

Town of Archer Lodge

AGENDA

Regular Council Meeting & Public Hearing to:

Consider an Application filed on November 7, 2018
by Tilghman (Tim) Lee to Amend the
Town of Archer Lodge Official Zoning Map

Monday, January 7, 2019 @ 6:30 PM
Jeffrey D. Barnes Council Chambers

Page

1. WELCOME/CALL TO ORDER:

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

2. APPROVAL OF AGENDA:

3. OPEN FORUM/PUBLIC COMMENTS:

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

4. CONSENT AGENDA:

- 4.a. Approval of Performance Pay Increase for Staff effective 1st Pay Period in January 2019 ~ 3% (per 2018/2019 Budget Ordinance adopted 06/25/18)

5. PUBLIC HEARING:

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

3 - 17

- 5.a. Consideration of an Application filed on November 7, 2018 by Tilghman (Tim) Lee to Amend the Town of Archer Lodge Official Zoning Map by changing the SFR-1 Single-Family Residential Zoning District to NB Neighborhood Business a 2.13-acre tract (TAG# 16J03068K; PIN 178001-25-9864).

[MEMO REGARDING PUBLIC HEARING](#)

[REZONING APPLICATION \(PETITION\)](#)

[STAFF REPORT AND BACKGROUND INFORMATION](#)

[PLANNING BOARD RECOMMENDATION AND STATEMENT OF
CONSISTENCY](#)

[DRAFT ORDINANCE, if approved](#)

[DRAFT DENIAL, if denied approval](#)

[CERTIFICATION OF COMMUNITY NOTIFICATION](#)

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

- 18 - 19 6.a. Discussion and Consideration of Approving an Application filed on November 7, 2018 by Tilghman (Tim) Lee to Amend the Town of Archer Lodge Official Zoning Map by changing the SFR-1 Single-Family Residential Zoning District to NB Neighborhood Business a 2.13-acre tract (TAG# 16J03068K; PIN 178001-25-9864).
- 6.b. Discussion and Consideration of Hiring a Part-Time Town Administrator
- 6.c. Discussion and Consideration of Appointing a Town of Archer Lodge Representative for the Johnston County Economic Development Advisory Board
[JO CO ECONOMIC DEVELOPMENT ADVISORY BOARD REPRESENTATION FOR THE TOWN OF ARCHER LODGE](#)
- 20 - 24 6.d. Discussion and Consideration of Approving the Sidewalk Agreement ID#8371 between NCDOT and the Town of Archer Lodge
[NCDOT SIDEWALK AGREEMENT ID#8371](#)

7. RECOGNITION/PRESENTATION:

- 25 7.a. Recognition of the Revised Park Development Ideas provided by Susan Hatchell Landscape Architecture, PLLC prior to the
Public Input Meeting Scheduled for Tuesday, January 29, 2019 at the Archer Lodge Community Center from 5:00 p.m. to 7:00 p.m.
[Concept C 12.19.2018](#)

8. TOWN ATTORNEY'S REPORT:

9. ADMINISTRATIVE CONSULTANT'S REPORT:

10. FINANCIAL/TOWN CLERK'S REPORT:

- 26 10.a. January 2019 Calendar
[JANUARY 2019 \(at a glance\)](#)

11. PLANNING/ZONING REPORT:

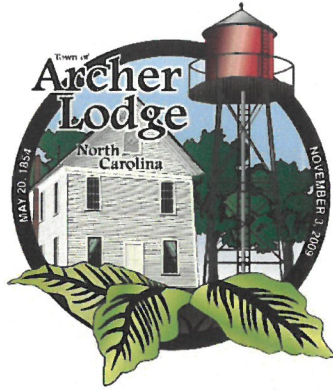
12. VETERAN'S COMMITTEE REPORT:

13. MAYOR'S REPORT:

14. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

15. ADJOURNMENT:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Clayton, NC 27527
9190359-9727
919-359-3333 fax

Mayor:
Matt Mulhollem

Town Council:
Clyde Castleberry
Mayor Pro-Tem
Teresa Bruton
Mark Jackson
Mark Wilson

MEMO

TO: Archer Lodge Town Council

FROM: Andrew Thomas, Jr., CZO, MPA, Senior Planner 

SUBJECT: ZMA-181107 Tilghman Lee
requested SFR-1, Residential to NB, Neighborhood Business Zoning
SE corner lot at Covered Bridge Road and Castleberry Road

DATE: January 2, 2019

Item: Public Hearing to consider an application filed on November 7, 2018 by Tilghman (Tim) Lee to amend the Town of Archer Lodge Official Zoning Map by changing the SFR-1 Single-Family Residential Zoning District to NB Neighborhood Business a 2.13-acre tract (TAG no. 16J03068K; PIN 178001-25-9864).

