conditions (See Section X).

9. Burden of Proof, Testimony, and Evidence.

- (a) Burden of Proof for Special Use Permits, and Subdivision/Site Plan Approvals or other required applications: The applicant has the burden of producing sufficient substantial, competent, and material evidence for the Hearing Body to conclude that the standards of the applicable unified development ordinances (UDO) have been met. If the applicant meets all the standards of the UDO, the applicant is entitled to approval unless those opposed to the application produce substantial, competent and material evidence that one or more of the standards have not been met. If the applicant fails to put forth sufficient evidence to show they meet all the criteria, then the Hearing Body must deny the application. For example, for a special use, the applicant must establish that the application meets the specific criteria for the specific use proposed and that it meets all of the general criteria of the UDO. For site/subdivision plan, the applicant must establish that the application meets the applicable criteria of the UDO.
- (b) Burden of Proof for Variances: The applicant has the burden of producing sufficient substantial, competent, and material evidence for the Hearing Body to conclude that unnecessary hardships would result from carrying out the strict letter of the zoning ordinance. The BOA must deny a request for a variance unless the applicant puts forth sufficient evidence that all of the criteria of UDO have been met.
- (c) Burden of Proof for Appeals: Appeals of administrative decisions are only quasi-judicial decisions in the limited sense that they require the same due process protections as are given in other quasi-judicial proceedings (for example, the rights to present evidence and cross examine). Unlike other quasi-judicial decisions, however, an appeal of an administrative decision presents a question of law, which the Hearing Body considers de novo. "De novo" means the Hearing Body is not bound by the ordinance interpretation of Town staff. Instead, the Hearing Body must seek to interpret the ordinance so as to give effect to the Town Council's intent when it adopted the ordinance. The Hearing Body shall not reverse or modify an administrative decision unless it finds that the administrative officer erred in the application or interpretation of the terms of the UDO, Town Code, or related policies adopted by the Town. The other common rules of statutory construction apply as well. Appeals are typically in the nature of certiorari to the superior court as set forth in N.C.G.S. § 160D-1402.
- (d) Testimony and Evidence: All lay and expert testimony, including the Town staff, must be sworn testimony. All persons wishing to speak will be given a reasonable time in which to be heard; however, groups are encouraged to select a spokesperson to speak for the group in order to avoid repetitive testimony. Inflammatory, irrelevant, repetitive, and incompetent testimony and hearsay is not permitted. The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is

"that which a reasonable mind would regard as sufficiently supporting a specific result." Competent evidence is evidence that can be subjected to cross-examination, inspection, explanation, and rebuttal. Courts often refer to that is relevant to the issue being considered by the Hearing Body.

- i. Lay Versus Expert Testimony: As a general rule, anyone with relevant knowledge to the case may provide factual information, but only experts may provide opinion testimony. Lay witnesses should not provide opinion testimony, as this testimony is generally deemed incompetent. Expert testimony must be competent wherein the expert has qualifications relevant to the matter before the Hearing Body. Under N.C.G.S. § 160D-1402(j)(3), expert testimony is required in three cases:
 - a). The use of property in a particular way would affect the value of other property;
 - b). The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; and,
 - c). Other matters about which only expert testimony would generally be admissible under the rules of evidence, such as the level of noise that will be generated.

(e) Conditions of Approval.

- i. Conditions Generally: The Hearing Body may attach conditions to approvals of special use permits, subdivision and site plans, and variances, and such other approvals as law may permit. For special use permits and subdivision and site plans, conditions must be reasonable and appropriate and limited to those that require changes in a project "that are necessary to bring the project into compliance with the standards" of the applicable statutes and ordinances. For variances, conditions must be "reasonably related to the variance."

Conditions cannot require the applicant to take action with regard to a piece of property that is not a part of the application being considered, and conditions cannot require the alteration of a special use permit previously issued to a third party.

- ii. Conditions on Appeals Decisions: Unlike conditions on special use permits, subdivision plans, site plans, and variances, the Hearing Body's authority in an appeal is limited to reversing or affirming, wholly or partly, or modifying the staff decision. Moreover, the Hearing Body only has only the powers of the officer from whom the appeal is taken. An appeal of an administrative decision cannot

be used to impose conditions or vary the ordinance.

- (f) Written Decision. The Hearing Body must reduce its decision to writing, and the written decision must reflect the Hearing Body's determination of contested facts and their application to the specific standards for the particular use and the general standards contained in UDO for special uses, for subdivision plans and site plans, for variances, and for reasonable accommodations. For approvals or denials of these types of applications, the Hearing Body should make conclusions as to each applicable standard as appropriate. Even if the Hearing Body denies an application because it fails to meet one or two criteria, the better practice is to make findings of fact and conclusions as to all standards, so the record is clear in the event the decision is appealed.

There are no specific UDO standards that apply to the appeal of an administrative decision; instead, the Hearing Body should make findings of fact and conclusions that are relevant to the specific ordinance that is at issue in the appeal. Findings of fact must also be made to support conditions attached to any approval. The written decision must be signed by the Presider or other authorized member of the Hearing Body and becomes effective upon filing with the Planning Department. A copy of the written decision must be delivered to the applicant, property owner, and others as required by state law.

- (g) Withdrawal of the Application. An application or appeal will be considered to have been withdrawn under the following circumstances.
- i. The applicant submits a written request to withdraw the application or appeal;
 - ii. The property owner, if different than the applicant, submits a notarized request to withdraw the application or appeal;
 - iii. The Hearing Body requests the applicant to furnish additional information within a specified period of time, and such information is not furnished by the applicant within the time period allowed;
- (h) Without prior notification to the Presider or Clerk, the applicant does not appear at the scheduled hearing to testify regarding the merits of the application; or
- (i) The applicant appears at the scheduled hearing and requests that the application be withdrawn.
- (j) Reconsideration/Reopening. Substantive decisions on the merits of a request cannot be reconsidered and decided cases cannot be reopened following the approval of a written decision. If there has been a material change in circumstances, the case may be submitted as a new case under the unified development ordinance.



Regular Council - Minutes Monday, December 6, 2021

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

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

COUNCIL ABSENT:

GUEST PRESENT:

Teresa Romano, Planning Board/BOA Member

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. APPROVAL OF AGENDA:

a) No additions or changes noted.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

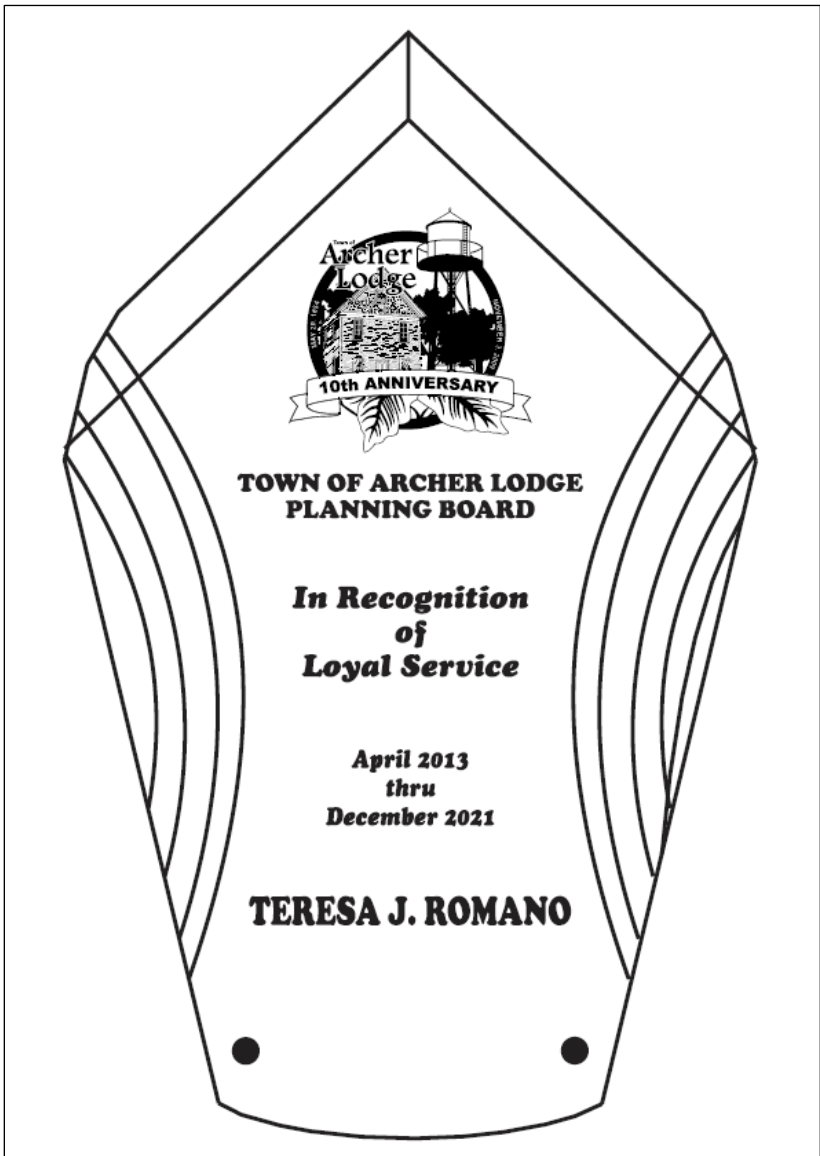
(Maximum of 30 minutes allowed; 3 minutes per person)

- a) Ms. Jill Homan of 111 Hart Wood Ct, Archer Lodge, NC congratulated the Town for putting on a spectacular Christmas Celebration with the parade and other activities. She shared a brief announcement of her candidacy for the NC Senate and that she lives in Archer Lodge. She noted that she would be honored to hear from the people when attending the Christmas Celebration Event after the meeting and noted that she would like to share a little about her background with them. Ms. Homan shared her website <https://www.jillhoman.com/> and thanked everyone for all of their work for the Town.**

4. RECOGNITION:

**a) Outgoing Planning Board and Board of Adjustment Member ~
Teresa J. Romano**

On behalf of the Archer Lodge Town Council Mayor Mulhollem expressed appreciation to Teresa Romano for her years of dedicated service to the Archer Lodge Planning Board and Board of Adjustment. Mayor Mulhollem presented her a Plaque of Appreciation and appears as follows:



Everyone applauded.

Council Member Jackson expressed appreciation to Ms. Romano for volunteering for a position on the Town's Comprehensive Land Use Planning Board and having her support while he was serving as Co-Chair during the early years of the incorporation of the Town. Ms. Romano shared that the best way to describe her experience serving is that "It has been a blast." Everyone Applauded.

5. ORGANIZATIONAL ITEMS:

a) Administration of Oath of Office for Town Council Member Teresa M. Bruton by Mayor Matthew B. Mulhollem

Council Member Bruton was sworn in by Mayor Mulhollem with support of Mike Gordon, Town Administrator.

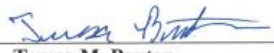
Ms. Bruton's Oath appears as follows:

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON
TOWN OF ARCHER LODGE

OATH OF TOWN COUNCIL MEMBER
TOWN OF ARCHER LODGE

I, **Teresa M. Bruton**, do solemnly and sincerely affirm that I will support the Constitution of the United States of America; that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Teresa M. Bruton**, do affirm that I will well and truly execute the duties of the Office of Town Council Member for the Town of Archer Lodge, North Carolina according to the best of my skill and ability, according to law; so, help me, God.


Teresa M. Bruton

Sworn to and subscribed before me
this 6th day of December, 2021.

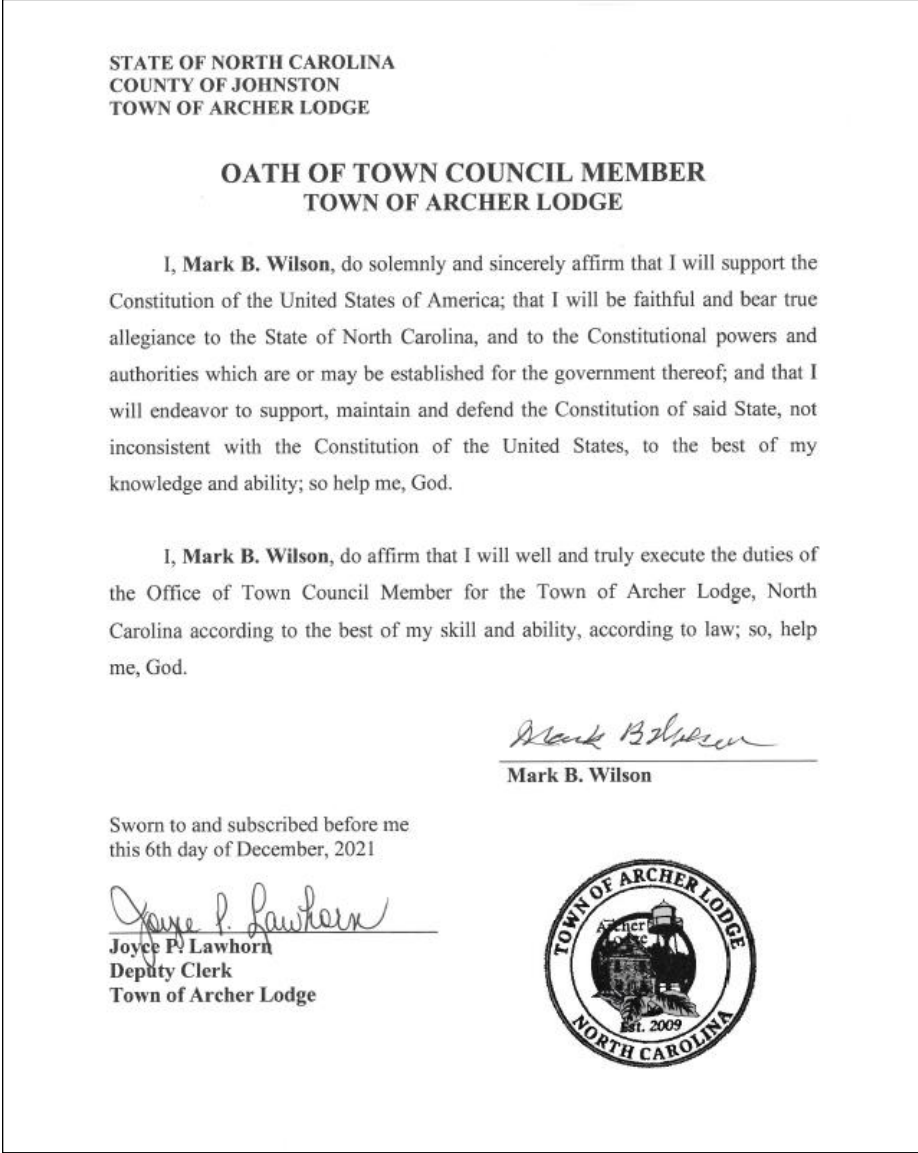

Matthew B. Mulhollem
Mayor
Town of Archer Lodge



b) Administration of Oath of Office for Town Council Member Mark B. Wilson by Deputy Clerk, Joyce P. Lawhorn

Council Member Wilson was sworn in by Joyce Lawhorn, Deputy Clerk with support of his wife Ms. Jane Wilson.

