



Town of Archer Lodge

AGENDA

Regular Council Meeting

Monday, December 1, 2025 @ 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. CONSENT AGENDA:

- 4 - 29 3.a. Approval of Minutes
03 Nov 2025 Regular Meeting Minutes
17 Nov 2025 Work Session Minutes
[Regular Council - Monday, 03 Nov 2025 - Minutes - Pdf](#)
[Work Session - Monday, 17 Nov 2025 - Minutes - Pdf](#)
- 30 - 42 3.b. MAPS Group Classification and Pay Study Memorandum of Understanding
[MAPS Group Memorandum of Understanding](#)
[MAPS Group Information](#)
- 43 - 48 3.c. Resolution, #AL2025-12-01a, Adopting the Code of Ethics for the Town Council and it's Boards
[AL2025-12-01a Resolution Adopting a Code of Ethics for the Town Council and it's Boards](#)
- 49 - 70 3.d. Resolution, #AL2025-12-01b, Adopting the Rules of Procedure for the Town Council and it's Boards

[AL2025-12-01b Resolution Adopting the Rules of Procedure for the Town Council and it's Boards](#)

4. OPEN FORUM/PUBLIC COMMENTS:

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

5. RECOGNITION/PRESENTATION:

- 5.a. Recognition of Former Council Member Mark Wilson
- 5.b. Recognition of Outgoing Council Member John Buzzelli

6. ORGANIZATIONAL ITEMS

- 6.a. Administration of Oath of Office to Town Clerk Ben King by Mayor Matthew B. Mulhollem
- 6.b. Administration of Oath of Office to Town Council Members-Elect by Clerk of Superior Court Michelle Ball
 - Teresa Bruton
 - Michael Davis
- 6.c. Administration of Oath of Office to Town Council Member-Elect Franky Echols by District Court Judge Craig James

7. RECESS:

(Council Will Recess to Allow New Members to Take their Seats on the Dais.)

8. ELECTION OF MAYOR PRO TEMPORE:

- 8.a. Call for Nominations for the Office of Mayor Pro Tempore
- 8.b. Election of the Mayor Pro Tempore
- 8.c. Administration of Oath of Office to the Mayor Pro Tempore by Mayor Matthew B. Mulhollem

9. TOWN ATTORNEY'S REPORT:

10. INTERIM TOWN ADMINISTRATOR'S REPORT:

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

12. TOWN CLERK'S REPORT:

13. TOWN PLANNER'S REPORT:

14. MAYOR'S REPORT:

15. COUNCIL MEMBERS' REMARKS:

- 15.a. Council Member Jackson
- 15.b. Council Member Echols
- 15.c. Council Member Davis
- 15.d. Mayor Pro Tem Castleberry
- 15.e. Council Member Bruton

16. ADJOURNMENT:



**Regular Council - Minutes
Monday, November 3, 2025**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry
Council Member Bruton
Council Member Jackson
Council Member Buzzelli

STAFF PRESENT:

Mike Gordon, Interim Town Administrator
Marcus Burrell, Town Attorney
Kim P. Batten, Assistant Administrator/Finance Officer
Jason Kress, Town Planner
Chris Allen, Parks & Recreation Director
Cynthia Richardson, Human Resources Officer
Ben King, Interim Town Clerk

COUNCIL ABSENT:

None
Page

MEDIA PRESENT:

None

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 Council Member Jackson
Seconded by Mayor Pro Tem Castleberry

Motion to Approve the Agenda as Presented

CARRIED UNANIMOUSLY

3. CONSENT AGENDA:

a) Approval of Minutes

14 Jul 2025 Regular Meeting Minutes Amendment
06 Oct 2025 Regular Meeting Minutes
20 Oct 2025 Work Session Minutes

Moved by Mayor Pro Tem
Seconded by Council Member Jackson

Motion to Approve the Consent Agenda as Presented

CARRIED 3-1 (Bruton Opposed)

4. **OPEN FORUM/PUBLIC COMMENTS:**
(Maximum of 30 minutes allowed; 3 minutes per person)

- a) Mr. Hearbert Locklear of 123 Fawn Ln addressed the Council regarding his interest in continuing to serve on the Planning Board. He mentioned he has served for 2-3 years, has lived in town since 2001, and believes his experience would benefit the board.
-

5. **RECOGNITION/PRESENTATION:**

8 a) **Diabetes Awareness Month Proclamation**

Mayor Mulhollem read the Diabetes Awareness Month proclamation, recognizing November 2025 as Diabetes Awareness Month in Archer Lodge.

[2025 Diabetes Awareness Month Proclamation - Signed](#)

b) **Presentation from Johnston County Health Department on Diabetes Awareness**

Mary Banks, Health and Wellness Coordinator for Johnson County Public Health Department, presented information about diabetes awareness. She noted that November 14th is World Diabetes Day, with this year's theme being "Diabetes in the Workplace." She discussed risk factors for Type 2 diabetes and prevention methods, including smoking cessation, regular exercise, healthy eating, and physician consultation. She announced that the health department will offer a free diabetes prevention program in January 2026.

Mayor Pro Tem Castleberry personally thanked Ms. Banks, sharing that diabetes had caused his liver failure, resulting in 70 hospital visits over 2.5 years. He expressed gratitude for the health department's support and noted his improving condition.

9 c) **Veterans Day Proclamation**

Mayor Mulhollem read the Veterans Day proclamation, recognizing November 11, 2025, as Veterans Day in Archer Lodge.

[2025 Veterans Day Proclamation - Signed](#)

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

a) **Discussion and Possible Action on Accepting the Resignation of Council Member Mark Wilson**

Mayor Mulhollem noted that Councilman Wilson presented his resignation at the October meeting and acknowledged his years of service to the town.

Moved by Mayor Pro Tem Castleberry

Seconded by Council Member Buzzelli

Motion to Accept the Resignation of Council Member Mark Wilson

CARRIED UNANIMOUSLY

10 - 14 b) **Discussion and Possible Action on Making Appointments to the Planning Board**

The Council had four applicants for two openings. Town Attorney Marcus Burrell distributed ballots to Council members. After voting, there was a tie for second place, requiring a second round of voting. The final results showed Eric Mooneyham and Jonathan Cox as the top vote getters.

Mayor Mulhollem thanked all applicants and noted the importance of managing growth on a local level as a major reason for incorporation.

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Appoint Eric Mooneyham and Johnathan Cox to the Planning Board and the Board of Adjustment

CARRIED UNANIMOUSLY

[Planning Board Ballots 11.3.2025](#)

15

c) Discussion and Possible Action on a Resolution, #AL2025-11-03a, Adopting the 2026 Town Council Meeting Schedule

Interim Town Clerk Ben King explained that the schedule follows the typical pattern of first Monday meetings, with adjustments for holidays. He noted work sessions in February and March would be substituted with budget retreats, with a possible January retreat depending on when the new Town Administrator is hired.

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Adopt a Resolution, #AL2025-11-03a, Adopting the 2026 Town Council Meeting Schedule

CARRIED UNANIMOUSLY

[AL2025-11-03a Resolution Adopting the 2026 Town Council Meeting Schedule - Signed](#)

16

d) Discussion and Possible Action on a Resolution, #AL2025-11-03b, Adopting the 2026 Holiday Schedule

Interim Town Clerk Ben King confirmed the schedule is consistent with the North Carolina State employee holiday calendar.

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Adopt a Resolution, #AL2025-11-03b, Adopting the 2026 Holiday Schedule

CARRIED UNANIMOUSLY

[AL2025-11-03b Resolution Adopting the 2026 Holiday Schedule - Signed](#)

17

e) Discussion and Possible Action on a Resolution, #AL2025-11-03c, Approving Speed Limit Changes on Archers Way per NCDOT Request

Interim Town Administrator Mike Gordon explained this resolution addresses a resident request to NCDOT. The road was recently repaved, requiring new signage, and NCDOT proposed reducing the speed limit from 45 to 35 mph. Council Member Jackson noted the road currently receives increased traffic due to a detour.