- The Planning Board reviewed this request at its December 12, 2018 meeting. Mr. Lee was present to support the application and answer questions. The Planning Board received the attached staff report with background information, analysis, and recommendation to recommend the request.
- On a motion by Teresa Romano, second by Jim Purvis III, and carried unanimously as consistent with the objectives and policies of the Comprehensive Land Use Plan adopted 03-09-15 and Future Land Use Map adopted 7-11-11 (Bob Davis, Chair signed the Planning Board Recommendation and Consistency Statement attached).

Action note: When adopting or rejecting the rezoning, the Town Council shall approve a statement describing whether its action is consistent with an adopted plans and policies of the town and explaining why the board considers the action taken to be reasonable and in the public interest.

Town of Archer Lodge

Petition for a Zoning Map Amendment

1. Applicant Contact Information

Name Owner/Applicant: Tilghman J Lee

Address: 1759 Castleberry Rd PO Box 626 Clayton

Phone Numbers: 919 417 4480 919 553-1695

Email Address: lee hvac clayton@yahoo.com

Owner's Agent:

Address:

Phone Numbers:

Email:

2. Petition Information

1. Location of subject property: Castleberry + COVERED BRIDGE RD

2. Property size (acres): 2.13

3. Tax Parcel Number (PIN): 16J23068A

4. Current zoning classification: SER-1 Single Family Residential

5. Current overlay district classification: NB Business TIL 12-5-18

6. Requested zoning reclassification of property: CB Community Business

7. Legal description of the property (metes and bounds, or if subdivided, lot block, subdivision plat book and page number). Attach a boundary description map, if requesting rezoning a portion of an unsubdivided tract. on file with Planning Dept

8. Brief explanation of the nature of the request, the reason the petition should be approved, and as statement of how the rezoning is consistent with Town policies and plans.

to add a needed business to the community

9. Attach a list of owners names, addresses, and parcel number of adjacent property

10. Read and sign the statement below:

***"I certify that I am the owner of the subject property and am the authorized applicant for the change in the Town of Archer Lodge Official Zoning Map."

Signature: Tilghman J Lee

Date: 11-7-18

3. For Town Use Only

Fee Paid: 375⁰⁰ - 11/15/18 Date Application Filed: 11-7-18 Case No.

Date Public Hearing Scheduled: Time:

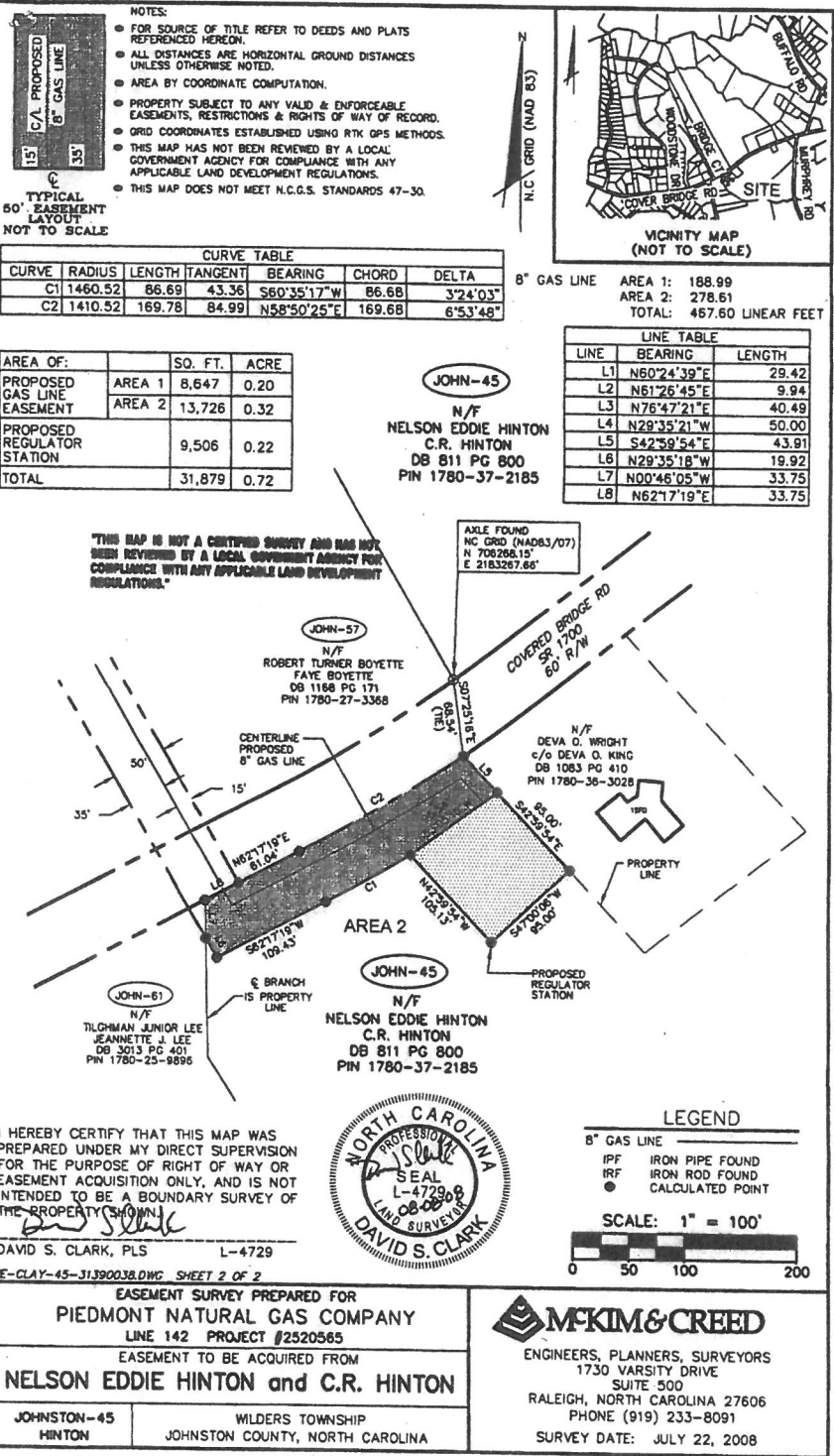
Dates Public Hearing Advertised:

