



Budget Planning Retreat - Minutes Saturday, February 29, 2020

COUNCIL PRESENT:

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

STAFF PRESENT:

Mike Gordon, Town Administrator
Julie Maybee, Town Planner
Kim P. Batten, Finance Officer/Town Clerk
Joyce Lawhorn, Deputy Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

None

1. WELCOME ~ MAYOR MULHOLLEM

- a) Mayor Mulhollem called the meeting to order at 9:03 a.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present.

2. INVOCATION & PLEDGE OF ALLEGIANCE

- a) Council Member Jackson offered the invocation. Mayor Mulhollem led in the Pledge of Allegiance to the US Flag.

3. BREAKFAST

- a) Mayor Pro Tem Castleberry blessed the meal.

4. FINANCIALS ~ KIM BATTEN

Following Breakfast, Item #4 on the Agenda resumed in the C. L. Gobble Conference Room located at the same address.

- a) **Interim Financial Reports for January 2020**

Ms. Batten shared that January 31, 2020 marked the fiscal year 2019-2020 was 58% completed. Approximately 69% of anticipated revenues had been collected in the General Fund while estimated expenditures were slightly lower at 64%. At the close of January, the year-to-date revenues exceeded expenditures by nearly \$74,000.

In other funds, an average of 50.78% of investment earnings were shared between the Capital Reserve, Park Reserve and Public Safety Reserve Funds and roughly \$30,000, 32,000 and \$28,000 illustrates an increase in their fund balances respectively.

Comparing January 2020 with January 2019, revenues were less in January 2020, but so were expenditures and Ms. Batten stated that the net was slightly better in January 2020. Nothing further was discussed.

b) Budget Amendment Review (BA 2020 03)

Ms. Batten discussed Budget Amendment (BA 2020 03) for Fiscal Year 2019-2020 with Council which affects the General Fund and Park Reserve Funds only. In reviewing anticipated revenues for Ad Valorem Taxes, Fee in Lieu of Recreation and Investment Earnings, Ms. Batten recommended making the adjustments based on excess collections of taxes and the drop in the economy. Having no further discussion, Council agreed to place Budget Amendment, BA 2020 03, under the consent agenda at the March 2, 2020 Regular Council meeting.

BA 2020 03 appears as follows:

BA 2020 03

Town of Archer Lodge
Budget Amendment

Fiscal Year Ending June 30, 2020
Budget Amendment #
Date

BA 2020 03
02-Mar-20

General Fund/Capital Reserve Fund/Park Reserve Fund/Public Safety Reserve Fund

Account	Account Number	Budget	Amendment	Amended Budget
Revenues:				
Gen: 2019 Property Taxes	10-3119-0000	716,000.00	12,000.00	728,000.00
Gen: Penalties and Interest	10-3180-0000	1,300.00	700.00	2,000.00
Gen: Fee in Lieu of Recreation	10-3345-0000	45,000.00	(35,000.00)	10,000.00
Gen: Investment Earnings	10-3831-0000	24,000.00	(7,000.00)	17,000.00
Park Res: Transfer from Gen Fund 10	31-3900-3910	160,000.00	(35,000.00)	125,000.00
Total Increase (Decrease) in Revenues			(64,300.00)	
Expenditures:				
Gen/Gov Body: Town's Anniversary Event (s)	10-4110-3150	10,000.00	500.00	10,500.00
Gen/Admin: Salaries	10-4120-1210	103,300.00	2,000.00	105,300.00
Gen/Admin: FICA Taxes	10-4120-1810	11,000.00	200.00	11,200.00
Gen/Admin: Retirement	10-4120-1820	11,800.00	200.00	12,000.00
Gen/Admin: NC 401-K	10-4120-1840	5,200.00	100.00	5,300.00
Gen/Admin: Contracted Services-Consultant	10-4120-3550	15,000.00	(10,000.00)	5,000.00
Gen/Admin: Equipment Lease	10-4120-4200	4,000.00	1,000.00	5,000.00
Gen/Admin: Small Equipment & Furnishings	10-4120-5000	2,500.00	(500.00)	2,000.00
Gen/Admin: Tax Collection Fees (NC & JoCo)	10-4140-4950	23,000.00	2,000.00	25,000.00
Gen/Pub Bldgs: Communications	10-4190-3340	6,600.00	400.00	7,000.00
Gen/Pub Bldgs: Repairs & Maintenance Buildings	10-4190-3520	8,000.00	1,000.00	9,000.00
Gen/Pub Safety: Contracted Services-AL Fire Dept	10-4300-3500	325,000.00	5,000.00	330,000.00
Gen/Public Works: Installation Street Lights	10-4510-5000	2,500.00	(500.00)	2,000.00
Gen/Public Works: Capital Outlay	10-4510-5100	10,000.00	(8,500.00)	1,500.00
Gen/Plan & Zone: Salaries	10-4910-1210	15,980.00	2,000.00	17,980.00
Gen/Plan & Zone: Salaries (Part-Time)	10-4910-1220	37,070.00	7,000.00	44,070.00
Gen/Plan & Zone: FICA Taxes	10-4910-1810	4,500.00	700.00	5,200.00
Gen/Plan & Zone: Retirement	10-4910-1820	1,600.00	300.00	1,900.00
Gen/Plan & Zone: NC 401-K	10-4910-1840	850.00	200.00	1,050.00
Gen/Plan & Zone: Supplies-Planning/Zoning	10-4910-2000	2,800.00	1,500.00	4,300.00
Gen/Plan & Zone: Training & Meetings	10-4910-3110	1,000.00	1,000.00	2,000.00
Gen/Plan & Zone: Dues & Subscriptions	10-4910-4000	820.00	100.00	920.00
Gen/Interfund Transfers: Transfer to Park Reserve Fund 31	10-9900-0031	160,000.00	(35,000.00)	125,000.00
Park Res: Recreation Development	31-6120-5500	99,000.00	(35,000.00)	64,000.00
Total Increase (Decrease) in Expenditures			\$ (64,300.00)	
			\$ -	

Justification for Budget Amendment:

To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 2nd day of March 2020

ATTEST:

Kim P. Batten, Town Clerk

Matthew B. Mulhollem, Mayor

Teresa M. Bruton, Budget Officer

c) Finance Calendar of Duties 2019 - 2020
(as prepared in June 2019 by UNC SOG Faculty Member, Mr. Gregory Allison)

Ms. Batten shared the Local Finance Bulletin #54 dated June 2019 with Council from the UNC School of Government as prepared by Gregory S. Allison. Mr. Allison is a faculty member at the school and specializes in governmental accounting and financial reporting for state and local governmental entities. This bulletin is the 2019-2020 Finance Calendar of Duties for City and County Officials as well as other offices in a City/Town or County. In a quick glance, it was determined that Finance Officers versus Governing Bodies perform most the financial duties throughout the year for a City/Town or County. A small discussion followed.



LOCAL FINANCE BULLETIN

No. 54 | June 2019

2019–2020

Finance Calendar
of Duties

for City and County Officials

Prepared by Gregory S. Allison

Gregory S. Allison is a School of Government faculty member who specializes in governmental accounting and financial reporting for state and local governmental entities.

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2

Local Finance Bulletin No. 54 | June 2019

FINANCE CALENDAR OF DUTIES

By state statute, North Carolina General Statutes (G.S.) Section 103-4, eighteen days are "legal public holidays" in North Carolina. Each such holiday is indicated in the sidebar found on this page on its proper date (with the exception of Election Day, which occurs on Tuesday after the first Monday in November in years in which a general election is to be held). However, the law does not require state or local governmental offices to close on these days. Each year the State Personnel Office promulgates a list of holidays to be observed by state offices. This list customarily omits eight or nine of the eighteen statutory holidays (Robert E. Lee's Birthday, Greek Independence Day, Halifax Resolves Day, Confederate Memorial Day, Mecklenburg Declaration Day, Washington's Birthday, Columbus Day, Yom Kippur, and sometimes Veterans' Day) and adds one day at Thanksgiving and two or three days at Christmas. Insofar as information could be obtained, the calendar shows whether state offices are open or closed on each statutory holiday. Holiday schedules observed by county and city governments across the state vary considerably. No effort has been made to indicate holidays commonly observed by local governments.

Weekend closing policies also vary widely throughout North Carolina. All state offices are closed all day Saturday and Sunday. All local governments observe Sunday, but some are open on Saturday mornings, and a very few are open all day on Saturday.

This state of affairs makes it difficult to apply the provisions of G.S. 103-5, which permit transfer to the next business day of duties that are to be performed on dates that fall on Saturdays, Sundays, and holidays. In this calendar, duties that fall on a Sunday have been transferred to the next following business day and the transfer noted in the footnotes. Duties that fall on a Saturday have not been transferred. Calendar entries noting legal consequences that attach to a state of affairs as of a given date, as opposed to duties to be performed by some official, are never transferred.

In using this calendar, county and city officials are cautioned to take into account the Saturday closing and holiday schedules they actually observe, as these may differ in several instances from the schedule assumed in the calendar. In case of doubt, refer to the statutory reference given for each calendar entry, to G.S. 103-5, and to the local holiday schedule.

