



Regular Council Meeting & Public Hearing Minutes on the Proposed Annual Budget Ordinance for FY 2020-2021

Monday, June 1, 2020

COUNCIL PRESENT:

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

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney
Julie Maybee, Town Planner
Al Benshoff, Special Attorney (Remotely)
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

Council Member Bruton

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

Due to the State of Emergency, State of NC Guidelines and to limit the spread of Coronavirus (COVID-19), Attorney Benshoff attended remotely via Webex Video Conferencing.

b) Pledge of Allegiance

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

2. APPROVAL OF AGENDA:

a) No changes or additions noted.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. CONSENT AGENDA:

a) Approval of Minutes:

06 Jan 2020 Regular Council Meeting Minutes

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Approved Consent Agenda.

CARRIED UNANIMOUSLY

5. PUBLIC HEARING:

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

a) Proposed Annual Budget Ordinance for FY 2020-2021

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

Mayor Mulhollem asked if there were any **Public Comments.**

- There were no public comments.

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

Moved by: Council Member Jackson

Seconded by: Mayor Pro Tem Castleberry

Approved to Open Public Hearing at 6:36 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved to Close Public Hearing at 6:37 p.m.

CARRIED UNANIMOUSLY

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Engaging May & Place, PA to Audit Financial Records and Approving the Audit Contract for Fiscal Year June 30, 2020

Ms. Batten explained engaging an audit firm and approving the audit contract annually. She reminded Council that at the April 6, 2020 Regular Council Meeting, Staff shared the results of the Request for Proposal for Auditing Services for a five-year contract and recommended continuing with May & Place, PA for that service. Having no further discussion, Mayor Mulhollem called for a motion to approve the Letter of Engagement and Audit Contract with May & Place, PA for Fiscal Year ending June 30, 2020.

The Approved Letter of Engagement with May & Place, PA to Audit Financial Records for Fiscal Year ending June 30, 2020 appears as follows:

May & Place, PA

CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 900
LOUISBURG, NC 27549
Bus: 919-496-3041
Fax: 919-496-6342

SCOTT H. MAY, CPA
DALE R. PLACE, CPA, CFE

May 21, 2020

To the Honorable Mayor and Town Council Members
14094 Buffalo Road
Archer Lodge, NC 27527

We are pleased to confirm our understanding of the services we are to provide the Town of Archer Lodge for the year ended June 30, 2020. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Archer Lodge as of and for the year ended June 30, 2020. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Archer Lodge's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Archer Lodge's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Local Government Employees' Retirement System's Schedule of the Proportionate Share of the Net Pension Liability and Contributions.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Archer Lodge's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and individual fund statements
- 2) Budgetary schedules and other schedules

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Archer Lodge and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the Town of Archer Lodge's financial statements. Our report will be addressed to the Honorable Mayor and Town Council of the Town of Archer Lodge. We cannot provide assurance that unmodified opinions will be

expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Town of Archer Lodge is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste and abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal

acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Archer Lodge's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the Town of Archer Lodge in conformity with U.S. generally accepted accounting principles based on information provided by you. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with U.S. generally accepted accounting principles, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the

supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other non-audit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to Town Council; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

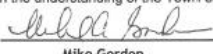
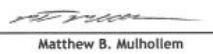
The audit documentation for this engagement is the property of May & Place, PA and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of May & Place, PA personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately July 01, 2020 and to issue our reports no later than October 31, 2020. Dale Place is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be \$8,000.00 for the audit and \$4,500.00 for the financial statement preparation. Our invoices for these fees will be rendered in accordance with the North Carolina Local Government Commission instructions as detailed in the contract. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the Town of Archer Lodge and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy, and return it to us.

Very truly yours,
May & Place, PA
May & Place, PA
RESPONSE:
This letter correctly sets forth the understanding of the Town of Archer Lodge.
Management signature: 
Mike Gordon
Title: Town Administrator
Date: 1-June 2020
Governance signature: 
Matthew B. Mulhollem
Title: Mayor
Date: 6-1-2020

The Approved Audit Contract with May & Place, PA for Fiscal Year ending June 30, 2020 appears as follows:

LGC-205	CONTRACT TO AUDIT ACCOUNTS	Rev. 9/2019
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The	Governing Board
of	Town Council
of	Primary Government Unit (or charter holder)
	Town of Archer Lodge
and	Discretely Presented Component Unit (DPCU) (if applicable)
	N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	May & Place, PA
	Auditor Address
	PO Box 900 Louisburg, NC 27549

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Audit Report Due Date
	6/30/2020	10/31/2020