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Adopt a Resolution, #AL2025-11-03b, Approving Speed Limit Changes on Archers Way per NCDOT Request

CARRIED UNANIMOUSLY

[AL2025-11-03c Resolution Approving Speed Limit Changes on Archers Way per NCDOT Request - Signed](#)

f) **Discussion on Speed Limits within Town Limits and Review of Current Speed Limits**

Town Planner Jason Kress provided a map showing current speed limits in town. The Council discussed several problematic areas:

- Archer Lodge Road between Covered Bridge and Buffalo - Council considered lowering to 25 mph due to pedestrian traffic between the church and community center.
- South Murphrey Road - Currently 55 mph, which seems inconsistent with other arterial roads at 45 mph.
- Castleberry Road - Has inconsistent speed limits creating confusion. Mayor Pro Tem Castleberry noted a highway patrol study found 27% of vehicles exceed 60 mph in certain sections.
- Loop Road - Currently posted at 55 mph but shown as 35 mph on DOT maps.
- Wendell Road near the middle school - Council Member Jackson suggested extending the 45 mph zone from the school to address speeding complaints.

The Council instructed staff to verify current posted limits, check with DOT regarding future plans, and prepare a new map incorporating tonight's suggestions for further review.

[Archer Lodge Speed Limit Map](#)

7. TOWN ATTORNEY’S REPORT:

- a) Town Attorney Marcus Burrell deferred to the Town Planner's report and reminded everyone that the following day was Election Day.

8. TOWN ADMINISTRATOR’S REPORT:

- a) Interim Town Administrator Mike Gordon reported they were awaiting bid packages from architects and engineers for the park maintenance building and future pickleball courts.

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

- a) Kim Batten, Assistant Town Administrator/Finance Officer, reported that she had nothing to report other than that the audit was still undergoing.

10. INTERIM TOWN CLERK’S REPORT:

- a) Interim Town Clerk Ben King reported that the Town held its first live-streamed meeting during the work session two weeks ago, and all future meetings will now be streamed on the Town's YouTube channel. Additionally, the Town website has been refreshed with a new look, including drone footage and improved navigation features. The Town has also applied for Pedestrian Safety Improvement Grants to install crosswalks at the church/community center and the park, which will include ADA ramps and flashing signals.

11. TOWN PLANNER'S REPORT:

- a) **Animal Control Report**

19 - 20

b) 160D Legislative Updates

Town Planner Jason Kress and Town Attorney Marcus Burrell discussed recent legislative changes, specifically House Bill 926 which prohibits waiting periods for refiling development applications. Meaning if an application is denied, applicants can immediately resubmit without waiting any period of time. While the full implications remain unclear, they suggested considering changes to the fee schedule during budget planning to prevent excessive resubmissions.

[NCGS 160D Amendment](#)

12. **PARK AND RECREATION DIRECTOR’S REPORT:**

- a) The Parks and Recreation Director reported on grant applications for playground equipment and professional development opportunities. He mentioned that both 7-9 year-old flag football teams made it to the championship in partnership with Clayton.

13. **MAYOR’S REPORT:**

- a) Mayor Mulhollem thanked veterans ahead of Veterans Day, wished everyone a happy Thanksgiving, and reminded citizens to vote the following day.

14. **COUNCIL MEMBERS’ REMARKS:**

a) **Council Member Jackson**

Council Member Jackson mentioned the Marine Corps Birthday on November 10th and Veterans Day events in Smithfield on November 11th.

b) **Council Member Buzzelli**

Council Member Buzzelli noted the Navy's 250th birthday.

c) **Mayor Pro Tem Castleberry**

Mayor Pro Tem Castleberry reminded everyone about Veterans Day and reported on water main repairs on Castleberry Road. He then mentioned he would be attending JOCO Works on Friday with the Economic Development Board.

d) **Council Member Bruton**

Council Member Bruton congratulated Chris Allen, Parks and Recreation Director, on his professional achievements.

15. **CLOSED SESSION § 143-318.11:**

- a) **Attorney Burrell advised Council to enter into Closed Session as permitted by § 143-318.11(a)(6).**

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Enter into Closed Session at 7:54 PM

CARRIED UNANIMOUSLY

- b) **Mayor Mullhollem called for a motion to return to Open Session.**

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Return to Open Session at 8:29 PM

CARRIED UNANIMOUSLY

16. DISCUSSION AND POSSIBLE ACTION ITEMS:

21 - 23

- a) **Mayor Mulhollem called for a motion to approve the job description of Town Clerk.**

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Approve the Job Description of Town Clerk

CARRIED UNANIMOUSLY

[Town Clerk Job Description](#)

24 - 25

- b) **Mayor Mulhollem called for a motion to approve the creation of Pay Grade Level 25 for position of Town Clerk.**

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Approve the Creation of Pay Grade Level 25 for Position of Town Clerk

CARRIED UNANIMOUSLY

[Archer Lodge Pay Plan 2025-2026](#)

- c) **Mayor Mulhollem called for a motion to appoint Ben King as Town Clerk with a starting salary of \$65,000.**

Moved by Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Motion to Appoint Ben King as Town Clerk with a Starting Salary of \$65,000

CARRIED UNANIMOUSLY

17. ADJOURNMENT:

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

Moved by Council Member Jackson

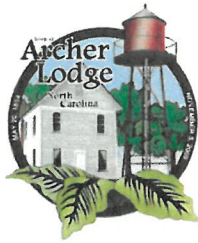
Seconded by Mayor Pro Tem Castleberry

Motion to Adjourn at 8:30 PM

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Ben King, Town Clerk



Proclamation

WHEREAS, diabetes is a chronic disease in which sugar levels in the bloodstream are above normal, and more than 1,000,000 people in North Carolina are living with some form of the disease; and

WHEREAS, diabetes is the seventh leading cause of death in the United States, and people with diabetes have a 50% higher risk of early death than those without the disease; and

WHEREAS, an additional 86 million people in the United States are at risk for developing Type 2 diabetes and more young Americans are also living with Type 2 diabetes than ever before, putting them at risk of developing serious health problems later in life; and

WHEREAS, an increase in community awareness is necessary to put a stop to the diabetes epidemic; and

WHEREAS, all residents of the Town of Archer Lodge need to be aware of diabetes and should be tested for diabetes if they have any of the major risk factors for the disease; and

WHEREAS, Diabetes Awareness Month is an opportunity to provide education about the disease and raise awareness that a simple blood sugar test has the potential to save lives and positively impact the lives of those across the country;

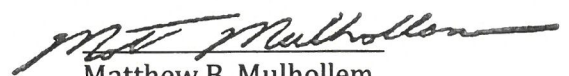
NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, North Carolina, that the month of November 2025 be recognized as

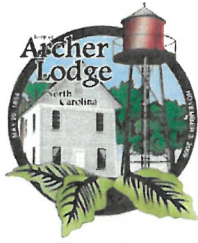
Diabetes Awareness Month

In the Town of Archer Lodge, North Carolina, I encourage citizens to recognize the impact of diabetes and to join the effort to confront, fight, and most importantly, change the future of this deadly disease.

Duly adopted this the 3rd day of November 2025.




Matthew B. Mulhollem
Mayor



Proclamation

WHEREAS, for decades America has paused on the 11th of November, the anniversary of the armistice that concluded World War I, to remember and to honor our veterans of military service in proud and grateful recognition of the hardships and sacrifices by the millions of men and women who have defended our land in war and in peace; and

WHEREAS, the freedoms we enjoy have been purchased and maintained at a high price, as Americans have been willing, throughout our history, to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, Americans owe a great debt to all those who have served in defense of this nation throughout the generations; for their sacrifices, often resulting in permanent injury or death, which have preserved our unique form of government dedicated to human rights and respect for the individual, and preserved our freedoms and promise of liberty as an example for oppressed persons of the world; and

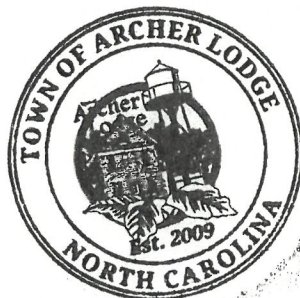
WHEREAS, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of a people dedicated to the principle of freedom and democracy;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, North Carolina, that the 11th Day of November 2025 be recognized as

Veterans Day

In the Town of Archer Lodge, North Carolina, I encourage all residents to join in commemorating this special day, to participate in the ceremonies and observances honoring our veterans, and to express our deepest gratitude for their service and sacrifice.