Mr. Wilson's Oath appears as follows:



Ms. Lawhorn thanked Mr. Wilson for his many years of serving his country and the citizens of the Town of Archer Lodge. Everyone applauded.

c) Comments from Newly Sworn Elected Officials

- Council Member Teresa M. Bruton**
- Council Member Mark B. Wilson**

Teresa M. Bruton

Council Member Bruton shared that it had been a quick four years of serving on the Board. She reflected on the accomplishments of the Town, and she was proud to be a part of those accomplishments. She noted that everyone has been good to work with and expressed that the Town is small, but so powerful. She looks forward to what the Town can do in the next four years and appreciates the opportunity to serve on the Board.

She thanked Ms. Romano for her work on the Planning Board and reflected on the early years of the town when Ms. Romano served as Secretary when she was the Chair of the Planning Board and expressed that she was such a great supporter. Everyone applauded.

Mark B. Wilson

Council Member Wilson shared that he has lived and has been involved with the Town of Archer Lodge for 16+ years. He shared that it had been an honor to serve on the Board over the years and to have the opportunity to represent the Town on the Triangle J. Council of Governments Board. He thanked the citizens of Archer Lodge for voting

for him. He added that he looked forward to a time when more citizens would vote on local town elections. He wished everyone a Merry Christmas and a Happy New Year. Everyone applauded.

- d) **Administration of Oath of Office for Planning Board and Board of Adjustment Member(s) by Mayor Matthew B. Mulhollem**
- **Terry Barnes**
 - **Chris V. Cipriani**
 - **John F. Oglesby**

Planning Board/Board of Adjustment Members Terry Barnes, Chris Cipriani and John Oglesby was sworn in by Mayor Mulhollem.

Terry Barnes' Oath appears as follows:

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON
TOWN OF ARCHER LODGE

OATH OF PLANNING BOARD MEMBER AND
OATH OF BOARD OF ADJUSTMENT MEMBER
TOWN OF ARCHER LODGE

I, **A. Terry Barnes**, do solemnly and sincerely swear that I will support the Constitution of the United States of America; that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **A. Terry Barnes**, do swear that I will well and truly execute the duties of the Office of Planning Board Member and Board of Adjustment Member for the Town of Archer Lodge, North Carolina according to the best of my skill and ability, according to law; so, help me, God.


A. Terry Barnes

Sworn to and subscribed before me
this 6th day of December, 2021.


Matthew B. Mulhollem
Mayor
Town of Archer Lodge



DECEMBER 6, 2021

REGULAR COUNCIL MEETING

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Page 5 of 10

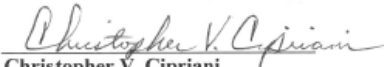
Chris Cipriani's Oath appears as follows:

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON
TOWN OF ARCHER LODGE

OATH OF PLANNING BOARD MEMBER AND
OATH OF BOARD OF ADJUSTMENT MEMBER
TOWN OF ARCHER LODGE

I, **Christopher V. Cipriani**, do solemnly and sincerely swear that I will support the Constitution of the United States of America; that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Christopher V. Cipriani**, do swear that I will well and truly execute the duties of the Planning Board Member and Board of Adjustment Member for the Town of Archer Lodge, North Carolina according to the best of my skill and ability, according to law; so, help me, God.


Christopher V. Cipriani

Sworn to and subscribed before me
this 6th day of December, 2021.


Matthew B. Mulhollem
Mayor
Town of Archer Lodge



DECEMBER 6, 2021

REGULAR COUNCIL MEETING

Page 135 of 191

Page 6 of 10

John Oglesby's Oath appears as follows:



- e) **Comments from Newly Sworn Planning Board and Board of Adjustment Member(s)**
- **Terry Barnes**
 - **Chris V. Cipriani**
 - **John F. Oglesby**

Terry Barnes

Mr. Barnes shared that he appreciated the opportunity to serve on the Planning Board/BOA once again. Everyone applauded.

Chris V. Cipriani

Mr. Cipriani shared that he appreciated the opportunity to serve on the Planning Board/BOA and is looking forward to the first meeting. He added that he has always been a fair and reasonable person and has always tried to put himself in the other person's shoes and look at both sides of the fence. Everyone applauded.

John F. Oglesby

Mr. Oglesby shared he was honored and humbled to serve at the pleasure of the Town Council and promised as according to his oath to do the best he could and provide his skills to better plan for the town responsibly. He expressed appreciation to Mrs. Romano's serving as a Vice Chair on the Planning Board/BOA and being supportive to him as Chair on the Board. Everyone applauded. Mr. Olgesby further offered the

following statement: "With respect and regret, I must leave the meeting at this time so that I may attend an event with his son."

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Nominating and Appointing Mayor Pro Tempore

Mayor Mulhollem shared an overview of the duties of the position of Mayor Pro Tempore.

Mayor Mulhollem called for a motion.

Council Member Jackson confirmed with Mayor Pro Tem Castleberry that he would be willing to continue serving and in doing so, he nominated Mr. Castleberry to be reappointed. No further discussion.

Moved by Council Member Jackson

Seconded by: Council Member Bruton

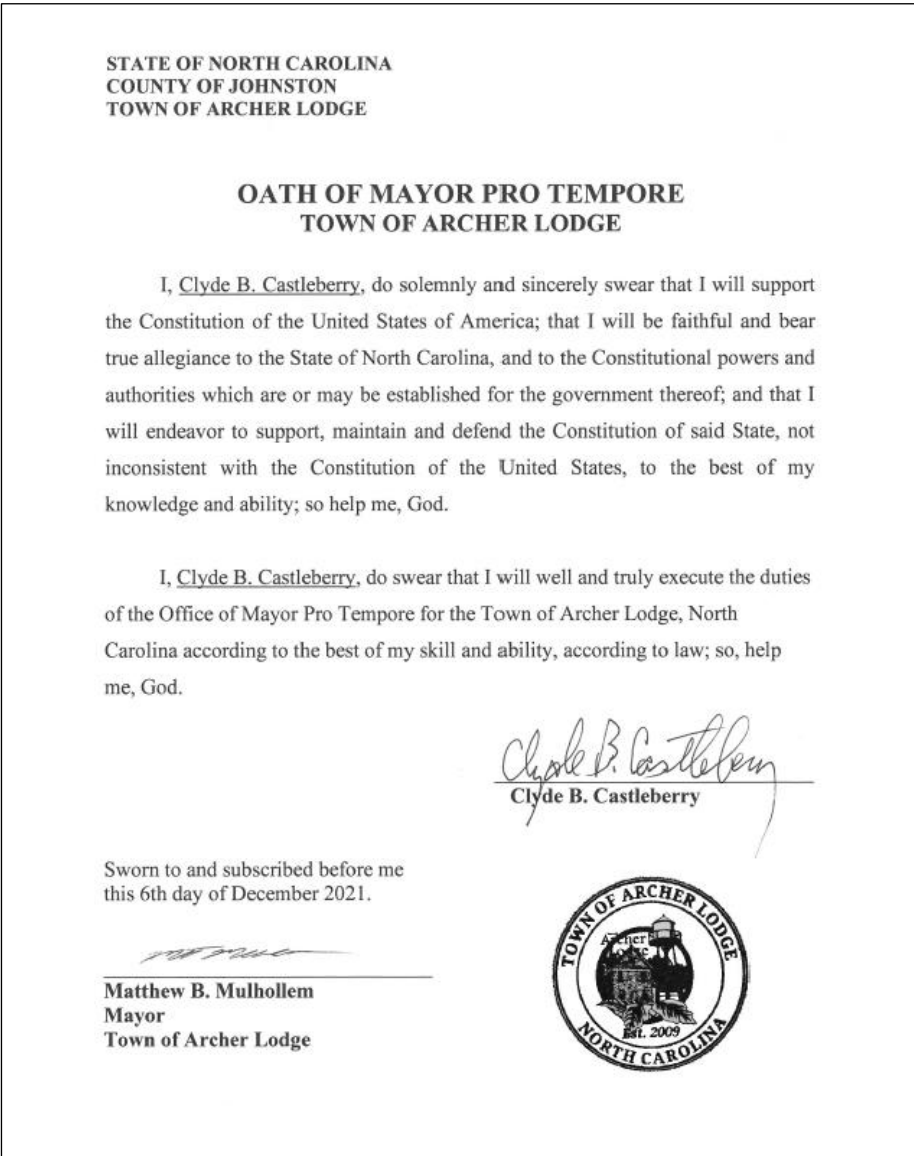
Reappointed Mayor Pro Tempore Clyde Castleberry.

CARRIED UNANIMOUSLY

b) Administration of Oath of Office of Mayor Pro Tempore by Mayor Matthew B. Mulhollem

Mayor Pro Tem Castleberry was sworn in by Mayor Mulhollem.

Mayor Pro Tem Castleberry's Oath appears as follows:



7. TOWN ATTORNEY'S REPORT:

- a) **Attorney Burrell shared that he hoped that everyone had a Happy Thanksgiving and wished everyone a Merry Christmas and a Happy New Year. He added that he was looking forward to working with the Town in 2022.**
-

8. FINANCIAL/TOWN CLERK'S REPORT:

a) **Interim Financial Reports for October 2021**

Ms. Batten shared that the fiscal year is one third of the way through with month ending October 31, 2021. Revenues collected for the month in the General Fund was approximately \$75,250 which is roughly 29% of those anticipated and the expenditures for the month in the General Fund was approximately \$60,600 which is about 34% of those budgeted. Therefore, for the month revenues exceeded expenditures by \$14,500; however for the fiscal year ending October 31, 2021, expenditures exceeded revenues by approximately \$152,250. Ms. Batten noted that she was not concerned about the deficit as we are still early in the fiscal year.

The Capital Reserve Fund, Park Reserve Fund and the Public Safety Reserve Fund had investment earnings during the month totaling about \$378. The Park Reserve Fund received additional revenues due to the three-cents tax transfer of approximately \$6,250. There were no expenditures in either of these three funds during the month of October 31, 2021

Ms. Batten mentioned that there were no transactions in the Archer Lodge Town Park PARTF Project Fund during the month of October 31, 2021 and the operating budget was identical to the one shared for September 30, 2021.

The APRA Fund had additional investment earnings of roughly \$145 during the month of October 31, 2021 and no expenditures Ms. Batten mentioned.

In comparing the General Fund for October 2021 with October 2020, Ms. Batten noted that the revenues were higher by approximately \$7,400 in October 2021 and the expenditures were higher as well by roughly \$16,500 in October 2021. Expenditures exceeded revenues in both years, but October 2021 had a larger deficit of **<\$152,254>** which is \$9,050 higher than in October 2020. Nothing further was provided.

9. MAYOR'S REPORT:

a) **Mayor Mulhollem shared the following:**

- **Shared that there was a Grinch sighting at the Christmas Parade on Saturday, December 4, 2021, and it was Council Member Wilson singing in costume as the Grinch. He added that there was a wonderful attendance at the parade. He thanked everyone for attending.**
- **He thanked Jeff and Lisa Barnes for donating the beautiful poinsettias in the Council Chamber.**

- **Wished everyone a healthy and Merry Christmas and Happy New Year.**

10. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

- a) **Council Member Wilson serenaded everyone with the Grinch Song and wished all a Merry Christmas and a Happy New Year. Everyone applauded.**

-
- b) **Council Member Jackson informed that he was happy with the four-way stop signs at the intersection of Buffalo Road and Archer Lodge Road and feels that they are reducing the speed of traffic in the area. He reflected on the meaning of Christmas and not on presents but for the gift God gave to us and he wished everyone a Merry Christmas and Happy New Year.**

-
- c) **Council Member Bruton shared the following:**
- **She would like to see photos of the Grinch and mentioned that she heard that Council Member Wilson was outstanding in the parade.**
 - **Noted that she was unhappy with the four-way stop signs due to the backup of traffic being near the entrance to her home.**
 - **Shared that she hoped everyone would be able to enjoy their families and wished them a Merry Christmas.**

-
- d) **Mayor Pro Tem Castleberry shared that he is a member of the Johnston County Economic Development Board and informed they would be donating country hams to some of the local businesses. He wished everyone a Merry Christmas and thanked everyone for their support for the Town.**

-
- e) **Council Member Purvis wished everyone a Merry Christmas and safe travels. He reiterated Council Member Jackson's remarks regarding the real meaning of Christmas. He added that it is about what is in your heart and having compassion for the other person. He encouraged everyone to keep that in mind during the holiday season and in the new year.**
-
-

11. ADJOURNMENT:

- a) **Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.**

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Meeting adjourned at 7:16 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



Regular Council – Minutes
Rescheduled Monday, January 3, 2022
Regular Council Meeting to
Tuesday, January 18, 2022

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton (Remotely)
Council Member Jackson
Council Member Purvis
Council Member Wilson (Remotely)

STAFF PRESENT:

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

COUNCIL ABSENT:

GUESTS PRESENT:

Chad Meadows, Code Wright Planners (Remotely)

Page

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 Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

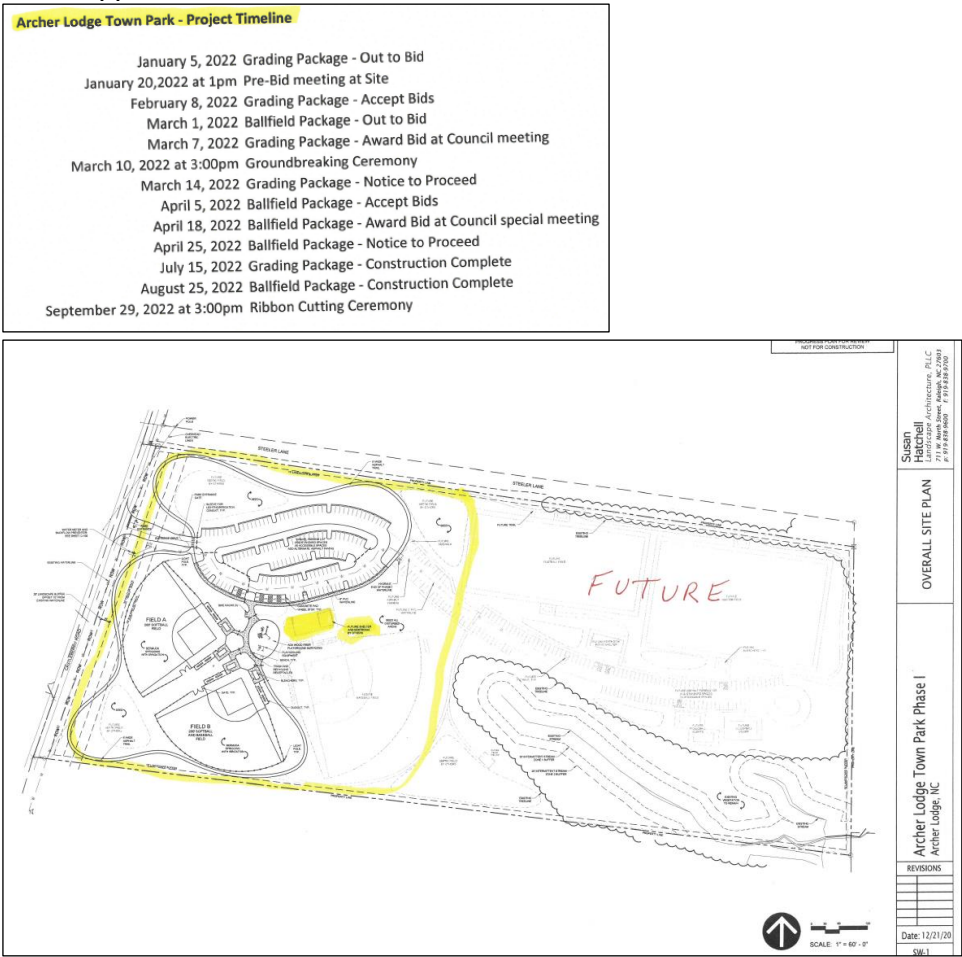
a) No Public Comments.

