



**Regular Council Meeting &
Public Hearings Minutes on:
Ordinances Amending the Code of Ordinances,
Town of Archer Lodge, NC to:**
**1) Prohibit the discharge of firearms in
new residential major subdivisions &
2) Regulate the keeping of domestic fowl
in major residential subdivisions**

Monday, August 5, 2019

COUNCIL PRESENT:

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

STAFF PRESENT:

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

COUNCIL ABSENT:

GUESTS PRESENT:

Miss Adair Barnes, Little Miss Archer Lodge

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, Clayton, NC and declared a quorum present. Council Member Jackson offered the invocation.

b) Pledge of Allegiance

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

2. APPROVAL OF AGENDA:

a) No additions or changes noted.

Moved by: Council Member Wilson
Seconded by: Council Member Locklear

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) Mr. Scott Cooper of 1208 Bradford Park Road, Wake Forest, NC a Retired US Marine Lt. Colonel gave an introduction of himself and shared the following:

- He founded and leads an organization whose mission is to encourage veterans to work within their communities to promote basic American values.
- A Democratic candidate running for the NC 2nd District seat in U.S. House of Representatives with a platform of "Country over Party."

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- b) **Mr. Neal Brantley of 4796 Covered Bridge Road, Clayton, NC read "*Things Have Not Always Been Like This*" written by Walter E. Williams, Professor of Economics at George Mason University.**

- The article expressed how guns haven't changed, it must be people and acceptable behavior regarding traditions, morals, guns, and society.
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4. **RECOGNITION/PRESENTATION:**

a) **Miss Adair Barnes, Little Miss Archer Lodge, Presentation**

Miss Adair Barnes gave a brief introduction of herself and shared the following list of plans during her tenure:

- Hosting a "Fill the Bus Event" to collect school supplies for River Dell and Riverwood Elementary School.
 - Donating to UNC Children's Hospital with funds raised from selling lemonade.
 - Hosting a free Family Movie Night at the Archer Lodge Park.
 - Collecting coloring books, stickers, Play-Doh, and board games for UNC Children's Hospital.
 - Planning the first breakfast with Santa at the Archer Lodge Community Center.
 - Representing Archer Lodge in a few Christmas parades.
 - Volunteering to help at the Archer Lodge Christmas and Tree Lighting Celebration.
 - Volunteering at the Archer Lodge Community Center during the Annual Events.
 - Supporting the Archer Lodge Fire Department by selling raffle tickets for the McKay Family Benefit.
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5. **CONSENT AGENDA:**

- a) **Approval of Minutes:**
06 May 2019 Regular Council Meeting Minutes
06 May 2019 Closed Session Minutes
20 May 2019 Work Session Minutes
03 Jun 2019 Regular Council Meeting Minutes
17 Jun 2019 Special Meeting Minutes
01 Jul 2019 Regular Council Meeting Minutes

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Approved Consent Agenda.

CARRIED UNANIMOUSLY

6. **PUBLIC HEARINGS**

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

- a) **Proposed Ordinance Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Prohibiting the Discharge of Firearms in New Residential Major Subdivisions (Tentatively Ordinance# AL2019-08-1)**

Mayor Mulhollem asked for a motion to Open the Public Hearing.

- There were no public comments.

Mayor Mulhollem asked for a motion to Close the Public Hearing.

Moved by: Council Member Jackson
Seconded by: Council Member Locklear
Approved to Open the Public Hearing at 6:49 p.m.

CARRIED UNANIMOUSLY

Moved by: Mayor Pro Tem Castleberry
Seconded by: Council Member Locklear
Approved to Close the Public Hearing at 6:50 p.m.

CARRIED UNANIMOUSLY

b) Proposed Ordinance Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 6, Animals, Regulating the Keeping of Domestic Fowl (Tentatively Ordinance# AL2019-08-2)

Mayor Mulhollem asked for a motion to Open the Public Hearing.

- There were no public comments.

Mayor Mulhollem asked for a motion to Close the Public Hearing.

Moved by: Council Member Mark Jackson
Seconded by: Mayor Pro Tem Castleberry
Approved to Open the Public Hearing at 6:51 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Council Member Bruton
Approved to Close the Public Hearing at 6:52 p.m.

