



Regular Council - Minutes Monday, March 6, 2017

COUNCIL PRESENT:

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

SPECIAL GUESTS:

Girl Scout Troop #1859
Boy Scout Troop #422
Mark J. Ostrander, Sr. Family

STAFF PRESENT:

C.L. Gobble, Administrative Consultant
Chip Hewett, Town Attorney
Kim P. Batten, Finance Manager/Town Clerk
Bob Clark, Planning/Zoning Administrator
Don Belk, Senior Planner

MEDIA PRESENT:

1. WELCOME/CALL TO ORDER:

a) Call to Order & Invocation

Mayor Gordon 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 was present. Mayor Pro-Tem offered the invocation.

b) Pledge of Allegiance

Mayor Gordon led in the pledge of allegiance to the US Flag.

2. APPROVAL OF AGENDA:

a) Mayor Gordon requested that Item 5.a. be moved to after 5.f. due to the presenter, Mr. Rickard, running late for the meeting.

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

Agenda approved with change noted above.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) Ms. Marissa Stone of 308 Helena Lane, Clayton, NC shared her "Reading is Believing" platform.

The former Little Miss Archer Lodge and Garner's current Outstanding Preteen Miss 2017, requested approval from the Archer Lodge Town Council to place bins at the town hall to collect books.

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

- b) **Mr. Neal Brantley of 4796 Covered Bridge Road, Clayton, NC remarked about the purposes of the open forum/public comments section on the agenda.**

4. **RECOGNITION/PRESENTATION:**

- a) **Proclamation - Girl Scout Week
Sunday, March 12 - Saturday, March 18, 2017**

Mayor Gordon proclaimed Sunday, March 12, 2017 to Saturday, March 18, 2017 as Girl Scout Week by reading the following Girl Scout Week Proclamation:



Proclamation

WHEREAS, March 12, marks the 105th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and,

WHEREAS, through the Girl Scout Leadership Experience girls gain knowledge and develop skills that will serve them a lifetime so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in science, technology, engineering, math and the arts as well as other fields that can expand their horizons; and,

WHEREAS, Girl Scouts has shaped the lives of 53 percent of female senior executives and business owners, 60 percent of women in Congress, and virtually every female astronaut;

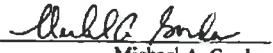
WHEREAS, more than 2.7 million current Girl Scout members nationwide will be celebrating 105 years of this American tradition, with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing Movement;

WHEREAS, in partnership with over 9,000 adult volunteers, Girl Scouts – North Carolina Coastal Pines serves nearly 26,000 girl members in 41 central and eastern North Carolina counties.

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, do hereby applaud the commitment Girl Scouting has made to support the life and leadership development of girls and proudly proclaim the week of March 12-18, 2017, as:

Girl Scout Week

Duly adopted this 6th day of March, 2017.



Michael A. Gordon
Mayor

- b) **Proclamation - Mark J. Ostrander, Sr. Day
Saturday, March 18, 2017**

Mayor Gordon proclaimed Saturday, March 18, 2017 as Mark J. Ostrander, Sr. Day by reading the following Mark J. Ostrander, Sr. Day Proclamation:



Proclamation

WHEREAS, Mark J. Ostrander, Sr. has passed and left his worldly home. He leaves behind a legacy of caring and concern for his fellow citizens in Archer Lodge, our county and state; and,

WHEREAS, he gave from his heart, passion and commitment to teach others CPR, so as to help save lives through education. He offered these classes at no charge to our community; and,

WHEREAS, his first CPR class for Archer Lodge was in May, 2010, and he taught many more in the years to come to help our people be able to help their families, churches, schools and neighbors; and,

WHEREAS, his legacy continues through his wife and children by teaching CPR. In his memory, they are donating free classes in March, 2017. The Ostrander family volunteered their time with the Archer Lodge Community Center at events and fundraisers; and,

WHEREAS, Mark was a true public servant with decades of service in Public Safety as a training officer, positions on various boards and fraternal organizations including Amaran Shrine Temple and Masonic Lodge; and,