4. TOWN ATTORNEY'S REPORT:

- a) **Attorney Burrell discussed Violators of Code Enforcement as follows:**
- Staff provided counsel with a report of a repeat offender that willfully ignores citation charges and continues violating the same codes.
 - Shared that there is one citizen at this time that has multiple citations for animal control violations.
 - Ms. Batten shared the normal process once a citation is issued, which is due immediately. However, if a citation goes unpaid for 30 to 60 days, then an invoice is sent which allows additional time to pay as well as allowing the individual the opportunity to pay on-line or in person.
 - Discussed options the Town might want to consider for repeat offenders such as placing a lien on property or other civil penalties.

5. TOWN ADMINISTRATOR'S REPORT:

- a) **Mr. Gordon reported the following:**
- **CAMPO (NC Capital Area Metropolitan Planning Organization):**
 - Mr. Gordon shared that there are four current appointees for the Town, and they want to continue and are as follows:
 1. Mayor Mulhollem, Executive Board Member;
 2. Council Member Bruton, Executive Alternate Board Member;
 3. Ms. Maybee, Technical Coordinating Committee (TCC) Member; and
 4. Mr. Gordon TCC Alternate Member.
 - **Park Update:**
 - Mr. Gordon shared copies of the Park Project timeline and map with the PARTF project highlighted in yellow and gave an overview of the details which appear as follows:



- Bid package information is available on the Town Website or by contacting Mindy Arthur, Senior Project Manager with Susan Hatchell Landscape Architecture, PLLC.
- Hoping to have something for the Council to vote on in March 2022 as a result of the bids.
- **Road Project:**
 - Received more positive comments regarding the four-way stop at the intersection of Buffalo Road and Archer Lodge Road versus negative comments.
 - The church parking lot at the Archer Lodge Community Center has two areas of standing water. NCDOT will be coming back to determine a better way to drain the water there.
 - To warn drivers of the four-way stop, the Town has ordered "Stop Ahead" solar lighted signs to be placed prior to the intersection.
- **Budget:**
 - Reminded everyone to be thinking about any budget items or concerns they would like to share at the February Budget Workshop.
 - Ms. Batten informed that the Budget Workshop will be held in February and March this year, allowing more time to cover budget items.

Mayor Mulhollem opened the floor for any questions. No further comments or questions.

6. FINANCIAL/TOWN CLERK'S REPORT:

a) Interim Financial Reports for November 2021

Ms. Batten advised that November 30, 2021 marks 42% completion of fiscal year ending June 30, 2022. The General Fund revenues for this month was approximately \$109,000 and the expenditures for November 2021 was around \$78,250. The month of November is the first month in the fiscal year that shows where revenues exceeded expenditures by approximately \$30,700; however, the actual year to date figures still represent a deficit between the revenues and expenditures by roughly **<\$118,523>**. Ms. Batten shared that she anticipates the month of December to be the month that the year to date figures will not have a deficit.

Investment earnings, Ms. Batten noted, were approximately \$366 in the three reserve funds: Capital Reserve Fund, Park Reserve Fund, and Public Safety Reserve Fund. She further mentioned that the Park Reserve Fund received the three-cents tax transfer from the General Fund in the amount of \$11,255 for November 2021.

Ms. Batten shared that there were no transactions in the Archer Lodge Town Park PARTF Project Fund during the month of November 30, 2021, so the operating budget remains unchanged since the September 20, 2021 report.

Ms. Batten noted that the total amount of investment earnings ending November 30, 2021 were \$209 in the APRA Fund, and there were no expenditures to report as of November 30, 2021.

In comparing November 2021 with November 2020, the General Fund revenues are approximately \$44,235 higher in November 2021 and so were the November 2021 expenditures by \$25,300. Ms. Batten stated that both years showed where expenditures exceeded revenues, but November 2021 had less of a deficit by almost \$19,000 which is favorable.

7. **PLANNING/ZONING REPORT:**

8 - 29

a) Planning | Zoning | Projects | Updates

Mr. Chad Meadows, joining us remotely, shared a presentation on ETJ (Extraterritorial Jurisdiction) which **appears following the signature page at the close of the minutes.**

Points of Interest - ETJ Presentation:

- ETJ helps address mismatch, confusion, and create more continuity.
- Based on the population, Archer Lodge has the ability to extend the ETJ out one mile from the town boundaries.
- Archer Lodge must seek permission from Johnston County to establish an ETJ.
- Page 7, ETJ in Johnston County - the gray areas represent cities and the green area on the map represents cities that Johnston County has permitted an ETJ. Mr. Meadows noted that Archer Lodge is the only city in Johnston County that does not have an ETJ.
- Pages 9 and 10, ETJ in Johnston County/Potential ETJ Boundary - The red line on the maps demonstrate the one-mile buffer outside of the Archer Lodge current contiguous corporate limits. Johnston County GIS provided the map.

ETJ Expansion Pros:

- Protection
- Prevents incompatible development such as landfills, and adult businesses.
- Ensures a logical and safe expansion of public infrastructure on both sides.
- ETJ helps avoid the need for involuntary annexation.
- Can help avoid administrative complexity during and after the annexation process.

ETJ Expansion Cons:

- Residents in the ETJ are not permitted to vote on local elections but are required to follow the Town rules.
- ETJ residents might be required to go to a municipality for permitting as well as going to the county.
- More physical land area and uses are under the municipality's authority resulting in increased municipal services to provide without any direct revenue benefits for the municipality.

Questions:

- *Is annexation still on a voluntary basis?*
 - Attorney confirmed that it is voluntary.
 - Mr. Meadows added, otherwise there would have to be a referendum to annex.
- *Is the Town obligated to offer citizens in the ETJ the same level of services that are provided in the Town?*
 - Mr. Meadows responded that the Town can either continue with interlocal agreements with the county or the Town needs to provide the range of typical municipal planning regulation types of services at the same level.
- *Can a developer request a new subdivision to be annexed prior to any homes being sold?*
 - Attorney Burrell explained that the developer can request annexation before a home is sold, but once homes are being sold, all homeowners must be on board for an annexation.
 - Mr. Meadows recommended a standard practice be in place for property that is annexable and if the Town is interested in annexing, then it should be part of the development review process.

Discussion followed.

Mr. Meadows recommended holding a two- or three-hour workshop to look at maps and consider areas and benefits of having an ETJ. Mr. Gordon confirmed with Staff and Mr. Meadows that they would schedule a workshop soon.

[Archer Lodge ETJ Expansion Intro Presentation 01-18-22 CMeadows Code Wright Planners](#)

b) Code Enforcement

Ms. Maybee reported the following:

Complaints:

- Scheduled to have obstruction at stop sign on Buffalo Road cleared.
- Received tall grass complaints.
- Reach out to Attorney Burrell regarding procedures for nuisance abatement.
- Complaint on dilapidated house that was referred to Johnston County Inspections in October 2021. A county demolition permit was issued 10/20/21 but no demolition has been scheduled.
- Motor vehicle complaints and travel trailer being used as a residence in Archer's Pointe.
- Goats roaming in subdivision.

Ms. Maybee expressed appreciation of the interlocal agreement with Johnston County Partners and Town of Clayton.

8. MAYOR'S REPORT:

a) Mayor Mulhollem shared the following:

- **Wished everyone a Happy New Year.**
 - **He attended the Archer Lodge Community Center New Year's Brunch and was pleased to see some of the board members in attendance. He noted that the attendance was lighter than past years, possibly due to COVID.**
 - **He recognized Council Member Mark Jackson for having coordinated the "Adopt A Highway" program sponsored by White Oak Baptist Church for many years and expressed much appreciation for him and the volunteers keeping the roadway clean.**
 - **Informed that Mr. Jackson asked if he would take over the responsibility of coordinating the program and he accepted.**
 - **The "Adopt A Highway" program event will be held quarterly, and the next event is scheduled for Saturday, January 22, 2022 at 8:00 a.m. at White Oak Baptist Church, weather permitting. He encouraged volunteers to contact him so they can be added to a list for event notifications.**
-

9. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

a) Council Member Wilson shared the following:

- **Complimented Triangle J Council of Government (TJCOG) and the Regional Transportation Alliance (RTA) for supporting the Raleigh-Durham International Airport (RDU) Funding Project to help the airport get federal money for a new and much needed runway.**

- **He thanked Staff for sending a letter to the U.S. Department of Transportation in support of requesting \$275 million in federal funding to replace the primary commercial service runway at RDU International airport. A copy of the letter appears as follows:**



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 L. (Jim) Purvis, III
Mark B. Wilson

January 13, 2022

Honorary Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590
United States

Dear Secretary Buttigieg,

I am writing to support a request from Raleigh-Durham International Airport (RDU) for \$275m in federal funding to replace its primary commercial service runway, 5L-23R.

The Triangle region grew by more than 377,000 people between 2010 and 2020, with four of our seven counties ranking in the top ten fastest growing counties in the state during this time. Population projections expect an additional 1.4 million residents to move to our region by 2050, an 85% increase from 2010.

RDU's 25-year master plan calls for improvements to the airfield, terminals, ground transportation, and general aviation. The current cost estimate is \$3.5 billion due to accelerated growth in passenger traffic. In addition to replacing RDU's primary runway, RDU will need more terminal gates, roadway improvements, and a new consolidated rental car and ground transportation center. The Regional Transportation Alliance (RTA), the voice of the regional business community on transportation, created the Airport Infrastructure Development task force to identify a stable financial footing for RDU. The task force's most urgent recommendation is securing federal funds for replacement of RDU's main runway.

www.archerlodgenc.gov

We request that FAA provide a letter of intent for a 75% federal grant in support of the total \$366 million project cost so RDU can continue to serve as an increasingly vital node in the national commercial aviation system and an economic engine for this state.

Thank you for your leadership, time and consideration of this request.

Sincerely,



Matthew B. Mulhollem
Mayor

b) **Council Member Jackson shared that the "Adopt A Highway" program at White Oak Church recently received a 10 Year Certificate for their service and expressed the value of getting together with others for the fellowship. He noted that over 5,000 lbs. of trash had been collected over the years in a two-mile section. He added that he will still be participating in the program.**

c) **Mayor Pro Tem Castleberry had no remarks.**

d) **Council Member Purvis asked everyone to be safe due to the possibility of snow for the weekend.**

e) Council Member Bruton had no remarks.

10. ADJOURNMENT:

a) Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.

Moved by: Council Member Jackson
Seconded by: Council Member Wilson
Adjourned meeting at 8:13 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



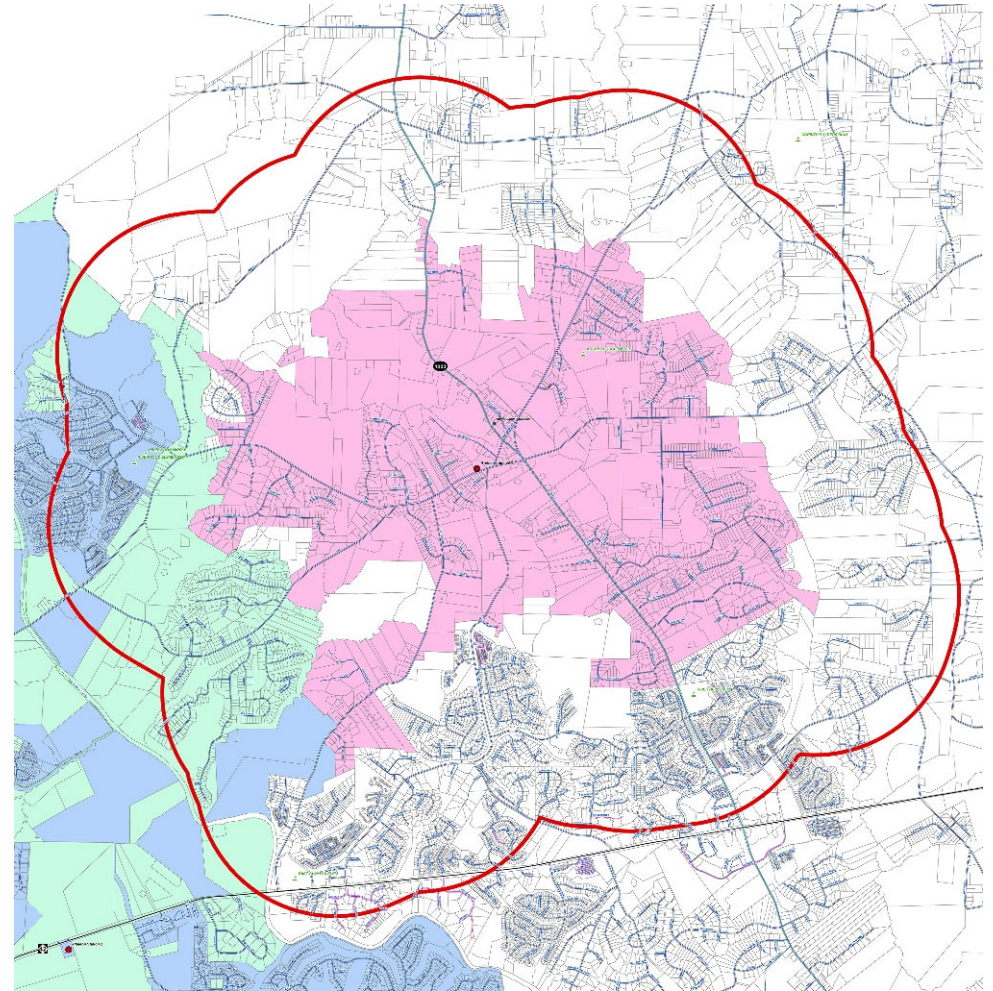
EXTRA TERRITORIAL JURISDICTION

Background discussion

Overview

2

- Background
- Current Configuration in Johnston Co
- Pros of ETJ Establishment
- Cons of ETJ Establishment
- Process for Establishing