Duly adopted this the 3rd day of November 2025.



A handwritten signature in black ink, reading "Matthew B. Mulhollem".

Matthew B. Mulhollem
Mayor

TOWN OF ARCHER LODGE
PLANNING BOARD VOTING BALLOT

DATE: November 3, 2025

REGULAR TOWN COUNCIL MEETING
JEFFREY D. BARNES COUNCIL CHAMBERS
14094 BUFFALO RD., ARCHER LODGE, NC

Applicants listed in alphabetical order.

Two (2) Vacancies - Check the box below to select the applicant of your choice:

CHECK BOX	NAMES
☒	Teresa Romano
☒	Jonathan Cox
☐	Hearbert Locklear
☒	Eric Mooneyham
☐	
☐	
☐	

Print Name: Marcus Burrell
Signature: Marcus Burrell

TOWN OF ARCHER LODGE
PLANNING BOARD VOTING BALLOT

DATE: November 3, 2025

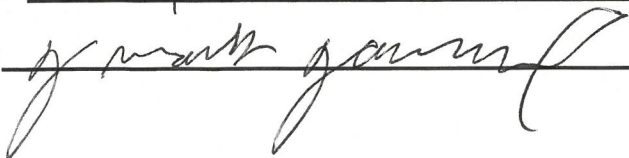
REGULAR TOWN COUNCIL MEETING
JEFFREY D. BARNES COUNCIL CHAMBERS
14094 BUFFALO RD., ARCHER LODGE, NC

Applicants listed in alphabetical order.

Two (2) Vacancies - Check the box below to select the applicant of your choice:

CHECK BOX	NAMES
☒	Teresa Romano
☐	Jonathan Cox
☐	Hearbert Locklear
☒	Eric Mooneyham
☐	
☐	
☐	

Print Name: Terry M. Jackson

Signature: 

TOWN OF ARCHER LODGE
PLANNING BOARD VOTING BALLOT

DATE: November 3, 2025

REGULAR TOWN COUNCIL MEETING
JEFFREY D. BARNES COUNCIL CHAMBERS
14094 BUFFALO RD., ARCHER LODGE, NC

Applicants listed in alphabetical order.

Two (2) Vacancies - Check the box below to select the applicant of your choice:

CHECK BOX	NAMES
	Teresa Romano
☒	Jonathan Cox
☐	Hearbert Locklear
☒	Eric Mooneyham

Print Name: TMB

Signature: TMB

TOWN OF ARCHER LODGE
PLANNING BOARD VOTING BALLOT

DATE: November 3, 2025

REGULAR TOWN COUNCIL MEETING
JEFFREY D. BARNES COUNCIL CHAMBERS
14094 BUFFALO RD., ARCHER LODGE, NC

Applicants listed in alphabetical order.

Two (2) Vacancies - Check the box below to select the applicant of your choice:

CHECK BOX	NAMES
☒ MB	Teresa Romano
☒	Jonathan Cox
☒	Hearbert Locklear
☒	Eric Mooneyham
☐	
☐	
☐	

Print Name: Clyde Castberry
Signature: Clyde Castberry

TOWN OF ARCHER LODGE
PLANNING BOARD VOTING BALLOT

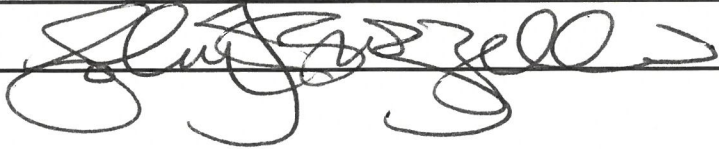
DATE: November 3, 2025

REGULAR TOWN COUNCIL MEETING
JEFFREY D. BARNES COUNCIL CHAMBERS
14094 BUFFALO RD., ARCHER LODGE, NC

Applicants listed in alphabetical order.

Two (2) Vacancies - Check the box below to select the applicant of your choice:

CHECK BOX	NAMES
	Teresa Romano
☒ MB ☒	Jonathan Cox
☒	Hearbert Locklear
☒	Eric Mooneyham

Print Name: JOHN BUZZELLI
Signature: 



**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE 2026
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:

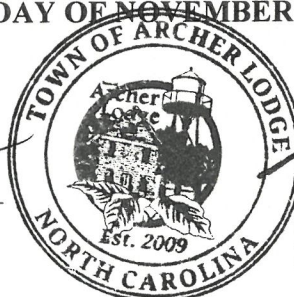
TOWN OF ARCHER LODGE 2026 CALENDAR TOWN COUNCIL MEETINGS			
MONTH	REGULAR MEETING	WORK SESSION	BUDGET RETREAT
January	Monday, Jan 5		
February	Monday, Feb 2		Monday, Feb 16
March	Monday, Mar 2		Monday, Mar 16
April	Monday, Apr 6	Monday, Apr 20	
May	Monday, May 4	Monday, May 18	
June	Monday, Jun 1	Monday, Jun 15	
July	Monday, Jul 13		
August	Monday, Aug 3		
September	Tuesday, Sep 8	Monday, Sep 21	
October	Monday, Oct 5	Monday, Oct 19	
November	Monday, Nov 2	Monday, Nov 16	
December	Monday, Dec 7		

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Archer Lodge, North Carolina, hereby adopts the 2026 Town Council Meeting Schedule as presented.

DULY ADOPTED ON THIS 3rd DAY OF NOVEMBER 2025 WHILE IN REGULAR SESSION.

ATTEST:

Ben King
Interim Town Clerk



Matthew B. Mulhollem
Mayor



**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE
2026 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 2026 Holiday Schedule was retrieved from the State of North Carolina website <https://oshr.nc.gov/media/4904/open>

2026 Holiday Schedule		
Holiday	Observance Date	Day of Week
New Year's Day	January 1st	Thursday
Martin Luther King Jr's Birthday	January 19th	Monday
Good Friday	April 3rd	Friday
Memorial Day	May 25th	Monday
Independence Day	July 3rd	Friday
Labor Day	September 7th	Monday
Veterans Day	November 11th	Wednesday
Thanksgiving	November 26th & 27th	Thursday & Friday
Christmas	December 24th, 25th & 28th	Thursday, Friday & Monday

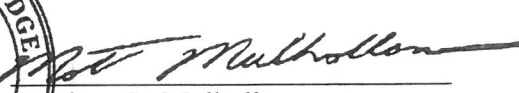
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Archer Lodge, North Carolina, hereby adopts the 2026 Holiday Schedule as presented.

DULY ADOPTED ON THIS 3rd DAY OF NOVEMBER 2025 WHILE IN REGULAR SESSION.

ATTEST:


Ben King
Interim Town Clerk




Matthew B. Mulhollem
Mayor



**TOWN OF ARCHER LODGE
RESOLUTION APPROVING SPEED LIMIT CHANGES
ON ARCHERS WAY PER NCDOT REQUEST**

WHEREAS, the North Carolina Department of Transportation (NCDOT) has notified the Town of Archer Lodge that it intends to reduce the speed limit in a municipal speed zone to 35 mph; and

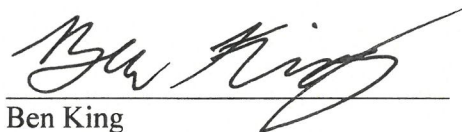
WHEREAS, the area investigated by the NCDOT includes a section of SR 2626 between SR 1747 (Wall Rd) and 0.29 mile northeast of SR 1747.

WHEREAS, this Resolution is being adopted to approve the speed limit change and to authorize the Mayor to execute the Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence (State Ordinance Number: 1088522) required by the NCDOT;

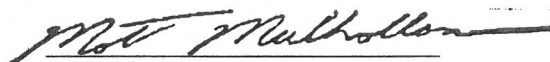
NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Town of Archer Lodge is authorized to execute the Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence (State Ordinance Number: 1088522) required by the NCDOT to reduce the permanent speed limit to 35 mph along SR 2626 (Archers Way) between SR 1747 (Wall Rd) and 0.29 mile northeast of SR 1747.

DULY ADOPTED ON THIS 3RD DAY OF NOVEMBER 2025 WHILE IN REGULAR SESSION.