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

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3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.
14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.
15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

29. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

30. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

31. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

32. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☒ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Kim P. Batten	Finance Officer/Town Clerk	kim.batten@archerlodgenc.gov

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year billings. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Archer Lodge
Audit Fee	\$ 6,000.00
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$ 4,500.00
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$ 7,875.00

DPCU FEES (if applicable)

Discretely Presented Component Unit	N/A
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval <i>(not applicable to hospital contracts)</i>	\$

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SIGNATURE PAGE

AUDIT FIRM

Audit Firm*	
May & Place, PA	
Authorized Firm Representative (typed or printed)*	Signature*
Dale Place	
Date*	Email Address*
5/21/2020	dale@mayandplace.com

GOVERNMENTAL UNIT

Governmental Unit*	
Town of Archer Lodge	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S. 159-34(a) or G.S. 115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Matthew B. Mulhollem	
Date	Email Address
6-1-2020	matt.mulhollem@archerlodgenc.gov

Chair of Audit Committee (typed or printed, or "NA")	Signature
N/A	
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Kim P. Batten	
Date of Pre-Audit Certificate*	Email Address*
6/1/2020	kim.batten@archerlodgenc.gov

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LGC-205

CONTRACT TO AUDIT ACCOUNTS

Rev. 9/2019

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

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

DPCU Finance Officer (typed or printed)*	Signature*
N/A	
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT

Page 8 of 8

Moved by: Council Member Jackson
Seconded by: Mayor Pro Tem Castleberry
Approved Letter of Engagement and Audit Contract with May & Place, PA to Audit Financial Records for Fiscal Year Ending June 30, 2020.
CARRIED UNANIMOUSLY

b) Presentation of Planning Board Recommendations:

- Text Amendments - Code of Ordinance, Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, Article VI, Subdivisions**

Ms. Maybee shared her appreciation to the Planning Board and Attorney Benshoff's assistance in updating the ordinances. She reiterated the discussion at the Budget Planning Retreat, February 29, 2020, regarding a lot of changes to the ordinances, bringing current provisions up-to-date, and addressing the 160D changes. She further noted that the Proposed Revision of Chapter 30 - Zoning & Subdivisions, Article VI - Subdivisions are to clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with State Law.

Ms. Maybee mentioned that she emailed the **Planning Board Recommendations** to Town Council earlier today and has provided a hard copy this evening for reference and appears as follows:



TOWN OF ARCHER LODGE
14094 Buffalo Road
Archer Lodge, NC 27527
Main: 919-359-9727
Fax: 919-359-3333

Mayor:
Matthew B. Mulhollem

Council Members:
Clyde B. Castleberry
Mayor Pro Tem
Teresa M. Bruton
J. Mark Jackson
James (Jim) Purvis, III
Mark B. Wilson

To: Town Council
From: Julie Maybee, Town Planner
Date: June 1, 2020
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm
Re: Proposed Revision of Chapter 30 - Zoning & Subdivisions, Article VI. – Subdivisions.

Background Information:

North Carolina laws have changed, or in the process of changing, that affect the development of land in Archer Lodge, NC. As referenced at the Council’s recent budget retreat, revisions to the Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - Zoning and Subdivisions, are proposed to clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with State Law.

Planning Board Recommendation:

On May 20, 2020, the Planning Board deliberated and recommended approval of the proposed amendments to Chapter 30, Zoning & Subdivisions, Article VI - Subdivisions, as presented (see below), upon finding: the proposed amendments are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws. Furthermore, the proposed amendments are in compliance with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka “Comprehensive Plan”, and other adopted Town plans having bearing on the matter. The proposed revisions will aid in the implementation of the Comprehensive Plan - Action Plan that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town’s physical or financial resources.

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ARTICLE VI. – SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 30-285. - Intent.

It is the intent of this article to provide an orderly process for division of land into lots or parcels for the purpose of sale and/or building development by property owners. It is also this article's intent to ensure that subdivided lots or parcels can be used safely to build on without danger to the health, safety, and general welfare of both the prospective or future owners in the Town's community, and that subdivisions are provided with and provide for adequate and efficient access and coordination of streets, water and/or sewage, parks, schools, playgrounds and other public requirements and facilities where appropriate.

Sec. 30-286. - Authority and Jurisdiction.

- (a) The regulations of this article are adopted under the authority of G.S. section 160A-371 which authorizes the Town to regulate the subdivision of land.
- (b) The regulations of this article shall govern each and every subdivision of land within the corporate limits of the Town as now or hereafter established.

Sec. 30-287. - Applicability.