ETJ – Basic Concept

The rules related to ETJ are set down in North Carolina General Statutes §160D-202

Extraterritorial Jurisdiction (“ETJ”):

Authority for a municipality to exercise its zoning and development-related regulations in an area outside, but proximate to, the municipality’s contiguous corporate limits

ETJ – Purpose

4

Intended to create greater continuity in land use planning, infrastructure expansion, development regulations, and the protection of health and safety in “edge” areas around municipalities

For more details, see:

<https://www.sog.unc.edu/resources/legal-summaries/extraterritorial-jurisdiction-planning-and-development-regulation>



ETJ – General Configuration

5

Measured from
contiguous
corporate limits
(not satellite
annexations)

ETJ size is based on population

- $>10,000$: 1 mile
- $10,000-25,000$: 2 miles
- $<25,000$: 3 miles

ETJ – Authority

Supplement No. 29 (current)

Chapter 12 - ENVIRONMENT [8]

Chapter 13 - RESERVED

Chapter 14 - LAND DEVELOPMENT CODE*

ARTICLE I. - IN GENERAL

ARTICLE II. - ZONING DISTRICTS

ARTICLE III. - SUBDIVISIONS [12]

ARTICLE IV. - SPECIAL USES

ARTICLE V. - SITE PLANS

ARTICLE VI. - DESIGN STANDARDS

ARTICLE VII. - STORMWATER MANAGEMENT [13]

ARTICLE VIII. - FLOOD DAMAGE PREVENTION [14]

ARTICLE IX. - SIGNS [16]

ARTICLE X. - NONCONFORMITIES

ARTICLE XI. - ADMINISTRATION [12]

ARTICLE XII. EROSION AND SEDIMENT CONTROL

Chapter 15 - RESERVED

Chapter 14 - LAND DEVELOPMENT CODE*

***Editor's note**—Growth Management Residential Development Allocation System, the provisions of which expire on December 31, 2002.

1. PURPOSE AND INTENT

The purpose and intent of this ordinance is to:

a) Enact an ordinance that is general in nature and is applicable to all property subject to regulation by the county establishing a Growth Management Development Allocation System in Johnston County's planning jurisdiction to regulate the rate at which the county issues building permits for certain residential dwelling units.

b) Implement the policies and goals of the Johnston County Strategic Plan relating to growth management strategy, provision of school facilities, transportation, provision of public water and sewer facilities, economic development and preservation of rural character.

c) To establish a residential development management and allocation system to manage the rate of residential development to ensure that:

1) Growth is orderly and that the County can continue to provide effective public services and to prevent any deterioration in the delivery of those services as residential development increases;

2) The fiscal impact of such development does not exceed revenue available from such development and other sources to pay the cost of public services and facilities, particularly the County's financial obligation related to schools;

3) The community and visual character of the county as a desirable place to live and conduct business is maintained and that property values are protected throughout the county; and

4) The density of population in the county is managed carefully to prevent overcrowding and congestion.

2. FINDINGS

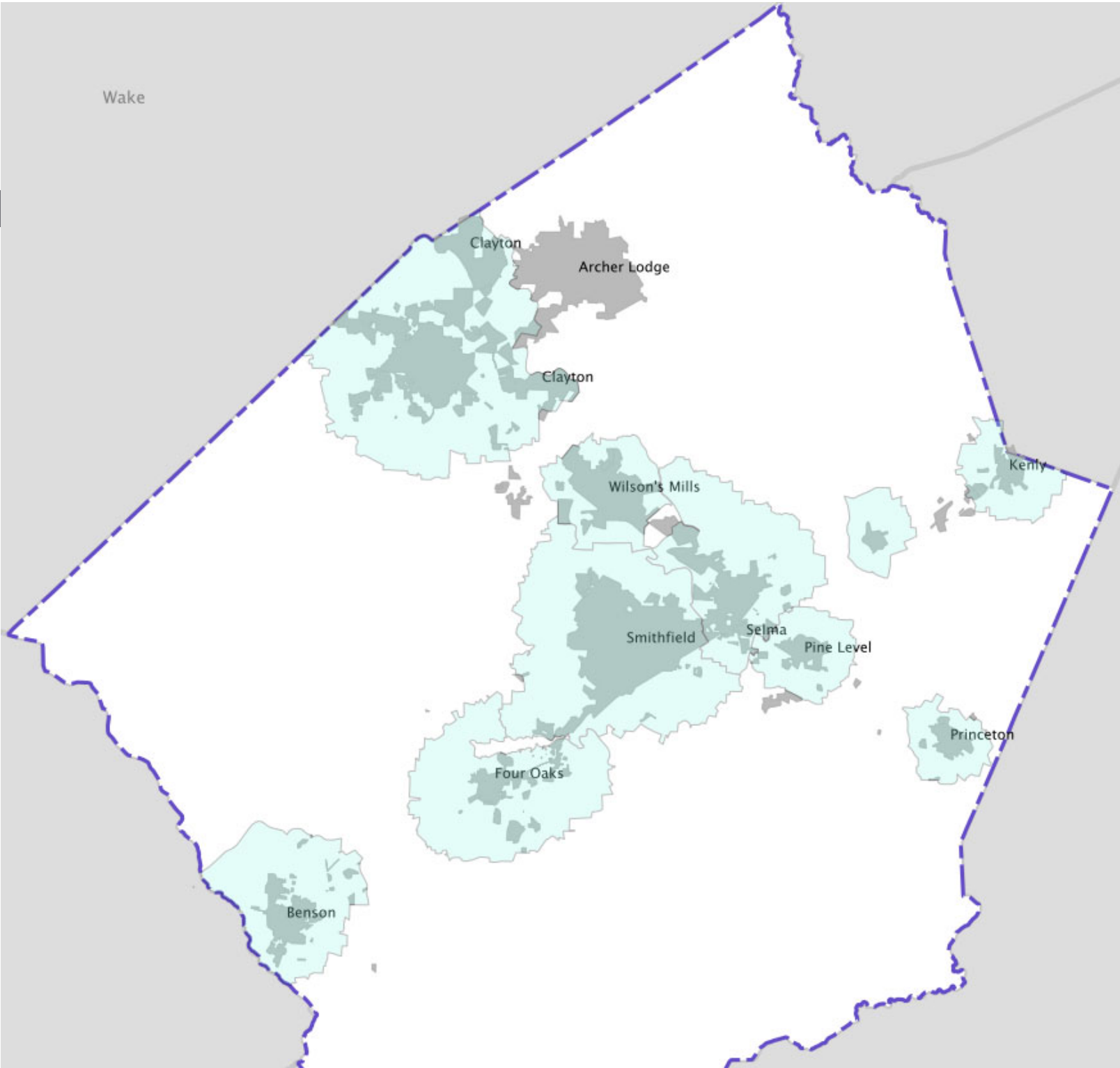
The Johnston County Board of Commissioners makes the following findings:

a) That the growth rate of the County over the past decade exceeds the growth rate of the region, the State of North Carolina and the United States as a whole;

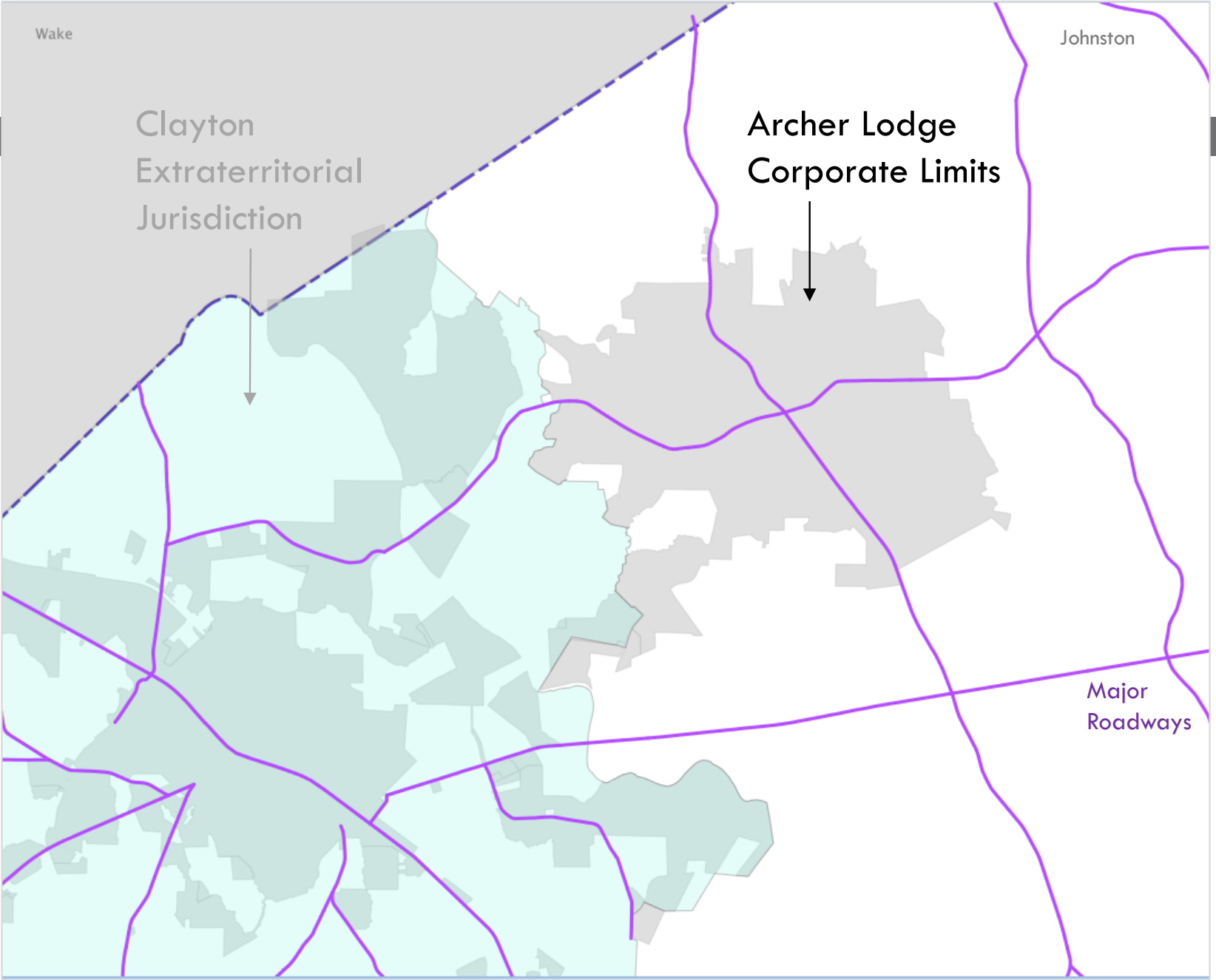
b) The County's school enrollment is currently 20,279 pupils; since 1990, the County's school enrollment has increased by 5,769 students, of that number, 4,211 students have been added since 1995.

Because the County exercises zoning controls, Archer Lodge must seek permission to establish an ETJ from the Johnston County Board of County Commissions