—Gregory S. Allison

HOLIDAYS
2019–2020
July 4
Independence Day
Closed
September 2
Labor Day
Closed
October 9
Yom Kippur
Open
October 14
Columbus Day
Open
November 11
Veterans' Day
Closed
November 28
Thanksgiving Day
Closed November 28, 29
December 25
Christmas Day
Closed December 24, 25, 26
January 1
New Year's Day
Closed
January 19
Robert E. Lee's Birthday
Closed
January 20
Martin Luther King Jr.'s Birthday
Closed
February 17
Washington's Birthday
Open
March 25
Greek Independence Day
Closed
April 10
Good Friday
Closed
April 12
Halifax Resolves Day
Open
May 10
Confederate Memorial Day
Closed
May 20
Mecklenburg Declaration Day
Open
May 25
Memorial Day
Closed

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ABBREVIATIONS

All—All County and City Officials	Clerk—City or Town Clerk
BE—Board of Education	FO—Finance Officer
BO—Budget Officer	GB—Municipal Governing Board
BT—Board of Trustees, Two-Year Institutions	SD—Special District
CC—Board of County Commissioners	TA—Tax Assessor

Date	City	County	Duty	Notes	Statutory Reference (G.S. unless noted)
MONTHLY DUTIES					
1			FO Transmit to state treasurer monthly payment for Aid to Blind.	1	111-17
5	FO	FO	Transmit monthly payroll deductions of employees covered by LGERS (Local Government Employees' Retirement System).	1, 2	128-30(g)
10		FO	Last day to remit to school finance officer fines, forfeitures, and penalties accruing during previous month.	1	115C-437
15		FO	Last day to make available monthly provision of funds to two-year institutions.	1	115D-58.2
	FO	FO	Monthly state income tax withholding report due for employers withholding \$500 or more, but less than \$2,000, a month.	1	105-163.6
		FO	Monthly social services statement of administrative costs and program expenditures due.	1, 2	108A-86
		FO	Monthly statement regarding IV-D (child support program) administrative expenditures due.	1, 2	110-130.1

MISCELLANEOUS DUTIES

JULY 2019

1–Mon.	All	All	Fiscal year begins today.		159-7
	FO	FO	First day of six-month period in which sales and use tax refund applications may be filed.		105-164.14(c)
15–Mon.	FO	FO	Report to secretary of Local Government Commission on amount of sinking funds on hand as of July 1 and how deposited or invested.	2	159-37
	FO	FO	Report to secretary of Local Government Commission on status of deposits and investments.	2	159-33
	FO	FO	Submit form TR-PEG to Secretary of Revenue certifying all public, educational, and governmental access channels provided for the city or county's use by cable service providers.	2	105-164.44); S.L. 2008-148

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Date	City	County	Duty	Notes	Statutory Reference (G.S. unless noted)
JULY 2019 (continued)					
22–Mon.	Mayor		Last day to file with State Department of Transportation statement relating to eligibility for Powell Bill funds and a certified map showing nonhighway street mileage in the city.	2, 3	136-41.1
30–Tues.	FO		Last day to file quarterly local public health expenditure report with State Department of Health and Human Services.	2	130A-4
31–Wed.	FO	FO	Quarterly federal income tax withholding report due. (Due August 10 if all deposits have been made.)	2	26 U.S.C. § 3402
	FO	FO	Quarterly state income tax withholding report due.		105-163.6
	FO	FO	Quarterly application for refund of state gasoline taxes due.		105-449.106
	FO	FO	Quarterly report and payment due to Unemployment Insurance Fund, Employment Security Commission.		96-9(a)(1)
AUGUST 2019					
1–Thur.	FO		Final accounting forms regarding community-based alternatives programs due with State Division of Youth Services.	2	7A-649
	FO		Last day to file with State Department of Transportation a statement of Powell Bill fund expenditures during preceding fiscal year.		136-41.3
30–Fri.	FO		Report on local health staff time and activity due to State Department of Health and Human Services.	2	130A-4
SEPTEMBER 2019 No Entries					
OCTOBER 2019					
30–Wed.	FO		Last day to file quarterly local public health expenditure report with State Department of Health and Human Services.	2	130A-4
31–Thurs.	FO	FO	Quarterly federal income tax withholding report due. (Due November 11 if all deposits have been made.)	2, 4	26 U.S.C. § 3402
	Clerk		Report to state insurance commissioner on firefighting equipment and water system.		58-84-46
	FO	FO	Quarterly report and payment due to Unemployment Insurance Fund, Employment Security Commission.		96-9(a)(1)
	FO	FO	Quarterly state income tax withholding report due.		105-163.6
	FO	FO	Quarterly application for refund of state gasoline taxes due.		105-449.106
	FO	FO	Submit annual financial information report to Local Government Commission.	2	159-33.1
	FO	FO	Last day to mail escheat notices to owners of abandoned property held by the unit on preceding June 30.		116B-28(b)
NOVEMBER 2019 No Entries					

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Date	City	County	Duty	Notes	Statutory Reference (G.S. unless noted)
DECEMBER 2019					
31–Tues.	FO	FO	Deadline for sales and use tax refund applications.		105-164.14(c)
	FO	FO	Semiannual report due to the Department of Administration, Office of Historically Underutilized Business, of spending of \$30,000 or more on a building project.	2	143-128.3(a)
JANUARY 2020					
15–Wed.	FO	FO	Report to secretary of Local Government Commission on amount of sinking funds on hand as of January 1 and how deposited or invested.	2	159-37
	FO	FO	Report to secretary of Local Government Commission on status of deposits and investments.	2	159-33
30–Thurs.		FO	Last day to file quarterly local public health expenditure report with State Department of Health and Human Services.	2	130A-4
31–Fri.	FO	FO	Quarterly state income tax withholding report due.		105-163.6
	FO	FO	Quarterly federal income tax withholding report due. (Due February 10 if all deposits have been made.)	2	26 U.S.C. § 3402
	FO	FO	Quarterly application for refund of state gasoline taxes due.		105-449.106
	FO	FO	Give each employee his or her withholding statement form.		105-163.7
	FO	FO	File form NC-3 together with all Department of Revenue copies of withholding statements furnished employees for preceding calendar year.	2	105-163.7
	FO	FO	Deadline for providing to each nationally recognized municipal securities information repository (NRMSIR) annual market disclosures agreed upon during the sale of General Obligation and certain Non-General Obligation Bonds.		SEC Rule 15c2-12
	FO	FO	File form TR-1 or TR-2, concerning unit's assessed valuation and property tax levy for current fiscal year, with State Department of Revenue.	2	105-453
	FO	FO	Quarterly report and payment due to Unemployment Insurance Fund, Employment Security Commission.		96-9(a)(1)
FEBRUARY 2020					
During Month	FO	FO	Return beer and wine questionnaire, necessary for obtaining beer and wine tax proceeds, to State Department of Revenue.	2	105-113.82
MARCH 2020 No Entries					

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Date	City	County	Duty	Notes	Statutory Reference (G.S. unless noted)
APRIL 2020					
During Month		CC	If there is a desire to change the method for distributing local sales tax proceeds among the county government and city governments therein, adopt resolution changing method of distribution and deliver certified copy to commissioner of revenue within fifteen days after adoption. New method of distribution will take effect July 1.		105-472
1–Wed.	FO	FO	Report to secretary of the Department of Administration on effectiveness and cost benefit of utilization of each of the construction methods authorized in G.S. 143-128(a1).	2	S.L. 2001-496, § 13
30–Thurs.	FO	FO	Quarterly federal income tax withholding report due. (Due May 10 if all deposits have been made.)	2	26 U.S.C. § 3402
	FO	FO	Quarterly application for refund of state gasoline taxes due.		105-449.106
	FO	FO	Quarterly report and payment due to Unemployment Insurance Fund, Employment Security Commission.		96-9(a)(1)
	FO	FO	Quarterly state income tax withholding report due.		105-163.6
	FO	FO	Last day to file quarterly local public health expenditure report with State Department of Health and Human Services.	2	130A-4
MAY 2020 No Entries					
JUNE 2020					
30–Tues.	All	All	Fiscal year ends today.		159-7
	FO	FO	Semiannual report due to the Department of Administration, Office of Historically Underutilized Business, of spending of \$30,000 or more on a building project.	2	143-128.3(a)
July 2020					
	FO	FO	Semiannual report due to the Department of Administration, Office of Historically Underutilized Business, of spending of \$30,000 or more on a building project.	2	143-128.3(a)
DUTIES CONNECTED WITH BUDGET PREPARATION AND ADOPTION					
JULY 2019					
1–Mon.	All	All	Fiscal year begins today.		159-7
		CC	Deadline for 2019–2020 budget ordinance adoption.		159-13(a)
		CC	Deadline for completing action on school budget, unless later date is agreed to by school board.		115C-429(b)
		CC	Deadline for completing action on two-year institution budget, unless later date is agreed to by board of trustees.		115D-55(a)
15–Mon.	SD	SD	Deadline for reporting tax rate to city or county collecting taxes, if district levies own taxes.		159-14

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Date	City	County	Duty	Notes	Statutory Reference (G.S. unless noted)
AUGUST 2019–MARCH 2020					
During Period	GB	CC	Select a certified public accountant to conduct 2019–2020 annual audit. Audit must be conducted as soon as possible after the close of the fiscal year.		159-34
APRIL 2020					
During Month	All	All	On date fixed by budget officer, before April 30, transmit to budget officer departmental requests and revenue estimates for 2020–2021 fiscal year.		159-10
15–Wed.		TA	Last day to certify to school superintendent amount of assessed valuation subject to supplemental tax, if any.		115C-511(b)
MAY 2020					
15–Fri.		BE	Deadline for submitting budget approved by board of education to board of county commissioners, unless later date is fixed by commissioners.		115C-429(a)
		BT	Deadline for submitting budget for two-year institution to board of county commissioners, unless later date is fixed by commissioners.		115D-55(a)
JUNE 2020					
1–Mon.	SD	SD	Deadline for submitting budget to tax-levying authority for district, if tax-levying authority has discretion as to rate.		159-14
	BO	BO	Submit 2020–2021 budget and budget message to governing board; publish in newspaper notice stating that budget has been filed and is open for public inspection and setting the time and place for public hearing on budget.		159-11
	GB	CC	Fix time and place for public hearing on budget. Budget ordinance may not be adopted until (1) ten days have elapsed from date budget is filed and (2) public hearing is held.		159-11
15–Mon.	GB	CC	Deadline for notifying special districts of rate of tax that tax-levying authority will approve for 2020–2021 fiscal year. Failure to notify by this date results in approval of full rate requested by district governing board.		159-14
	SD	SD	Deadline for notifying tax-levying authority of rate of tax to be levied, if tax-levying authority has no discretion as to rate.		159-14
30–Tues.	All	All	Fiscal year ends today.		159-7
During Month		TA	Before beginning of fiscal year following effective date of octennial reappraisal, submit eight-year budget for financing cost of next		153A-150
		BO	reappraisal to board of commissioners. In each subsequent year of octennial period, review appraisal budget and adjust as necessary.		
		CC	Within ten days after adoption of budget ordinance, file report on status of reserve with State Department of Revenue.		

