



Regular Council Meeting Minutes
which includes Public Hearing to
Consider an Application filed on November 7, 2018 by
Tilghman (Tim) Lee to Amend the
Town of Archer Lodge Official Zoning Map

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

COUNCIL PRESENT:

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

STAFF PRESENT:

C.L. Gobble, Administrative Consultant
Chip Hewett, Town Attorney
Kim P. Batten, Finance Officer/Town Clerk
Bob Clark, Planning/Zoning Administrator

COUNCIL ABSENT:

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:32 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 changes or additions noted.

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Approved Agenda

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments

4. CONSENT AGENDA:

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

Moved by: Council Member Jackson

Seconded by: Council Member Locklear

Approved Consent Agenda.

5. **PUBLIC HEARING:**

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

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

Mayor Mulhollem opened the Public Hearing at 6:35 p.m.

Mr. Clark provided introductory details regarding the application and property that is being considered for rezoning. He asked Council Members to review the Approved Planning Board Recommendation Report dated December 12, 2018 as well as supporting documentation that was included in their packets.

The following individuals offered comments:

1. Laura Smith of 3133 Castleberry Road, Clayton wanted clarification of SFR-1 (Single-Family Residential) and NB (Neighborhood Business). She had concerns regarding additional traffic and noise in the area should that parcel become commercial instead of residential. Mr. Clark offered information that explained Zoning Districts within the town limits.
2. Neal Windley of 3114 Castleberry Road, Clayton questioned the hours of operation should a business go on that parcel and consideration of the environmental impacts that may take place.
3. Deva King of 6224 Covered Bridge Road, Clayton, a small business owner, voiced concerns about increased traffic at the intersection, business hours and the noise level.
4. Nieshia Macon of 78 Miranda Court, Clayton shared concerns regarding a business in a neighborhood and being inconsistent with the values of community. Also, she was concerned about traffic, safety, and home values decreasing.

With no further discussion, Mayor Mulhollem asked for a motion to close the Public Hearing.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved to open Public Hearing at 6:35 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Approved to Close Public Hearing Public Hearing at 6:52 p.m.

CARRIED UNANIMOUSLY

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

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

Mayor opened floor for discussion.

- Council Member Wilson remarked about traffic and safety with regards to the expected improvements to Covered Bridge Road.
- Council Member Jackson questioned the use of the parcel.
- Discussion regarding the potential use of the property began.
- Mr. Gobble reminded everyone that anything permitted under the Neighborhood Business (NB) District was permissible.

- Attorney Hewett reminded Council that they adopted a Zoning Map Ordinance that defines all the districts. He further instructed that their discussion this evening should remain only about rezoning from SFR-1 to NB and not the specific use. Also, he stated that if they wanted to amend what is permitted in the NB District, they could do so, but at another time.
- Mr. Clark added that currently the Town's adopted ordinances cover the specifications for any business placed on a parcel, and will be tailored to the site.
- Mayor Pro Tem Castleberry reflected on the history of the community and the changes that have taken place since the Town was incorporated. He added that landowners have sold property and has resulted in the increase of homes and more traffic. Lastly, he mention that the Town has no control on growth in the town limits.
- Council Member Bruton noted her concerns with the property in a residential area since the town has an established business district on the map. She stated that she was unsure about rezoning this parcel.
- Before making a final decision, Council Member Locklear suggested that Council review 1) size of the parcel, 2) laws and other regulations that owner may have to follow, and 3) not having any sewer in town would limit the size of any business on the property.
- Lastly, Mr. Wilson mentioned that rezoning from SFR-1 to NB could affect property values.

Following the discussion, Council Members Bruton and Jackson recommended to continue the discussion and consideration of rezoning to a later meeting to provide Council additional time to review documents and research their findings before making a decision.

Moved by: Council Member Jackson

Seconded by: Council Teresa Bruton

Approved to Continue the Discussion and Consideration of Amending the Town of Archer Lodge Official Zoning Map from SFR-1 to NB for the 2.13-acre tract (TAG# 16J03068K; PIN 178001-25-9864) until the February 4, 2019 Town Council Meeting.

CARRIED 4 to 1 (Wilson opposed)

b) Discussion and Consideration of Hiring a Part-Time Town Administrator

Mayor Mulhollem shared that there had been much discussion with Town Council and staff regarding a Part-Time Town Administrator. He added that funding for this possible position was included in the FY2019 Budget. Council Member Wilson suggested advertising for the position. Mayor Mulhollem stated that the Town's practice was to advertise for a two week period. Mayor reminded Council that the Town Administrator duties were outlined in the Classification and Pay Plan Study and Personnel Policy that was recommended by the MAPS Group and was adopted by the Archer Lodge Town Council on May 7, 2018. Discussion followed.

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Authorized the Town Clerk to advertise for a Part-Time Town Administrator for a two week period.

CARRIED UNANIMOUSLY

c) Discussion and Consideration of Appointing a Town of Archer Lodge Representative for the Johnston County Economic Development Advisory Board

Mayor Mulhollem advised Council that Mayor Pro Tem Castleberry had re-applied with the Johnston County Board of Commissioners to continue serving as the Representative from the Town of Archer Lodge on the Johnston County Economic Development Advisory Board, where he has served nine years. No discussion followed.