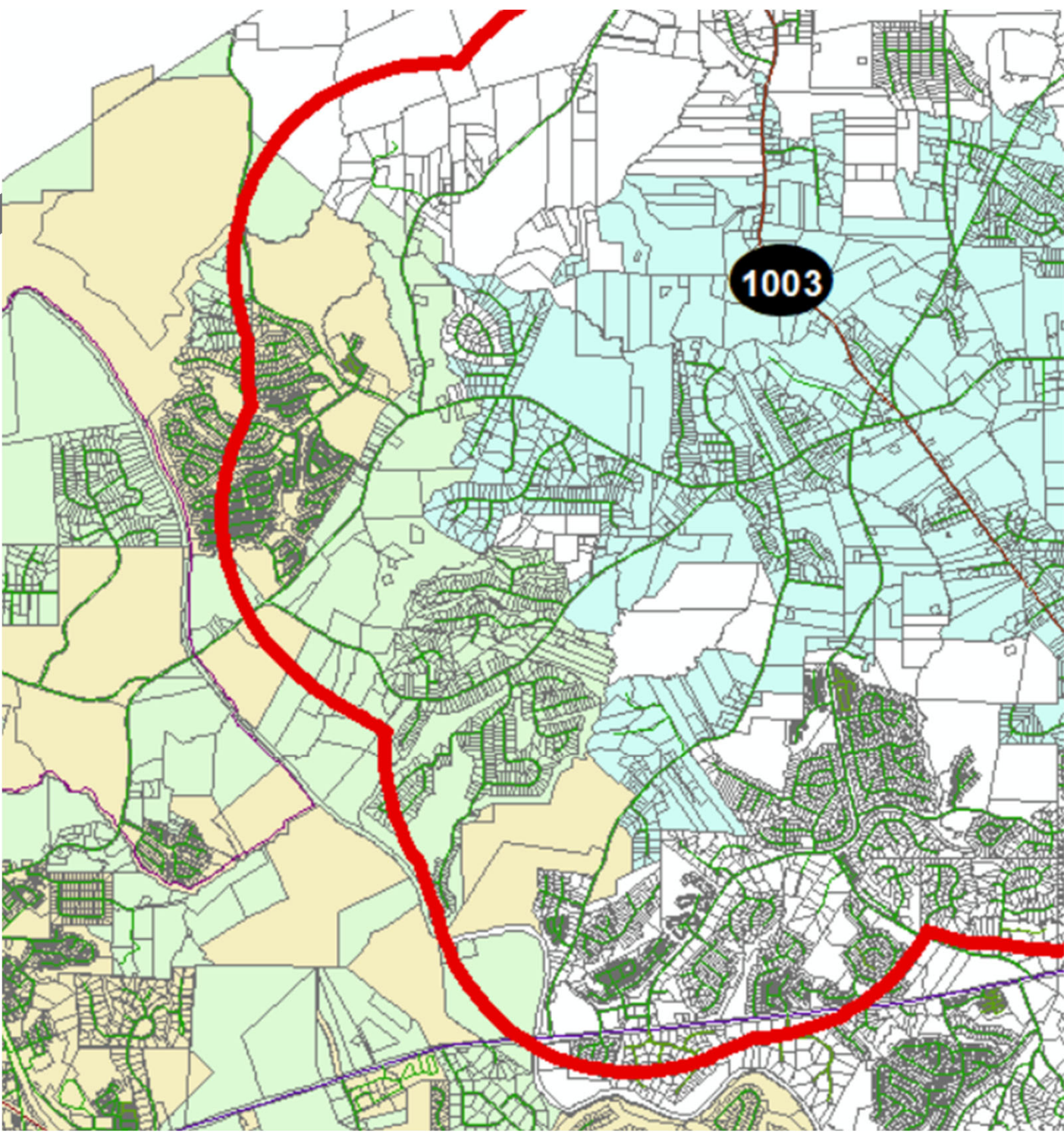
ETJ in Johnston County



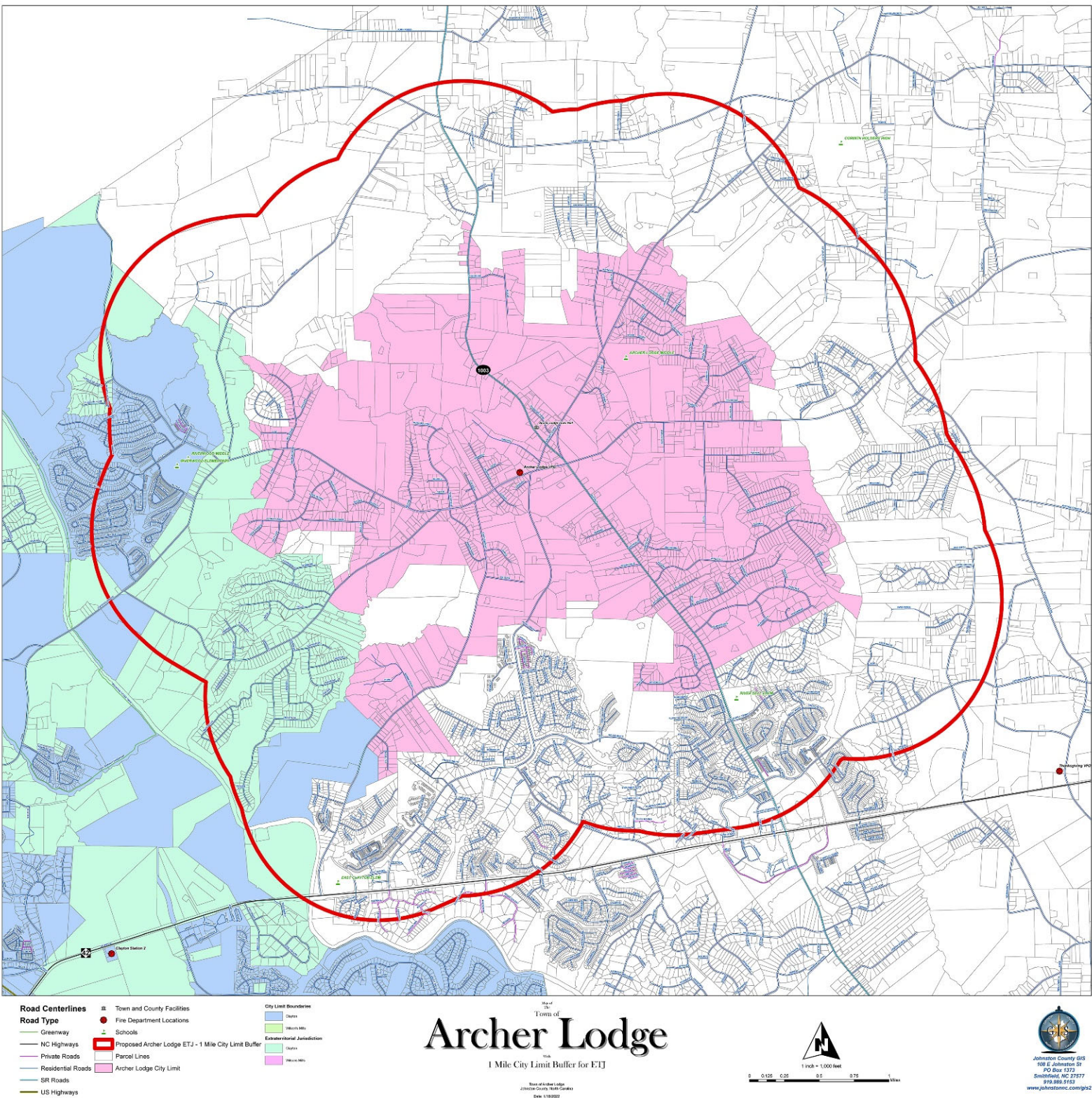
ETJ in Johnston County



ETJ in Johnston County



Potential ETJ Boundary



ETJ Expansion - Pros

11

There are 5 basic good reasons or “pros” to establishing an ETJ

1. **ETJ creates a recognized growth and planning area for the Town’s long-term development** by preventing other municipalities from annexing within its ETJ boundary

ETJ Expansion - Pros

12

There are 5 basic good reasons or “pros” to establishing an ETJ

2. **ETJ helps prevent incompatible development from locating close to a municipal corporate limits** thereby negatively impacting the municipal residents' quality of life, property values, or the planning investments made by the municipality

ETJ Expansion - Pros

13

There are 5 basic good reasons or “pros” to establishing an ETJ

3. **ETJ helps ensure a logical and safe expansion of public infrastructure on both sides of the corporate limit line and the larger landscape**

ETJ Expansion - Pros

14

There are 5 basic good reasons or “pros” to establishing an ETJ

4. **ETJ helps avoid the need for involuntary annexation** (because municipalities already have land use control in areas that would typically be most appropriate for annexation)

ETJ Expansion - Pros

15

There are 5 basic good reasons or “pros” to establishing an ETJ

5. **ETJ can help avoid administrative complexity during and after the annexation process** by ensuring existing development conforms to municipal land use requirements

ETJ Expansion - Cons

16

There are 3 basic negative outcomes or “cons” to establishing an ETJ

1. Expansion of an ETJ into an area where one does not currently exist **can create resentment on the part of residents in the proposed ETJ** who will become subject to land use controls from the Town, but may who not vote in Town elections

ETJ Expansion - Cons

17

There are 3 basic negative outcomes or “cons” to establishing an ETJ

2. Because counties routinely provide some permitting services within ETJs, ETJ expansion can **require residents in the ETJ to secure municipal planning approval as well as County approval** for other parts of their development (like building permits)

ETJ Expansion - Cons

18

There are 3 basic negative outcomes or “cons” to establishing an ETJ

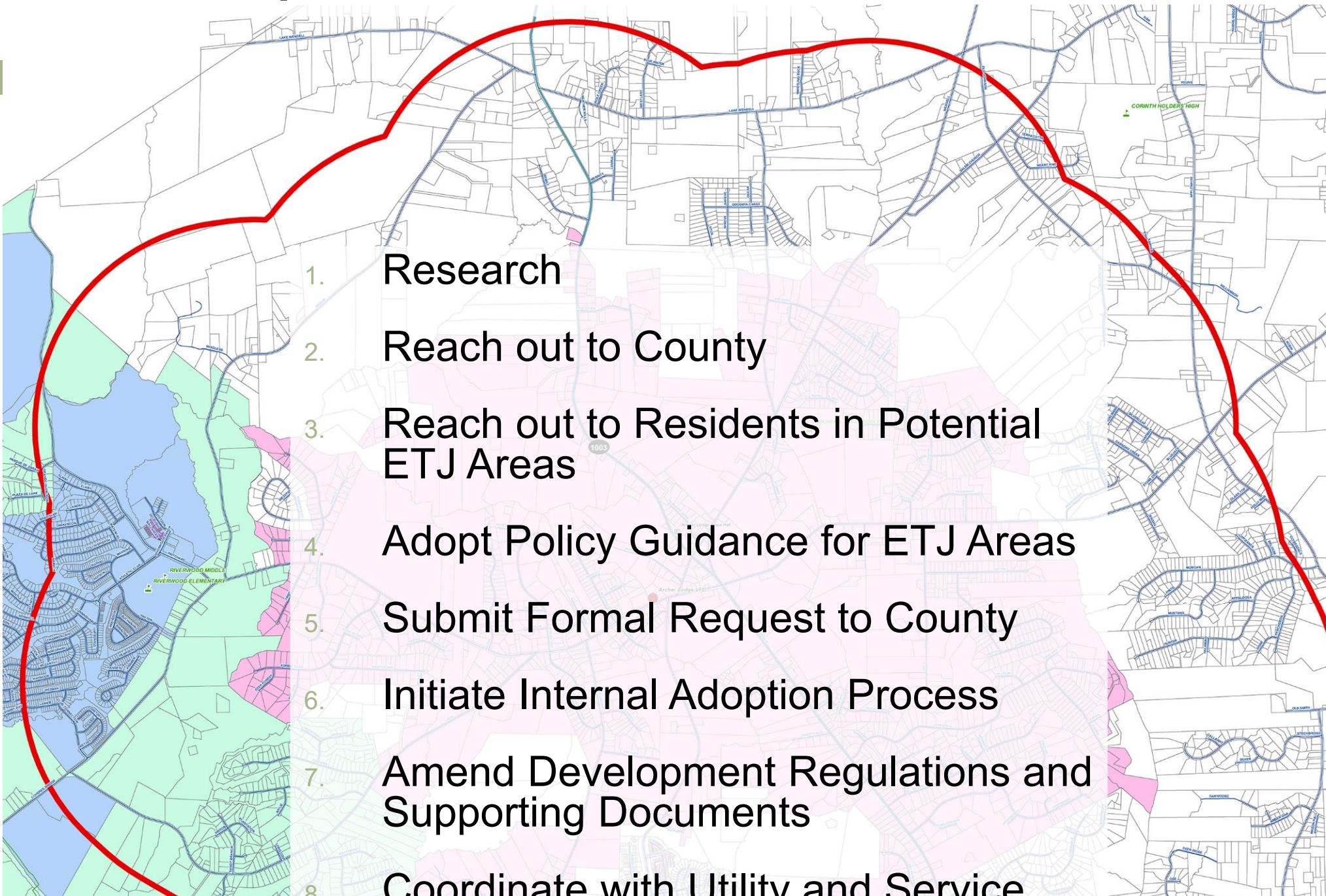
3. Having ETJ authority means more physical land area and land uses are under the municipality’s authority; this results in **increased municipal resource utilization without any direct revenue benefits** for the municipality

ETJ Expansion - Pros/Cons

19

PROS	CONS
1. Establishes recognized growth area	1. Resentment from new ETJ residents
2. Prevents incompatible development at edges	2. Permitting complexity of dealing with two governments in ETJ areas
3. Safe/logical infrastructure extension	
4. Avoids need for involuntary annexation	3. Increased need for resources with no additional revenues
5. Helps avoid nonconformities	

ETJ Expansion - Process

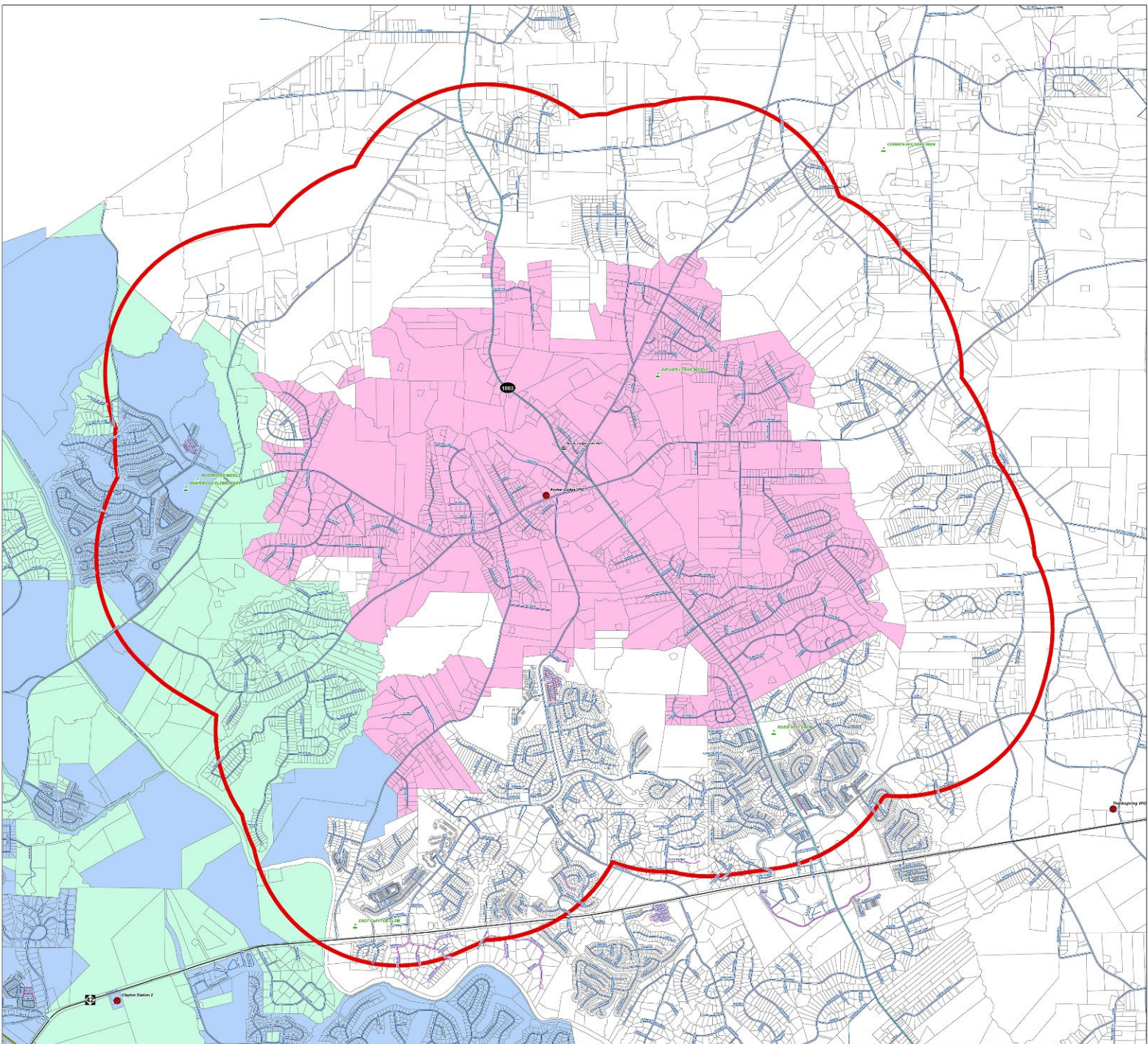
- 
1. Research
 2. Reach out to County
 3. Reach out to Residents in Potential ETJ Areas
 4. Adopt Policy Guidance for ETJ Areas
 5. Submit Formal Request to County
 6. Initiate Internal Adoption Process
 7. Amend Development Regulations and Supporting Documents
 8. Coordinate with Utility and Service

ETJ Expansion - Next Steps...