WHEREAS, this proclamation encourages all citizens to take time to promote healthier living, to raise public awareness of the benefits of learning CPR to better prepare for saving lives; and

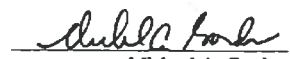
WHEREAS, the accomplishments and dedication of Mark J. Ostrander, Sr. be acknowledged, affirmed, and celebrated;

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, do hereby applaud the late Mark J. Ostrander, Sr.'s commitment to Public Safety and proclaim March 18, 2017 as:

Mark J. Ostrander, Sr. Day

Duly adopted this 18th day of March, 2017.




Michael A. Gordon
Mayor

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) 2018 Deer Urban Archery Renewal

Mayor Gordon opened the floor for discussion and comments. Mayor Pro Tem Mulhollem commented that the Town hasn't had any problems or complaints with the program over the past 4 years.

2018 Deer Urban Archery Season Renewal Form appears as follows:



North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

February 3, 2017

Deer Urban Archery Season Renewal Form

Michael A. Gordon
Mayor
14094 Buffalo Road
Clayton, NC 27527

Name of Municipality: Town of Archer Lodge

County: Johnston

*Please update any contact
information changes that
need to be made:*

Name:

Address:

Phone #:

Participation in the 2018 Season (dates are January 13 - February 17, 2018) Yes ☒ No ☐

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the *Regulations Digest*. Please indicate a phone number and/or Internet address for listing in the 2017-2018 *Inland Fishing, Hunting and Trapping Regulations Digest*:

Phone: 919-359-9727 or Email: mike.gordon@townofarcherlodge.com

Internet address: www.townofarcherlodge.com

(Please Print)

Are there any changes to the map submitted with your participation letter?
If yes, please attach new map to this form. (No larger than 11" X 17")

Yes ☐

No ☒

Name of Municipality Representative: Michael A. Gordon, Mayor

Signature of Municipality Representative:

(Please Print)

Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form to: Division of Wildlife Management, 1722 Mail Service Center, Raleigh, N.C. 27699-1722 by **April 1, 2017**.

David T. Cobb, Ph.D., Chief
Division of Wildlife Management
(919) 707-0050

Mailing Address: Wildlife Management Division • 1722 Mail Service Center, Raleigh, NC 27699-1700
Phone: (919) 707-0050 • Fax: (919) 707-0067

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

Approved 2018 Deer Urban Archery Season Renewal

CARRIED UNANIMOUSLY

b) Consideration of Adopting a Resolution to enter into Agreement with the NC Local Governmental Employees' Retirement System (NCLGERS) to Provide Employee Death Benefits

Mayor Gordon began the discussion of providing an inexpensive benefit of life insurance for town employees made available through the NC Local Government Employees Retirement System (NCLGERS). No discussion followed.

AL2017-03-06 Resolution to enter into an Agreement with NCLGERS to Provide Death Benefits to Employees appears as follows:

TOWN OF ARCHER LODGE

RESOLUTION TO ENTER INTO AGREEMENT WITH THE
NORTH CAROLINA LOCAL GOVERNMENTAL
EMPLOYEES' RETIREMENT SYSTEM
TO PROVIDE EMPLOYEE DEATH BENEFITS

North Carolina Local Governmental Employees' Retirement System
3200 Atlantic Avenue
Raleigh, North Carolina 27604

WHEREAS, the 1969 General Assembly amended the North Carolina Local Governmental Employees' Retirement System laws so as to permit agreements for providing death benefits for employee members pursuant to G.S. 128-27(f); and

WHEREAS, the governing body if this Unit realizes the desirability of providing its employees with the security and protection provided by a plan for death benefits; and

WHEREAS, Article 3 of Chapter 128 of the General Statutes of North Carolina provides that any employer governmental unit desiring to provide death benefits for its employee members must execute an agreement therefore with the Director of the North Carolina Local Governmental Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED BY THE ARCHER LODGE TOWN COUNCIL while in regular session,