Moved by: Council Member Locklear
Seconded by: Council Member Jackson

Approved Mayor Pro Tem Castleberry for re-appointment to the Johnston County Economic Development Advisory Board as the Representative for the Town of Archer Lodge.

CARRIED UNANIMOUSLY

d) Discussion and Consideration of Approving the Sidewalk Agreement ID#8371 between NCDOT and the Town of Archer Lodge

Mr. Clark offered a brief overview of the Sidewalk Agreement between the Town and NCDOT and recommended approval. Discussion followed regarding safety, appearance and value added to the Town. Ms. Batten reminded the Board that the Sidewalk Agreement cost estimate was \$90,000, and at the end of the project, NCDOT would be responsible for 80% and the Town's portion would be 20%. Mr. Clark noted that once the project is complete, then the Town would maintain the sidewalk. No further discussion.

The Approved Sidewalk Agreement ID#8371 between the Town and NCDOT appears below:

NORTH CAROLINA	SIDEWALK AGREEMENT
JOHNSTON COUNTY	
	DATE: 12/12/2018
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
AND	WBS Elements: 80094
TOWN OF ARCHER LODGE	

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

WITNESSETH:

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

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

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

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

SCOPE OF THE PROJECT

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

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PLANNING, RIGHT OF WAY AND UTILITIES

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

CONSTRUCTION AND MAINTENANCE

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

COSTS AND FUNDING

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

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ADDITIONAL PROVISIONS

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

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

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

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

L.S. ATTEST:

BY: Kim P. Batten
Kim P. Batten
TITLE: Finance Officer/Town Clerk

TOWN OF ARCHER LODGE

BY: Matthew B. Mulhollem
Matthew B. Mulhollem
TITLE: Mayor

DATE: January 7, 2019

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

Approved by Mayor Matthew B. Mulhollem of the local governing body of the Town of Archer Lodge as attested to by the signature of Clerk Kim P. Batten of said governing body on January 7, 2019 (Date)

(SEAL)



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

Kim P. Batten
(FINANCE OFFICER)

Federal Tax Identification Number

27-1989634

Remittance Address:

Town of Archer Lodge
14094 Buffalo Road
Clayton, NC 27527

DEPARTMENT OF TRANSPORTATION

BY: [Signature]
(CHIEF ENGINEER)

DATE: 2/12/19

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 1-10-2019 (DATE)
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Moved by: Council Member Wilson
Seconded by: Council Member Jackson

Approved the Sidewalk Agreement ID#8371 between NCDOT and the Town of Archer Lodge.

CARRIED UNANIMOUSLY

7. **RECOGNITION/PRESENTATION:**

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

Mayor Mulhollem advised Town Council that Susan Hatchell, Landscape Architecture, PLLC, had provided Concept C, an updated Park drawing, for their review. He shared that Concept C would be presented to the public at the Public Input Meeting scheduled for Tuesday, January 29, 2019 at the Archer Lodge Community Center between 5:00 p.m. and 7:00 p.m. Mr. Gobble noted that once the public provides input, then typically there will be additional changes to the drawing.

Concept C appears as follows:

Mayor Mulhollem commended the AL Veterans Memorial Committee for the progress on their project.

13. MAYOR'S REPORT:

- a) **Mayor Mulhollem thanked God and our Country as well as Staff and Town Council for recognizing his birthday.**
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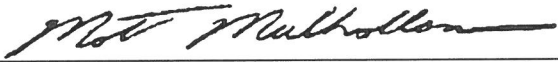
14. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

- a) **Council Member Wilson reminded everyone that the Town Council should discuss firearms safety in subdivisions. In addition, Mr. Wilson stated that the Town Council should present Mr. & Mrs. Mike Mulhollem Keys to the Town for their diligent work in the community.**
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- b) **Council Member Jackson reiterated discussing firearms safety in the subdivisions. Also, he mentioned a recent conversation with Carlton Vinson about 2019 being the 10th Year Anniversary of the Town of Archer Lodge, and recommended that the Town begin efforts to recognize people who were, and still play a critical role in our community, for the anniversary.**
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- c) **Council Member Locklear shared that he didn't disagree with addressing firearms safety in subdivisions, but reminded all that enforcing laws could become a huge financial burden for the Town and taxpayers.**
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- d) **Mayor Pro Tem Castleberry reflected on how he enjoyed serving on the Johnston County Economic Development Board. Due to the growth in Johnston County, the board meets every-other month and he invited everyone to visit the Johnston County Economic Development Office, located in the Johnston County Regional Airport, at 3149 Swift Creek Road, Smithfield, NC.**
- Mr. Castleberry further stated that due to the lack of major roads, sewer, natural gas, rivers and railroads, it's difficult to get big businesses in our area. He shared that our community offers great schools and housing, but he would like to see more businesses in Archer Lodge area.**
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- e) **Council Member Bruton thanked Mayor Pro Tem Castleberry for serving on the Johnston County Economic Development Board. She also thanked the Archer Lodge Veterans Memorial Committee for their hard work that has been demonstrated well in the memorial. She added that the ALVM site is gaining public attention.**
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15. ADJOURNMENT:

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

Moved by: Council Member Jackson
Seconded by: Council Member Locklear



Matthew B. Mulhollem, Mayor



Kim P. Batten, Town Clerk