21

1. Collect maps and data
2. Conduct a workshop with Town Council and Planning Board
3. Consider ramifications, potential boundaries, and whether request will be staged or a one-time request





- | | | |
|-------------------------|---|---|
| Road Centerlines | Town and County Facilities | City Limit Boundaries |
| Road Type | Fire Department Locations | Charters |
| Greenway | Schools | Water's Edge |
| NC Highways | Proposed Archer Lodge ETJ - 1 Mile City Limit Buffer | Extrajurisdictional Jurisdiction |
| Private Roads | Parcel Lines | Charters |
| Residential Roads | Archer Lodge City Limit | Water's Edge |
| SR Roads | | |
| US Highways | | |

Map of
Town of
Archer Lodge
1 Mile City Limit Buffer for ETJ
Town of Archer Lodge
Archer Lodge, North Carolina
Date: 11/10/2022





**Regular Council - Minutes
Monday, December 5, 2022**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Marcus Burrell, Town Attorney
Joyce Lawhorn, Deputy Town Clerk
Kim P. Batten, Assistant Town Administrator/Finance Officer
Brandon Emory, Interim Town Planner
Chris Curry, Code Enforcement Officer
Jenny Martin, Human Resources Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

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. APPROVAL OF AGENDA:

- a)** No additions or changes noted.
Moved by: Council Member Wilson
Seconded by: Mayor Pro Tem Castleberry
Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

- a)** Mr. Zane Pinckney of 379 Nashville Drive, Archer Lodge, NC discussed that he spoke to Piedmont Natural Gas and they stated that they were going to fence in the area being discussed, they were going to put some kind of visual barrier such as berm, and explained the kind of lighting that they would have. Mr. Pinckney shared that Piedmont gave him a set drawings, and the drawings didn't have any of those things listed above on them. Mr. Pinckney stated that he spoke to Ms. Ingram and the subcontractor; they are saying one thing but doing another. Mr. Pinckney came to council a few months ago asking for help. He is back to get some help from council. It was mentioned that the Interim Town Planner, Mr. Brandon Emory, would be in contact with Mr. Pinckney in regards to this.

4. CONSENT AGENDA:

**a) Approval of Minutes:
 07 June 2021 Regular Council Meeting Minutes**

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

Approved Consent Agenda.

CARRIED UNANIMOUSLY

5. RECOGNITION:

**a) Outgoing Planning Board and Board of Adjustment Member ~
 Neal Thompson**

Mayor Mulhollem recognized Neal Thompson, though not in attendance, for his years of service on the Planning Board and Board of Adjustment.

6. ORGANIZATIONAL ITEMS:

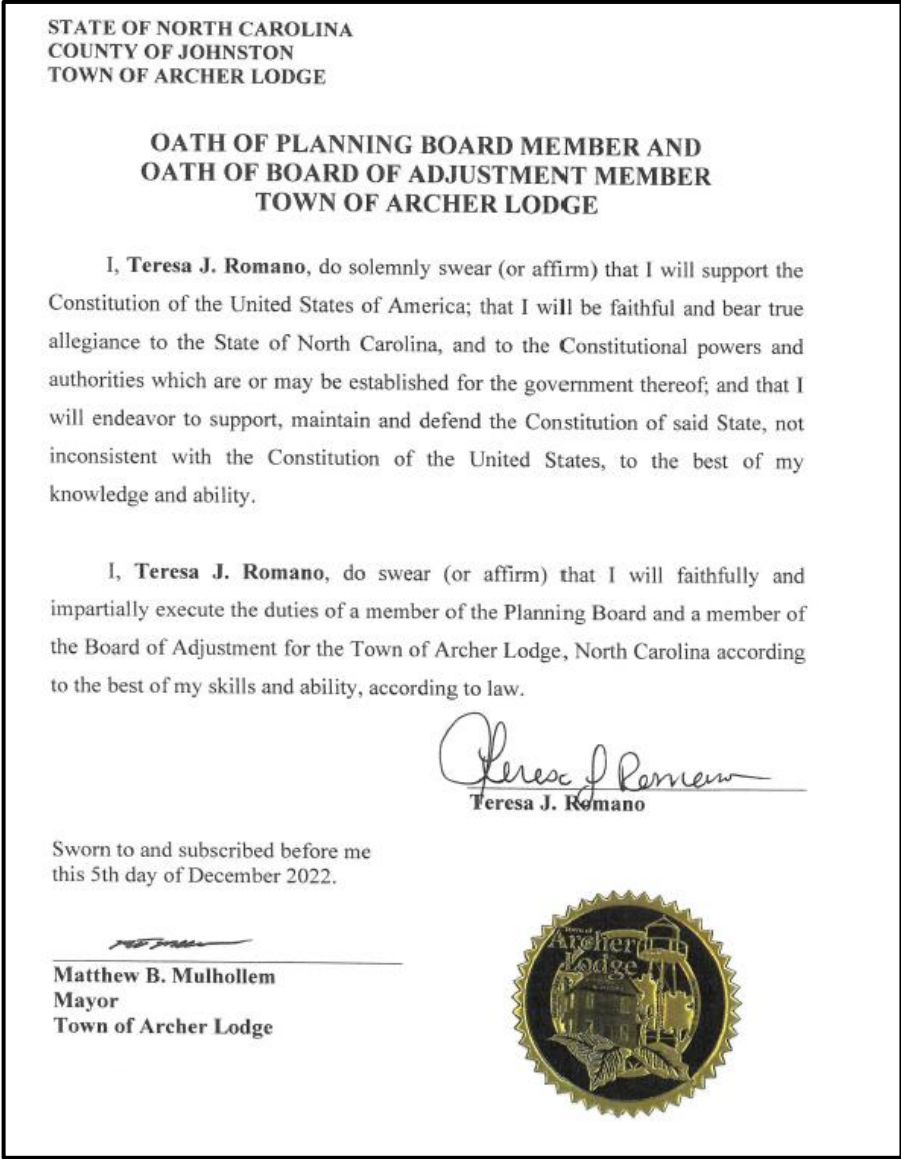
**a) Administration of Oath of Assistant Town Administrator/Finance
 Officer Kim P. Batten by
 Mayor Matthew B. Mulhollem**

Mayor Mulhollem administered the Oath of Assistant Town Administrator/Finance Officer to Kimberly (Kim) P. Batten, with the support of the Town Administrator, Mike Gordon, which appears as follows:



- b) **Administration of Oath of Planning Board and Board of Adjustment Member(s) by Mayor Matthew B. Mulhollem**
- **Teresa J. Romano**
 - **Hearbert A. Locklear**

Mayor Mulhollem administered the Oath of Planning Board and Board of Adjustment to Teresa J. Romano with the support of the Planning Board and Board of Adjustment Chair, John Oglesby, which appears as follows:



Hearbert A. Locklear was not in attendance, so the oath was not administered.

7. TOWN ATTORNEY'S REPORT:

- a) Attorney Burrell commented on the growth of the number of employees for the town and congratulated the town for that accomplishment. He also welcomed back Ms. Teresa Romano to the Planning Board and Board of Adjustment. Attorney Burrell recognized Mr. Neal Thompson, though not in attendance, for his service and how Neal made mention that he would be interested in returning in the future. Lastly, Attorney Burrell wished everybody a Happy Holiday.

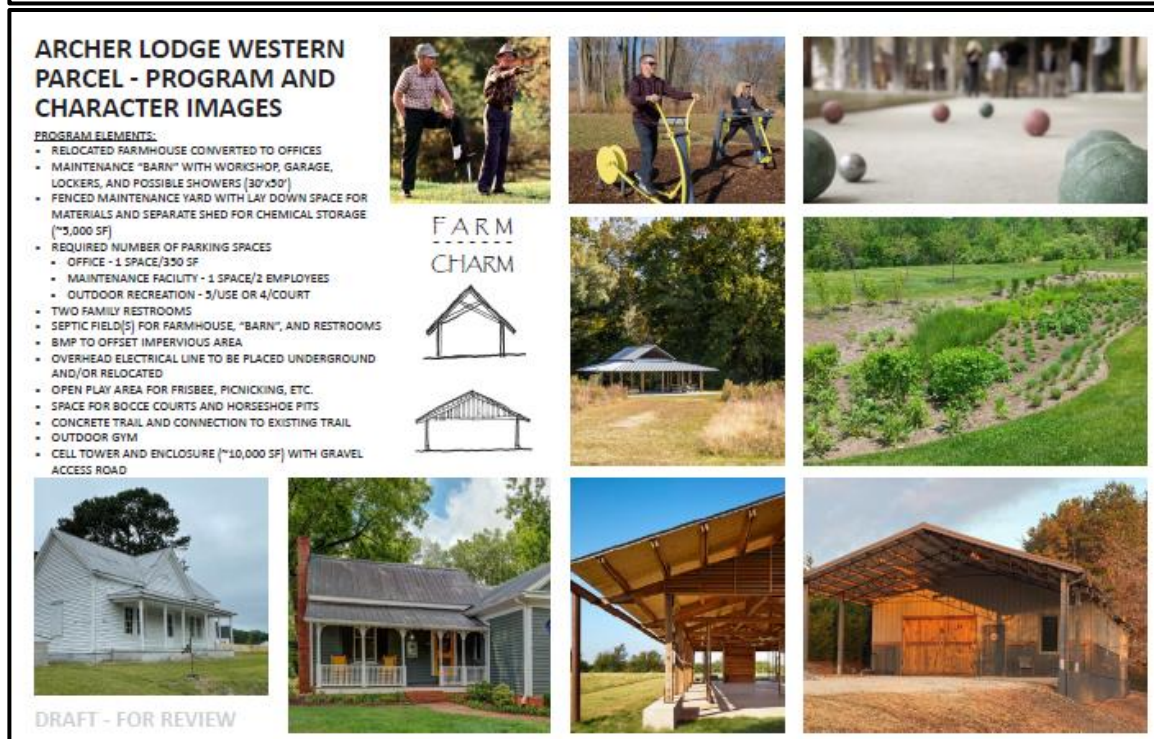
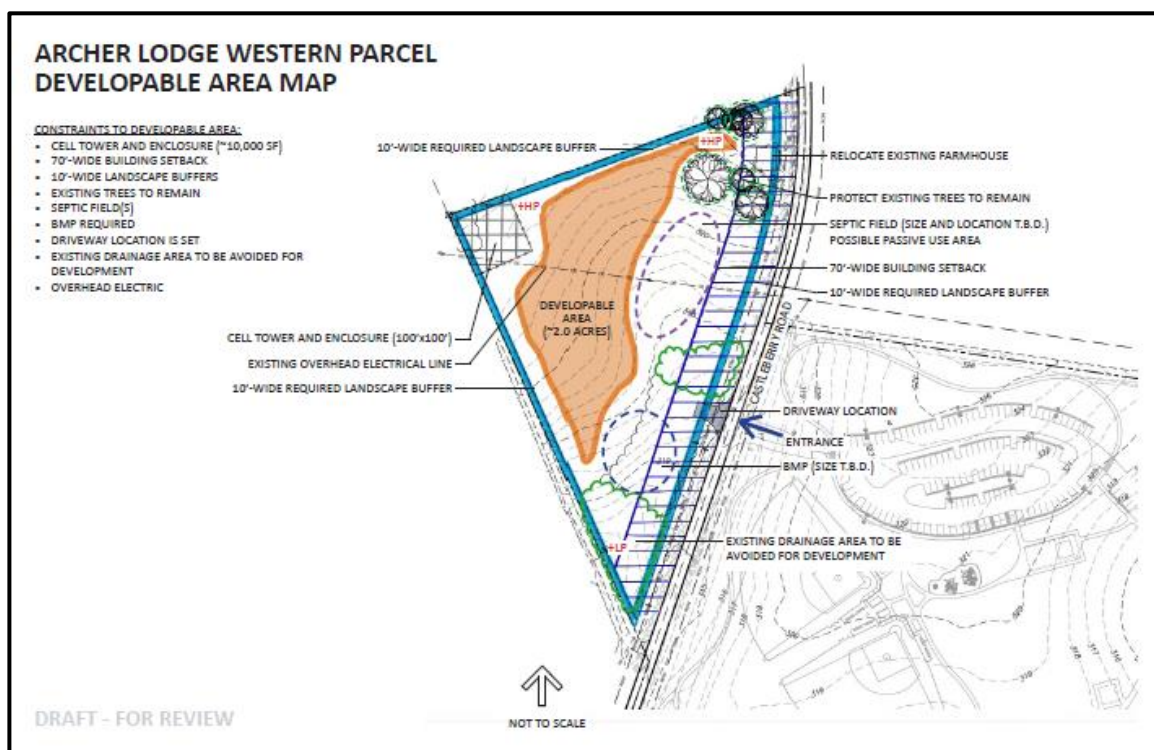
8. TOWN ADMINISTRATOR'S REPORT:

a) Archer Lodge Town Park Update

Mr. Gordon referenced the handout below. Mr. Gordon mentioned that a dry BMP (Best Management Practice) would be a better alternative than having a permanent pond. Mr.

Gordon presented structures that will be on the land, current and future. Mr. Gordon explained the map and what the park will look like on that side of the road. He mentioned that there will be a walking trail that will connect to the walking trail of the subdivision next to the park for convenience of the residence.

Discussion followed regarding the power lines moving from overhead to underground. There was also discussion about how the farmhouse at the park will keep it's farmhouse look.





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

a) Interim Financial Reports for October 2022

Ms. Batten shared an interim summary for all funds ending October 31, 2022. She noted that we have a little less than 33% in revenues collected. The actual to date net difference between revenues and expenditures in the general fund is a deficit of \$115,613.06.

Regarding the Capital Reserve Fund 30, Ms. Batten mentioned that around 60% has been collected.

Regarding the Park Reserve Fund 31, Ms. Batten mentioned that the only activity has been revenues during the month of October.

Regarding the Public Safety Reserve Fund 32, Ms. Batten mentioned that the only activity has been investment earnings, and we are about 56% collected.

When comparing revenues in October 2022 with October 2021 in the General Fund, Ms. Batten mentioned that we are at approximately \$30,500 more this year. Ms. Batten stated that the expenditures for this year are a little less than last year. October 2022 appears to be better than October 2021 by approximately \$36,700.

No further comments or discussion.