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Date	City	County	Duty	Notes	Statutory Reference (G.S. unless noted)
JULY 2020					
1–Wed.	All	All	Fiscal year begins today.		159-7
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15–Wed.	SD	SD	Deadline for reporting tax rate to city or county that collects taxes, if district levies own taxes.		159-14

Notes

1. If in any month this date falls on a Sunday or holiday, and if the county or city offices are closed that day, G.S. 103-5 directs that the date on or by which the particular duty must otherwise be done is transferred to the next succeeding business day for the county or city.
2. This date is established by administrative action.
3. This date is transferred from Sunday, July 21.
4. This date allowed if deposits have been made is transferred from Sunday, November 10.

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d) **Compare Audit ending June 30, 2019 with Other Municipalities with Population < 9,999**

<https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/financial-analysis-tools-and-reports>

Due to time constraints, Ms. Batten provided handouts on the following for the Town Council to review when time allows:

1. Management's Discussion and Analysis page from the last five Audit years (2015 - 2019)
2. Pie Charts, Bar Graphs and Spreadsheet depicting the Town's Revenues per Capita from 2015 - 2019
3. Pie Charts, Bar Graphs and Spreadsheet depicting the Town's Expenditures per Capita from 2015 - 2019
4. Items #2 & #3 may be compared with other municipalities without electricity and with populations less than 9,999 as was provided on another handout made available on the NC Department of State Treasurer's website:

<https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/financial-analysis-tools-and-reports>

e) **Exercising Budget Skills & Sharing Budget Ideas**

Ms. Batten chose to forego the budget exercise skill due to time constraints and move to the next item: budget ideas.

Budget ideas mentioned were as follows:

- Sponsor a couple of summer concerts and include food trucks.
- Annual Town float for the Christmas parade.
- Partnership with ALCC to enhance Christmas decor.
- Increase hours for the Town Administrator.
- Potential revenue source for Town, require Town vehicle tags.
- Sponsor Fall festival/rent spaces and/or Family oriented Mardi Gras
- Join Triangle East Chamber of Commerce.
- Welcome sign for Town (possibly on water tower(s)).

Mike Gordon shared the following:

- N-Focus contract will be terminated as of April 2020.
- Al Benshoff, attorney with The Brough Law Firm, has been hired to work with Ms. Maybee to reorganize, revise and update certain high priority Zoning and Subdivision Ordinances for the Town and she will be sharing more information later in the meeting regarding that subject.
- Town plans to recognize N*Focus, specifically Bob Clark and Andy Thomas, for their services.

Having nothing further, Mr. Gordon suggested taking a 15-minute break.

5. **BREAK**

6. **PLANNING/ZONING ITEMS ~ JULIE MAYBEE**

a) **Bicycle and Pedestrian Plan - FINAL**

Ms. Maybee thanked everyone that participated in the Bicycle and Pedestrian Plan. Council Member Bruton suggested some changes and Ms. Maybee noted that she would do an addendum to incorporate the changes. The consensus of the Council was to keep shared paths off main roads.

Ms. Maybee provided the following presentation and discussion continued throughout:

Archer Lodge Bike and Pedestrian Plan



- North Carolina Division of Bicycle and Pedestrian Transportation has assisted numerous municipalities to develop 193 bicycle and pedestrian plans funded through NCDOT's Planning Grant Initiative program.
- In the 2018 grant cycle, the Town of Archer Lodge initiated a robust public involvement program. A steering committee was formed, citizen surveys were solicited, and public workshops were held to facilitate the development of Bicycle and Pedestrian Plan for the Town of Archer Lodge. Initially draft reviewed by staff, Steering Committee, Planning Board, Town Council.
- Promotes multi-modal mobility and will help guide these efforts for the town, the NCDOT, and associated local and regional partners.
- Feb. 29, 2020 & March 2, 2020 – Presentation to the Town Council on Final Draft of Plan

Purpose and Scope of Plan

The purpose of the *Archer Lodge Bicycle and Pedestrian Plan*, (hereafter referred to as the “*plan*”), is to evaluate the existing bicycle and pedestrian conditions within the Town of Archer Lodge and recommend programmatic and infrastructure projects to improve safety, connectivity, and well-being.

The scope of the *plan* included the following tasks:

- Analysis of existing conditions and demographics
- Review of existing plans and policies
- Policy and program recommendations
- Infrastructure improvements and cost estimates
- Identification of possible funding sources
- Public input through a Steering Committee and meetings
- Implementation strategies

Goals and Objectives

☐ **Promote Environmental, Public Health, and Safety Benefits of Biking and Walking**

Emphasize a safe and attractive environment through programs, policies, and partnerships: Recognize the environmental and public health benefits of biking and walking by providing active living environments with safe, connected, accessible facilities along with programs that encourage bicycling and walking.

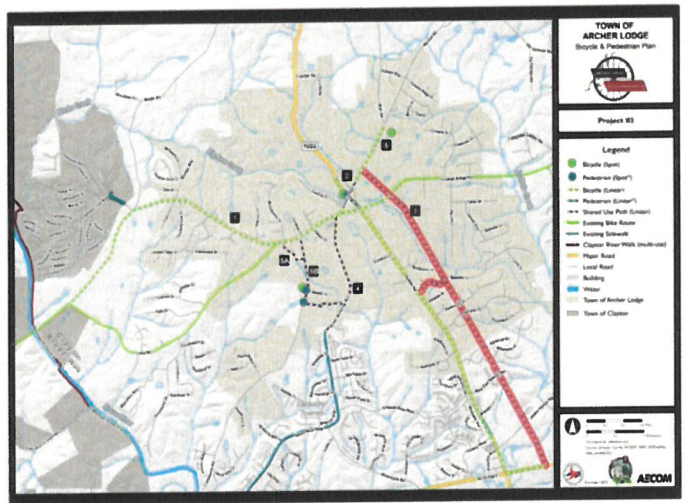
☐ **Encourage Economic Benefits of Biking and Walking**

Educate the community as to the economic benefits that improved bicycle and pedestrian infrastructure can have on surrounding businesses and residences. Recognize the secondary benefits resulting from bicycle and pedestrian infrastructure including household savings from alternative transportation modes, tourism, development goals, and property values.

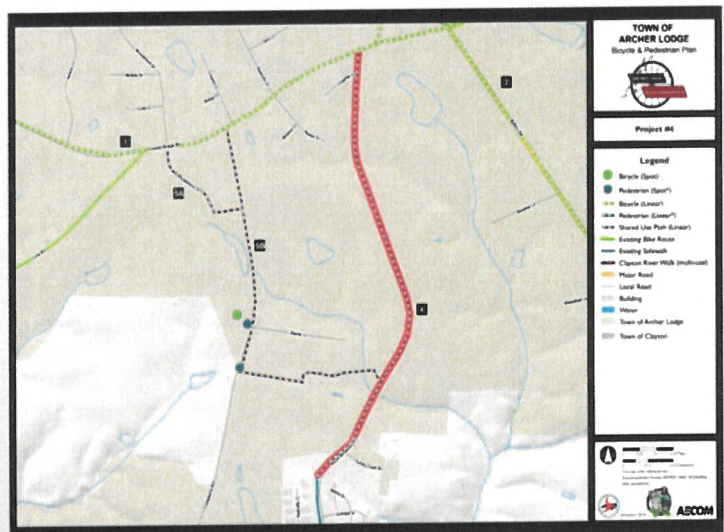
☐ **Connect Cultural Sites and Natural Resources**

Develop facilities and programs that enhance the connection between local and regional cultural sites and natural resources through bicycle and pedestrian facilities such as greenways or trails.

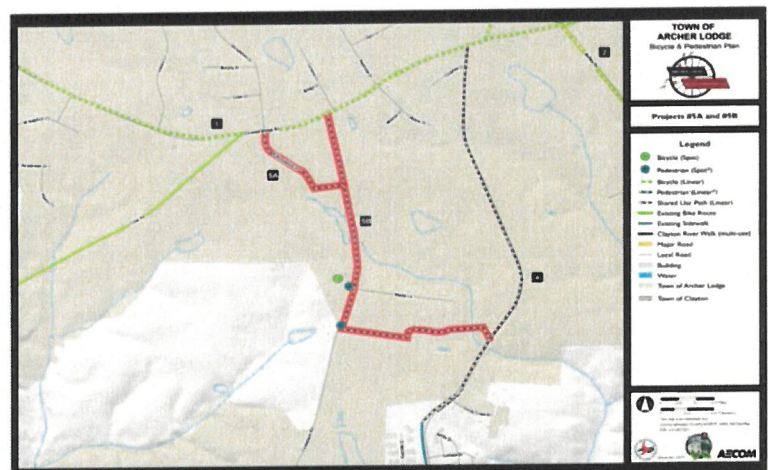
Priority (aka Project) #3 – Duke Energy Greenway



Priority #4 – South Murphrey Shared Use Improvements



Priority (aka Project) #5A&B – South Woodstone and Castleberry Road



Implementation Strategy

As referenced in Section 5 of the plan, the implementation strategy includes several components to facilitate programs and construct bicycle and pedestrian facilities:

- Key Action Steps: Describing actions to help the town implement the recommendations of this plan and improve overall bicycling and pedestrian facilities (see Table 5-1, pages 99-100)
- Project Development Strategies: Utilizing key action steps to implement specific projects (See pages 101- 104)
- Funding Process and Sources: Identifying and mobilizing funding for projects (see pages 104 – 105)
- Performance Evaluation Measures: Evaluating the effectiveness of projects (see Table 5-2, pages 107 – 108)

Key Action Steps

- Adopt the Town of Archer Lodge Bicycle and Pedestrian Plan.
 - Establish a Bicycle and Pedestrian Advisory Committee or appoint a town identified council member or interested citizen who will be responsible for overseeing the implementation of the plan.
 - Strengthen partnerships with Johnston County and its municipalities.
 - Coordinate with NCDOT Division 4 to incorporate projects on a regional scale.
 - Coordinate with the NC Capital Area Metropolitan Planning Organization (CAMPO) to include infrastructure projects in the metropolitan planning process.
 - Include bicycle and pedestrian facilities in town ordinances.
 - Adopt key zoning amendments including a sidewalk overlay district.
 - Apply for grants and explore other funding sources and develop local funding for match requirements for the plan's projects and programs.
 - Coordinate projects and programs with the Triangle Conservancy of North Carolina.
 - Partner with NC Department of Commerce and others to promote ecotourism.
 - Carry out programs that educate residents on the health benefits of bicycle and walking.
 - Program local funds for bicycle and pedestrian projects.
 - Coordinate with Region 7 Active Routes to School Coordinator.
 - Develop a wayfinding program.
 - Apply and participate in NCDOT's Watch for Me NC campaign to raise awareness and provide educational details.
 - Prepare the first Archer Lodge Bicycle and Pedestrian Annual Report.
 - Work with adjoining communities whenever possible.
- Note: See Table 5-1, page 99 for Timeline, etc.