CARRIED UNANIMOUSLY

7. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Adopting the Proposed Ordinance Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Prohibiting the Discharge of Firearms in New Residential Major Subdivisions (Tentatively Ordinance# AL2019-08-1)

Mayor Mulhollem opened the floor for discussion which included the following topics:

- New Residential Major Subdivisions and not existing subdivisions
- No age restrictions in proposed ordinance
- NC Firearms Laws supersedes any Archer Lodge ordinances
- Proposed ordinance was the first step regarding the discharge of firearms in Town
- Air guns, air pistols and air rifles are not firearms under the NC Firearms Laws
- Existing subdivisions will be addressed in another and more defined ordinance which is forthcoming
- Adding a phrase "not to exceed a caliber of .177" for air guns, air pistols and air rifles to proposed ordinance

No further discussion.

Adopted Ordinance# AL2019-08-1 appears as follows:

ORDINANCE# AL2019-08-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF ARCHER LODGE, NORTH CAROLINA, CHAPTER 30, ZONING AND SUBDIVISIONS, PROHIBITING THE DISCHARGE OF FIREARMS IN NEW RESIDENTIAL MAJOR SUBDIVISIONS.

Section 1. Pursuant to authority granted to the by N.C. Gen. Stat. § 160A-189, and N.C. Gen. Stat. § 160A – 381, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 30, Zoning and Subdivisions, as follows:

Add to Article VI, Division 4, Final Plat Approval, Section 30-384 below:

Section 30-384. Prohibiting the Discharge of Firearms in New Residential Major Subdivisions.

Prior to final approval of any residential major subdivision submitted after the effective date of this ordinance, the Developer shall include in the restrictive covenants a provision that mandates the discharge of firearms is strictly prohibited anywhere in the subdivision or on any adjoining property owned by the Developer or Home Owner Association (HOA). A copy of the recorded restrictive covenants must be submitted to the Town proving compliance with this ordinance section prior to final approval. Discharging of air guns, air pistols and air rifles, not to exceed a caliber of .177, is permitted, as they are not considered firearms within the meaning of this section.

Re-number remainder of the reserved sections in Article VI, Division IV, as follows:
Secs. 30-385 – 30-409. Reserved.

Section 2. This ordinance shall become effective upon adoption.

DULY ADOPTED, THIS 5TH DAY OF AUGUST 2019.

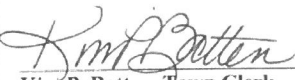
TOWN OF ARCHER LODGE

(SEAL)


Matthew Mulhollem, Mayor



ATTEST:


Kim P. Batten, Town Clerk

Moved by: Council Member Jackson

Seconded by: Mayor Pro Tem Castleberry

Adopted Ordinance# AL2019-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Prohibiting the Discharge of Firearms in New Residential Major Subdivisions to include an amendment for Air Guns, Air Pistols and Air Rifles, not to exceed a caliber of .177.

CARRIED 4 - 1 (Wilson opposed)

b) **Discussion and Consideration of Adopting the** Proposed Ordinance Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 6, Animals, Regulating the Keeping of Domestic Fowl (Tentatively Ordinance# AL2019-08-2)

Mayor Mulhollem open the floor for discussion.

Mr. Gordon shared information that was received from a citizen regarding a home-based business that questioned the number of chickens and roosters allowed. Following additional research of the citizen's subdivision, it was determined that the citizen was in violation of their subdivision's HOA which doesn't allow fowl.

No further discussion.

AUGUST 5, 2019

REGULAR COUNCIL MEETING

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ORDINANCE# AL2019-08-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF
ARCHER LODGE, NORTH CAROLINA, CHAPTER 6. ANIMALS,
REGULATING THE KEEPING OF DOMESTIC FOWL

Section 1. The Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 6. Animals, as follows:

Add to Article I, Sec. 6-1. Definitions.

Fowl includes, but is not limited to, chickens, turkeys, geese, and ducks.

Fowl enclosure or pen means a single accessory structure for the housing of domestic fowl consisting of a house for sleeping and the laying of eggs in conjunction with an open-air pen.