1. That the TOWN OF ARCHER LODGE hereby elects to secure death benefits for its employees in the North Carolina Local Governmental Employees' Retirement System.
2. That the TOWN OF ARCHER LODGE hereby agrees to comply with all provisions of the North Carolina Local Governmental Employees' Retirement System as defined in Article 3, Chapter 128 of the General Statutes of North Carolina, as amended, and to make such increased employer's contributions as the Local Governmental Employees' Retirement System may determine to be necessary in order to provide employee death benefits.
3. That the TOWN OF ARCHER LODGE is hereby ordered and directed to execute an agreement with the Director of North Carolina Local Governmental Employees' Retirement System to implement the employee death benefits of G.S. 128-27(f).

Upon motion of Council Member Mark Jackson and seconded by

Mayor Pro-Tempore Matt Mulhollem, the above resolution was introduced for passage.

The following number voted in the affirmative: 5. The following number voted in the negative: 0.

Agreement and Certification to Provide Death Benefits to Employees in NCLGERS appears as follows:

TOWN OF ARCHER LODGE
AGREEMENT – DEATH BENEFIT

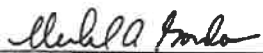
North Carolina Local Governmental Employees' Retirement System
3200 Atlantic Avenue
Raleigh, North Carolina 27604

In accordance with the provisions of subsection (f) of G.S. 128-27 setting forth the conditions under which the rights of the death benefit might be made available to members of the North Carolina Local Governmental Employees' Retirement System, the AGREEMENT is hereby entered into between the ARCHER LODGE TOWN COUNCIL and the Director of said Retirement System.

In consideration of an increase of 0.26% in the employer's contribution rate effective as of APRIL 1, 2017, the North Carolina Local Governmental Employees' Retirement System hereby agrees to extend the privileges and rights of the death benefit described in subsection (f) of G.S. 128-27 to the employees of the TOWN OF ARCHER LODGE who are members of said System on and after the above effective date. This Agreement shall continue in effect from year to year with the understanding that the rate payable for this death benefit may be modified as the System's Actuary may periodically determine.

Approval of the above increase in rate was authorized by ARCHER LODGE TOWN COUNCIL at its meeting on MARCH 6, 2017 and is recorded in the minutes of said Board.

CERTIFICATION:



Michael A. Gordon
Mayor, Town of Archer Lodge

7 MAR 17

Date



Kim P. Batten
Town Clerk, Town of Archer Lodge

3/6/2017

Date

APPROVAL:



Director, Retirement System

3-13-2017

Date

CERTIFICATION

North Carolina Local Governmental Employees' Retirement System
3200 Atlantic Avenue
Raleigh, North Carolina 27604

This is to certify:

1. That at a meeting of the **ARCHER LODGE TOWN COUNCIL** held at the Archer Lodge Town Hall, 14094 Buffalo Road, Clayton, NC in the Jeffrey D. Barnes Council Chamber on the 6th day of March, 2017, the attached resolution was duly introduced and legally passed in accordance with the applicable provisions of laws relating to the TOWN OF ARCHER LODGE, County of Johnston and the General Statutes of North Carolina.
2. That the meeting at which said resolution was passed was duly constituted, a quorum was present, and that a resolution was publicized in accordance with the applicable provisions of law and the General Statutes of North Carolina.
3. That the attached resolution is a true and accurate copy of the resolution passed by the ARCHER LODGE TOWN COUNCIL as the same appears in the Official Minutes on file at the Town Hall.

This the 6th day of March, 2017


Kim P. Batten, Town Clerk

Corporate Seal (if any)



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

Approved AL2017-03-06 Resolution to Enter into an Agreement with NCLGERS to Provide Death Benefits to Employees, Agreement and Certification to Provide Death Benefit to Employees in NCLGERS

CARRIED UNANIMOUSLY

c) Consideration of Appointing New Planning Board Member to replace Teresa Bruton and complete her term ending 12/31/2017

Mayor Gordon opened the floor for discussion/comments on the 2 applications received for the Planning Board vacancy. No discussion followed.