10. HUMAN RESOURCES/TOWN CLERK'S REPORT:

a) Parks & Recreation Director Update

Ms. Martin stated that Chris Allen has accepted our offer for the Parks and Recreation Director position. Chris will begin his duties with the town on Tuesday, January 3, 2023.

b) 2022 UNC School of Government Annual New Clerks Institute & Annual Master Clerks Academies for City and County Clerks Update

Ms. Martin explained that she attended the New Clerks Institute and the Annual Master Clerks Academy, and she expressed how grateful she was that the town allows their employees to attend different classes and conferences for growth and training. Ms. Martin shared how it is very helpful and makes a difference to have connections with other clerks and other human resources representatives from other agencies.

Ms. Martin also reminded council of the special meeting on Wednesday, December 7th.

Discussion followed regarding the interview questions for the special meeting on Wednesday, December 7, 2023.

11. PLANNING/ZONING REPORT:

a) Introduction of Brandon Emory, Interim Town Planner

Mr. Gordon introduced the Interim Town Planner, Mr. Brandon Emory, from Alliance Code Enforcement LLC.

Mr. Emory stated that he owned Alliance Code Enforcement LLC. Mr. Emory explained to council that his background is in law enforcement as a criminal investigator. After that, he got involved in code enforcement, which turned into getting involved in planning. Mr. Emory indicated that he cares about the community. He met with Ms. Julie Maybee to pick up where she left off. Mr. Emory expressed that it was a pleasure to meet everybody.

No further comments or discussion.

b) Code Enforcement

Mr. Curry shared the following update:

- 4 new cases have been opened up this month
- 4 notice of violations were issued
- 5 notice of hearings were sent out
- 38 signs were picked up
- Discussed some of the properties that are making progress.
- Praised one property for becoming abated within 4 days of the complaint.

Discussion followed regarding an overgrown lot that was cut down but now the view is worse because of the house. Mr. Curry explained that the owner is going to demolish the house. Mr. Brandon Emory stepped in and explained that their primary focus is rental property that have a lot of safety hazards. They want to team with council about what decisions council wants to make in regards to minimum housing. Discussion was also had in regards to the letters that residents are receiving from code enforcement.

12. MAYOR'S REPORT:

Mayor Mulhollem welcomed back Ms. Teresa Romano back on the Planning Board and Board of Adjustment. He also welcomed Mr. Brandon Emory and stated that he was looking forward to working with him. Mayor Mulhollem extended congratulations to the Archer Lodge Community Center for another successful Christmas parade and Christmas tree lighting event. Mayor

Mulhollem spoke about the town float and his appreciation for the town staff for making those arrangements. He wished everybody a Merry Christmas.

13. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

- a) Council Member Bruton welcomed Mr. Brandon Emory and Ms. Teresa Romano. She wished everybody a Merry Christmas.
- b) Council Member Wilson sang "We wish you a Merry Christmas".
- c) Council Member Jackson stated that he was glad to have some people back and wished everybody a Merry Christmas.
- d) Mayor Pro Tem Castleberry wished everybody a Merry Christmas.
- e) Council Member Purvis wished everybody a Merry Christmas.

14. PRESENTATION:

Mayor Mulhollem explained that the person receiving the presentation was not able to attend.

15. ADJOURNMENT:

- a) Having no further business, Mayor Mulhollem asked for a motion to adjourn the meeting.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Adjourn meeting at 7:28 p.m.

CARRIED UNANIMOUSLY

Town Clerk

Mayor



**Special Meeting - Minutes
Wednesday, December 7, 2022**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Mike Gordon, Town Administrator
Kim P. Batten, Assistant Town Administrator/Finance Officer
Jenny Martin, Human Resources Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

1. WELCOME/CALL TO ORDER:

- a) **Mayor Mulhollem called the meeting to order at 8:05 a.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present.**

2. CLOSED SESSION - PERSONNEL MATTER: § 143-318.11(a)(6)

- a) **Human Resources Officer/Town Clerk, Ms. Jenny Martin, asked for a motion to enter Closed Session to discuss personnel matters as permitted by § 143-318.11(a)(6).**

Moved by: Council Member Wilson

Seconded by: Council Member Purvis

Approved to enter Closed Session at 8:06 a.m.

CARRIED UNANIMOUSLY.

3. RETURN TO OPEN SESSION:

- a) **Mayor Mulhollem asked for a motion to return to Open Session.**

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved to return to Open Session at 6:11 p.m.

CARRIED UNANIMOUSLY.

4. ADJOURNMENT:

- a) **With no action and having no further business, Mayor Mulhollem asked for a motion to adjourn the meeting.**

Moved by: Council Member Jackson

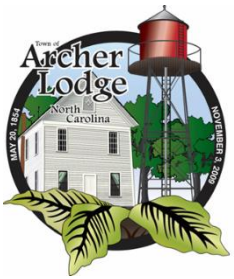
Seconded by: Council Member Purvis

Adjourned meeting at 6:12 p.m.

CARRIED UNANIMOUSLY

Town Clerk

Mayor



Proclamation



Celebrating Girl Scout Week and the Importance of Girls' Leadership Development

WHEREAS, Girl Scouts is recognized as a national leader in providing the best leadership development experience in the world for girls; and

WHEREAS, Girl Scouts brings time-tested methods and research backed programs that speak to the strengths of girl leadership development, backed by more than 100 years of experience and expertise in the field; and

WHEREAS, in Girl Scouts, girls develop their leadership potential through activities that enable them to discover their values, skills and the world around them, connecting with others in a multicultural environment; and

WHEREAS, Girl Scouting is continuing a legacy of creating gender balanced leadership in the United States and the world in its second century of service to girls, by providing girls with the tools to become leaders dedicated to making this country and the world a better place; and

WHEREAS, Girl Scouts offers hands-on, girl-led, girl-centered learning in STEM, the outdoors, and entrepreneurship, and abundant opportunities to develop invaluable life skills, helping all girls take the lead early and often; and

WHEREAS, the Girl Scout Gold Award, the highest honor a Girl Scout can earn, acknowledges each recipient's power and dedication to not only bettering herself, but to making the world a better place for others; and

WHEREAS, Girl Scouts was founded in 1912 by Juliette Gordon Low whose life mission was to build girls of courage, confidence, and character and through her legacy continues to have an extraordinary influence on the lives of millions of girls across the country; and

WHEREAS, today, more than 50 million American women are Girl Scout alumnae and 2.6 million girls and adult volunteers are active members;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, do hereby applaud the commitment Girl Scouting has made to support the life and leadership development of girls and proudly proclaim the week of March 12-18, 2023

Girl Scout Week

Duly adopted this 6th day of March 2023.

Matthew B. Mulhollem
Mayor



Deer Urban Archery Season Renewal Form

(January 13 - February 18, 2024)

January 27, 2023

Please update any contact information that is not correct

Town of Archer Lodge
Bryan Chadwick
14094 Buffalo Road
Archer Lodge, NC 27527

Name of Representative: _____
Address: _____
City: _____ Zip Code: _____
Email Address: _____
Phone Number: _____

Do you wish to participate in the 2024 Deer Urban Archery Season (January 14 – February 19, 2023)

Yes ☒ No ☐

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the Regulations Digest. Please indicate the phone number and/ or website to be listed in the 2023-24 Inland Fishing, Hunting, and Trapping Regulations Digest (Please Print)

Phone Number: 919-359-9727

Website: archerlodgenc.gov

Are there any changes to the map submitted with your participation letter? Yes ☐ No ☒

If "Yes", please attached a new map to this form. (No larger than 11"X17")

Please print and sign the name of the representative for the **Town of Archer Lodge**.

Name of Representative: Bryan Chadwick, Town Administrator
(Please Print Name)

Signature: _____

Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form by mail to:

Terrell Eason, Program Support
Wildlife Management Division
1722 Mail Service Center
Raleigh, NC 27699-1700

Or email:
terrell.eason@ncwildlife.org


Brad Howard
Chief, Wildlife Management Division
(919) 707-0050

Applications must be received by April 1, 2023 to be a part of the Deer Urban Archery Season

ASSISTANT TOWN ADMINISTRATOR/FINANCE OFFICER

General Statement of Duties

Performs professional and administrative duties to assist the Town Administrator while also planning, organizing, supervising, and managing the financial records for the Town.

Distinguishing Features of the Class

An employee in this class plans, organizes, manages, and assists the Town Administrator with implementing the goals and objectives of the Town Council, and performs a variety of administrative and financial activities for the Town. Duties include, but are not limited to, assisting with short- and long-range planning, creating, and articulating a vision of excellence for the Town, assisting with budgetary direction and guidance to Council, and assisting with overseeing operations of the Town. Financial duties include, but are not limited to, general ledger maintenance, payroll, accounts payable, financial reporting, audit coordination, and participating in budget development and administration. The employee must utilize independent judgment and initiative in decision making, team building, problem-solving, and providing guidance and recommendations to the Town Administrator. Work is performed under the general supervision of the Town Administrator and is evaluated through periodic conferences, observation of results, and review of records, reports, and files.

Duties and Responsibilities

Essential Duties and Tasks

Performs financial functions for the Town; plans, organizes and performs general ledger maintenance, payroll, accounts payable, accounts receivable, audit coordination, dept. service, delinquent collections, a variety of financial reporting, and related financial activities; distributes Fire District Tax to the Fire Department, prepares various materials, and draft records and reports for the auditors.

Helps Town Administrator to seek innovative methods of stewardship and new revenue sources. Assists the Town Administrator in development of the Town's budget; participates in revenue projections and preparation of budget spreadsheet; participates with the Town Administrator, Mayor, and Town Council in review and projection of expenditures. Assists the Town Administrator with managing Town resources including budget, facilities, equipment, technology, etc.; assists the Town Administrator with the overseeing and and/or performing grant development and administration.

Assists the Town Administrator with meeting and speaking with community groups, citizens, and other public agencies about specific programs, services, policies, and other issues as needed; helps respond to citizen concerns and requests in a timely manner.

Establishes and maintains effective communications with media to keep citizens informed about the Town's programs and progress.

Cooperates with other governmental units as necessary to provide professional and effective services to the citizens (State, County, Neighboring Cities, etc.); assists the Town Administrator in crafting and reviewing interlocal agreements for various services.

Assists the Town Administrator with maintaining current knowledge of management and municipal trends, laws, and issues. Assists the Town Administrator with maintaining modern public administration knowledge and skills.

Represents the Town positively with a wide variety of people, businesses, governments, and organizations.

Additional Job Duties

Performs related duties as required.

Recruitment and Selection Guidelines

Knowledges, Skills, and Abilities

Considerable knowledge of standard and approved practices and procedures employed in the processing, safekeeping, and utilization of official Town records and documents.

Considerable knowledge of North Carolina General Statutes and of local ordinances governing municipal financial practices and procedures.

Considerable knowledge of the principals and practices of public finance administration, including principals and practices of municipal accounting.

Considerable knowledge of the organization and functions of Town government.

Skill in the use of office technology and specialized software for financial and office management.

Ability to establish effective work relationships and communicate effectively with elected officials, managers, other government officials, employees, and the general public.

Ability to develop and maintain effective working relationships with other governmental jurisdictions, the Town Council, elected and appointed officials, community groups, employees, and the general public.

Ability to communicate effectively in oral and written form.

Physical Requirements

Must be able to physically perform the basic life operational functions of fingering, speaking, and hearing.

Must be able to perform sedentary work exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to move objects.

Must possess the visual acuity to prepare and analyze data and figures, handling accounting processes, operate a computer, and do extensive reading.

Desirable Education and Experience

Graduation from a four-year college or university with a major in public administration, accounting, finance, business, or related field and experience with financial management, preferably in the public sector; or an equivalent combination of education and experience.

Special Requirement

Possession of a valid North Carolina driver's license.

Possession of or ability to obtain UNC – SOG Municipal and County Administration Course.

Possession of or ability to obtain UNC – SOG Finance Officer's Certification.

STATE OF NORTH CAROLINA

LEASE & USE AGREEMENT

JOHNSTON COUNTY

This Lease & Use Agreement is entered into this ____ day of _____, 20____ by and between the Town of Archer Lodge (hereinafter "Lessee") and the Archer Lodge Community Center, Inc. (hereinafter "Lessor"). This Agreement hereby revokes, replaces, and supersedes any Agreement currently or previously in place between the Parties.

WHEREAS Lessee is a municipal corporation, formed under the laws of the State of North Carolina and a political subdivision of the State of North Carolina;

WHEREAS Lessor is a non-profit corporation formed and operating under the laws of the State of North Carolina that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;

WHEREAS Lessor was formed and operates for the purpose of organizing youth sports leagues and other community events in the Town of Archer Lodge and surrounding areas in Johnston County, North Carolina;

WHEREAS Lessor is the owner in fee simple of that certain parcel of land located at 14009 Buffalo Rd., Archer Lodge, North Carolina and being more particularly described in Exhibit A attached hereto (hereinafter the "Property"). The Property shall include use of the baseball field, soccer field, and restroom facilities;

WHEREAS the Property has been used for, among other things, organized recreational youth sports leagues for many years operated by Lessor;

WHEREAS Lessee now desires to assume operation and organization of the youth sports leagues currently operated by Lessor; and

WHEREAS Lessor wishes to grant Lessee long-term access to the Property in exchange for Lessee continuing to organize and conduct youth sports recreational leagues in the Town of Archer Lodge.

NOW THEREFORE, in consideration of the premises and the mutual promises contained herein, the adequacy and sufficiency of which is hereby acknowledged by all parties hereto, the parties agree as follows.

1. Grant. Lessor hereby leases the Property and all appurtenances thereto to Lessee for a term of twenty (20) years (the "Term"). The Term shall begin on January 1, 2023, and shall expire December 31, 2043.

2. Rent. In exchange for the lease contemplated hereunder, Lessee shall pay to Lessor rent in the amount of \$1.00 per year. Said rent shall be due on January 1st of each

year and shall be considered late if not paid by January 15th.

3. Renewals. Provided that Lessee is not in default under this Lease Agreement at the time and has not previously during the Term or any extensions thereof, Lessee shall be entitled to renew this Lease by giving notice to Lessor or its successors or assigns no sooner than one hundred eighty (180) days and no later than ninety (90) days before the expiration of the Term or any extensions thereof.