Timeline

Action	Description	Stakeholder	Timeline
Establish a sidewalk maintenance program	Develop a sidewalk maintenance program.	Town council and town staff	Winter 2021
Apply for alternative funding sources for the plan's projects and programs	Refer to the funding sources identified in this plan in Appendix D; apply for funds in addition to the STIP process to implement programs and projects. Establish a fund to use for local match requirements.	BPAC /appointee and town staff	Ongoing
Partner with NC Department of Commerce	Develop and partnership with the NC Department of Commerce that will serve to promote ecotourism in the town.	Town staff, NC Department of Commerce	Winter 2020/ ongoing
Carry out programs that educate residents on the health benefits of walking and biking	Partner with the Johnston County Health Department, local schools, and other community organizations to implement encouragement and educational programs identified in Appendix B of this plan.	BPAC /appointee, and town staff	Winter 2021/ ongoing
Town budget planning	Identify potential funding sources for bicycle and pedestrian programs, projects and maintenance in the town's budget. Begin to accumulate funds that can be used for the local match required for most projects.	BPAC /appointee, town council and town staff	Winter 2022
Coordinate with Region 7 Active Routes to School Coordinator	Begin meeting with the Region 7 Active Routes to School Coordinator to establish and develop policy for implementation and/or training or programs for Archer Lodge.	BPAC /appointee, town staff, NCDOT, NC Division of Public Health	Spring 2020
Wayfinding Study	Identify locations for wayfinding signage and develop a system of unique and branded signs, possibly using a local artist.	BPAC /appointee, town council, town staff	Spring 2022
Watch for Me NC	Apply to participate in NCDOT's Watch for Me NC campaign to raise awareness and provide educational resources to promote bicycle and pedestrian safety to residents, drivers, and law enforcement.	BPAC /appointee, and town staff	Spring 2021/ Ongoing
Archer Lodge Bicycle and Pedestrian Annual Report/Memo	Prepare the first Archer Lodge Bicycle and Pedestrian Annual Report assessing progress made over the past year using the performance and evaluation measures included in this plan.	BPAC /appointee and town staff	Winter 2023

b) Archer Lodge, NC Code of Ordinances

Ms. Maybee shared a PowerPoint slide providing an overview of items that will be discussed following the Break. The overview slide appears as follows:

Agenda Item #6 B – Archer Lodge Code of Ordinances

- Overview:
 - New NC Chapter 160D
 - January 1, 2021 Deadline –Amend our Zoning & Subdivision Regulations and related ordinances to comply with new law.
 - Extensive checklist provided
 - Ongoing Training with the Planning Board and Board of Adjustment on New Chapter 160 D.
 - Board Recommendations:
 - Planning Board Goals and Objectives – 2020/21
 - Board of Adjustment Goals and Objectives- 2020/21

The extensive checklist from UNC School of Government appears as follows:



G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices

This checklist outlines provisions in the new Chapter 160D of the North Carolina General Statutes (hereinafter G.S.) as well as related statutory changes that will be incorporated into Chapter 160D. The changes to the statutes affect the language of local ordinances, the options for local decision processes, and the administrative practices related to development regulations.

This checklist is one piece of a larger set of resources and training materials, including an explanatory book, *Chapter 160D: A New Land Use Law for North Carolina*. Each item on this checklist is described more thoroughly in those additional resources. Section headers in this checklist note the corresponding chapter and section of the Chapter 160D book [in brackets]. Check nc160D.sog.unc.edu for additional resources and training.

The checklist has specific notations, which are accompanied by specific icons, as follows:

- Denotes **legislative changes** for which local governments **must** take action (statutory citations are in parentheses)
- Denotes **permissive legislative changes** for which local governments **may** take action
- ▲ Denotes **notable legislative changes** that do not require local action but of which local governments must **be aware**

*For items noted with an asterisk, local governments do not have authority for the change until January 1, 2021, unless legislation authorizes earlier effectiveness. Noted changes may be incorporated into ordinances and policies, but they must not be effective until 2021. All other changes may be adopted and effective immediately.

I. Terminology and Citations [Chapter 1, Section III]

- **Must** update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (See appendixes B and C in the Chapter 160D book.)
- **Must** align ordinance terminology with Chapter 160D terminology for *conditional zoning* and *special use permits*; must delete use of the terms *conditional use permit*, *special exception*, *conditional use district zoning*, and *special use district zoning*. (See G.S. 160D-102.)
- **Must** ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: *building*, *dwelling*, *dwelling unit*, *bedroom*, and *sleeping unit*. (S.L. 2019-111, § 1.17.)
- **May** align ordinance terminology with Chapter 160D terminology, including for the following terms: *administrative decision*, *administrative hearing*, *determination*, *developer*, *development*, *development approval*, *development regulation*, *dwelling*, *evidentiary hearing*, *legislative*

decision, legislative hearing, planning and development regulation jurisdiction, and quasi-judicial decision. (G.S. 160D-102.)

II. Geographic Jurisdiction [Chapter 2, Section I]

- *For extension of extraterritorial jurisdiction (ETJ), a municipality **must** provide mailed notice thirty days prior to ETJ hearing; municipality **may** hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d).)
- Municipality **may** hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)
- *For a parcel in two jurisdictions, the owner and the jurisdictions **may** agree for development regulations from one jurisdiction to apply to the entire parcel. (G.S. 160D-203.)
- *In ETJ, the county **may** elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)

III. Boards [Chapter 2, Section II]

A. In General

- **Must** adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)
- **Must** keep minutes of proceedings of each board. (G.S. 160D-308.)
- **Must** have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)
- **Must** update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)
- **Must** provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)
- **May** have detailed rules of procedure for each board; **may** be adopted by governing board; if not, then **may** be adopted by individual board; if adopted, **must** maintain board rules of procedure (by clerk or other officer as set by ordinance) and **must** post board rules of procedure to website, if the jurisdiction has a website. (G.S. 160D-308.)
- **May** establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority. (G.S. 160D-310.)
- **May** establish additional advisory boards related to development regulations. (G.S. 160D-306.)

B. Planning Board

- **May** assign to planning board the coordination of citizen engagement for planning. (G.S. 160D-301.)
- **May** assign planning board to serve as preliminary forum for review and comment on quasi-judicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board. (G.S. 160D-301.)

C. Board of Adjustment

- **May** assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.)
- **May** assign duties of housing appeals board to board of adjustment. (G.S. 160D-305.)

IV. Land Use Administration [Chapter 2, Section III]**A. In General**

- **Must** incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)
- **Must** maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)
- **Must** maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)
- **May** enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).)
- **May** charge reasonable fees for support, administration, and implementation of development regulation; **must** use any such fees for that purpose, not for other purposes. (G.S. 160D-402(d).)

B. Enforcement

- **Must** issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).)
- If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials; **must** have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- **May** perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; **must** perform (or contract for) inspections for building permits. (G.S. 160D-1113; -403(e).)

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- **May** perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).)
- **May** require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still **must** require certificate of occupancy for work requiring a building permit. (G.S. 160D-403(g).)
- **May** issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).)
- **May** continue to use general enforcement methods, including civil penalties, fines, court-ordered actions, and criminal prosecution. (G.S. 160D-404(c).)
- ▲ Be aware that a local government must bring a court action in advance of the applicable five- and seven-year statutes of limitation. (G.S. 1-51 and -49; established prior to Chapter 160D.)

V. Substance of Zoning Ordinance [Chapter 3, Section I]

- **Must** maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); **may** adopt and maintain in paper or digital format. (G.S. 160D-105.)
- **Must** eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district on January 1, 2021. (G.S. 160D-703; S.L. 2019-111, § 2.9(b).)
- ***May** incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; **may** incorporate *the most recent officially adopted version* of such maps so that there is no need for ordinance amendment for subsequent map updates; **must** maintain current effective map for public inspection; **may** maintain in paper or digital format. (G.S. 160D-105.)
- ***May** require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)
- **May** use form-based codes. (G.S. 160D-703(a)(3).)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)
- **May** apply zoning standards jurisdiction-wide, not just on a zoning-district-by-zoning-district basis. (G.S. 160D-703(d).)
- ***May** regulate development over navigable waters, including floating homes. (G.S. 160D-702(a).)

VI. Substance of Other Development Ordinances [Chapter 3, Section II]

- **Must** conform subdivision performance guarantee requirements with statutory standards. (S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)
- **Must** conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)
- **Must** exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)
- **Must** not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)
- ***Must** follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)
- **May** adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)

A. Historic Preservation

- **Must** follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)
- **Must** frame preservation district provisions as "standards" rather than "guidelines." (G.S. 160D-947(c).)
- ***May** choose for appeals of preservation commission decisions to go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)

B. Development Agreements

- **Must** process a development agreement as a legislative decision. (G.S. 160D-105.)
- **Must** have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).)
- **May** consider a development agreement concurrently with a rezoning, subdivision, or site plan; **may** consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. (G.S. 160D-1001(d).)
- ***May** address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.)
- **May** mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).)
- **May** include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an injunction to enforce a development agreement. (G.S. 160D-1008.)

VII. Comprehensive Plan [Chapter 4, Section I]

- **Must** adopt a comprehensive plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)
- **Must** adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)
- **Must** reasonably maintain a plan. (G.S. 160D-501(a).)
- **May** coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)
- **May** coordinate with other local governments, state agencies, or regional agencies on planning processes. (G.S. 160D-503(a).)

VIII. Legislative Decisions [Chapter 4, Section II]

A. Notice

- **Must** follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; **must** adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)
- For zoning-map amendments, **must** provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)
- For zoning-map amendments, **must** provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)
- For extension of ETJ, **may** use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)
- For zoning-map amendments, **may** require applicant to notify neighbors and hold a community meeting and **may** require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)

B. Planning Board Comment

- **Must** refer zoning amendments to the planning board for review and comment; **must** not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)
- **Must** have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)
- **May** refer development regulation amendments (other than zoning) to the planning board for review and comment. (G.S. 160D-604(c).)