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

Approved John Oglesby as the replacement for Teresa Bruton on the Planning Board with term ending 12/31/2017.

CARRIED UNANIMOUSLY

d) Consideration of Adoption of Public Nuisance Conditions, Private Property Ordinance AL2017-03-1

Mayor Gordon opened the floor for discussion/comments. Council Member Bruton asked Mr. Clark to review the changes requested by Council. Mr. Clark

remarked that he removed the junk vehicle and nuisance vehicle portion of the ordinance to bring before the board at a later date. Mr. Clark referenced other requested changes on page 2, item 9 as well as page 4, Section 3, items 1 and 2. Discussion followed regarding "No Burn Conditions" and proper procedures for citizens to obtain burning permits through the Johnston County Emergency Services Department. No further discussion followed and recommendation by Staff is to adopt Ordinance# AL2107-03-1 as presented.

Public Nuisance Conditions, Private Property Ordinance AL2017-03-1 appears as follows:

ORDINANCE # AL2017-03-1

**PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY
ORDINANCE OF THE TOWN OF ARCHER LODGE**

BE IT ORDAINED by the Town Council of the Town of Archer Lodge, North Carolina:

Part 1. That the Public Nuisance Conditions, Private Property Ordinance for the Town of Archer Lodge is hereby established and written to read as follows:

Section 1. Administration.

For the purpose of this Ordinance, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

State law reference—City authority for abatement of public health nuisances G.S. 160A-193.

Section 2. Declaration of Public Nuisance

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.
2. Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage

containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

3. An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.
4. An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.
5. An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.
6. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
7. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
8. The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property
9. A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued zoning permit or building permit.

10. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
11. The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.
12. A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.
13. Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.
14. Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.
15. A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.
16. A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.
17. Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

18. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
19. Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.
20. Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 3. Exceptions

Notwithstanding the above, the following uses and the conditions associated with such uses shall not be considered as a nuisance unless there are other circumstances which cause the use and/or the condition to become a nuisance:

1. **Businesses:** The outside storage of raw materials, products and goods, equipment or machinery that are used by a lawful business, including agricultural uses or a commercial entity that is lawfully operated in full compliance with all required licenses and permits and in compliance with all environmental laws, zoning laws and other local ordinances shall not be unlawful so long as the use of the raw materials, products, machinery, equipment and goods are necessary to the operation of the business, industry or commercial entity and are in accordance with normal or customary practice. This exception shall not apply to the storage of inherently dangerous materials and/or goods and supplies in an unsecured location nor shall it apply to the unnecessary storage or collection of materials that are no longer needed for the purpose of the business nor expected to be used in the business in the foreseeable future.
2. **Overgrown Areas:** This chapter is not intended to regulate bona fide farms, tracts of land not otherwise subject to the town subdivision regulations, undeveloped sections of approved subdivision, temporary or seasonal piling for removal or burning of brush, limbs, or leaves as otherwise permitted by local or state laws, or areas reserved from development due to environmental sensitivity or habitat preservation, woods, or landscaped natural areas utilizing a combination of live and ornamental materials created for aesthetic effect. Such areas shall not be a violation unless there are other conditions associated therewith that cause the area to be a nuisance.

Section 4. Complaint; Investigation of Public Nuisance

When any condition in violation of this Ordinance is found to exist, the Code Administrator or such persons as may be designated by the Town Council shall give notice to the

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owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the town may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Section 5. Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 6. Procedure Is Alternative

The procedure set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this Ordinance shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in N.C. G. S. 14-4. In addition to the remedies provided for herein, any violation of the terms of this Ordinance shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in the General Penalties Ordinance of the Town of Archer Lodge."

Section 7. Penalty

Unless a different fine or penalty is set out in a particular section of this Ordinance, a violation of any provision of this Ordinance shall subject the violator to the following schedule of civil penalties for Notices of Violation:

First Notice of Violation: \$25.00

Second and Subsequent Notices of Violation: \$75.00

If a higher fine or penalty is set out in this ordinance, the higher fine or penalty shall apply.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Archer Lodge, North Carolina.