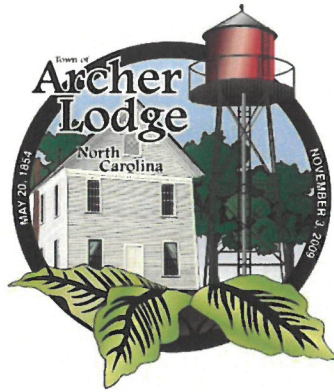
Date Planning Board Meeting:

Case No. Approved: Ordinance No. Denied:

acres
1.0 J R Lane - 16503068P

acres
1.875 Tilgham & Jeanette Lee - 16503068P





TOWN OF ARCHER LODGE
14094 Buffalo Road
Clayton, NC 27527
9190359-9727
919-359-3333 *fax*

Mayor:
Matt Mulhollem

Town Council:
Clyde Castleberry
Mayor Pro-Tem
Teresa Bruton
Mark Jackson
Mark Wilson

December 5, 2018

To: Archer Lodge Planning Board

From: Bob Clark, AICP, Planning and Zoning Administrator

Re: Staff report re ZMA-181107 Tilghman (Tim) Lee
Revised SFR-1 to NB Neighborhood Business Zoning
SE corner lot at Covered Bridge Rd. & Castleberry Rd.

In conversation today with Mr. Tilghman he has decided to modify his application to request the less intensive commercial zoning of his property offered through the Neighborhood Business District classification instead of the Community Business District. The uses of the property he has in mind are for a modest sized restaurant, a barbershop or other lower intensity business uses allowed in the NB district. He does not want to develop in a manner that will negatively impact the surrounding residential properties. He is not interested in pursuing development of the larger range of potential commercial uses such as automobile sales and repair shops, or bigger retail establishments allowed in the CB zoning district. His modified application is attached. The following information updates the previous staff report dated 11/28/18 to include information about the NB District and address some of the topics discussed at your last meeting.

Item: To consider an application filed on November 7, 2018, revised December 5, 2018, by Tilghman (Tim) Lee to amend the Town of Archer Lodge Official Zoning Map by changing the SFR-1 Single-Family Residential Zoning District to NB Neighborhood Business a 2.13-acre tract (TAG no. 16J03068K; PIN 178001-25-9864).

Owner: Tilghman J. Lee and Jeannette J. Lee
1759 Castleberry Road
P.O. Box 626
Clayton, NC 27528

Location: The 2.13-acre tract fronts the SE corner of Covered Bridge Rd. (SR 1700) and Castleberry Road (SR 1705)

Existing Use and Zoning:

Undeveloped lot in open grassed field and mixed hardwood
SFR-1 Single-Family Residential District (see Section 30-92 for a list of potential permitted uses)

Proposed Zoning:

Sec. 30-97. - Neighborhood Business District (NB).