ATTEST:



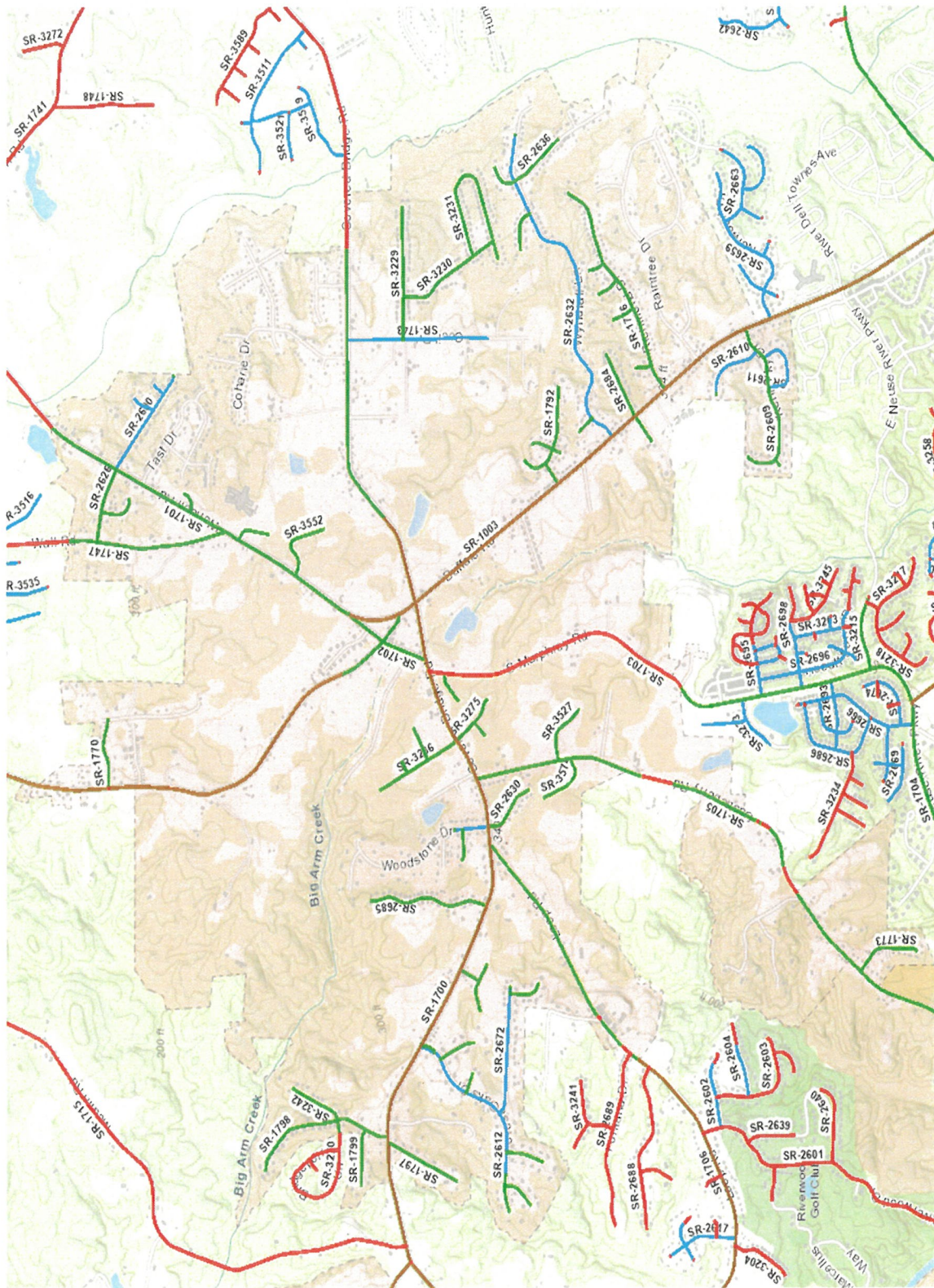
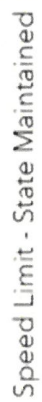
Ben King
Interim Town Clerk



Matthew B. Mulhollem
Mayor



Page 21 of 70



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2025-94
HOUSE BILL 926

*Became law
10/6/25*

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

ALLOW AUTHORIZED ON-SITE WASTEWATER EVALUATOR TO PREPARE A SITE DENIAL LETTER FOR SUBSURFACE WASTEWATER SYSTEMS

SECTION 1.(a) Definitions. – For purposes of this section, "Application Submittal Rule" means 15A NCAC 02T .0604 (Application Submittal).

SECTION 1.(b) Application Submittal Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Application Submittal Rule as provided in subsection (c) of this section.

SECTION 1.(c) Implementation. – A letter from either the local county health department or an Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the General Statutes denying the site for all subsurface systems shall be submitted to the Division by the applicant.

SECTION 1.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application Submittal Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SURVEYOR RIGHT OF ENTRY

SECTION 2.(a) G.S. 89C-19.2 is repealed.

SECTION 2.(b) Article 22B of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-159.15. Limited right of entry by professional land surveyors.

(a) For the purposes of this section, the following terms are defined as follows:

(1) Critical infrastructure. – As defined in 42 U.S.C. § 5195c.

(2) Landowner. – The owner, lessee, or occupant of a parcel of land.

(3) Practice of land surveying. – As defined in G.S. 89C-3.

(4) Professional land surveyor. – As defined in G.S. 89C-3. For purposes of this section, this term includes any agents, employees, or personnel under the supervision of a professional land surveyor.

(b) A professional land surveyor shall have the right to enter upon the lands of others, if necessary to perform surveys for the practice of land surveying, including the location of property



If multiple locked hearing aids are sold in a single transaction, a single written notice under subsection (a) of this section and a single written receipt under this subsection may be used to satisfy the requirements of this section, provided that the required information for each locked hearing aid sold is documented.

(c) Record Keeping. – A licensed audiologist shall maintain, for a period of at least three years after the sale of a locked hearing aid, the following records for each locked hearing aid transaction:

- (1) A copy of the written notice described in subsection (a) of this section as signed by the purchasing patient.
- (2) A copy of the written receipt described in subsection (b) of this section.
- (3) The results of any audiologic tests or measurements performed as part of the fitting and dispensing of the locked hearing aid or aids.
- (4) A copy of any written recommendations prepared as part of the fitting and dispensing of the hearing aid or aids.

These records shall be kept at the audiologist's principal place of practice and shall be made available for inspection by the Board."

SECTION 9.1.(b) The North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists may adopt rules to implement subsection (a) of this section.

SECTION 9.1.(c) This section becomes effective October 1, 2025.

ALLOW BUYER'S AGENT COMPENSATION TO BE INCLUDED IN THE OFFER TO PURCHASE

SECTION 10.(a) Definitions. – For purposes of this section, "Offer and Sales Contracts Rule" means 21 NCAC 58A .0112 (Offer and Sales Contracts).

SECTION 10.(b) Offer and Sales Contracts Rule. – Until the effective date of the revised permanent rule that the Real Estate Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Offer and Sales Contracts Rule as provided in subsection (c) of this section.

SECTION 10.(c) Implementation. – A broker acting as an agent in a real estate transaction may use a preprinted offer or sales contract form containing provisions concerning the payment of a commission or compensation, including the forfeiture of earnest money, to a broker or firm.

SECTION 10.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Offer and Sales Contracts Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 10.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

PROHIBIT WAITING PERIODS FOR REFILING OF DEVELOPMENT APPLICATIONS

SECTION 11. G.S. 160D-601 is amended by adding a new subsection to read:

"(e) Withdrawn or Denied Applications. – A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."

TOWN CLERK

General Statement of Duties

Performs responsible statutory and administrative tasks for the Town Administrator, and the Mayor and Town Council; serves as executive assistant and the Town Clerk.

Distinguishing Features of the Class

An employee in this class is responsible for the maintenance and safekeeping of official public records. Work involves the responsibility for keeping the minutes of the Council meetings and of other advisory Council meetings, and for the publication, indexing, filing, archiving and safekeeping of all Council proceedings in accordance with general statutes and local ordinances. Work also includes serving as administrative support to the Town Administrator, Mayor, and Council and maintaining all town contracts and property records. Considerable tact, courtesy, and firmness are required in the dealing with the public. Work requires high level administrative and executive level office management work. Work is performed in accordance with North Carolina General Statutes, Town ordinances, codes, and policies, personnel laws and regulations, and standard office procedures governing the responsibilities of Town Clerks. The employee works under the general supervision of the Town Administrator. Work is reviewed through observation, review of records and files maintained as to their completeness and accuracy, responsiveness to citizens and Council members, and by conferences.