ADOPTED this the 6th day of March, 2017.

ATTEST

SEAL


Michael A. Gordon, Mayor


Kim P. Batten, Town Clerk



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

Approved Public Nuisance Conditions, Private Property Ordinance AL2017-03-1

CARRIED UNANIMOUSLY

e) Consideration of Adoption of Amendment Ordinance AL2017-03-2 to Amend Section 14-6 of the AL Zoning Ordinance and to Amend Sections 18-224, 18-226 & 18-229 of the AL Subdivision Ordinance with the Proposed Text Amendments

Mayor Gordon mentioned that the amendments being considered were discussed at the last meeting. Mr. Belk stated that the changes were suggested by the Planning Board and a public hearing has been held. Discussion followed. Staff recommended to adopt the Ordinance amendments as presented.

Amendment Ordinance AL2017-03-2 appears as follows:

**AN ORDINANCE AMENDING THE ZONING & SUBDIVISION ORDINANCE OF THE
TOWN OF ARCHER LODGE**

WHEREAS, the Town Council of the Town of Archer Lodge, North Carolina may enact ordinances to protect the health, safety, and welfare of its citizens under the North Carolina General Statutes § 160A-174 and § 160A-383, and

WHEREAS, following due advertisement announcing a public hearing as provided by law, the Town Council of the Town of Archer Lodge, North Carolina held said public hearing on February 6, 2017 to consider amending Chapter 14, Zoning and Chapter 18, Subdivisions.

WHEREAS, on the Town Council received a recommendation from the Archer Lodge Planning Board requesting amendments to the Chapter 14, Zoning to add a definition for Accessory Dwelling Unit and to revise street classifications and other definitions; and, requesting amendments to Chapter 18, Subdivisions to: set a maximum subdivision street block length; require a minimum pavement depth for subdivision streets; specify when more than one full-service access is required to new subdivisions; require public access easements and sidewalks in certain situations; set maximum length of cul-de-sac streets; set maximum distance between fire hydrants.

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 amending the zoning and subdivision text as follows is consistent with the plans and policies of the Town of Archer Lodge.

NOW THEREFORE BE IT ORDAINED by The Town Council of the Town of Archer Lodge, in order to protect the public health, welfare, and safety, the following regulations shall be amended:

SECTION 1. Definitions.

Amend Section 14-6 by adding (shown as underlined) or deleting (shown as ~~strike-through~~) the following definitions.

Accessory dwelling unit means a dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

Streets. Streets are classified as follows:

~~Street, arterial~~ means streets or roads that function primarily serving through-traffic movement, limited land-parcel access service may be accommodated, but traffic controls and street design are intended to provide efficient through-traffic movement. Some U.S. and North Carolina-numbered highways are examples of arterial streets.

- a) Alley: a public vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed street types.
- b) Clear Zone: the unobstructed, relatively flat area bordering the edge of pavement that allows a driver to stop safely or regain control of a vehicle that leaves the roadway. The clear zone may consist of a shoulder, recoverable slope, or a clear run-out area. The desired minimum width of a clear zone is dependent upon traffic volumes and speeds and on the roadside geometry.
- c) Collector: streets whose principal function is to carry traffic between residential streets, cul-de-sacs and major and minor thoroughfares, but that may also provide direct access to abutting properties. It is designed to carry more than 3,500 but less than 6,000 trips per day. Typically, a collector is able to serve, directly or indirectly, between 350 and 600 dwelling units. ~~means streets or roads that function to penetrate areas, neighborhoods, public-service areas, and districts. Such streets are intended to provide both through-traffic and some land-parcel access services in relatively equal proportions, often linking the local street system to the arterial street system. Examples of a collector street include some North Carolina and S.R. numbered streets~~
- d) Cul-de-sac: short streets having one end open to traffic and the other permanently terminated by a vehicular turnaround.
- e) Frontage: a street that is parallel and adjacent to a major or minor thoroughfare, which provides access to abutting properties, protection from through traffic, and control of access to the major or minor thoroughfare.
- f) Local: a street whose principal function is provide access to adjacent properties. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design. Examples of local roads include streets internal to subdivisions and sparsely-developed rural areas.
- g) Street, Private: means a street or road that is not dedicated as a public right-of-way, which is privately maintained by a homeowners' association or a road maintenance agreement, and is not taken over for maintenance by NCDOT and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.