No land shall be subdivided, platted, or recorded, nor shall subdivided lots or parcels be sold, offered for sale, used, or occupied unless and until a final plat of the subdivision has been approved under this article and has been recorded by the county register of deeds. ¹ No lot or parcel resulting from a division of land excluded from the definition of subdivision in section 30-288 shall be sold, offered for sale, used, or occupied until the Zoning Administrator certifies that such division of land falls within one of the exclusions listed in the definition of subdivision. No plat of any division of land within the Town's planning jurisdiction shall be filed or recorded by the county register of deeds unless it contains the Town Zoning Administrator's certification that the division of land has been approved under, or is not subject to, this article.

Sec. 30-288. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction plat means a plan with supporting data for a proposed subdivision, developed for the purpose of establishing the layout and provision of roads and utilities.

Flag lot means an irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm, or flagpole, of the lot.

Flood hazard boundary map means the official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk management zones applicable to the Town.

Full service access or No control of access. Connections between streets or streets and driveways where no physical or other restrictions to movement exist. For example, a connection from a residential subdivision

¹ Courts can order a subdivision by metes-and-bounds descriptions. Property may pass through an estate by metes-and-bounds descriptions. See update definition of subdivision.

street to a collector street means a street intersection that is not restricted to emergency vehicles only and allows full turning movements.

Official plans mean any plans officially adopted by the Town Council as a guide for the development of the Town consisting of maps, charts, and texts.

Open space and common open space and recreation area means any space or area characterized by great natural scenic beauty or whose openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding development, or would maintain or enhance the conservation of natural or scenic resources; or any undeveloped or predominately undeveloped land that has value for one or more of the following purposes:

- (1) Park and recreational uses;
- (2) Conservation of land and other natural resources, including floodplains and wetlands; or
- (3) Historic or scenic purposes.

Passive open space or recreation areas include scenic resources, any undeveloped or predominately undeveloped land used for informal walking trails, picnic areas or similar uses. The following land uses, or land areas cannot be used to meet open space requirements of this article:

- (1) Roads, road rights-of-way, driveways, or parking areas.
- (2) Open areas within individual subdivision lots.
- (3) Small, narrow strips of land, or other unusual land configurations that are not consistent with the objectives of this article.
- (4) Protected wetlands, floodways, but not flood plains or water supply watershed stream or water body buffers.

Performance Guarantee shall mean any of the following forms of guarantee:

- (1) Surety bond issued by any company authorized to do business in this State.
- (2) Letter of credit issued by any financial institution licensed to do business in this State.
- (3) Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

The developer/applicant shall select the form of the performance guarantee from the list above.

Public sewer system means any sewer system whether operated publicly or privately unless the sewer source is located on a lot and serves only that lot in accordance with G.S. 130A-311—130A-343.

Public water system means any water system whether operated publicly or privately unless that water source is located on a lot and serves only that lot in accordance with G.S. 130A-311—130A-343.

Recreation areas, Active include playfields, tot lots, tennis courts, swimming pools and similar active play uses.

Shared Use Path also known as a multi-use trail or a greenway, a facility designed to meet ADA standards, which may be used by bicyclists, pedestrians, and other non-motorized users. The path is separated from the roadway by an open-space or a physical barrier or within an independent right-of-way. A rail trail, built within the right-of-way of a former railroad, is a shared use path. (From [Bicycle and Pedestrian Plan](#) [2020]).

Significant Tree(s) are overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant".²

Street Classifications: The three street classifications for the Town are:

- (1) Arterial: Arterial streets function primarily to serve through-traffic movement. Limited land-access service may be accommodated. Traffic controls and street design are intended to provide efficient through-traffic movement. All U.S. and some N.C. numbered highways are examples of arterial streets.

² To be further defined later.

- (2) Collector: Collector streets penetrate areas, neighborhoods, public service areas, and districts. They are intended to provide both through-traffic and land-access services in relatively equal proportions, often linking the local street system to the arterial street system. Examples of a collector street include some N.C. and S.R. numbered streets.
- (3) Local: Local streets primarily serve land-access functions. They are intended to accommodate land parcel ingress and egress. Through-traffic movement is difficult and discouraged by traffic controls and street design. Examples of a local street include streets internal to subdivisions and rural areas.
- (4) Public: A street owned by the N.C. Dept. of Transportation or another government.
- (5) Private: A street owned by a non-governmental person, including but not limited to corporations, partnerships, individuals, homeowner's associations.

