



Town of Archer Lodge

AGENDA

Work Session Meeting

Monday, September 20, 2021 @ 6:30 PM

Jeffrey D. Barnes Council Chambers

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1. WELCOME/CALL TO ORDER:

2. OLD BUSINESS:

- 2.a. Discussion of Suggested Rules of Procedures for a Town Council and Appointed Boards ~ Marcus Burrell / Julie Maybee

3. NEW BUSINESS:

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

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

[ARPA Use of Funds](#)

- 3 - 5 3.b. Discussion of Opposing the Environmental Budget Provisions included in Senate Bill 105 (The Appropriations Bill) Section 5.14.(a); Section 12.16.(a); and Section 41.47.(a)

[SB 105 Sec 5.14.\(a\)](#)

[SB 105 Sec 12.16.\(a\)](#)

[SB 105 Sec 41.47.\(a\)](#)

4. ADJOURNMENT:

USE OF FUNDS

The Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. Recipients may use these funds to:

- **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
- **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet

Within these overall categories, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities.

INTERIM FINAL RULE

Funding from the Coronavirus State and Local Fiscal Recovery Funds is subject to the requirements specified in the [Interim Final Rule adopted by Treasury on May 10, 2021](#).

PROPERTY OWNERS' RIGHTS/TREE ORDINANCES

SECTION 5.14.(a) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-205.4. Limitations on regulating trees.

Without express statutory or local act authority, no ordinance regulating the removal of trees from private property or regulating trees on land owned or operated by a public airport authority may be adopted or enforced. None of the following shall be used by a governing body as the basis for adopting or enforcing ordinances regulating the removal of trees from private property:

- (1) The general police powers.
- (2) Any powers authorized in this Chapter, Chapter 153A, or Chapter 160D of the General Statutes.
- (3) Any other general or local law, except a general or local law expressly authorizing a governing body to adopt ordinances regulating the removal of trees from private property."

CLARIFY LOCAL AUTHORITY FOR STORMWATER ORDINANCES

SECTION 12.16.(a) G.S. 160D-925 reads as rewritten:

"§ 160D-925. Stormwater control.

(a) A local government may adopt and enforce a stormwater control regulation to protect water quality and control water quantity. A local government may adopt a stormwater management regulation pursuant to this Chapter, its charter, other applicable laws, or any combination of these powers.

(a1) Notwithstanding the authority granted under subsection (a) of this section, a local government may not enact, implement, or enforce a local government stormwater control regulation that establishes a stormwater control requirement that exceeds stormwater control requirements necessary to comply with or implement (i) federal or State law, (ii) a condition of a permit, certificate, or other approval issued by a federal agency, or (iii) a condition of a permit, certificate, or other approval issued by a State agency, which condition is required to comply with federal or State law governing stormwater standards. Further, any local government stormwater control regulation that includes a riparian buffer requirement for the protection of water quality shall be subject to the limitations established in G.S. 143-214.23A. Local stormwater control regulations in effect on the date of this act in violation of the limitations of this subsection are void and unenforceable.

(b) A federal, State, or local government project shall comply with the requirements of a local government stormwater control regulation unless the federal, State, or local government agency has a National Pollutant Discharge Elimination System (NPDES) stormwater permit that applies to the project. A local government may take enforcement action to compel a State or local government agency to comply with a stormwater control regulation that implements the NPDES stormwater permit issued to the local government. To the extent permitted by federal law, including Chapter 26 of Title 33 of the United States Code, a local government may take enforcement action to compel a federal government agency to comply with a stormwater control regulation.

(c) A local government may implement illicit discharge detection and elimination controls, construction site stormwater runoff controls, and post-construction runoff controls through an ordinance or other regulatory mechanism to the extent allowable under State law.

(d) A local government that holds an NPDES permit issued pursuant to G.S. 143-214.7 may adopt a regulation, applicable within its planning and development regulation jurisdiction, to establish the stormwater control program necessary for the local government to comply with the permit. A local government may adopt a regulation that bans illicit discharges within its planning and development regulation jurisdiction. A local government may adopt a regulation, applicable within its planning and development regulation jurisdiction, that requires (i) deed restrictions and protective covenants to ensure that each project, including the stormwater management system, will be maintained so as to protect water quality and control water quantity and (ii) financial arrangements to ensure that adequate funds are available for the maintenance and replacement costs of the project.

(e) Unless the local government requests the permit condition in its permit application, the Environmental Management Commission may not require as a condition of an NPDES stormwater permit issued pursuant to G.S. 143-214.7 that a city implement the measure required by 40 Code of Federal Regulations § 122.34(b)(3)(1 July 2003 Edition) in its extraterritorial jurisdiction."

REVISIONS TO OUTDOOR ADVERTISING CONTROL ACT

SECTION 41.47.(a) G.S. 136-128 is amended by adding a new subdivision to read:

"(5e) "Sign not conforming to State standards" shall mean a sign which was legally erected but does not conform to the zoning, size, lighting, and spacing criteria established in State law, or State rules and regulations of the Department authorized by this Article and promulgated at a later date, or a sign which was legally erected but later fails to conform to the zoning, size, lighting, and spacing criteria established in State law, or State rules and regulations of the Department authorized by this Article."