- h) ~~Street, Public:~~ means a street or road that is dedicated as a public right-of-way, which is accepted and taken over for maintenance by NCDOT.
- i) Thoroughfare, Major: A street serving the principal network for high volumes of traffic or high speed traffic. This street type consists of at least two travel lanes in each direction. A major thoroughfare shall be designated where the anticipated average daily volume exceeds 10,000 vehicles. Residences shall not have access to a major thoroughfare.
- j) Thoroughfare, Minor: A street designed primarily to collect and distribute traffic between the local street network and major thoroughfares. This street type generally consists of more than one travel lane in each direction. A minor thoroughfare shall be designated where the anticipated average daily volume ranges exceeds 6,000 vehicles, but is less than 10,000 vehicles. Residences should not have access to a minor thoroughfare.

SECTION 2. Lot arrangement.

Amend Section 18-224 by adding (shown as underlined) or deleting (shown as ~~strike-through~~) the following:

Sec. 18-224. Lot and Block arrangement.

- B Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
 - (a) Blocks shall not exceed 1,500 feet in length.
 - (b) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
 - (c) A pedestrian access easement not less than ten feet in width may be required near the center and entirely across any block greater than 900 feet in length to provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.
 - (d) A pedestrian access easement not less than ten feet in width may be required from a cul-de-sac to help provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.

SECTION 3. Access and circulation.

Amend Section 18-226(A) by adding (shown as underlined) or deleting (shown as ~~strike-through~~) the following:

- a) Roads. The arrangement, character, extent, width, grade, and location of all roads should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by

such roads and existing and potential land uses in adjoining areas. ~~Private roads not within a minor subdivision shall:~~

b) All roads shall:

~~Be limited to a non-through road. Meet the road construction standards as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards, with the additional requirement that pavement surface be a minimum of 2 inches Asphalt Concrete Surface Course, and:~~

i) ~~Be paved:~~ Shall be dedicated for public use and meet the design and construction standards as required by the NCDOT for the functional classification and projected traffic volumes.

ii) ~~Meet the road construction standards as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Requirements.~~ For all roads not maintained by NCDOT and/or not dedicated for public use, be ensured proper maintenance through the establishment of a homeowners' association or a road maintenance agreement.

~~— iii) Meet the road construction standards as set forth in the latest edition of the NCDOT Subdivision Roads Minimum Construction Requirements.~~

~~— iv) Dedications for Future Right of Way — All roads to be dedicated for public use shall meet the design and construction standards as required by NCDOT for the functional classification and projected traffic volumes.~~

iv) ~~vi)~~ Other Road Requirements

(1) *Permits for Connecting to NCDOT Roads:* An approved permit is required to connect any subdivision street to an existing NCDOT road. This permit is required prior to constructing the road. The application is available at the office of the nearest district engineer of the Division of Highways.

(2) *Offsets to Utility Poles:* Overhead utility poles shall be break-away or located outside the roadway clear zone.

(3) *Wheelchair Ramps and Curb Cuts for Disabled Persons:* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of North Carolina General Statutes Chapter 136, Article 2A, Section 136-44.14 and the American Disabilities Act.

v) ~~vii)~~ *Relationship to adjoining properties.* New streets or roads shall be appropriately related to, and coordinated with, adjoining properties and existing and proposed roadways. Roadways within a proposed subdivision may be required to connect with adjoining properties where necessary to permit the

convenient, efficient and safe movement of traffic. All roads that extend to adjacent properties shall be designated as public roads.