Add Article IV, Sec. 6-83. Domestic Fowl.

This section is applicable to the keeping of domestic fowl in residential major subdivisions and is not applicable to bonafide farms. Domestic fowl shall not be kept in residential major subdivisions that do not meet the requirements within this section.

(1) It shall be unlawful to keep roosters in residential major subdivisions, as defined in Chapter 30, Article VI, Division 1, Sec. 30-288 of the Subdivision Ordinance, in the Town of Archer Lodge.

(2) It shall be unlawful to keep, house or possess more than ten domestic fowl on property in a residential major subdivision, as defined in Chapter 30, Article VI, Division 1, Sec. 30-288 of the Subdivision Ordinance.

(3) It shall be unlawful for the owner or keeper of any domestic fowl to allow the domestic fowl to roam at large within the town.

(4) All domestic fowl shall be confined in fully enclosed pens that meet the following requirements:

a. All enclosures must be well ventilated and constructed of materials conducive to regular cleaning and sanitation.

b. At all times the enclosure shall be kept in a clean and sanitary condition, and free from accumulations of excrement and objectionable odor.

c. The enclosure shall have a minimum of ten square feet of area for each fowl.

d. All fowl enclosures must be in the rear yard and be located at least ten (10) feet from all adjoining property lines and twenty-five (25) feet from any dwelling.

(5) A violation of any provision of this section is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance. The nuisance shall be abated as set forth in Article V, Sec. 6-114 of this chapter.

Re-number remainder of the reserved sections in Article IV as follows:
Secs. 60-84 – 60-107. Reserved.

ORDINANCE# AL2019-08-2

Section 2. This ordinance shall become effective upon adoption.

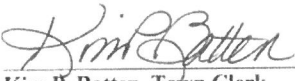
DULY ADOPTED, THIS 5TH DAY OF AUGUST 2019.

TOWN OF ARCHER LODGE

(SEAL)


Matthew Mulhollem, Mayor

ATTEST:


Kim P. Batten, Town Clerk



Moved by: Council Member Jackson
Seconded by: Council Member Locklear
**Adopted Ordinance# AL2019-08-2 Amending the Code of Ordinances,
Town of Archer Lodge, NC Chapter 6, Animals, Regulating the Keeping of
Domestic Fowl.**

CARRIED UNANIMOUSLY

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c) **Discussion and Consideration of Granting Easement to NCDOT**

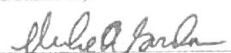
Mr. Gordon advised that NCDOT is requesting that the Town freely acknowledge their desire and willingness to voluntarily donate and transfer their ownership of privately-owned real property to NCDOT for the benefit of Grading, Drainage, and Paving Improvements to SR 1003, Buffalo Road (NCDOT PROJECT WBS ELEMENT#80094 & TIP/PARCEL#80094/002) without receipt of just compensation.

The Acknowledgement of the Terms for the Voluntary Donation of Property to the NCDOT appears as follows:

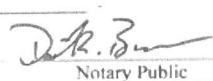
	
STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
ROY COOPER GOVERNOR	JAMES H. TROGDON, III SECRETARY
DATE:	<u>8-29-19</u>
WBS ELEMENT:	<u>80094</u>
FA PROJECT:	
TIP/PARCEL:	<u>80094/002</u>
COUNTY:	<u>Johnston</u>
DESCRIPTION:	<u>Grading, Drainage, and Paving improvements to SR 1003 (Buffalo Road)</u>

Property Owner Acknowledgement of the Terms for the Voluntary Donation Of Property to the North Carolina Department of Transportation.

The undersigned property owner and/or the undersigned property owner's legal representatives freely acknowledge their desire and willingness to voluntarily transfer their ownership of privately owned real property to the North Carolina Department of Transportation for the benefit of the above sited public transportation project without receipt of just compensation. It is further agreed and acknowledged by the undersigned property owner and/or the property owner's legal representative that the property owner and/or legal representative has been advised that he/she is entitled to have an appraisal made on his/her property to determine just compensation and the owner releases the Department from this obligation and waives any compensation in exchange for the donation of property as right of way in full settlement of his/her claim. The purpose of this document is to ensure compliance under Title 23 of the United States Code of Federal Regulations (CFR), Subchapter H (Right-of-Way and Environment), Part 710 (Right-of-Way and Real Estate), Subpart E (Property Acquisition Alternatives), Subsection .505 (Real Property Donations).