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C. Plan Consistency

- When adopting an amendment to the zoning ordinance, **must** adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (**This eliminates the 2017 requirement that statements take one of three particular forms.*)
- **May** adopt plan-consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)
- ***May** meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)
- **May** concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)
- **Must** note on the applicable future land use map when a zoning-map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) (*This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.*)
- ***For** a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process. (G.S. 160D-501.)
- **Must** adopt a statement of reasonableness for zoning-map amendments; for such statements, **may** consider factors noted in the statutes; ***may** adopt a statement of reasonableness for zoning-text amendments. (G.S. 160D-605(b).)
- **May** consider and approve a statement of reasonableness and a plan-consistency statement as a single, combined statement. (G.S. 160D-605(c).)

D. Voting

- ***Must** permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).)

E. Certain Legislative Decisions

- **Must** prohibit third-party down-zonings; **may** process local government-initiated down-zonings (S.L. 2019-111, Pt. 1.)
- **Must** obtain applicant's/landowner's written consent to conditions related to a conditional-zoning approval to ensure enforceability. (S.L. 2019-111, Pt. 1.)
- **May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)

- With applicant's written consent, **may** agree to conditional-zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (S.L. 2019-111, Pt. I.)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

IX. Quasi-Judicial Decisions [Chapter 4, Section III]

A. Procedures

- **Must** follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)
- **Must** hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing **must** have testimony under oath; **must** establish written findings of fact and conclusions of law. (G.S. 160D-406.)
- Board chair **must** rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling **may** be appealed to the full board. (G.S. 160D-406(d).)
- **Must** allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; **may** allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)
- **May** continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)
- **May** distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then **must** distribute the same materials to the applicant and landowner at the same time; **must** present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)
- **May** have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.)
- **May** require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)
- ▲ **Be aware** that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)

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- ▲ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)

B. Certain Quasi-Judicial Decisions

- **Must** not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (S.L. 2019-111, Pt. 1.)
- **Must** obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (S.L. 2019-111, Pt. 1.)
- **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; **must** presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- ***May** adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).)
- **May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional-use-district zoning. (G.S. 160D-102.)
- **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification" by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)

X. Administrative Decisions [Chapter 4, Section IV]

A. Development Approvals

- **Must** provide development approvals in writing; **may** provide in print or electronic form; if electronic form is used, then it **must** be protected from further editing. (G.S. 160D-403(a).)
- **Must** provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)
- **Must** provide that development approvals run with the land. (G.S. 160D-104.)
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).)
- **May** require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements). (G.S. 160D-403(h).)
- **May** set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) **Be aware** that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)

- **May** set expiration of development approvals if work is discontinued; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).)
- **May** authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then **must** define "minor modifications" by ordinance and **must** not include modification of permitted use or density of development; major modifications **must** go through full applicable approval process. (G.S. 160D-403(d); -703(b); -705(c).)

B. Determinations

- **Must** provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)
- **May** designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).)
- **May** require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)

C. Appeals of Administrative Decisions

- **Must** allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building-code and housing-code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)
- **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)
- **Must** require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)
- **Must** pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)
- **May** assign the duty of hearing appeals to another board; if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.)
- **May** designate that appeals be filed with the local government clerk or another official. (G.S. 160D-405.)

XI. Vested Rights and Permit Choice [Chapter 5, Section I]

A. Vested Rights

- **Must** recognize that building permits are valid for six months, as under prior law. (G.S. 160D-108(d)(1).)
- **Must** recognize the default rule that development approvals are valid for twelve months, unless adjusted by statute or local rule. (G.S. 160D-108(d)(2).)
- **Must** identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108(d)(3); -108(f).)
- **Must** recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(d)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)
- **May** provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(c), -405.)
- ▲ **Be aware** that a person claiming vested rights may bring an original civil action in court, skipping administrative determination and board of adjustment consideration. (G.S. 160D-405(c).)
- ▲ **Be aware** that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(g); S.L. 2019-111, Pt. I.)

B. Permit Choice

- **Must** not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 160D-108(b).)
- ▲ **Be aware** that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but **may** require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 160D-108(b); S.L. 2019-111, Pt. I.)
- ▲ **Be aware** that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (S.L. 2019-111, Pt. I.)

XII. Judicial Review [Chapter 5, Section II]

A. Declaratory Judgments

- ▲ **Be aware** that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures. (G.S. 160D-1401.)
- ▲ **Be aware** that other civil actions may be authorized—Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)

B. Appeals of Quasi-Judicial Decisions

- ***Must** update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)
- **Must** provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.)
- ▲ **Be aware** that on appeal a party may request a stay of the approval or enforcement action. (G.S. 160D-1402(e).)
- ▲ **Be aware** that a local government may seek a stay in favor of itself (to prevent development under an approval). (G.S. 160D-1402(e).)
- ▲ **Be aware** that if, in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk. (G.S. 160D-1402(f).)
- ▲ **Be aware** that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (S.L. 2019-111, § 1.9.)
- ▲ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)
- ▲ **Be aware** of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (S.L. 2019-111, § 1.9.)

C. Subdivision Decisions

- **May** establish a rule that administrative subdivision decisions are appealed to the board of adjustment. (G.S. 160D-1405.)
- ▲ **Be aware** that appeals of administrative subdivision decisions may be appealed directly to superior court. (G.S. 160D-1403.)
- ▲ **Be aware** that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari. (G.S. 160D-1402.)

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D. Attorneys' Fees

- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a city or county violated a statute or case law setting forth unambiguous limits on its authority. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice and vested rights statutes. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court may award attorneys' fees in other matters of local government litigation. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

E. Additional Judicial Rules

- △ **Be aware** that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari. (G.S. 160D-1402(m).)
- △ **Be aware** that a local government **must** not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing. (S.L. 2019-111, Pt. I.)
- △ **Be aware** that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits. (S.L. 2019-111, Pt. I.)

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In reviewing the required 160D Checklist of Changes to Local Ordinances, Policies and Practices as provided by UNC School of Government and shared by Ms. Maybee that must be in place by January 2021, Mayor Mulhollem recommended another 15-minute break.

7. **BREAK**

8. **PLANNING/ZONING ITEMS (CONT.) ~ JULIE MAYBEE**

a) **Archer Lodge, NC Code of Ordinances (cont.)**

Following the break, Ms. Maybee provided more in-depth slides on those same topics for further discussion which appear below:

- New NC Chapter 160 D & The Brough Law Firm
- Ongoing Training with the Planning Board and Board of Adjustment on New Chapter 160 D
- Board Recommendations
- Planning Board Goals & Objectives 2020/2021
- Board of Adjustment Goals & Objectives 2020/2021

- New NC Chapter 160D
 - Brough Law Firm Memorandum
 - Executive Summary
 - Annotated Outline
 - Draft Table of Contents
 - Draft Comparison of Current Chapter 2 and 30 with a Revised/Updated Chapter 30

The Brough Law Firm Memorandum appears as follows:



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MEMORANDUM

TO:

Mayor Matt Mulhollem, Mayor Pro-Tem Clyde Castleberry, Council Members Teresa Bruton, J. Mark Jackson, James (Jim) Purvis, III, Mark Wilson, Town Attorney Chip Hewett, Town Administrator Mike Gordon, Planning Director Julie Maybee

FROM:

Al Benshoff, The Brough Law Firm 

RE:

A REORGANIZED AND REVISED/UPDATED ZONING AND SUBDIVISION ORDINANCE FOR THE TOWN OF ARCHER LODGE

DATE:

February 24, 2020

1. EXECUTIVE SUMMARY. The Brough Law Firm was hired to revise/update certain high priority ordinances for the Town. The first task assigned was to produce an annotated outline. The outline explains what will be done and provides a draft structure for a new zoning and subdivision ordinances. Task 1 consists of three documents. They documents are listed in Table 1.

Table 1.

A Reorganized and Revised Zoning and Subdivision Ordinance (this Memo)
Draft Table of Contents (TOC) for the Revised/Updated Zoning and Subdivision Ordinance
Draft Comparison of Current Chapters 2 and 30 with a Revised/Updated Chapter 30.

Last July the General Assembly adopted the first complete revision of the statutes governing municipal zoning ordinances for the first time since the 1970s'. These amendments are called Session Law (SL) 2019-111. The Session Law has two parts. Part I was written by the N.C. Homebuilders Association. Part II is a new General Statutes (GS) Chapter called 160D. Chapter 160D replaces GS Chapter 160A, Article 19, Planning and Development. Different sections of Chapter 160D have different effective dates. See Table 2 for the

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FEBRUARY 29, 2020

BUDGET PLANNING RETREAT MEETING

Page 26 of 40

effective dates. One of the principal GOALS of this project is to make every amendment compliant with SL 2019-111.

Table 2: Deadlines from SL 2019-111

EFFECTIVE DATE	STATUTE
July 26, 2019 or Oct. 1, 2019	SL 2019-111 Part 1
January 1, 2021	SL 2019-111 Part 2, Chapter 160D
July 1, 2022	SL 2019-111 Part 2, Section 2.9(c) Jurisdictions without current comprehensive plans will not have the authority "to adopt and apply zoning regulations" unless a plan is adopted by the deadline.

2. SUGGESTED IMPROVEMENTS of a GENERAL NATURE.

A. ORGANIZATION. Organization is key to any complicated regulation. The current ordinances are in two chapters. Not all requirements are grouped together. In the new TOC, like requirements are placed together. For example, all procedures are in the same Article 3.

B. AMBIGUOUS LANGUAGE. Unclear language requires interpretation. Interpretations may vary over time. Ambiguity leads to confusion and possibly disagreement. Disagreements can lead to more appeals. In the revisions we will strive to be as clear as possible. Terms or art will be defined. All definitions will be collected in the same Article.

C. ENHANCED STANDARDS. Some standards have not been updated. An example is the commercial development standard. Changes in the statutes and case law that occurred before SL 2019-111 have not always been incorporated in the ordinance. The standards required by the courts or General Assembly will be updated. The Town will provide a priority list of standards to be updated.