“The Neighborhood Business District (NB) is intended to provide for the development of commercial and service centers that serve the daily commercial needs, are accessible by residents from the immediate neighborhood, and are of such a nature so as to minimize conflicts with surrounding residential areas.”

See Sec. 30-99. - Table of business and commercial uses for listings of permitted, conditional and special uses

Surrounding Land Uses and Zoning:

North – Covered Bridge Acres subdivision (primarily manufactured homes on individual lots)

SFR-3 Single-Family Residential

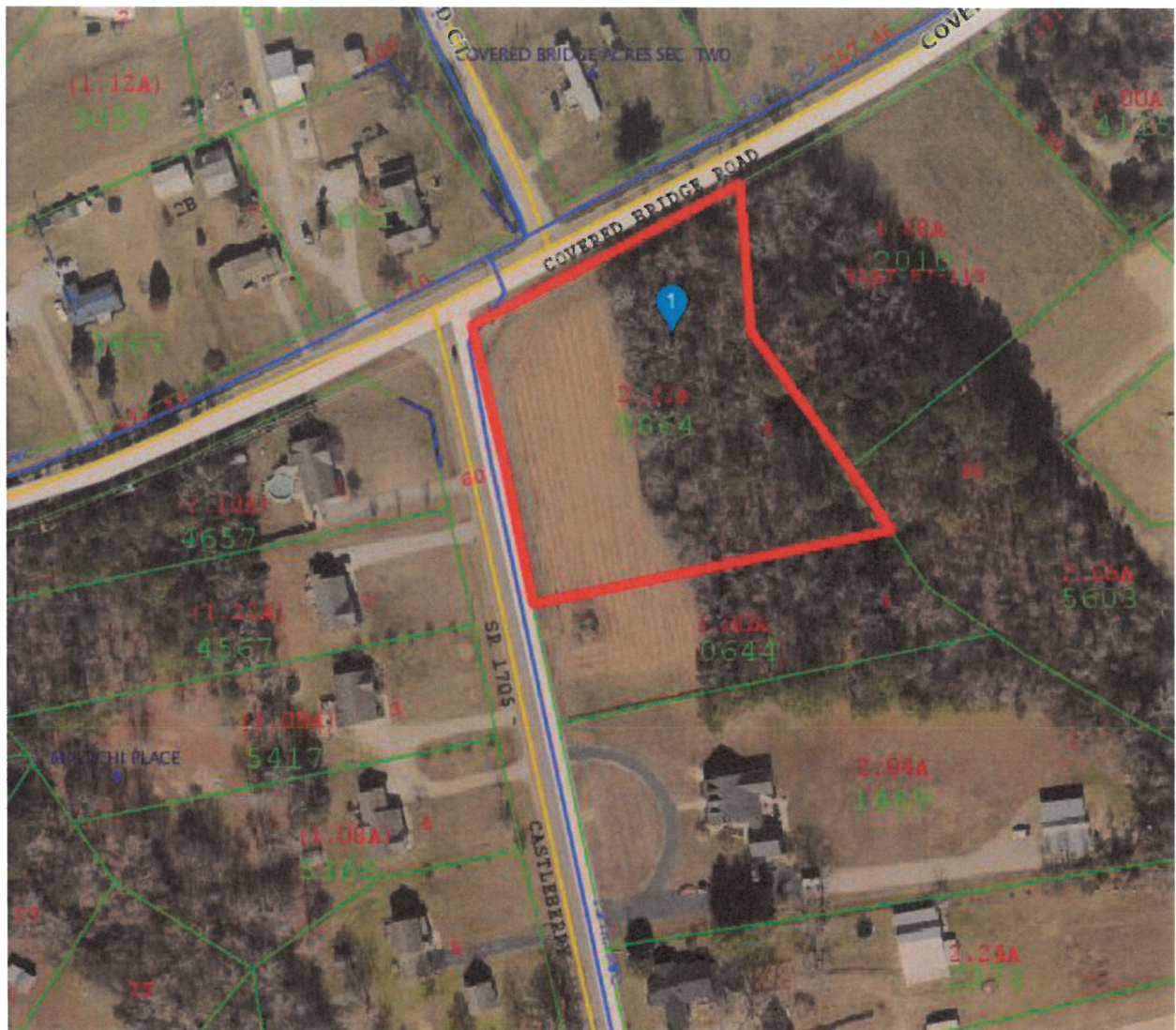
South – single-family detached homes SFR-1