 (SEAL) _____ (SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

	STATE OF <u>NORTH CAROLINA</u> COUNTY OF <u>WILSON</u>
	I, <u>DAVID R. BEAMAN</u> a Notary Public for said County and State, so hereby certify that <u>MICHAEL A. GORDON</u>
	personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the <u>29th</u> day of <u>AUGUST</u> , <u>2019</u>
	My commission expires <u>6/19/23</u>  Notary Public

FRM4-CC
REVISED 2-01-2017

Telephone: (919) 707-4360
Fax: (919) 733-1390
Customer Service: 1-877-368-4968
Website: www.ncdot.gov

Mailing Address:
NC DEPT. OF TRANSPORTATION
RIGHT OF WAY UNIT
1546 MAIL SERVICE CENTER
RALEIGH, NC 27601

In conjunction with the acknowledgement, a Deed for Highway Right of Way between the Town of Archer Lodge and NCDOT will be recorded once signed by all parties for a Permanent Drainage Easement and a Temporary Construction Easement in which portions of Buffalo Road near Town Hall will have curbing and gutters, and sidewalks. Also, the project includes a four-way stop at the intersection of Archer Lodge Road and Buffalo Road.

The Deed for Highway Right of Way between the Town and NCDOT regarding the NCDOT PROJECT WBS ELEMENT#80094 & TIP/PARCEL#80094/002 appears as follows:

Revenue Stamps \$

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BYCHECKED BY

The hereinafter described property ☐ Does ☒ Does not include the primary residence of the Grantor

RETURN TO: Lloyd W. Johnston, Jr., Division R/W Agent,
North Carolina Department of Transportation
P.O. Box 3165
Wilson, NC 27895

NORTH CAROLINA
COUNTY OF JOHNSTON
TAX PARCEL 178002-58-2517

TIP/PARCEL NUMBER: 051SR1003/002
WBS ELEMENT: 80094
ROUTE: SR 1003 @ SR 1702

THIS FEE SIMPLE DEED, made and entered into this the 29th day of August 20 19

by and between Town of Archer Lodge
14094 Buffalo Road
Clayton, NC 27527

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 0.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Wilders Township, Johnston County, North Carolina, which is particularly described as follows:

Point of beginning being S 41°52'7.2" E, 684.684 feet from -L- Sta 20+00 thence along a curve 16.818 feet and having a radius of 1677.718 feet. The chord of said curve being on a bearing of S 44°32'21.0" E, a distance of 16.818 feet thence to a point on a bearing of N 33°15'18.3" E 39.330 feet thence to a point on a bearing of S 57°55'56.5" W 29.138 feet thence to a point on a bearing of S 57°55'56.5" W 10.232 feet returning to the point and place of beginning containing approximately 0.007 acres, more or less.

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Revised 02/17/15

COUNTY: Johnston WBS ELEMENT: 80094 TIP/PARCEL NO.: 051SR1003/004 2.

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Permanent Drainage Easement

Tract I

Point of beginning being N 20°13'50.8" W, 447.274 feet from -L- Sta 20+00 thence to a point on a bearing of N 42°19'2.0" W 46.169 feet thence to a point on a bearing of S 21°45'25.2" E 43.228 feet thence to a point on a bearing of N 68°14'34.8" E 10.000 feet thence to a point on a bearing of N 68°14'34.8" E 6.214 feet returning to the point and place of beginning containing approximately 0.008 acres, more or less.

Tract II

Point of beginning being N 12°47'37.6" W, 341.283 feet from -L- Sta 20+00 thence to a point on a bearing of N 42°19'2.0" W 0.686 feet thence to a point on a bearing of N 42°19'2.0" W 15.225 feet thence to a point on a bearing of N 42°19'2.0" W 6.518 feet thence to a point on a bearing of S 64°46'53.4" W 39.669 feet thence to a point on a bearing of S 64°46'53.4" W 10.018 feet thence to a point on a bearing of S 21°45'25.2" E 21.000 feet thence to a point on a bearing of N 65°15'17.9" E 10.014 feet thence to a point on a bearing of N 65°15'17.9" E 47.538 feet returning to the point and place of beginning containing approximately 0.026 acres, more or less.