4. Lessee Obligations. In addition to the obligation to pay rent noted above, during the Term and any extensions thereof, Lessee shall:

a) Continue to organize and conduct recreational youth sports leagues on the Property including, but not limited to, leagues for baseball, softball, and soccer;

b) Maintain a high standard of cleanliness and orderliness during and after each use of the Property;

c) Maintain the Property in an attractive manner and consistent with the use of the Property for their current recreational use;

d) Schedule use of the Property; and

e) Pay for maintenance, utilities, and upgrades to the Property. The maintenance, utilities, and upgrades shall be limited to the baseball field, soccer field, associated sports facilities (dugouts, bleachers, etc.), and use of the restroom facilities. Use shall exclude the community center building, amphitheater, playground, concession stand, and picnic shelter. Lessee shall -coordinate with Lessor for a portion of maintenance, utilities, and upgrades to said restroom facilities.

f) Lessee shall be permitted to use the John Deere infield groomer and mower being leased by Lessor (hereinafter "Equipment") for use on the fields of Lessor and those owned by Lessee. Lessee shall be responsible for all maintenance on said groomer. Lessee shall pay to lessor a use fee -equal to the lease payments made by Lessor on the Equipment. Lessee shall be permitted to house the Equipment

5. Authority of Lessee. Lessee shall have sole and full authority to provide all youth sports leagues, including registration, use of registration fees, and contracting with third parties, such as Johnston County Little League and Neuse River Futbol, for use of the Property and the rental fees associated with such use. Lessor shall -not have rights to govern these activities or collected monies. If Lessor has a need to use the Property, Lessor and Lessee shall coordinate Lessor's use.

6. Liability Insurance. At all times during the Term of this Lease and any extensions hereof, Lessee shall maintain, at a minimum, a liability insurance policy or policies with limits of at least \$1,000,000.00. ~~per person and \$3,000,000.00 per occurrence.~~

Upon the request of Lessor or its successors or assigns, Lessee shall, at Lessee's expense, include Lessor or its successors or assigns as an additional insured on such liability policy or policies.

7. To the fullest extent permitted by laws, Lessee agrees to fully indemnify, defend and save Lessor harmless from and against any and all claims and demands for or in connection with, any accident, injury or damage whatsoever caused to any person or property arising, directly or indirectly, out of the use of the Property or any part thereof, or arising directly or indirectly, from any act or omission of Lessee its agents, employees, invitees, customers or contractors, and from and against any and all costs, expenses, reasonable attorneys' fees, and liabilities incurred in connection with any such claims and/or proceedings brought thereon. To the fullest extent permitted by laws, Lessor agrees to fully indemnify, defend and save Lessee harmless from and against any and all claims and demands for or in connection with, any accident, injury or damage whatsoever caused to any person or property arising, directly or indirectly, out of the use of the property of Lessor not subject to this agreement, or any part thereof, or arising directly or indirectly, from any act or omission of Lessor, its agents, employees, invitees, customers or contractors, and from and against any and all costs, expenses, reasonable attorneys' fees, and liabilities incurred in connection with any such claims and/or proceedings brought thereon.

~~6.~~

7.8. The parties shall cooperate in executing and recording a memorandum of this Lease Agreement in the Johnston County Registry. Lessee shall pay the cost of such recording.

8.9. Assignment. Lessee shall not assign this Lease Agreement or sublet the whole or any portion of the Property without the consent of Lessor or its successors or assigns. Upon any such assignment, the assignor shall assume all obligations of Lessee and be subject to all remedies by Lessor under this Lease Agreement.

9.10. Default. If Lessee fails to pay the rent due hereunder or otherwise fails to comply with any of its obligations hereunder, Lessee shall be in default. In such event, Lessor shall have the right to cancel this Lease Agreement if the acts or omissions of Lessee giving rise to such default are not cured by Lessee within thirty (30) days of the date which Lessee receives written notice from Lessor of such default. Provided, however, that if such default other than rent is impossible to cure in thirty (30) days through no fault of Lessee, then Lessee shall have a reasonable time after written notice of default from Lessor to cure the default.

10.11. Notice. Whenever written notice is required to be provided hereunder, or whenever either party hereto wishes to send written correspondence to the other, such notice shall be delivered as follows:

- a) If to Lessor,
deliver to:

Archer Lodge Community Center Inc.

14009 Buffalo Rd.
Archer Lodge, NC 27527

b) If to Lessee, deliver to:

Town of Archer Lodge
14094 Buffalo Rd.
Archer Lodge, NC 27527

~~11.12.~~ This Lease Agreement shall be interpreted and governed by the laws of the State of North Carolina. Subject to the arbitration provisions contained herein, all parties hereto, by executing this document, hereby voluntarily submit themselves, their successors and assigns to the jurisdiction of the applicable courts in North Carolina, and the parties acknowledge that the courts in Johnston County, North Carolina are an appropriate venue for any disputes between the parties hereto that may arise out of this Lease Agreement. Except for any portion of such disputes that are subject to arbitration under this Agreement.

~~12.13.~~ This Lease Agreement represents the entire agreement of the parties. To the extent that any oral representations, or terms discussed orally, between any of the parties are inconsistent with the terms herein, each party hereto acknowledge that such inconsistent representations or terms were not accepted by the other(s) and that such inconsistent representations or terms are not part of any agreement between the parties related to the subject matter of this Lease Agreement.

~~13.14.~~ This Lease Agreement cannot be modified except in a writing executed by all of the parties hereto executed under the same formalities as this Lease Agreement.

~~14.15.~~ Any determination by any court that any term of this Lease Agreement is invalid, in whole or in part, shall not affect the validity of the remainder of this Lease Agreement.

~~15.16.~~ If any party hereto, or their respective successors or assigns, files a lawsuit to enforce or set aside this Lease Agreement or any portion hereof, or any other lawsuit that is in any way related to this Lease Agreement, the prevailing party in such lawsuit shall be entitled to its costs, including reasonable attorney's fees, of prosecuting or defending such lawsuit. This entitlement to costs of litigation, including reasonable attorney's fees, is contractual in nature and is intended by the parties to be in addition to, and not substituted for, any other legal entitlement to such costs of litigation, including reasonable attorney's fees, that the parties hereto, or either of them, may have.

~~16.17.~~ Each party hereto acknowledges that they enter into this Lease Agreement of their own free will, and that they are under no duress or undue influence to execute the same.

~~17.18.~~ All terms hereof shall be binding upon each party's successors and assigns.

Each party hereto acknowledges that the signature line(s) below for such party is signed by a person with the full authority, whether actual or apparent, to execute this Contract on behalf of such indicated party.

ARCHER LODGE COMMUNITY CENTER, INC.

TOWN OF ARCHER LODGE

By: _____
Dene Castleberry, President

By: _____
Matthew B. Mulhollem, Mayor

Parks & Recreation

Field Needs / Residents & Non-Residents	
Lights (rentals from 5 p.m. or later – light fee required)	\$ 20.00/ hr.
Field Preparation – lining fields, install bases, install pitching mound, soccer goals at specified dimensions	\$ 50.00/ field
Hourly Field Rentals / Residents	
AL Town Park – Field 1	\$ 35.00/ hr.
AL Town Park – Field 2	\$ 35.00/ hr.
AL Town Park – Multi-Purpose Field 1	\$ 60.00/ hr.
AL Town Park – Multi-Purpose Field 2	\$ 60.00/ hr.
AL Town Park – Picnic Shelter (2 hour minimum)	\$ 25.00/ hr.
AL Town Hall – Multi-Purpose Field	\$ 60.00/ hr.
ALCC - Hoyt G. Castleberry Ball Field	\$ 30.00/ hr.
ALCC – Multi-Purpose Field	\$ 60.00/ hr.
Hourly Field Rentals / Non-Residents	
AL Town Park – Field 1	\$ 70.00/ hr.
AL Town Park – Field 2	\$ 70.00/ hr.
AL Town Park – Multi-Purpose Field 1	\$ 120.00/ hr.
AL Town Park – Multi-Purpose Field 2	\$ 120.00/ hr.
AL Town Park – Picnic Shelter (2 hour minimum)	\$ 50.00/ hr.
AL Town Hall – Multi-Purpose Field	\$ 120.00/ hr.
ALCC - Hoyt G. Castleberry Ball Field	\$ 60.00/ hr.
ALCC – Multi-Purpose Field	\$ 120.00/ hr.

Parks & Recreation (continued)

Half-Day or Full-Day Field Rentals / Residents \$5.00/Hour Less Than Hourly Rate		
	<u>Half-Day (4 hours)</u>	<u>Full-Day (8 hours)</u>
AL Town Park – Field 1	\$ 120.00	\$ 240.00
AL Town Park – Field 2	\$ 120.00	\$ 240.00
AL Town Park – Multi-Purpose Field 1	\$ 220.00	\$ 440.00
AL Town Park – Multi-Purpose Field 2	\$ 220.00	\$ 440.00
AL Town Hall – Multi-Purpose Field	\$ 220.00	\$ 440.00
ALCC - Hoyt G. Castleberry Ball Field	\$ 100.00	\$ 200.00
ALCC – Multi-Purpose Field	\$ 220.00	\$ 440.00
Half-Day or Full-Day Field Rentals / Non-Residents \$5.00/Hour Less Than Hourly Rate		
	<u>Half-Day (4 hours)</u>	<u>Full-Day (8 hours)</u>
AL Town Park – Field 1	\$ 260.00	\$ 520.00
AL Town Park – Field 2	\$ 260.00	\$ 520.00
AL Town Park – Multi-Purpose Field 1	\$ 460.00	\$ 920.00
AL Town Park – Multi-Purpose Field 2	\$ 460.00	\$ 920.00
ALCC - Hoyt G. Castleberry Ball Field	\$ 220.00	\$ 440.00
ALCC – Multi-Purpose Field	\$ 460.00	\$ 920.00

Parks & Recreation (continued)

YOUTH PROGRAMS		
<u>Program</u>	<u>Residents</u>	<u>Non-Residents</u>
Youth Basketball (Each Participant)	\$ 40.00	\$ 60.00
Youth Flag Football (Each Participant)	\$ 40.00	\$ 60.00
Youth Indoor Soccer-Futsal (Each Participant)	\$ 40.00	\$ 60.00
Youth Wiffle Ball (Each Participant)	\$ 40.00	\$ 60.00
Youth Corn Hole Tournament (Team of 2)	\$ 40.00	\$ 60.00
ADULT PROGRAMS		
<u>Program</u>	<u>Residents</u>	<u>Non-Residents</u>
Adult Corn Hole Tournament (Team of 2)	\$ 50.00	\$ 75.00
Adult Co-Ed Kickball (Team Registration)	\$ 240.00	\$ 400.00
Adult Co-Ed Wiffle Ball (Team Registration)	\$ 240.00	\$ 400.00
Adult Co-Ed Indoor Soccer-Futsal (Team Registration)	???	???
Yoga	???	???



PROTECTING QUALITY OF LIFE

Alliance Code
Enforcement LLC

Monthly Report
Town of Archer Lodge

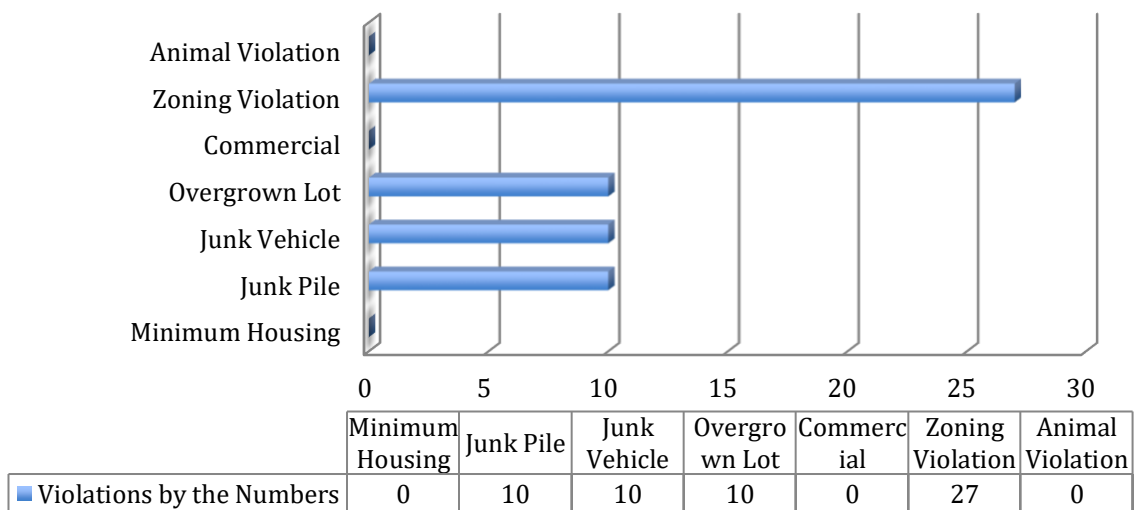
Updated
March 02, 2023

ADDRESS	VIOLATION	STATUS
14649 Buffalo Rd	OL/JV/JP	ABATED
14790 Buffalo Rd	OL	ABATED
3900 Bridge Ct	JV/JP/OL	ABATED
126 Preakness Dr	JV	OPEN
437 Triple Crown Cir	JV	OPEN
147 Coharie Dr	JV/OL	OPEN
112 Seminole Dr	JP/JV	ABATED
142 Seminole Dr	JV/OL	OPEN
108 Sprewell Ct	OL/JV/JP	OPEN
131 Ottawa Dr	JV/OL	OPEN
113 Ottawa Dr	JP	OPEN
109 Ottawa Dr	JP/OL	OPEN
145 Seminole Dr	JV	ABATED
119 Seminole Dr	JP	OPEN
115 Seminole Dr	OL/JP	OPEN
109 Seminole Dr	JV/JP	ABATED
85 Crazy Horse Ct	JP	OPEN
76 Crazy Horse Ct	JP	ABATED
63 Crazy Horse Ct	JV/JP	ABATED
277 Cohaire Dr	JP/JV	OPEN
79 Pontiac Ct	JV	OPEN
59 Pontiac Ct	JP	OPEN
388 Cohaire Dr	JP	OPEN
414 Cohaire Dr	JP	ABATED
551 Cohaire Dr	JV/OL	OPEN
483 Cohaire Dr	JP/OL	OPEN
419 Cohaire Dr	JV	ABATED
391 Cohaire Dr	OL/JP	OPEN
116 Seminole Dr	JP/JV/OL	ABATED
124 Seminole Dr	JP	ABATED
107 Sprewell Ct	JP/JV	OPEN
141 Coharie Dr	JP	ABATED
124 Coharie Dr	JP	ABATED
127 Cohaire Dr	JP	ABATED
111 Cohaire Dr	JV/OL	OPEN
101 Cohaire Dr	OL/JP	ABATED

HIGHLIGHTS

- 0 New Cases were opened.
- 0 Notice of Violations were issued.
- 16 Cases were abated.
- 17 Notice of Hearings sent out.
- 27 Signs picked up.
- Inspections, follow ups and in person meetings or attempted in person meetings were made with all violators.
- No cases were open I conducted 46 follow ups on previous cases.
- I would like to thank each of you for the opportunity to serve this community and “Protecting Quality of Life”

Violations by the Numbers





PROTECTING QUALITY OF LIFE

Alliance Code
Enforcement LLC

Monthly Report
Town of Archer Lodge

Updated
March 02, 2023