- c) Cul de Sac Length. No residential street cul-de-sac serving lots of 20,000 square feet or greater in size shall exceed 1,000 feet in length. No residential street cul-de-sac serving lots less than 20,000 square feet in size shall exceed 700 feet in length
- d) ~~b)~~ Access to streets. Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public or private street meeting the standards of the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards.
- e) ~~e)~~ Direct residential driveway connections. Subdivisions located on an ~~arterial~~ a collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto an ~~arterial~~ the collector road, unless it can be demonstrated that the proposed subdivision cannot be feasibly designed, or that no reasonable alternative exists, to prohibit driveway access onto an ~~arterial~~ the collector street.
- i) Major subdivisions to be located on a local road shall be designed such that there shall be no more than one direct residential driveway connection per 500 feet along the same side of the local road, unless it can be demonstrated that the proposed subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit individual driveway access onto a local road.
- ii) Subdivision access. A second full-service access for the purpose of ingress and egress or an emergency access easement shall meet the requirements of the latest edition of the NCDOT Subdivision Roads Minimum Construction Standards ~~for the purpose of ingress and egress or an emergency access easement.~~ The second full service access will be required when meeting or exceeding the following thresholds:
- iii) For subdivisions proposing between ~~100 and 200 lots,~~ 30 and 74 lots, at least two access points shall be included. The second access may consist of an existing or future street connection to an adjacent development. Where no adjacent development exists, the developer has the option of providing a second full-service access for the purpose of ingress and egress or a dedicated "emergency vehicle access." This "emergency vehicle access" is to be constructed of any all-weather surface and kept cleared at all times in case the main entrance is blocked and emergency vehicles need to access the development.
- iv) For subdivisions proposing ~~201 between 75 to 249 lots or more,~~ the developer shall provide a second full-service access for the purpose of ingress and egress.
- v) For subdivisions proposing (or which have the potential for) 250 or more lots, three separate access points shall be included. Where three or more access points are required,

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the Planning Board may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections.

- vi) A waiver of these standards may be allowed by the Planning Board during approval of the preliminary subdivision plat only where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service access.

f) *Subdivision road standards.*

- i) Once a subdivision street has a minimum of four occupied homes and an average of two occupied homes per tenth of a mile, no more Zoning Compliance Permits will be issued for lots on that street until the NCDOT accepts the subject street into the state-maintained roadway network, per the developer's request.
- ii) No more than 75% of a subdivision's certificates of occupancy may be issued until the required secondary access has been constructed or bonded for construction.

Note: For determining when a second access is required, the count will be cumulative.

g) *Sidewalks*

- i) Specifications: When provided, or required by the Planning Board, sidewalks shall be constructed to a minimum width of five (5) feet and in accordance with NCDOT specifications and construction standards. All sidewalks shall be located behind curb and gutter or beyond the clear zone behind a swale or ditch. All sidewalks shall be placed in the street right-of-way or within a public access easement, except as provided below. Sidewalks shall have a minimum width of five (5) feet.
- ii) Protection of significant trees: Sidewalks shall be meandered as to protect and preserve existing significant trees. For that purpose, sidewalks may be placed within a minimum 15-foot wide maximum 10-foot wide public access easement located outside the public right-of-way.
- iii) When required: At the discretion of the Planning Board, sidewalks may be required on one side or both sides of the street where it is reasonable that the public has access and will use the sidewalks where an existing school, church or other civic facility, such as a park, open space, trail, or greenway, lies within one-quarter-mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is desirable.

h) *Curb and gutter.*

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- (i) Curb and gutter standards: When provided, or required by either the Planning Board or town council, curb and gutter shall be constructed in accordance with plans and profiles meeting NCDOT specifications.

SECTION 4. *Renumber Section. 18-226(A)(g) Open Space Requirements and (A)(h) (homeowners association required) to Section. 18-226(A)(i) and (A)(j), respectively.*

SECTION 5. *Amend Section 18-229 by adding (shown as underlined) or deleting (shown as ~~strike through~~) the following:*

Sec. 18-229. Public water, fire hydrants, and sewer systems.