Tract III

Point of beginning being S 45°54'48.2" E, 202.689 feet from -L- Sta 20+00 thence to a point on a bearing of S 38°24'48.0" E 20.000 feet thence to a point on a bearing of N 48°7'40.6" E 10.018 feet thence to a point on a bearing of N 48°7'40.6" E 163.656 feet thence to a point on a bearing of N 46°19'56.8" W 5.771 feet thence to a point on a bearing of N 46°16'32.2" W 14.366 feet thence to a point on a bearing of S 48°5'22.6" W 160.897 feet thence to a point on a bearing of S 48°5'22.6" W 10.019 feet returning to the point and place of beginning, containing approximately 0.079 acres, more or less.

Said Permanent Drainage Easement in perpetuity is for the installation and maintenance of drainage facilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a drainage facility with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said drainage facility and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said drainage facility, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described Permanent Drainage Easement area(s). It is further understood and agreed that Permanent Drainage Easement shall be used by the Department for additional working area during the above described project. The underlying fee owner shall have the right to continue to use the Permanent Drainage Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Temporary Construction Easement

Tract I

Point of beginning being N 22°18'29.4" W, 447.136 feet from -L- Sta 20+00 thence to a point on a bearing of S 21°45'25.2" E 92.000 feet thence to a point on a bearing of N 64°46'53.4" E 10.018 feet thence to a point on a bearing of N 21°45'25.2" W 91.395 feet thence to a point on a bearing of S 68°14'34.8" W 10.000 feet returning to the point and place of beginning, containing approximately 0.021 acres, more or less.

Tract II

Point of beginning being N 22°39'57.6" W, 271.123 feet from -L- Sta 20+00 thence along a curve 267.983 feet and having a radius of 1058.388 feet. The chord of said curve being on a bearing of S 29°0'38.8" E, a distance of 267.273 feet thence along a curve 184.579 feet and having a radius of 4921.670 feet. The chord of said curve being on a bearing of S 37°20'20.1" E, a distance of 184.568 feet thence to a point on a bearing of S 38°24'48.0" E 13.685 feet thence to a point on a bearing of N 48°5'22.6" E 10.019 feet thence to a point on a bearing of N 37°53'40.7" W 113.568 feet thence to a point on a bearing of N 36°29'17.5" W 108.372 feet thence to a point on a bearing of N 31°58'5.9" W 107.836 feet thence to a point on a bearing of N 25°23'16.6" W 132.840 feet thence to a point on a bearing of N 21°45'25.2" W 63.522 feet thence to a point on a bearing of S 65°15'17.9" W 10.014 feet thence to a point on a bearing of S 21°45'25.2" E 63.026 feet returning to the point and place of beginning, containing approximately 0.129 acres, more or less.

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COUNTY: Johnston WBS ELEMENT: 80094 TIP/PARCEL NO.: 051SR1003/001 Z

Tract III

Point of beginning being S 42°22'46.9" E, 382.481 feet from -L- Sta 20+00 thence along a curve 152.708 feet and having a radius of 2604.535 feet. The chord of said curve being on a bearing of S 40°5'34.8" E, a distance of 152.686 feet thence to a point on a bearing of S 41°46'21.6" E 77.026 feet thence along a curve 72.599 feet and having a radius of 1677.718 feet. The chord of said curve being on a bearing of S 43°0'44.4" E, a distance of 72.594 feet thence to a point on a bearing of N 57°55'56.5" E 10.232 feet thence to a point on a bearing of N 42°23'58.7" W 151.337 feet thence to a point on a bearing of N 40°5'50.1" W 151.715 feet thence to a point on a bearing of N 38°24'48.0" W 44.917 feet thence to a point on a bearing of N 38°24'48.0" W 116.682 feet thence to a point on a bearing of S 48°7'40.6" W 10.018 feet thence to a point on a bearing of S 38°24'48.0" E 160.609 feet returning to the point and place of beginning, containing approximately 0.111 acres, more or less.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described temporary easement area(s) until such time that the property owners alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

The undersigned property owners request that the Department enter upon our lands outside the right of way to the extent necessary for the reconnection of our driveway and we will have no further claim as a result of said reconnection.