Duties and Responsibilities

Essential Duties and Tasks

Serves as official custodian of all public records including ordinances, proclamations, resolutions, contracts, agreements, minute books and minute highlights; maintains Town seal; performs statutory responsibilities; executes legal documents by affixing the proper signatures of Town officials, the Town seal, and attesting to their compliance with general statutes and local ordinances; advertises official meetings; coordinates preparation of Council agendas.

Attends Council meetings and necessary committee meetings of the Council; writes minutes of these meetings; processes all ordinances, resolutions, and other actions of the Council; coordinates agenda preparation, publication, and distribution with Town Administrator; arranges for legal notices and press packets; maintains lists of various appointed Councils and commissions; researches and administers agenda software; tracks document retention requirements; maintains records of all contracts and Town property and deeds; coordinates preservation of documents with the state Department of Archives.

Performs administrative duties for the Town Administrator, Mayor, and Council members by handling correspondence, public inquiries, and mail for these officials.

Researches and compiles information as requested by the Council or Town Administrator; performs special project work as requested including research, compilation and coordination; handles confidential information; works on various committees and/or independently to write or revise new policies, procedures and plans; participates in preparation of administrative and elected official budgets; reviews annexation petitions and certifies sufficiency; officially records annexations.

Prepares, composes, and types correspondence, letters, memorandums, and other directives for the Town Administrator and other Town officials; maintains information on the Town web site.

Prepares and sends letters, invitations and related documents for Town Administrator, Mayor and Council; maintains property listings deed and index.

Arranges appointments, schedules, meetings, travel, and conferences for the Town Administrator and Council for various national, state and local events and offices; coordinates arrangements for receptions, retreats, celebrations, and other functions.

Monitors vacancies and appointments to Councils and commissions of the Town; maintains directory of Boards and Commissions; advertises for open positions.

- Coordinates codification updates of the Code of Ordinances.
- Operates a variety of office equipment including computer, calculator, copier, printer and related equipment.
- Maintains confidentiality as appropriate.
- Prepares and submits a variety of records and reports.

Additional Job Duties

- Performs a variety of office support tasks to help the administrative offices function smoothly and keep all related Town departments informed of actions which have an impact on them.
- Backs up other Town administrative staff.
- Performs related duties as required.

Recruitment and Selection Guidelines

Knowledges, Skills, and Abilities

- Considerable knowledge of North Carolina General Statutes and of local ordinances governing the responsibilities of Town Clerks.
- Considerable knowledge of the organization and functions of Town government.
- Considerable knowledge of office technology.
- 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 standard modern office administrative practices and procedures; of the principles of grammar, spelling, and composition; and of computer applications and peripheries as utilized in a modern office environment including data bases, presentation, and spreadsheet software.
- Working knowledge of laws regulating personnel records.
- Skill in public contact, teamwork, collaborative conflict resolution and customer service excellence.
- Skill in records research.
- Ability to exercise sound judgment in making decisions in conformance with laws, regulations, and policies.
- Ability to take notes of the proceedings of official meetings and to prepare accurate minutes reflecting the actions taken.
- Ability to organize work for efficient processing, set and follow effective work priorities and meet established deadlines.
- Ability to research and recommend policies, plans and procedures.
- Ability to communicate effectively in oral and written forms.
- Ability to establish and maintain effective working relationships with elected and appointed officials, department heads, employees, and the general public.
- Ability to handle confidential information appropriately.

Physical Requirements

- Must be able to physically perform the basic life operational support functions of reaching, walking, fingering, talking, hearing, and repetitive motions.
- 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 lift, carry, push, pull, or otherwise move objects.
- Must possess the visual acuity to compile and compute data and statistics, perform transcription tasks, operate a computer terminal, and do extensive reading.

Desirable Education and Experience

- Graduation from high school supplemented by coursework in office technology, paralegal work or related areas and considerable experience in office management work preferably including some experience in the safekeeping and care of public records and/or high level executive assistant duties; or

Town Clerk
Page 3

an equivalent combination of education and experience.

Special Requirement

Ability to obtain Notary Public certification.
Certification from the Institute of Government as Town Clerk or ability to obtain within three years of hire.

Archer Lodge
2025

Town of Archer Lodge
List of Classes Arranged by Grade
2017-2018

GRADE	CLASSIFICATION	FLSA STATUS	HIRING RATE	MAXIMUM
14			34,731	52,097
15			36,468	54,702
16	Parks Maintenance Technician		38,291	57,437
17	Deputy Town Clerk		40,206	60,309
18			42,216	63,324
19			44,327	66,491
20			46,543	69,815
21			48,870	73,305
22			51,314	76,971
23			53,880	80,820
24			56,574	84,861
25	Town Clerk		59,403	89,105
26	Parks and Recreation Director	E	62,373	93,560
27	Town Planner HR Officer/Town Clerk	E E	65,492	98,238
28	Finance Officer/Town Clerk	E	68,767	103,151
29			72,205	108,308
30	Assistant Town Administrator/Finance Officer		75,815	113,723
31			79,606	119,409
32			83,586	125,379
33	Town Administrator		87,765	131,648
34			92,153	138,230

Town of Archer Lodge
List of Classes Arranged by Grade
2017-2018

GRADE	CLASSIFICATION	FLSA STATUS	HIRING RATE	MAXIMUM
35			96,761	145,142

E = Exempt from the Wage and Hour Provisions
of the Fair Labor Standards Act (FLSA)



**Work Session - Minutes
Monday, November 17, 2025**

COUNCIL PRESENT:

Mayor Mulhollem
Mayor Pro Tem Castleberry

Council Member Bruton

Council Member Jackson
Council Member Buzzelli

STAFF PRESENT:

Mike Gordon, Interim Town Administrator
Marcus Burrell, Town Attorney
Cynthia Richardson-Brake, Human Resources Officer
Ben King, Town Clerk

COUNCIL ABSENT:

None

MEDIA PRESENT:

None

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 CLOSED SESSION § 143-318.11:

3 ADJOURNMENT:

a)

Having no further business, Mayor Mulhollem called for a motion to adjourn.
Moved by Council Member Jackson
Seconded by Mayor Pro Tem Castleberry

Motion to Adjourn at 8:01 PM

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Ben King, Town Clerk

434 Fayetteville Street
Suite 1900
Raleigh, NC 27601
919-715-4000
nclm.org

November 6, 2025

Ms. Cynthia Richardson
Human Resource Officer
Town of Archer Lodge
14094 Buffalo Road
Archer Lodge, NC 27527

Dear Cynthia,

We are pleased to be able to offer the enclosed Memorandum of Agreement to the Town of Archer Lodge to perform the specified human resource management services as described herein.

This contract will be performed through an agreement between the North Carolina League of Municipalities and the MAPS Group. This private consulting firm consists of former and current practicing personnel professionals in the public sector who specialize in human resources and general management. They are, or have been, employed in human resources departments at the state and municipal level of government and undertake consulting assignments for the North Carolina League of Municipalities.

I will have overall responsibility for this project to determine that all contractual obligations of this study are successfully met.

If you have any questions or need clarification on any item contained within our Memorandum of Agreement, please contact me at the League Office.

Sincerely,

Lou Bunch

Lou Bunch
Senior Municipal Human Resources Consultant

Enclosures

cc: The MAPS Group

MEMORANDUM OF AGREEMENT
HUMAN RESOURCE MANAGEMENT SERVICE
TOWN OF ARCHER LODGE

THIS AGREEMENT is made and entered into this ____ day of _____, 2025 by and between the North Carolina League of Municipalities, an unincorporated association, hereinafter called "League", and the Town of Archer Lodge, an incorporated municipality hereinafter called "Town."

WITNESSETH

In consideration of the amounts of money hereinafter agreed to be paid, and in consideration of the other conditions hereinafter agreed to by the Town of Archer Lodge, the League offers to perform the following services:

Scope of Services. The League agrees to provide through its subcontractor The MAPS Group the services described and set forth in Attachment "A", Scope of Services, which is incorporated into and made a part of the Memorandum of Agreement by reference.