East – Vacant lot (SFR-1) fronting Covered Bridge Rd. SFR-1

West – Single family detached homes SFR-1

Density and Dimensional Standards for AR and CB Districts

	Existing Zoning SFR-1 Single-Family Residential	Requested Zoning District NB Community Business
Min. Lot Size	Residential 1.5 du/ac (County water available); septic on site Non-residential: Sufficient to meet Johnston County Environmental Health required for public water/sewer (if available), adequate for structures, parking, loading & unloading	Residential 1.5 du/ac (County water available); septic on site Non-residential: Sufficient to meet Johnston County Environmental Health required for public water/sewer (if available), adequate for structures, parking, loading & unloading.
Minimum Lot Width	N/A	N/A
Front yard Setback	70 ft. (Collector or Arterial Road)	40 ft.
Interior Yard Setback	5 ft structure, 10 ft (accessory)	20 ft. (if next to residential), 10 ft (accessory)
Maximum Bldg. Height	40 ft.	40 ft.



Streams: Although the Johnston County GIS maps do not identify a blue line stream or riparian buffer on or adjacent to the tract. However, according to the subdivision plat for Tilghman Junior Lee and Wife, Jeaneatte J. Lee as recorded in Plat Book 69, Page 158, there is a fifty feet riparian buffer along the eastern property line (See Attached). An old irrigation pond is present in the woods straddling the eastern side of the property. The overlay district requirements of the Environmentally Sensitive Area District (ES) do not show presence of any intermittent streams on or adjacent to the property.

Topography: The property is gently sloped from 334 feet in elevation along Castleberry Rd. frontage to about 328 feet along the eastern most side of the lot in the ditch and pond area.

Floodplain: N/A (in X zone)

Watershed: Water Supply Water Protection District overlay WSIV: permits agriculture, silviculture, residential and non-residential development. Maximum built-upon area 24% with curb and gutter and 36% without curb and gutter roadway system.

Stormwater: Johnston County Stormwater Ordinance applies (reference Table 2.1)

Type of Development	Impervious Area Limitation	
	Inside the ESOD	Outside the ESOD
Single Family Residential	12%	15%
Other Development- Commercial, Industrial, Institutional and Multi-family	50%	60%

Single Family Residential includes all subdivisions where no more than one dwelling unit is proposed per lot. The development must be subdivided with single-family homes proposed. Recreation areas and open space associated with a single-family subdivision is also included in the total development maximum impervious area allowed.

Traffic: The NCDOT is currently in the preliminary engineering phases of proposed widening of Covered Bridge Road to a three-lane section (TIP project No. W-5704E). A copy of these (not for construction) plans was provided by Addison Gainey, P.E., the NCDOT Project Team Lead. The plans show the future road widening, turn lanes, right-of-way changes, utilities, and other details.

Traffic impact analysis (TIA) is required any residential or nonresidential development requiring a special use permit or site plan for uses generating average daily traffic counts of 1,000 vehicles per day or 100+ trips during peak hour. NCDOT has roadway and driveway access authority for this property and depending on the application for driveway permit(s) for specific uses will determine the design of access improvements to serve the property.

Comprehensive or Land Use Plan Designation: On July 11, 2011, the Town Council adopted “The Town of Archer Lodge, North Carolina Future Land Use Map”. The map depicts a general pattern of “future residential growth” for vicinity and the surrounding area. The map graphically depicts an area radiating from the middle of town for future development of “possible small commercial and mixed use”. Highlights of public consensus from the community wide survey (February 2011) show:

1. Residential – Ru/Ag with large to medium size lots
2. Encourage small main street type businesses at town center and other areas
3. Allow mixed uses – residential/offices/small scale commercial within walking distance
4. Document historic sites
5. Encourage bike/walk ways on private and public lands
6. Keep the town rural in character

2030 Archer Lodge Comprehensive Land Use Plan (adopted 03-09-15) includes these applicable goals and action items:

1. “Goal: Archer Lodge will strive to maintain a peaceful, family oriented active community.”
2. “Goal: Meet the needs of current and future businesses while maintaining “village” characteristics.”

“Action Items: Promote the type of businesses that are a “good” fit for Archer Lodge”

Meeting Schedule:

The Town Council on December 3, 2018 authorized staff to advertise a public hearing on the rezoning request for January 7, 2019.

PLANNING BOARD RECOMMENDATION

ZONING MAP AND ZONING TEXT AMENDMENT REQUESTS

File No. ZMA 20181107 Tilghman (Tim) Lee request to rezone 2.13 acres (PIN # 178001-25-9864; TAG # 16J03068K) from SFR-1 Single Family Residential Zoning District to NB Neighborhood Business

APPROVAL – this request is consistent with the objectives and policies of the following plans adopted by the Town of Archer Lodge:

With the Comprehensive Land Use Plan adopted 03-09-15

1. Goal: Archer Lodge will strive to maintain a peaceful, family oriented active community.
2. Goal: Meet the needs of current and future businesses while maintaining “village” characteristics.