The Temporary Construction Easement referenced herein shall remain in effect for the entire construction contract and shall be null and void upon final acceptance of construction activities by the Department.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Johnston County Registry in Deed Book 3932 Page 767

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # 80094 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 80094, Johnston County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:

COUNTY: Johnston WBS ELEMENT: 80094 TIP/PARCEL NO.: 051SR1003/00#2

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

This instrument does not transfer the herein described interests unless and until this document is accepted by an authorized agent of the Department of Transportation.

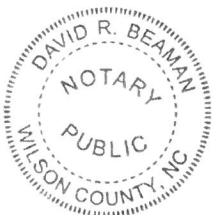
Michael A. Gordon



(SEAL)

(SEAL)

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: _____

	North Carolina, <u>Johnston</u> County I, <u>DAVID R. BEAMAN</u> , a Notary Public for <u>Wilson</u> County, North Carolina, do hereby certify that <u>MICHAEL A. GORDON</u> personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the <u>29th</u> day of <u>August</u> , 20 <u>19</u> . <u>David R. Beaman</u> Notary Public My commission expires: <u>6/19/23</u>
	North Carolina, _____ County I, _____, a Notary Public for _____, North Carolina, do hereby certify that _____ personally came before me this day and acknowledged that he/she is president of _____, a corporation, and that he/she, as president, being authorized to do so, executed the foregoing on behalf of the corporation. Witness my hand and official seal this the _____ day of _____, 20 _____. _____ Notary Public My commission expires: _____

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Revised 02/17/15

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

**Acknowledged the Terms for Voluntary Donation of Property and Approved
to Convey Donated Property by the Recording of a Deed for Highway Right
of Way between the Town and NCDOT.**

(NCDOT PROJECT WBS ELEMENT#80094 & TIP/PARCEL#80094/002)

CARRIED UNANIMOUSLY

8. TOWN ATTORNEY'S REPORT:

- a) **Attorney Hewett explained that Governor Cooper signed into law an act to clarify, consolidate, and reorganize the planning and development regulatory statutes from Article 19 of Chapter 160A for Municipalities and from Article 18 of Chapter 153A for Counties into one Chapter 160D effective January 2021. He noted that the Town's Ordinances will be affected, mainly numerically, but no major changes are expected.**
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9. TOWN ADMINISTRATOR'S REPORT:

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

- Town Hall property/ditch was treated for mosquitoes.
 - United States Postal Service has received the boundary map for Archer Lodge to consider an Archer Lodge Address with a Zip Code.
 - Fall Planning Session with Council and Planning Board is tentatively scheduled for Monday, October 21, 2019, replacing the Work Session scheduled for the same date and time.
 - 10th Anniversary Celebration meeting update from June 8, 2019:
 - 10th Anniversary souvenirs, gifts, and other items are being researched and ordered.
 - Archer Lodge Middle School Cafetorium has been reserved for an Appreciation Dinner on Saturday, November 9, 2019 (the day before the Archer Lodge Veterans Memorial Site Dedication) Invitees will include current and former Town Council Members, Staff, Exploratory Committee members, and State, County and Other Town Officials that participated in the Incorporation.
 - Two Commercial Christmas floats for Town affiliated individuals have been reserved for the Archer Lodge Community Center Christmas Parade being held on Sunday, November 23, 2019.
 - The Ginger Thompson Band, a former Archer Lodge citizen, will perform following the Christmas Parade at the Archer Lodge Community Center.
 - Next meeting is scheduled for Thursday, August 8, 2019.
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10. FINANCE OFFICER/TOWN CLERK'S REPORT:

- a) **June 30, 2019 "Preliminary" Financials & Year-to-Date Comparison (FY18 compared to FY19)**

Ms. Batten furnished a preliminary summary for all funds ending June 30, 2019. She noted the fiscal year was 100% completed; however, there were additional revenues to receipt for that period that will be received through September 15, 2019 such as sales taxes and utility franchise sales taxes. Also, there were additional expenditures for that period and should be paid in full by September 15, 2019. Rough estimates currently demonstrate an increase in fund balances for period ending June 30, 2019. The Town Hall Expansion Project Fund will close out as of June 30, 2019 as well.