Time for Performance. The time for performance will be approximately three (3) months. The contract can begin in February 2026 or at a time mutually agreed upon between The MAPS Group and the Town.

Cost. The fee for the proposed work is \$7,200.00. In addition, the Town will be billed for actual itemized expenses for mileage, meals, lodging, printing and supplies, and actual travel time at \$25.00 per hour (estimated at around \$500.00).

In consideration of the services performed by the League, the Town agrees to abide by and perform the following:

The MAPS Group will bill the Town for one payment of \$3,600.00 at the beginning of the study and a final payment of the same amount plus actual itemized expenses and travel time when the study is completed. The Town agrees to remit payment to The MAPS Group upon receipt of each of the statements referred to above.

Execution. If this Memorandum of Agreement is not executed and returned to the League Office within thirty (30) days from the submission date, the time frame for performance may have to be renegotiated.

E-verify. The MAPS Group certifies that it currently complies with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes.



Iran Divestment Act Certification. As of the date of this Agreement, The MAPS Group certifies that it is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58 and that The MAPS Group will not utilize any subcontractor found on the State Treasurer's Final Divestment List.

Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of North Carolina. Venue shall lie in Wake County.

If the terms of this contract are acceptable, please sign two (2) copies and return one to the League office.

SUBMITTED BY:

NORTH CAROLINA LEAGUE OF
MUNICIPALITIES

Lou Bunch

Lou Bunch
Senior Municipal Human Resources Consultant

ACCEPTED BY:

TOWN OF ARCHER LODGE

Name

11/6/2025

Submission Date

Title

Date

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

(Signature of Finance Officer)



ATTACHMENT "A"

SCOPE OF SERVICES

HUMAN RESOURCES STUDY

SCOPE OF SERVICES

Objectives of Study

The primary purpose of this study is to conduct a comprehensive pay and classification study for the Town of Archer Lodge to include the following work study objectives:

- To study and evaluate all positions covered by the NCLGERS within the Town for the purpose of determining the proper position classification and salary for each employee.
- To conduct a comprehensive salary survey of appropriate public and private sector organizations to determine that the Town's salaries, benefits and wages are competitive within the applicable job market.
- To prepare or update class specifications for each position class based upon current job duties and requirements, outlining appropriate ADA information.
- To prepare a pay plan for the Town as required to maintain a competitive system of salaries and wages.
- To identify those classes of positions that are "exempt" and "non-exempt" in compliance with the Fair Labor Standards Act (F.L.S.A.) of 1983 as amended in 1985.
- To review and make recommendations concerning the effectiveness of the Town's overall compensation system including compression issues.

The second purpose of the study is to provide an updated personnel policy that reflects most recent laws, court cases, regulations and best HR practices.

Study Work Components

A. Preparation of the Classification and Pay Plan

1. Conduct a comprehensive review of the Town's Personnel system for the purposes of staff orientation and to provide data and information to be used in the preparation of the classification and compensation data and related Personnel components.
2. Conduct a meeting with Town Administrator and department heads to discuss the various work components of the study and to explain the study methodology and approach. At this meeting we will also discuss the appropriate labor market for surveying salary data and the project schedule.
3. Conduct orientation sessions with employees to cover the purposes and process of the study. These meetings help establish realistic expectations with employees and reduce mis-information. The meetings will cover:

- * purposes of the study;
- * steps in conducting the study;
- * study methodology;
- * what the study will and will not cover; and
- * answer any questions

4. Survey existing employee positions. This task will involve a review of the completed questionnaires, interviews with representative employees in each class, and conferences with each department head to review and verify information presented on the questionnaires and in the desk audits. The purpose of this task is to determine that The MAPS group obtains comprehensive, factual, and accurate data and information. This task also resolves any conflicting information or data.
5. Following the review and field audit of existing employee positions, class specifications (often called job descriptions) will be prepared. These class specifications will be written to comply with OSHA and ADA regulations. The MAPS Group will use the following factors to classify jobs:
 - * Difficulty, complexity, and variety of work
 - * Education and experience requirements of the job
 - * Nature and extent of public contact
 - * Physical effort and hazards; and
 - * Supervision given and received.

B. Development of the Pay Plan

1. A survey of salary plans will be performed utilizing public sector jurisdictions and other organizations for the purpose of recommending wage and salary schedules that are competitive and sufficient to attract and retain qualified employees. The identification of competitive organizations will be made by the Town in consultation with The MAPS Group. The salary survey will request hiring and maximum salaries for each position surveyed.
2. A comprehensive analysis of the salary survey will be prepared.
3. Following analyses of all inputs considered previously in Study Components A and B, all classes of position

C. Preparation of the Employee Allocation List

1. Following completion of the classification plan and compensation schedule, an allocation list will be prepared showing employees by name, present classification, proposed classification, present salary grade, proposed salary grade, recommended salary, and proposed increase amount (if applicable).
2. Costs for implementation options of the plan will be provided. Up to three optional implementation strategies will be provided with graphs illustrating impact of each option on salary compression as well as costs. Options will be designed specifically to address compression if needed and desired.

If more than three options are needed, there will be an additional charge of \$250 per additional option.

Personnel Policy Review

The MAPS Group will review and make recommendations for updating the Town's personnel policy to be consistent with modern and effective human resource management and current laws and regulations. The personnel policy is reviewed for policy versus procedural language and is recommended to meet a balance of providing guidance without including unnecessarily restrictive or detailed procedures. If needed, a new policy will be provided.

FLSA Status

As part of this study, the MAPS Group will identify and recommend positions that the Town may consider Exempt from the Wage and Hour Provisions of the Fair Labor Standards Act.

Communication with the Town

During the study, MAPS principals will be available to Town management to clarify any steps, current stage of the study, or other issues related to the study by phone and email. In addition, while MAPS principals are on site for orientation and/or interviews, personal consultations are available as necessary to the study. If needed, communications may take place electronically for social distancing purposes. A draft of the study will be sent to management for review and MAPS will make one visit to discuss management reactions to the study prior to finalizing it. After the draft review, the MAPS Group will make a presentation to the Town Council and then return once more to respond for discussion and questions with the Council. Any additional trips will require additional fees.

Involvement of Town Staff

Town staff members will be required to complete position description questionnaires for each position, prepare organization charts, participate in interviews if selected (all department directors will be interviewed), provide current employee data including copies of current salary plan and employee information by department with name, current classification, current grade, date of hire, date of entry to current position, and current annual salary. These last components are needed for calculating the costs of implementation options.

Results of the Study

The study will result in the publication and delivery to the Town of the report to include the narrative summary, classification plan, class specifications, compensation plan, salary data, and implementation costs. The MAPS representative will formally present the study to the Town Council and be available to respond to questions.

Plan Maintenance

Once the study is complete and implemented, the MAPS Group will provide assistance to Town staff on maintenance of the plan including the classification of new or revised positions, market revisions to the pay plan and other assistance as needed.

In addition, the MAPS Group will provide the Town with a linked spreadsheet that will allow for market adjustments (cost of living increases) to automatically update the salary schedule and class listings and provide the Town with a digital copy of all class specifications and policies.

Project Staff

The project staff will include Rebecca L. Veazey. Additional team members will be subject to approval by the Town.