D. NEW STANDARDS. As the Town has grown, it has become apparent that there are several holes in the existing ordinance. Sometimes a standard does not exist to handle a given situation or development proposal. This rewrite is a good opportunity to add necessary standards.

3. CHAPTER 30 ARTICLE SUMMARIES.

Feb. 19, 2020

Page 2

ARTICLE 1. GENERAL PROVISIONS. Article 1 describes the consolidation of the Town's subdivision, zoning, water supply watershed and flood damage regulations and explains the Town's authority to have these land development regulations. The Article explains the purpose, intent and applicability of the new ordinance. It explains the transition from the old ordinance to the new Chapter 160D compliant ordinance. The article also contains some rules that apply to all the articles such as the rules about vested rights, and the sunset of development approvals, in certain situations.

ARTICLE 2. ADMINISTRATIVE BODIES. All the bodies that make the ordinance work are collected in one place. There are separate sections for the Town Council, Planning Board, Board of Adjustment and Staff. Numbers of members of each board or Council and some procedural rules are stated.

ARTICLE 3. PROCEDURES. Procures for obtaining permits, conducting hearings and administering the ordinance are found across the existing ordinance. They are collected in one place. If desired, duplicative procedures will be stated once, then incorporated by reference into following procedures. For example, the same notice requirements apply to zoning text amendments, zoning map amendments, comprehensive plan amendments and others. There is no reason to repeat the procedure under every section for every amendment.

ARTICLE 4. ZONING DISTRICTS. This section is similar to the existing ordinance. The zoning districts and their intents are described here. Dimensional standards for each district are described in a table or drawing.

ARTICLE 5. USES. The uses per district are described here. A table of all the uses allowed in each district (except overlay districts) will be located here. A standard for dealing with uses not found in any district will be provided. Until 2016 uses not listed in a table of permitted uses were always deemed to be not permitted. In 2016 the N.C. Court of Appeals ruled that all uses not listed are permitted anywhere. (The first case changing the long-established rule is *Dr. Land v Town of Wesley Chapel*.) This means that the Town needs a permitted use table that lists all the uses the Town wants by zoning district and all the uses that can be identified by that the Town does NOT want.

ARTICLE 6. DEVELOPMENT & ENVIRONMENTAL STANDARDS. All the standards (except subdivision) will be located in this Article. Standards will be updated as directed by the Town, or the legislature (i.e. Chapter 160D) or

Feb. 19, 2020

Page 3

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the courts. For example, the Supreme Court's decision in *Reed v Gilbert, AZ* requires that the sign ordinance be amended.

ARTICLE 7. SUBDIVISION STANDARDS. The subdivision standards will be located here, or possibly here and in an appendix. For example, the plat certifications could be listed in an appendix.

ARTICLE 8. NON-CONFORMITIES. There several kinds of non-conformities - uses, structures and lots. Each will be addressed in its own sections.

ARTICLE 9. ENFORCEMENT. Sometimes the Town must use its powers to enforce its ordinances. The standards and procedures for enforcing the zoning and subdivision ordinances will be revised to conform to the General Statutes.

ARTICLE 10. DEFINITIONS. The definitions found in several places will be consolidated and updated as needed. Recent statutory amendments added new definitions that must be incorporated.

APPENDICES. The current appendices will be kept. New appendices may be added, with the Town's approval.

4. CONCLUSION. Each revised or new ordinance will be given to the Town for review and comment well before its mandatory adoption date. As new cases are decided and the General Assembly adopts new statutes, adjustments will be made throughout the course of the project. Please direct questions and comments to Julie Maybee. She will send them to the best person to give an answer. This is a big project, but if small steps are made every month, the deadline of Jan. 1, 2021 can be met.

The Brough Law Firm thanks you for this opportunity.

Feb. 19, 2020

Page 4

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Ms. Maybee continued with the PowerPoint presentation as follows:

New Planning Legislation

- General Assembly adopted the first complete revision of the statutes governing municipal zoning ordinances for the first time since 1970's. (Session Law 2019-111 consists of two parts.)
- Brough Law Firm was hired to revise/update high priority ordinances for the Town . One of the principal goals of this project is to make every amendment compliant with the new law. The Brough Memorandum the executive summary explains what will be done and provides a draft structure for a revised/updated zoning and subdivisions ordinances. Suggested improvements of a general nature are provided regarding:
 - Ordinance Organization
 - Ambiguous Language
 - Enhanced Standards.
 - New Standards

New Planning Legislation

- ☐ Brough Law Firm executive summary elaborates on the general contents each planning and zoning article, etc;
- ☐ A draft Table of Contents for the Revised/Updated Zoning and Subdivision Ordinance is provided; and
- ☐ Draft Comparison of the Current Chapter 2 and 30 with the Revised/Updated Chapter 30 is provided. The draft comparison is especially helpful in showing where existing ordinance provisions will be inserted into the revised ordinance.

Planning Board Goals 2020/2021

Consideration of Goals:

- ☐ **160D Information Modules Training – UNC School of Government**
 - ☐ What is 160D? (Conducted 1.15.20)
 - ☐ Jurisdictions and Board (Conducted 1.15.20)
 - ☐ Context and Backgrounds
 - ☐ Substance of Development Ordinances
 - ☐ Comprehensive Plan Requirement
 - ☐ Decision Types and Specific Approvals
 - ☐ Administrative Land Use Decisions
- ☐ **Collaborate with Town Council/Board of Adjustment**
 - ☐ Uniform Rules of Procedure Consistent with NC General Statute 160 D
- ☐ **Joint Meeting with Town Council/Planning Board/Board of Adjustment – Fall 2020**

Planning Board Goals 2020/2021

Consideration of Goals (Continued)

- ☐ **Review Comprehensive Plan and Land Use Ordinance (Zoning Regulations)**
- ☐ **Prepare Outline of Revised (Proposed) Land Use Ordinance**
 - ☐ Show Sections to be Revised
 - ☐ Show where existing sections or topics or sections will be found.
 - ☐ Consider "Objectives" and "Action Items" in the 2020 Comprehensive Land Use Plan
- ☐ **Revise Subdivision Ordinance**
 - ☐ Add Subdivision Plat Certifications to an Appendix
 - ☐ Clarify when a transportation impact analysis is required
 - ☐ Add Penalties for failure to dedicate roads for ongoing maintenance
 - ☐ Revise Requirement for payment-in-lieu of dedication of land for recreation
 - ☐ Review Family Subdivision Procedures
 - ☐ Add Subdivision Development Options.

Planning Board Goals 2020/2021

Consideration of Goals (Continued)

- ☐ **Revise/Add Design Standards, including but not limited to:**
 - ☐ Commercial Design Standards
 - ☐ Street Standards
 - ☐ Connectivity Standards
 - ☐ Mail Kiosk Standards
- ☐ **Update Water Supply Protection Standards in Accordance with NC Law**
- ☐ **Other?**

Board of Adjustment Goals 2020/2021

- Consideration of Goals:
- 160D Information Modules Training – UNC School of Government
 - Quasi-Judicial Land Use Decisions
 - Judicial Review of Land Use Decisions
 - Administrative Land Use Decisions
- Ongoing Training
 - Collaborate with Town Council/Planning Board
 - Uniform Rules of Procedure Consistent with NC General Statute 160 D
 - Joint Meeting with Town Council/Planning Board in Fall 2020
 - Other?

- Budget items for review:
- Fee in Lieu Of
 - Permit Fees
 - Variance Request Fee

9. **OTHER TOPICS OF DISCUSSION ~ MIKE GORDON**

a) **Capital Project Ordinance - Archer Lodge Town Park**

Mr. Gordon shared a proposed Capital Project Ordinance# AL2020-03-1 for the Archer Lodge Town Park project. He explained that the project will extend over a three-year period and the Ordinance matches the Project Costs Statement as submitted in the PARTF Application. Having no further comments, Ms. Batten advised that Capital Project Ordinance# AL2020-03-1 will appear on the March 2, 2020 Regular Town Council Meeting Agenda for consideration.

(INTENTIONALLY LEFT BLANK)

Capital Project Ordinance# AL2020-03-1 appears as follows:

ORDINANCE# AL2020-03-1

TOWN OF ARCHER LODGE

CAPITAL PROJECT ORDINANCE

ARCHER LODGE TOWN PARK

BE IT ORDAINED by the Town Council of the Town of Archer Lodge, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized by this ordinance is for a town park.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$	813,008
Design/Engineering	\$	146,342
Contingency	\$	40,650
Total	\$	<u>1,000,000</u>

Section 4. The following funding sources are anticipated to be available to complete this project:

NC PARTF Grant	\$	500,000
Town Funds	\$	500,000
Total	\$	<u>1,000,000</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements and any state regulations that may apply.

Section 6. The Finance Officer is directed to report, as needed by Council, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 7. Copies of this capital project ordinance shall be filed with the Finance Officer/Town Clerk for direction in carrying out this project.

DULY ADOPTED THIS, THE 2ND DAY OF MARCH 2020.

TOWN OF ARCHER LODGE

ATTEST:

Matthew B. Mulhollem, Mayor

(SEAL)

Kim P. Batten, Town Clerk

b) PARTF Grant & Landscape Architect/Designer/Engineer Agreement (Year 1, Year 2, Year 3)

Mr. Gordon shared the following information:

- Proposed Agreement between the Town and Susan Hatchell Landscape Architecture, PLLC is for three-year period.
- Regarding the initial park drawing, NCDOT is requiring the driveway entrance to be moved.
- The speed limit will not need to be reduced at the new location of the park entrance according to NCDOT.
- Farmhouse on the park land was inspected by an Historical Inspector and moving the structure is a possibility.
- Quotes for the maintenance of the park grounds are forthcoming.

Having no further comments, Ms. Batten advised that the Agreement will appear on the March 2, 2020 Regular Town Council Meeting Agenda for consideration.