Comparing June 2018 with June 2019, preliminary revenues and preliminary expenditures increased by 55.7% and 69.5% respectively. She mentioned that the audit would demonstrate a true comparison between both years. No further comments or discussion.

11. PLANNING AND ECONOMIC DEVELOPMENT:

a) Permit Activity

Ms. Maybee reported the following for Major and Single-Family Dwellings:

- 2019 - 36 Zoning Permits issued.
 - 2018 - 63 Zoning Permits issued.
-

b) Projects

Ms. Maybee reported the following:

- 2020 Census
 - The New Construction Program will help ensure that the US Census Bureau's address list is complete and accurate as possible by Census Day, Wednesday, April 1, 2020
 - The US Census Bureau encourages Town participation in this voluntary program.
 - Ensures an accurate population count in our community, which helps the government distribute annual funding.
 - November 2019 is the deadline for submitting addresses.
 - Bike and Pedestrian Plan
 - 44 Individuals completed the Survey, provided by AECOM.
 - AECOM plans to present a draft plan for the Steering Committee in late September 2019.
 - Workshop:
 - Johnston County Environmental Permitting has scheduled a workshop for Friday, August 23, 2019. If anyone was interested in attending, please let her know.
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c) Legislative Update

Ms. Maybee stated that Attorney Hewett provided the legislative update regarding NCGS 160D during his report. Nothing further was mentioned.

12. VETERANS COMMITTEE REPORT:

a) Mr. Mike Mulhollem reported on the Veterans Memorial Site with the following:

- Honored to show Mr. Scott Cooper, a Retired US Marine Lt. Colonel and a Candidate running for the NC 2nd District seat in U.S. House of Representatives, along with Mrs. Cooper the AL Veterans Memorial.
 - Six flag poles have been ordered for each branch of service and POW•MIA and should be installed by October 2019.
 - Planning for two 100-year old WWII Veterans to attend the Dedication Ceremony on Sunday, November 10, 2019.
 - Site is progressing and appreciates support from the Town.
 - Next Biscuit Sale will be held Friday, August 16, 2019.
-

13. MAYOR'S REPORT:

a) Mayor Mulhollem reported the following:

- Brick paver sales continue.
- Donations are being collected for a brick paver at the Archer Lodge Veterans Memorial Site in honor of C. L. Gobble, Jr.'s father, Clarence Lanier Gobble, Sr., who was a WWII Veteran and passed recently.

- Requested prayers for the Dayton, Ohio and El Paso, Texas shooting victims and their families.
- 10th Year Anniversary Celebration is being planned and organized.

14. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

- a) Council Member Jackson shared that Seventy-five years ago, members of the local National Guard "30th Division, Old Hickory" fought in WWII and were key to the end of the War in Europe. Due to the ages of those living, time is of the essence for being recognized and awarded the Presidential Unit Citation (PUC). Currently the PUC is at the White House waiting for the President to sign.
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- b) Council Member Locklear welcomed everyone to the meeting and expressed appreciation to newcomers.
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- c) Mayor Pro Tem Castleberry reiterated Council Member Locklear welcoming everyone for attending the meeting and further shared that he anticipates a 100-year old WWI Veteran to attend and possibly speak at the Archer Lodge Veterans Memorial Site Dedication on November 10, 2019.
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- d) Council Member Bruton welcomed everyone as well, and suggested that if anybody had questions or concerns, feel free to contact Staff or Council.
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15. ADJOURNMENT:

- a) **No further business.**

Moved by: Council Member Wilson

Seconded by: Council Member Locklear

Adjourned meeting at 8:12 p.m.

CARRIED UNANIMOUSLY


Matthew B. Mulhollem, Mayor


Kim P. Batten, Town Clerk