Action Items: Promote the type of businesses that are a “good” fit for Archer Lodge

With the Future Land Use Map (adopted 7-11-11, readopted in the Comprehensive Land Use Plan (03-09-15) The map depicts a general pattern of “future residential growth” for vicinity and the surrounding area. The map graphically depicts an area radiating from the middle of town for future development of “possible small commercial and mixed use.” Two of the public consensus desires from the community wide survey (February 2011) support small-scale community business opportunities.

1. Encourage small main street type businesses at town center and other areas
2. Allow mixed uses – residential/offices/small scale commercial within walking distance

With the NCDOT STIP No. 5704E Covered Bridge Road widening and Castleberry Road intersection improvements are expected to improve traffic flow and operations and neighborhood businesses may be accommodated at this location.

Therefore, the Planning Board recommends approval of the request.

On a motion by Jim Purvis, second by Teresa Romano and approved unanimously.

This report reflects the recommendation of the Town of Archer Lodge Planning Board, this the 12th day of December 2018.

Attest:

 12/12/18
Bob Davis, Planning Board Chairman





AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE TOWN OF ARCHER LODGE

WHEREAS, on November 7, 2018, Tilghman J. Lee filed a petition for rezoning from Single-Family Residential-1 (SFR-1) to Neighborhood Business (NB) (ZMA-20181107)

WHEREAS, following due advertisement, notice to property owners, and posting signs announcing a public hearing as provided by law, the Town Council for the Town of Archer Lodge, North Carolina held said public hearing on January 7, 2019, and

WHEREAS, the Town Council having given due consideration to the matter and upon receiving the Planning Board's report including plan consistency statement and recommendation for approval of the petition, and

WHEREAS, the applicant's petition is consistent with the Comprehensive Land Use Plan adopted 03-09-15

1. Goal: Archer Lodge will strive to maintain a peaceful, family oriented active community.
2. Goal: Meet the needs of current and future businesses while maintaining "village" characteristics.

Action Items: Promote the type of businesses that are a "good" fit for Archer Lodge With the Future Land Use Map (adopted 7-11-11, readopted in the Comprehensive Land Use Plan (03-09-15) The map depicts a general pattern of "future residential growth" for vicinity and the surrounding area. The map graphically depicts an area radiating from the middle of town for future development of "possible small commercial and mixed use." Two of the public consensus desires from the community wide survey (February 2011) support small-scale community business opportunities.

1. Encourage small main street type businesses at town center and other areas
2. Allow mixed uses – residential/offices/small scale commercial within walking distance

With the NCDOT STIP No. 5704E Covered Bridge Road widening and Castleberry Road intersection improvements are expected to improve traffic flow and operations and neighborhood businesses may be accommodated at this location, and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the Town Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the plan for adopted zoning patterns, plans, and policies of the Town of Archer Lodge.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Archer Lodge, North Carolina, to protect the public health, welfare, and safety, the Official Zoning Map is amended reclassifying from Single-Family Residential-1 (SFR-1) to Neighborhood Business (NB) the following tract:

Beginning at a point at the northeast corner of the intersections of Castleberry Road (NCSR 1705) and Covered Bridge Road (NCSR 1700), said point being the point of beginning; thence proceeding N 64°55'04" E – 301.56' along the southern right-of-way of Covered Bridge Road (NCSR 1700) to a point; thence leaving the southern right-of-way of Covered Bridge Road (NCSR 1700) and proceeding S 01°41'24" W – 140.57' to a point; thence proceeding S 29°39'37" E – 233.54' to a point; thence proceeding S 80°45'29" W – 344.93' to a point on the eastern right-of-way of Castleberry Road (NCSR 1705), thence proceeding along the eastern right-of-way of Castleberry Road (NCSR 1705) N 09°14'31" W – 344.93' towards Covered Bridge Road (NCSR 1700) to a point, said point being the point of beginning. Being all of Lot 1 as depicted on the final plat entitled "Subdivision Plat for Tilghman Junior Lee and wife Jeanette J. Lee" dated August 17, 2006 as recorded in Plat Book 69, Page 158 of the Johnston County Register of Deeds which is hereby referenced.

DULY ADOPTED this _____ day of _____, 2019. This ordinance shall be effective from and after its adoption.