(INTENTIONALLY LEFT BLANK)

FEBRUARY 29, 2020

BUDGET PLANNING RETREAT MEETING

Page 32 of 40

The Agreement between the Town of Archer Lodge and Susan Hatchell Landscape Architecture, PLLC appears as follows:

AGREEMENT BETWEEN CLIENT AND LANDSCAPE ARCHITECT

This Agreement, effective as of March 2, 2020, is between Town of Archer Lodge and Susan Hatchell Landscape Architecture, PLLC in Raleigh, NC for the following Project:

Archer Lodge Town Park Phase 1

Necessary work will include the planning, design and construction phase services for Phase 1 of Archer Lodge Town Park in Archer Lodge, NC. Work includes the preparation of construction documents for the following: earthwork, sedimentation and erosion control, new driveway from Castleberry Road, gravel entrance drive and parking lot, stormwater, water extension, site electrical, internal sidewalk connections, 200' little league ballfield (with lighting, irrigation, dugouts, infield, sprigging and fencing), 200' girls softball (with lighting, infield, sprigging, irrigation, dugouts and fencing), one-half mile of walking trail, planting, seeding, trash and recycling receptacles, entrance sign, site fencing and gates.

- Susan Hatchell Landscape Architecture (SHLA) – Project Management, Landscape Architectural Services
- NVS – Civil Engineering
- GeoTechnologies – Geotechnical investigations for planning
- S&ME – septic field investigations

Year 1 (2020): Design and Permitting for all Park Development
Year 2 (2021): Construction of Site Work Package (Site grading, water line, entrance drive and gravel parking lot construction, sidewalks and trails, seeding, perimeter fencing and gates)
Year 3 (2022): Construction of Site Recreational Facilities Package (Two softball fields (with lighting, fencing, dugouts, infield, sprigging, irrigation), playground, planting, entrance sign, waste and recycling receptacles.

Article 1 Landscape Architect's Basic and Additional Services

Year 1 (2020): Design and Permitting

Year 1, Task 1: Kick-off

- 1) Site Review of investigations prepared by others and to be provided for the Design Team include:
 - a) Topographic survey of the site, survey provided by Owner dated March 22, 2019 by Coulter Jewell Thames, PA.
 - b) Geotechnical information will be obtained after final site layout is approved.
 - c) Potential septic tank and field location for future structures will be obtained.
 - d) Testing of the water pressure (by Owner) is required to evaluate if the existing water extension to the park will be sufficient for irrigation and future structures.
- 2) Obtain available topographic, planimetric, digital photo and soils GIS data or other available resources to augment the field topographic survey for the construction plans as needed to supplement for drainage area maps and exhibits required for permitting.
- 3) No wetlands, streams and riparian buffers are within the proposed project limits.
- 4) Prepare base map in AutoCAD format from topographic survey.
- 5) Project kick-off meeting with Town Staff (One (1) meeting in Archer Lodge).
- 6) Determine local and state development guidelines and regulations.
- 7) Prepare and maintain project schedule and project contact list.

Year 1, Task 1 Deliverables: Base Mapping, project schedule, contact list, meeting minutes

Year 1, Task 2: 30% Master Planning/Schematic Design (SD)

- 1) NV5 will meet with the district NCDOT office to establish the best driveway location into the site from Castleberry Road.
- 2) Determine septic usage rate with the County, make soils investigations and prepare location of possible septic for park.
- 3) Revise the existing park Master Plan to show updated layout of park development in CADD, based on survey information.
- 4) Meet with NC RRS representative to review preliminary park layout and compliance with PARTF grant requirements.
- 5) Prepare grading concepts for park development.
- 6) Revise layout of parking lot, septic, ballfields, etc.
- 7) Present to town staff for approval (One (1) meeting - SHLA, NV5)
- 8) The Design Team will prepare 30% SDs which will include a Cover Sheet, Existing Conditions Plan, Site Demolition and Clearing Plan, and Site Layout Plan.
- 9) Prepare preliminary cost estimate.
- 10) Conduct regular Design Team meetings in Raleigh.
- 11) NV5 will coordinate with the Town of Archer Lodge the preliminary designs for water and on-site utilities through one staff meeting. (One (1) meeting in Archer Lodge - NV5)
- 12) A preliminary phasing plan will be prepared.
- 13) Preliminary Review Meeting with Town Staff to review plans (One (1) meeting in Archer Lodge - SHLA, NV5)
- 14) Prepare preliminary permitting and regulatory approval plan identifying key requirements, including governing codes, ordinances, and regulatory reviews needed to comply with all federal, state and local regulations.

Year 1, Task 2 Deliverables: 30% Schematic Design PDF Review set, 30% preliminary cost estimate, project schedule, updates to include general time frame for the overall project, design phases, milestones, anticipated construction for two construction packages.

Year 1, Task 3: 50% Construction Drawings (CD)

- 1) Incorporate 30% SD plan comments into a 50% CD set to include the following sheets:
Cover Sheet, Existing Conditions Plan, Site Demolition and Clearing Plan and details, Site Layout Plan and details, Grading and Storm Drainage Plan and details, Park Entrance Drive Permit drawings, Sedimentation and Erosion Control Plans and Details, Ballfield Layout Plans and Details, Ballfield Lighting Plans and Details, Ballfield Irrigation Plans and Details, Playground Layout Plans and Details, Water Line Extension Plan and Details, Grading and Storm Drainage Plans, Utility Plans and Details, Stormwater Plans and Details.
- 2) Prepare stormwater management calculations and design plans to address water quantity and water quality modeling as required by the Authority Having Jurisdiction (AHJ). The plans will address detention/retention system, implementation of best management practices (Stormwater BMP's) to address requirements limiting nitrogen runoff. The stormwater BMPs required for the project will be based on the differences between the amounts of existing impervious versus the proposed impervious. If required, a number of stormwater BMP's will be considered for this project and incorporated into the design if feasible. Appropriate calculations, details, and drawings will be provided.
- 3) Preliminary utility plan addressing the connection of the potable water, fire services, and sanitary sewer services. It is assumed that potable water is readily available to the site.
- 4) NV5 will incorporate the findings of an environmental soil scientist into the preliminary plans and adjust as necessary to avoid and preserve suitable septic soils for later use. In

- addition, the need for additional fire hydrants will be evaluated with regards to the location of the fire lines for future structures and Fire Department Connections.
- 5) Coordination with Duke Energy for electrical service and site lighting.
 - 6) Obtain ballfield lighting plans from ballfield lighting manufacturer.
 - 7) Obtain ballfield irrigation plans from irrigation manufacturer.
 - 8) Prepare stormwater management plan and calculations.
 - 9) Prepare plans for sidewalks, one-half mile crushed screening trail, ballfield and perimeter fencing, entrance gates, sign and playground.
 - 10) Prepare 50% CD Specifications and cost estimates.
 - 11) Conduct regular Design Team meetings in Raleigh.
 - 12) Coordinate and anticipate constructability, construction phasing and scheduling issues.
 - 13) Review Meeting with Town Staff to review plans (One (1) meeting in Archer Lodge - SHLA, NV5)

Year 1, Task 3 Deliverables: 50% CD Review Set (PDF), 50% Specifications, Stormwater Management Plan and Calculations

Year 1, Task 4: Permitting/Site Plan Approvals

- 1) Apply for and obtain approval from district NCDOT for driveway permit into the site. Apply for and obtain permit from Johnston County for the appropriate stormwater, erosion control, and waterline extension permits.
- 2) Anticipated permits needed include: Zoning Permit (Town of Archer Lodge), Sedimentation and Erosion Control, Utility, Septic, Stormwater and Water (Johnston County)
- 3) Assist the environmental soil scientist with permitting any future septic fields.
- 4) Provide responses and modifications to regulatory comments and refine drawings to secure approvals. Final document submission shall include all necessary information to facilitate timely completion of all permitting agency applications and reviews prior to advertisement of project for construction.
- 5) Meet and confer with regulatory agencies, local building officials and pertinent governmental agencies all associated utility companies to determine their requirements and to help identify all related costs associated with and anticipated to be assigned to the project.
- 6) All permit and review fees are the responsibility of Archer Lodge.

Year 1, Task 4 Deliverables: Necessary permit drawing sets and other materials to secure required permits and approvals listed above.

Year 1, Task 5: 100% Construction Drawing and Specification Phase

- 1) 50% CD set comments and permitting comments will be incorporated into a 100% CD submittal.
- 2) Continued coordination with all team members.
- 3) Conduct regular Design Team meetings in Raleigh.
- 4) Review draft 100% drawings and discuss plans, value engineering if necessary, construction phasing, construction alternates, and proposed construction schedule with the Town at a design meeting (one (1) meeting in Archer Lodge - SHLA, NV5).
- 5) 100% CD drawing set to include:
 - a) Cover Sheet, Existing Conditions Plan, Site Demolition and Clearing Plan and details, Site Layout Plan and details, Grading and Storm Drainage Plan and details, Park Entrance Driveway, Sedimentation and Erosion Control Plans and Details, Ballfield Layout Plans and Details, Ballfield Lighting Plans and Details, Ballfield Irrigation Plans and Details, Playground Layout Plans and Details, Water Line Extension Plan and Details, Grading and

- Storm Drainage Plans, Utility Plans and Details, Stormwater Plans and Details.
- 6) Continued coordination with NC RRS staff.
 - 7) Draft 100% CD Drawing set to be submitted to Town staff for review. (PDF)
 - 8) The Consultant will prepare a final 100% CD set based on review comments.
 - 9) Final 100% CD set will include up to two (2) bid phases (Site Grading Package and Recreational Facilities Package. The Site Grading Package will be bid in 2021, the Site Recreational Facilities Package will be bid in 2022.
 - 10) Preparation of 100% specifications. (including front end documents)
 - 11) Preparation of 100% cost estimate. (shall reflect any design revisions and possible alternates) and be updated and reconciled to confirm adjustments in program or scope necessary to meet project budget restrictions)
 - 12) Final 100% CD Drawing set to be submitted to Town Staff.

Year 1, Task 5 Deliverables: Project schedule, updates, reports, Draft 100% CD review set (PDF), 100% CD Final Set of Contract Documents for bidding, 2 hard copy sets (11" x 17") and two (2) project manuals, PDF digital bid sets (24" x 36" PDF plans and 8 x 11" PDF project manual) (includes front end documents and technical specifications) on disc, and appropriately sized for emailing, final cost estimate.