B) Fire hydrants shall be provided in accordance with National Fire Protection Association standards. Adequate flow for firefighting will be available to every lot in the subdivision. This provision will require that the main lines be a minimum six inches in diameter, and that a hydrant tee and valve be provided within 500 feet of each lot, unless otherwise approved by the Johnston County Fire Marshal.

SECTION 6. This ordinance shall be effective from and after its adoption

Adopted this 6th day of March, 2017.

ATTEST

SEAL


Michael A. Gordon, Mayor




Kim P. Batten, Town Clerk

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

Approved Amendment Ordinance AL2017-03-2

CARRIED UNANIMOUSLY

**f) SEAS Presentation/Report ~ Alex Rickard, CAMPO
Consideration of Adopting Resolution to Endorse the
Southeast Area Study (SEAS)**

When approving the agenda (Agenda Item 2), this item was moved from 5.a. to 5.f.

Alex Rickard, Capital Area Metropolitan Planning Organization (CAMPO) representative, shared with Council the purpose behind CAMPO regarding transportation in the Capital Area. He explained that CAMPO's long range plan, called the Metropolitan Transportation Plan (MTP), defines what projects are eligible for certain federal and state funds. Archer Lodge is in the southeast area of the MTP and in 2015, the Southeast Area Study (SEAS) began and Archer Lodge was considered a "Hot Spot" for studying. Alex shared conceptual slides relating to land use development and secondary roads going forward. Discussion followed his presentation.

6. TOWN ATTORNEY'S REPORT:

a) Mr. Hewett commended council on the recent annual planning

retreat. Also, he offered the possibility for future planning board and board of adjustment training as well as reviewing their statutory procedures due to another town requesting his services for this training.

7. ADMINISTRATIVE CONSULTANT'S REPORT:

- a) Mr. Gobble thanked everyone for their participation at the planning retreat. He provided council with a list of suggested ideas from the retreat and asked council to review and provide him with changes.
-

- b) Mr. Gobble mentioned that the town's contact is back working on park land.
-

8. PLANNING/ZONING REPORT:

- a) **Recommendation From Planning Board - Conservation Subdivision Design District (CSDD) Ordinance**

Mr. Belk discussed a recommendation from the Planning Board to adopt a CSDD Ordinance (adding New Section 14-104, AL Zoning Ordinance) as another tool in "toolbox." He provided a powerpoint presentation. Question and answer session followed. Mayor Gordon suggested more discussion to continue at the March 20th work session.

- b) **Recommendation from Planning Board - Accessory Dwelling Unit (ADU) Ordinance**

Mr. Belk discussed another recommendation from the Planning Board to adopt a ADU Ordinance thereby Amending Sections 14-75, 14-76, 14-77 & 14-78 of AL Zoning Ordinance. He shared a powerpoint presentation. Question and answer session followed. Mayor Gordon suggested more discussion to continue at the March 20th work session.

9. VETERAN'S COMMITTEE REPORT:

- a) **Jim Purvis reported the following:**
- 1. Financial report only since the draft minutes of their last meeting were not available**
 - 2. Check balance is \$38,859.15 as of 2/28/17**
 - 3. Last biscuit sales were \$1,986 and brick sales of \$175**
 - 4. Expenses from biscuit sale of \$321.08**
 - 5. Next biscuit sale will be Friday, March 17, 2017**
-

10. MAYOR'S REPORT:

- a) **No report.**
-

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

- a) **Council Member Wilson corrected the amount of the biscuit sales to be over \$2,000.**

-
- b) Mayor Pro Tem Mulhollem thanked both the Boy Scouts and the Girl Scouts for coming to the meeting.
-

- c) Council Member Bruton thanked Alex Rickard for his presentation tonight.
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12. ADJOURNMENT:

a) No Further Business

Moved by: Council Member Wilson

Seconded by: Council Member Castleberry

Meeting adjourned at 8:08 p.m.

CARRIED UNANIMOUSLY



Michael A. Gordon, Mayor



Kim P. Batten, Town Clerk