VITA
REBECCA L. VEAZEY

BORN: Durham County, North Carolina

EDUCATION:

Southern High School, Durham, N. C.
B. A. Speech and Education - University of North Carolina at Chapel Hill
M. P. A. - University of North Carolina at Chapel Hill
Municipal Administration Course, Institute of Government
Group Facilitation and Consultation Course, Institute of Government

CAREER PROGRESSION:

President, The MAPS Group (Management and Personnel Services) - a consulting group providing personnel, organization development, training, and management services for local governments, 1995 to present
Principal, the MAPS Group
Human Resources Director, Durham County
Director of Personnel, Town of Cary (Cary's first Personnel Director)
Personnel Officer, Town of Chapel Hill
Training Specialist, Town of Greensboro

PROFESSIONAL ACTIVITIES:

International Personnel Management Association (IPMA). Lifetime Achievement Award 2010. Active in N. C. Chapter including serving as Treasurer, on program committee for state chapter for three years, on Regional program committee one year, and chairperson of Finance Strategic Planning Committee.
Organization of Municipal Personnel Officers (OMPO), Life Member Award, Board Member, President, and Immediate Past President.
North Carolina League of Municipalities, Board of Directors, 1985-1987.
American Society for Training and Development, Triangle Chapter member.
Facilitation and Organization Development Group, (FODG) founding member
Systems Thinking in Government Group

COMMUNITY AND OTHER ACTIVITIES:

U. N. C. General Alumni Association, Board of Directors
U. N. C. Master of Public Administration Alumni Association, Past President
Local Government Employees Federal Credit Union, founding member, Loan Committee Chairperson, and member of the Board of Directors
United Way Campaign Chair, Durham County and Town of Cary

EXPERIENCE:

Conducting classification and pay studies for municipalities, counties, councils of governments, housing authorities, and other non-profit organizations.

Facilitating/leading the development and implementation of performance management, compensation philosophy and performance pay programs as both an internal and external consultant.

Experience (continued)

Serving as facilitator at strategic planning and team building retreats for staffs, boards, and elected officials. Also, providing on-going developmental facilitation to assist an organization with team building; organization development; planned change; development of mission, vision, and values; development of compensation philosophies; leadership development; or other issues.

Developing and conducting management and supervisory training on a variety of topics including leadership, coaching and feedback, conducting performance reviews, principles of supervision, communications skills, motivation techniques, legal issues in supervision, hiring the right person, effective grievance and disciplinary actions administration, conflict resolution, facilitation skills, and a number of other topics. This includes designing and updating materials and teaching and coordinating the School of Government's comprehensive Effective Supervisory Management Program since 2002.

Administering assessment instruments and providing interpretation and feedback or training; instruments include EQ-I (Emotional Intelligence Quotient), Myers Briggs, Human Patterns, Styles of Management Inventory, Johari Window (Personnel Relations Inventory), Leadership Profile System, Ego State Assessment, FIRO B, etc.

Developing and conducting assessment centers and serving as an assessor for the purpose of selection, promotion, succession planning, and professional development.

Conducting recruitment and selection processes focused on assessing management excellence in candidates.

Establishing and revising policies and programs on a variety of personnel topics including writing personnel policies, establishing recruitment and selection procedures, developing performance review forms and procedures, and problem-solving employee relations issues and grievances.

Speaking on a variety of personnel and management topics at the School of Government, NCLM Convention, IPMA (international and state conferences), Area Health Education Centers, parks and recreation conferences, and for other groups.

Teaching personnel administration course to students in the MPA Program at UNC-G and in a six weeks seminar at NCSU, and teaching a seminar on facilitation skills to students in the MPA Program at UNC.

CLIENTS ON CONSULTANT PROJECTS:

Municipalities:

Atlantic Beach
Archer Lodge
Bald Head Island
Banner Elk
Beaufort
Belhaven
Blowing Rock
Boiling Spring Lakes
Butner
Carthage
Charlotte
Clayton
Clinton
Concord
Duck
Dunn
Edenton
Elon
Farmville
Gibsonville
Havelock
Henderson
Hertford
Holden Beach
Hudson
Louisburg
Lowell
Lumberton
Matthews
Maysville
Morganton
Nags Head
Ocean Isle Beach
Pikeville
Raeford
Red Springs
Roanoke Rapids
Salisbury
Saluda
Selma
Sharpsburg
Smithfield
Spindale
Spruce Pine
Sylva
Topsail Beach
Wallace
Weldon

Williamston
Winterville

Counties:

Beaufort
Caldwell
Caswell
Cherokee
Clay
Gates
Granville
Greene
Madison
Martin
Mitchell
Northampton
Perquimans
Rutherford
Scotland
Tyrrell
Wake County Sheriff ' s Office
Yancey

Councils of Government:

Albemarle Commission
Centralina Council of Governments
Isothermal Planning and Development
Kerr Tar Council of Governments
Land of Sky
Triangle J Council of Governments
Western Piedmont COG

Housing Authorities:

Benson
Mount Airy
North Wilkesboro
Smithfield

Other Nonprofit/Governmental Agencies:

Contentnea Metropolitan Sewerage District
Davidson Water
School of Government
Maggie Valley Sanitary District
North Carolina League of Municipalities
Raleigh Durham International Airport
Toe River Health District
Tuckaseegee Water and Sewer Authority
Wayne Water Districts

The MAPS Group

Management
and
Personnel
Services

102 Lochwood
West Drive

Cary, NC
27518

phone
919.233.3914

mobile
919.616.5965

e-mail: [bveazey@
themapsgroup.com](mailto:bveazey@themapsgroup.com)

themapsgroup.com

A consulting group
specializing in
Human Resource
Management

Classification and Pay Study Information for Municipalities

Conducting a classification and pay study typically takes approximately 2.5 to 5 months, depending on the size of the organization. The MAPS Group's approach is to make the process as transparent and understandable as possible. We believe this is important because a good study can have a negative morale impact if employees misunderstand it or if the study lacks credibility with employees. Studies for NC municipalities are performed under a contract between the NCLM and the municipality. The NCLM subcontracts with us to perform the study. The NCLM guarantees quality and satisfaction.

We also strongly recommend undertaking a study only when there is commitment to follow through with funding the implementation. The negative impact on morale is significant if a study is not implemented. Implementation costs are the significantly greater cost, not the fee to conduct the study. We work with organizations to phase the study in over two or three years if the implementation costs are greater than can be allocated in one year.

Frequency. The rule of thumb is that these studies are performed about every 5 years in stable organizations. Organizations experiencing a lot of growth or change need studies more frequently and some use a rotational study reviewing a third of positions every year such as public safety one year, labor and trades a second year, and administrative and professional jobs the final year. The advantage of the rotational study is that it spreads implementation costs out over multiple years rather than having them all hit in one year and employees and elected officials get used to this being a part of business rather than an major event.

Questionnaires. All employees who are in the retirement system are typically included in the study and each employee in the study should complete a Position Description Questionnaire. The questionnaires can be downloaded in either Word or PDF from our website www.themapsgroup.com . The Word document can be completed digitally and then printed and signed. Hand written form completion on the PDF version is fine as well.

On-site Meetings and Interviews. Once we receive the completed questionnaires, we schedule an on-site visit that includes meetings and interviews. We usually start with a meeting with management and department heads and go over the process and methodology of the study, answer questions, discuss time lines, and identify a list of organizations to include in the salary survey. We then have orientation meetings for employees to attend to hear about the process and methodology and ask questions. The number of these meetings depends on the size of the workforce.

During this or future trips we also conduct interviews with employees. We interview at least one employee with each different set of duties as described on the questionnaires regardless of job titles. The purpose of the interviews is to make sure we accurately understand duties and responsibilities listed on the questionnaires so we can accurately classify the jobs and make accurate salary comparisons.

Analysis and Report Preparation. After interviews we conduct the salary survey, write a narrative report with our findings, prepare organization charts that reflect recommended classification titles, prepare the recommended salary chart and assign each classification to a salary range based on market data, identify which positions are exempt for FLSA purposes, perform a benefits survey, and write or update class specifications (job descriptions). All of this is then sent back to the organization in draft form for review and to provide us with feedback before finalizing the study and presenting it to elected officials.

Personnel Policy Update. In most classification and pay studies, we also review and make recommendations to update the personnel policy. Review is for modern, effective and best practices approaches as well as legal and regulatory compliance. If the policy needs significant updates, we typically recommend a new policy.

Management Recommendations. We also typically review payroll and HR processes such as time

sheets, performance evaluation systems, and other HR related management systems and make recommendations for improvement.

Presentation to Elected Officials. We have found that a presentation to elected officials on the process and methodology of the study prior to providing the recommendations to them helps them understand and review the study with better context and acceptance. It is best to present the study in a work session environment because it takes approximately 1 to 1.25 hours. We typically do a 30 to 45 minute presentation (depending on questions) and then pass out the study documents and walk elected officials through the document. We then leave it with them for review and come back when they are ready to address any questions or issues.