Matt Mulhollem
Mayor

ATTEST:

Kim J. Batten
Town Clerk



MOTION FOR DENIAL BY TOWN COUNCIL

I _____ move to deny the requested rezoning, ZMA 181107 filed by Tilghman Lee to rezone 2.13 acres identified as TAG # 16J03068K from SFR-1, Single-Family Residential to NB-Neighborhood, as such a rezoning is inconsistent with the Town of Archer Lodge's land use map and comprehensive transportation plan and the Town Board's proposed action on the amendment is reasonable and in the public interest.

Second _____

Vote: _____



TOWN OF ARCHER LODGE
14094 Buffalo Road
Clayton, NC 27527
Office: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

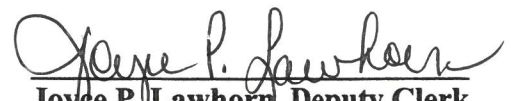
Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
Hearbert A. Locklear
Mark B. Wilson

Reference: Letters mailed to the community of the Tilghman Lee Property for File No. ZMA Tilghman (Tim) Lee request to rezone 2.13 acres (PIN# 178001-25-9864; TAG# 16J0368K) from SFR-1 Single-Family Residential (SFR-1) to Neighborhood Business (NB)

I, Joyce P. Lawhorn, Town of Archer Lodge Deputy Clerk, hereby certify that I personally mailed notification letters via USPS on Wednesday, December 19, 2018 to the following in the community of the Tilghman Lee Property located at the northeast corner of the intersection of Castleberry Road (NCSR 1705) and Covered Bridge Road (NCSR 1700).

NAME	CO-OWNER	ADDRESS
Tilghman Junior Lee	Jeannette J. Lee	P.O. Box 626
Tilghman Junior Lee	Jeannette J. Lee	1759 Castleberry Rd.
Nieshia Macon	Timmy Macon	78 Miranda Ct.
James R. Lane	Shelby Lane	3176 Castleberry Rd.
Lisa Boyette Stutts	Ray M. Boyette, Jr.	6097 Covered Bridge Rd.
Ryan Prescott Tillerson	Emily Anne Tillerson	3197 Castleberry Rd.
Robert Turner Boyette	Faye Boyette	6225 Covered Bridge Rd.
Kevin Y. Green	Tonya H. Green	3175 Castleberry Rd.
Sherry Wiggins	Donna Rae Shirley	3219 Castleberry Rd.

This the 19th day of December, 2018


Joyce P. Lawhorn, Deputy Clerk
Town of Archer Lodge

Office of
County Commissioners
(919) 989-5100
FAX (919) 989-5179

Paula G. Woodard, Clerk

Johnston County
POST OFFICE BOX 1049
SMITHFIELD, N.C. 27577

Ted G. Godwin, Chairman
Chad M. Stewart, Vice Chairman
Jeffrey P. Carver
Larry Wood
Tony Braswell
Patrick E. Harris
R.S. "Butch" Lawter, Jr.

December 19, 2018

Ms. Kim Batten
Town Clerk
Town of Archer Lodge
kim.batten@townofarcherlodge.com
14094 Buffalo Road
Clayton, NC 27527

Dear Ms. Batten:

As you may know, Johnston County has an Economic Development Advisory Board that consists of 14 members (one position for each of the eleven municipalities and three at-large positions) that are appointed by the Johnston County Board of Commissioners. Presently, the position representing the Archer Lodge area is up for consideration. This position is currently held by Mr. Clyde Castleberry who has reapplied for another term. No additional applications were received for this position.

The Johnston County Board of Commissioners feels that it is important the municipalities have input with regards to the selection of a representative on the Economic Development Advisory Board, for their respective areas. To that end, the Johnston County Board of Commissioners would appreciate the Town Council, at their next scheduled meeting, discussing the position and making a recommendation on the applicant enclosed.

Thank you for your assistance in this matter and please do not hesitate to contact me if you have any questions.

Sincerely,



Paula G. Woodard
Clerk to the Board

Attachment

**NOTIFICATION OF INTEREST TO SERVE ON AN APPOINTED BOARD
(APPLICATION)**

BOARD: Economic Development Advisory Board
NAME: Clyde Baxter Castleberry
ADDRESS: 1899 Castleberry Road, Clayton NC 27527
TELEPHONE: 919-359-0694 (HOME) 336-542-6516 (WORK)
PRESENT OCCUPATION: Petroleum Manager, Hilco Transport
YEARS OF FORMAL EDUCATION: 12.5

CIVIC AND FRATERNAL ORGANIZATIONS IN WHICH YOU HAVE PARTICIPATED:

AL Fire Dept. retired, AL Community Center, Clayton Civitan,
AL Jaycee's, AL Little League Coach, White Oak Baptist Church
Beacon Baptist Church, AL Fire Dept BOD, Board of Directors
with N.C. Petroleum Marketers, Mayor Pro Tem - Town of
Archon Lodge, Selma Petroleum Co-op,

PLEASE TELL WHY YOU WOULD LIKE TO SERVE ON THE ABOVE BOARD:

I have spent several years on this Committee and have
been very active with it. I feel this Board has made
Great progress in growing JOCO. Chris and Janel
have done a great job and I think we have a lot going on now.