YEAR 2 (2021): Site Work Package Bidding and Construction

Year 2, Task 1: Bidding

- 1) SHLA will assist the Town with Bidding of the Site Work Package:
 - a) Prepare bid advertisement to be placed by the Town.
 - b) Coordinate pre-bid meeting. (location to be determined by Town)
 - c) Provide document clarifications, respond to bidder questions and issue addenda as required.
 - d) Review bid proposals after Bid opening by the Town. (SHLA will attend Bid Opening)
- 2) Certify the bid tabulation and recommend construction award when bids are received.
- 3) Prepare and coordinate Notice to Proceed.
- 4) Plan sets will be available digitally and will be provided to plan rooms, and the Town. Hard copy plan set distribution will be by the Town if requested by General Contractors.
- 5) Assist Owner in contract negotiations and preparation of a General Construction Contract.

Year 2, Task 1 Deliverables: Pre-bid agenda and meeting minutes, Certified Bid Tab, Notice to Proceed, updated schedule

Year 2, Task 2: Construction Administration

- 1) Provide construction administration and observation including:
 - a) Preconstruction conference
 - b) Regular biweekly scheduled site observation and meetings (up to 12 meetings during a six-month construction period)
 - c) Submittals and shop drawing review
 - d) Review and process contractor pay applications
 - e) Preparation of change orders and construction change directives and requests for information.
 - f) Conduct substantial completion meeting and punch list (one meeting in Archer Lodge).
 - g) Final inspection and necessary follow-up for completion of work (one meeting in Archer Lodge).

Year 2, Task 2 Deliverables: Pre-construction agenda and meeting minutes, CA Documentation

YEAR 3 (2022): Site Recreational Facilities Package Bidding and Construction

Year 3, Task 1: Bidding

- 6) SHLA will assist the Town with Bidding of the Site Amenities Package:
 - a) Prepare bid advertisement to be placed by the Town.
 - b) Coordinate pre-bid meeting (location to be determined by Town).
 - c) Provide document clarifications, respond to bidder questions and issue addenda as required.
 - d) Review bid proposals after Bid opening by the Town (SHLA will attend Bid Opening).
- 7) Certify the bid tabulation and recommend construction award when bids are received.
- 8) Prepare and coordinate Notice to Proceed
- 9) Plan sets will be available digitally and will be provided to plan rooms, and the Town. Hard copy plan set distribution will be by the Town if requested by General Contractors.
- 10) Assist Owner in contract negotiations and preparation of a General Construction Contract.

Year 3, Task 1 Deliverables: Pre-bid agenda and meeting minutes, Certified Bid Tab, Notice to Proceed, Updated schedule

Year 3, Task 2: Construction Administration

- 2) Provide construction administration and observation including:
 - a) Preconstruction conference
 - b) Regular biweekly scheduled site observation and meetings (up to 12 meetings during a six-month construction period)
 - c) Submittals and shop drawing review
 - d) Review and process contractor pay applications
 - e) Preparation of change orders and construction change directives and requests for information.
 - f) Conduct substantial completion meeting and punch list. (one (1) meeting in Archer Lodge)
 - g) Final inspection and necessary follow up for completion of work. (one (1) meeting in Archer Lodge)

Year 3, Task 2 Deliverables: Pre-construction agenda and meeting minutes, CA Documentation

B. Additional Services beyond Landscape Architect's Basic Services may be provided if confirmed in writing.

The following is a list of services that are NOT included in the Basic Services listed above:

- Redesign of Site Recreational Facilities Package after initial design.
- As built survey to adjust base mapping to reflect changes made after Site Work Package is complete.
- Additional design based on changes to funding due to grants or other funding changes.
- Presentations or attendance at Council Meetings.
- Surveys, elevations, and locations of underground or above ground utilities, facilities, or plants.
- Land acquisition services and/or legal services.
- Design and Permitting of off-site Utility, off-site Road and Sidewalk improvements.

- Traffic and signal impact analysis or design.
- Road widening design and permitting shall be considered separate from the tasks listed above.
- Hydrant Flow and Pressure Tests.
- Construction stakeout services and As-built surveys.
- Phase 1 and Phase 2 environmental assessments.
- Environmental engineering - such as identification or mitigation or wetlands, streams, Stream buffers, FEMA floodways, flood plain, etc.
- Administration of outside consultant's contracts for wetlands, environmental, surveying, geotechnical services during construction, or coordination of their work.
- Reviews, presentations, and revisions not listed above.
- Public participation processes and public meetings.
- Design or permitting of Additional Park entrances.
- ADA certification of sidewalks and/or trails.
- Preparation of Site Lighting Plans.
- LEED design and calculations.
- Fast track scheduling that would require overtime pay.
- Preparation of Mylar plans, sections, elevations, renderings or sketches.
- Landscape maintenance plans.
- Cultural resources/archeological investigations.
- Non-standard systems such as solar, photovoltaic, geothermal, rainwater catchment, or electric vehicle charging stations.
- Additional bid alternates beyond 3 per bid phase.
- Multiple copies of plans for reviews other than those listed above.
- Bid set printing other than listed above.
- Express review meetings with local code officials.
- Redesign or value engineering of the project after bidding.
- Services not specifically listed in the above Scope of Services.

C. Excluded Services are not a part of Basic or Additional Services and are the responsibility of others. Excluded Services include, but are not limited to, the following:

- Subsurface conditions
- Soil issues (including suitability for plant material, soil content, level of compaction);
- Lot line location or surveying services
- Hazardous waste identification or removal
- Wetland, stream or buffer delineation or mitigation
- Above or subsurface utility relocations
- Architectural design
- Retaining wall design or structural engineering

D. Landscape Architect agrees to provide its professional services in accordance with generally accepted standards of its profession.

Article 2 Client's Responsibilities

A. Client agrees to provide Landscape Architect with all information, surveys, reports, and professional recommendations and any other related items requested by Landscape Architect in order to provide its professional services. Landscape Architect may rely on the accuracy and completeness of these items.

B. Client shall furnish the services of the following consultants if their services are deemed to be necessary: surveyors, environmental specialists, structural engineers.

- C. Client agrees to advise Landscape Architect of any known or suspected contaminants at the Project site. Client shall be solely responsible for all subsurface soil conditions.
- D. Client will pay for all necessary permits from authorities with jurisdiction over the Project.
- E. Client agrees to provide the items described in Article 2.A and to render decisions in a timely manner so as not to delay the orderly and sequential progress of Landscape Architect's services.
- F. Susan M. Hatchell, FASLA will serve as Project Manager for Susan Hatchell Landscape Architecture, PLLC. Mike Gordon will serve as Project Manager for the Town of Archer Lodge.

Article 3 Estimated Schedule and Project Budget

- A. Landscape Architect shall render its services as expeditiously as is consistent with professional skill and care. During the course of the Project, anticipated and unanticipated events may impact any Project schedule.
- B. As of the date of this Agreement, Client's Project and construction budget has not been established. Client agrees to promptly notify Landscape Architect if Client's schedule or budget changes. Client acknowledges that significant changes to the Project or construction schedule or budget or to the Project's scope may require Additional Services of Landscape Architect.
- C. Schedule: Three-year period with specific dates to be determined.

Article 4 Compensation and Payments

- A. Client agrees to pay Landscape Architect as follows:

1. Basic Services:

A. Basic Services Fee

Year 1: Design, Investigations and Permitting	\$101,750
Year 2: Construction Phasing, Site Work Package Bidding & Construction Phase Services	\$19,440
Year 3: Site Recreational Facilities Package Bidding & Construction Phase Services	\$10,670
Total:	\$131,860
(Includes mileage and incidental printing, scanning and postage)	

2. Additional Services:

- A. Additional Meetings \$800 each

Standard Hourly Rates and Direct Expenses are as follows:

SHLA, PLLC Professional Hourly Fees:

Landscape Architect	\$130
Landscape Project Mgr.	\$100
CAD/Designer	\$90
NV5 Senior Project Manager	\$175

Senior Engineer \$155

- B. Reimbursable Expenses for Additional Services include, but are not limited to: reproduction, postage, and handling of documents; long distance and facsimile charges; authorized travel; and Client requested renderings and models.
- C. Landscape Architect shall bill Client for Basic and Additional Services and Reimbursable Expenses once a month. All payments are due Landscape Architect upon receipt of invoice.

Susan Hatchell, FASLA, PLA, LEED AP
Susan Hatchell Landscape Architecture, PLLC

Name _____



Title _____

Dated February 5, 2020
NC Landscape Architect No. 528

Dated _____

10. **CLOSING REMARKS ~ ARCHER LODGE TOWN COUNCIL**
Mayor Mulhollem asked that the meeting resume in the Jeffery D. Barnes Council Chambers for Item#10.

- a) Mayor Mulhollem shared the following:
- Town might want to consider purchasing another Speed Limit Radar Sign.

- Due to increasing activities, Mayor Mulhollem informed Council that an increase in the Budget for the Town Administrator position to allow for more hours.
- Groundbreaking at Park Land to include Mr. and Mrs. Smith

-
- b) Council Member Jackson recommended the following:
- Incentive policy to encourage annexation.
 - Need for a Learning Resource Center in the Town.
-

- c) Mayor Pro Tem Castleberry mentioned the following:
- Suggested having an entrance to the Park Land from Murphy Road.
 - He would not be attending the Monday, March 2, 2020 Town Council Meeting.
 - He agreed to remove Section 3-50 - Carrying concealed handgun in town-owned buildings on the proposed Ordinance Regulating Firearms Within the Town of Archer Lodge.
-

- d) Council Member Bruton mentioned naming the Park with considerations being given to Mr. and Mrs. George Smith.
-

- e) Mr. Wilson shared that his concerns for the maintenance of the Archer Lodge Memorial Site had been addressed.
-

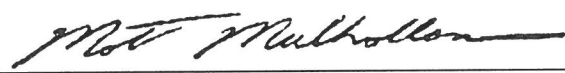
- f) Council Member Purvis recommended that the Town continue to be proactive of the needs of the Archer Lodge Community Center Recreation.
-

11. ADJOURNMENT ~ MAYOR MULHOLLEM

- a) Mayor thanked all for attending a successful Budget Planning Retreat Meeting.

Adjourned Budget Planning Retreat Meeting at 2:30 p.m.

CARRIED UNANIMOUSLY



Matthew B. Mulhollem, Mayor



Kim P. Batten, Town Clerk