**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING A CODE OF ETHICS
FOR THE TOWN COUNCIL AND IT'S BOARDS**

WHEREAS, North Carolina General Statute § 160A-86 mandates that governing boards “shall adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board;” and

WHEREAS, we have each taken the oath of office required by the Constitution of North Carolina and have pledged that we will “support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith” and further that we will “faithfully discharge the duties of our office;” and

WHEREAS, government decisions and policy must be made in proper channels of the governmental structure; and

WHEREAS, the public must have confidence in the integrity of its government; and

WHEREAS, as public officials we are charged with upholding the trust of the residents of the Town of Archer Lodge; and

WHEREAS, we as members of the Town Council believe that upholding ethics are important to retaining the trust of the residents of the Town of Archer Lodge;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Archer Lodge adopts the following as its code of ethics:

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 and Members of Council and all references herein to the Town Council shall be understood to include all Council members. This Code should not be considered a substitute for the law.

Council members 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. Council members 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, Council members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Council members must know how to distinguish these roles and when each role is appropriate and they must act accordingly. Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Council member must determine appropriate conduct within their own conscience.



I. A Council member shall obey the law.

Council members 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. Members 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 Council member should uphold the integrity and independence of his or her office.

Council members 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. Council members 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 Council member should avoid impropriety and the appearance of impropriety in all his or her activities.

It is essential that town government attract those citizens that are best qualified and willing to serve. Council members have legitimate interests, economic, professional and vocational, of a private nature. Council members 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. Council members must exercise their best judgment to determine when this is the case. Council members 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 the office on the Council and in town government. Council members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office on the Council 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. Council members 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 who has an interest in any official act or action before the Council should publicly disclose on the record of the Council the nature and extent of such interest and should withdraw from any consideration of the matter if excused by the Council pursuant to N.C.G.5. § 160A-75.

IV. A Council member should perform the duties of the office diligently.

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

A. Legislative responsibilities

1. Council members 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. Council members should respect the legitimacy of the goals and interest of other Council members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

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

C. Administrative Responsibilities

1. Council members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of town affairs by town employees. Council members 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 Council members and other town officials.
2. Council members 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. Council members should require town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Council members as well as those appropriate for employees.
4. Council members who become aware of improper conduct by a town employee should promptly inform the mayor, or in the case of a town employee who reports directly to the Council, initiate appropriate disciplinary measures.
5. Council members 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 Council member should conduct the affairs of the Town Council in an open and public manner.

Council members should be aware of the letter and intent of the State's Open Meetings Law and should conduct the affairs of the Council consistent with the letter and spirit of that law, to inspire and maintain public confidence in the integrity and fairness of the town government and the office of Council member. Consistent with this goal of preserving public trust, Council members 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 Council member should regulate his or her extra governmental activities to minimize the risk of conflict with his or her official duties.

- A. Council members 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. Council members should refrain from financial and business dealings that tend to reflect adversely on the Council or on town government or to interfere with the proper performance of official duties.
- C. Council members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Council.
- D. Information acquired by Council members 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 Council member should refrain from political activity inappropriate to his or her office.

- A. Council members 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, Council members 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 Council member, 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 Council member 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

BE IT FURTHER RESOLVED THAT:

- A. A violation of this Code of Ethics may subject a Council member to a censure resolution by the Town Council; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Council and be heard regarding the allegation.
- B. When a Council member has a question as to the applicability of this Code of Ethics to a particular situation, he or she may apply, orally or in writing, to the Town Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given by the Council member, the Town Attorney should provide advisory guidance to the Council member. In the Town Attorney's discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the Town Attorney's advisory guidance excuse a Council member from complying with the Code of Ethics or other applicable law.

This Resolution shall be effective upon adoption.



RESOLUTION# AL2025-12-01a

DULY ADOPTED ON THIS 1st DAY OF DECEMBER 2025, WHILE IN REGULAR SESSION.

Matthew B. Mulhollem
Mayor

ATTEST:

Ben King
Town Clerk



**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING THE RULES OF PROCEDURE
FOR THE TOWN COUNCIL AND IT'S BOARDS**

WHEREAS, the Rules of Procedure serve as the official guide for the administration of Town Council and Board meetings; and

WHEREAS, it is appropriate to update the Rules of Procedure to ensure that they are up to date; and

WHEREAS, the Town Council believes it is important to have a standard set of rules to abide by when conducting the business of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Archer Lodge adopts the following as its Rules of Procedure:

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). Before adjourning the meeting, Council shall consider the approval of the Code of Ethics for the Town Council and the Town of Archer Lodge Rules of Procedure.

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 of the respective board. 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. ABSENCES

Members of Council or Boards should make every effort to attend meetings. Should a Member of Council or Board not be able to attend a meeting, they shall notify the Town Clerk at their earliest possible convenience.

E. 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.

F. AGENDA

The Town Clerk shall prepare the agenda for the meeting. All Agendas for Regular Meetings of the Town Council or any of its boards shall be published and available to



the public one (1) week in advance of the stated 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 at least one (1) week before the respective meeting.

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.

G. 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:

1. Welcome and Call to Order
2. Invocation
3. Pledge of Allegiance
4. Consent Agenda
5. Public Comment Period
6. Recognitions and Presentations
7. Discussion and Possible Action Items
8. Town Attorney's Report
9. Town Administrator's Report
10. Assistant Town Administrator/Finance Officer's Report
11. Town Clerk's Report
12. Town Planner's Report
13. Parks and Recreation Director's Report

Boards 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.

H. PUBLIC ADDRESS TO THE COUNCIL/BOARD

Any individual or group may address the Council/Board during the Public Comment portion of the meeting. The Council/Board is not to address concerns or questions raised during the Public Comment Section; however Members may choose to answer questions or respond during their allotted time for Members remarks at the end of the meeting.

A fixed standard time limit shall be established under these rules, announced by the Mayor 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 cannot be discussed. Items not to be tolerated are: personal attacks, rude behavior, flagrant gestures, yelling, and any other behaviors deemed out of order by the Mayor.

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; and
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.

I. 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.

J. 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")

1. MOTION

The Council and Boards shall proceed by motion. Any member, other than the Mayor in the case of Town Council, may make a motion.

2. SECOND REQUIRED

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

3. ONE MOTION AT A TIME



A member may make only one motion at a time.

4. SUBSTITUTE MOTION

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

5. 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.

6. 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:

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

7. 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.

8. 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.

- 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.
- To Take a Brief Recess.
- Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or it is waived.
- 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.

- To Divide a Complex Motion and Consider It by Paragraph.
- 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.
- Call of the Previous Question. This motion is not in order until there has been at least ten (10) minutes of debate or every member has had an opportunity to speak once.
- To Postpone to a Certain Time or Day.
- 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.
- 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.
- 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.
- 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.
- To Rescind or Repeal. The motion is not in order if rescission or repeal of an action is forbidden by law.
- 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.



9. RENEWAL OF MOTION

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

10. WITHDRAWAL OF MOTION

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

11. 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.

12. 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.

13. 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.

14. ADOPTION OF THE BUDGET ORDINANCE

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

- 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;
- 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;



- 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.

15. 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. A general record of the proceedings of closed session shall be reflected in the closed session minutes. Closed session minutes are to be kept separate from the minutes of the meeting in which they occurred and may only be approved by the individual signatures of the Council or Board or in closed session by a majority vote. Once approved, closed session minutes are to be sealed and stored in the vault until such a time that they are unsealed. In February of each year, Staff, alongside the Town Attorney, shall review sealed closed session minutes and determine if those minutes should be unsealed, so long as the purpose of the closed session occurring would not be frustrated by the unsealing of the minutes.

16. SPECIAL, EMERGENCY, & ADJOURNED MEETINGS

- 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.)

- **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.

- **Adjourned (or recessed) Meetings.** A properly called regular, special, or emergency meeting may be adjourned (or recessed) by a procedural motion made and adopted 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.
- **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

17. 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.

18. 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. A draft of a meetings minutes shall be distributed to Council within one (1) week of the meeting for which the minutes are for.

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.

19. 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.



This Resolution shall be effective upon adoption.

DULY ADOPTED ON THIS 1st DAY OF DECEMBER 2025, WHILE IN REGULAR SESSION.

Matthew B. Mulhollem
Mayor

ATTEST:

Ben King
Town Clerk