DATE: 11-26-2018 SIGNATURE: Clyde Baxter Castleberry

FOR OFFICE USE ONLY:

DATE RECEIVED: _____

DATE FORWARDED TO COUNTY COMMISSIONERS: _____

NORTH CAROLINA
JOHNSTON COUNTY

SIDEWALK AGREEMENT

DATE: 12/12/2018

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 80094

TOWN OF ARCHER LODGE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Archer Lodge, a municipal corporation, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain improvements under WBS Element 80094 in Johnston County; and,

WHEREAS, the Department and the Municipality have approved the construction of the Project with responsibilities for the Project as hereinafter set out; and,

WHEREAS, the Municipality has agreed to participate in the maintenance of said sidewalks subject to the conditions hereinafter set forth;

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of roadway and pedestrian improvements along SR 1003 (Buffalo Road) from SR 1702 (Archer Lodge Road) to north of Town Hall to include construction of concrete curb and gutter, storm drainage, and sidewalk along SR 1003 (Buffalo Road).

PLANNING, RIGHT OF WAY AND UTILITIES

2. The Department shall develop the plans and specifications in accordance with the Department's standard policies and procedures for pedestrian facilities.
3. The Department will be responsible for acquiring any needed right of way required for the project. Acquisition of right of way will be accomplished in accordance with policies and procedures set forth in the North Carolina Right of Way Manual.
4. The Municipality shall provide any municipality required right of way and/or construction easements at no cost or liability whatsoever to the Department.
5. The Department does not anticipate the need to relocate and adjust any municipally-owned utilities at this time. If it becomes necessary to adjust and relocate the municipally-owned utilities, the Municipality, at no expense to the Department, shall be responsible for the relocation and adjustment of all utilities in conflict with the Project.

CONSTRUCTION AND MAINTENANCE

5. The Department shall construct the Project in accordance with the Project plans and with Departmental policies and procedures. The Department, and/or its agent, shall administer the contract for construction of the Project.
6. The Municipality, at its own expense, shall be responsible for all liability and maintenance responsibilities for the sidewalk upon completion of Project.

COSTS AND FUNDING

7. The estimated cost of the sidewalk is \$90,000. The Municipality shall participate in 20% of the costs of the sidewalk, in the amount of \$18,000. Upon completion of the Project, the Department will invoice the Municipality for their participation of the actual costs of the sidewalk. Reimbursement to the Department shall be made in one final payment within sixty (60) days of invoicing by the Department. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS § 147-86.23.
8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, NCGS § 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by NCGS § 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement.

ADDITIONAL PROVISIONS

9. Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.
10. All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
11. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.
12. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.
13. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.
14. The Entity is solely responsible for all agreements, contracts, and work orders entered into or issued by the Entity to meet the terms of this Agreement. The Department is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.
15. The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.
16. To the extent authorized by state and federal claims statutes, the Municipality shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the Department, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Agreement. The Department shall not be liable and shall be held harmless from any and all third party claims that might arise on account of the Entity's negligence and/or responsibilities under the terms of this agreement.
17. It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Entity certifies that neither it nor its agents or contractors are presently debarred, suspended, Agreement ID #8371

proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

18. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF ARCHER LODGE

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the Town of Archer

Lodge as attested to by the signature of Clerk _____ of said governing body on

_____(Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Archer Lodge

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

Agreement ID #8371



CONCEPT C 12.19.18



JANUARY 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 NEW YEAR'S DAY Holiday	2	3	4	5
6	7 TOWN COUNCIL MEETING 6:30 p.m.	8	9	10 MAYOR'S BIRTHDAY	11	12
13	14	15	16 BOA/ PLANNING BOARD MEETING 6:30 p.m.	17	18	19
20	21 MARTIN LUTHER, JR. DAY Holiday	22 WORK SESSION 6:30 p.m.	23	24	25	26
27	28	29 PUBLIC INPUT MEETING Susan Hatchell ALCC – 5-7 p.m.	30	31 BIKE/PED STEERING COM. MEETING 6:30 p.m.		