Subdivider means any person who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.³

In subsection (1) of this definition, the phrase "previously subdivided and recorded" means under a recorded plat or other instrument of transfer containing a metes and bounds description if lots were created prior to the existence of applicable subdivision regulations, or under a validly approved and recorded plat if such lots were created after the existence of applicable subdivision regulations. In subsection (2) of this definition, the phrase "where no street right-of-way dedication is involved" means that adequate access to such lot is provided by an approved existing street (public or private).

Subdivision, commercial, means the subdivision of an existing development on a parcel/lot or recorded parcel that consists of institutional, industrial, commercial and/or office uses. Such a subdivision would create two or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots provided:

- (1) That an entity is designated to be legally responsible for maintenance and control of the common land areas;
- (2) That the property has an approved site plan, valid for the development, prior to application for commercial subdivision;

³ Added to G.S. 160A-376 Definition [of subdivision] in 2017

- (3) That all parking areas, drive aisles, and open space if applicable, shall be the common land area; and
- (4) The individual lots within a commercial subdivision meet the lot design standards of this article.

Subdivision, major, means any subdivision creating five or more lots.

Subdivision, minor, means a subdivision of a parent parcel, creating four lots or less, in which:

- (1) Does not involve any new dedication of public right-of-way to give access to interior lots or parcels;
- (2) Does not involve the extension of public water or sanitary sewage lines;
- (3) Will not adversely affect the development of the remainder of the parcel or of adjoining property; and
- (4) Will not create any new or residual parcels which do not satisfy the requirements of this article or other applicable local and state controls.

Zoning Administrator means the employee designated by the Town Administrator in charge of the Town's planning, zoning and subdivision functions.

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions⁴

- (a) Any owner or agent of the owner of any land located within the Town's jurisdiction who subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Johnston County Register of Deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Secs. 30-290 - 30-309. - Reserved.

DIVISION 2. - PROCEDURES FOR APPROVAL OF MINOR SUBDIVISIONS

Sec. 30-310. - Application Submittal Requirements.

Applications for minor subdivision approval, along with any required fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material that may reasonably be required to determine compliance with this division. Minor subdivision plats shall comply with the mapping requirements of sections 30-385 and 30-386. The Zoning Administrator shall not accept an application unless it complies with such requirements. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

⁴ Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions.

Sec. 30-311. - Zoning Administrator Action.

When an application for minor subdivision approval is accepted, the Zoning Administrator shall determine if the plat and application conform with all applicable regulations. The Zoning Administrator (also known as the "Administrator") shall act on an application based solely on the findings as to compliance with applicable regulations and conditions. The Administrator shall approve; approve subject to conditions; deny; or refer to the major subdivision approval process, if s/he finds it to be a major subdivision proposal or if requested by the applicant. If the Zoning Administrator refers the request to a major subdivision review, an amended application shall be submitted as required in Division 3 of this article. The Zoning Administrator may impose reasonable conditions on his approval to ensure the subdivision complies with the intent and requirements of this division.

Sec. 30-312. - Actions Subsequent to Decision.

The Zoning Administrator shall notify the applicant of his decision on the applicant's application for a minor subdivision approval and shall file a copy of the decision in the office of the Zoning Administrator. The Zoning Administrator shall endorse his approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator and one blue line copy shall be on file with the county department of environmental health. Approval of any minor subdivision plat is void if it is not properly recorded within 60 days after the Zoning Administrator's endorsement of approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Plats shall conform to the drawing specifications and certification requirements of sections 30-385 and 30-386.

Sec. 30-313. - Appeal of Decision.

The Zoning Administrator's decision on a minor subdivision application may be appealed to the Planning Board under section 2-32.

Secs. 30-314—Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)⁵

The Zoning Administrator will review a final plat prior to recordation, and sign the required certificates, only if all the following conditions apply:

- (a) The division will not create parcels greater than 10 acres where no street right-of-way dedication is involved.
- (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (c) The entire area of the tract or parcel to be divided is greater than five acres.
- (d) After division, no more than three lots result from the division.
- (e) After division, all resultant lots comply with all of the following:
 - (1) Any lot dimension size requirements of the applicable land-use regulations, if any.
 - (2) The use of the lots is in conformity with the applicable zoning requirements, if any.
 - (3) A permanent means of ingress and egress is recorded for each lot.

Sec. 30-315 - 30-344. - Reserved.

DIVISION 3. - PROCEDURES FOR APPROVAL OF A MAJOR AND/OR COMMERCIAL SUBDIVISION

Sec. 30-345. - Preliminary Plat Approval.

⁵ Required by SL 2017-10 amending G.S. 160A-376 Definition [of Subdivision], effective July 1, 2017

All major and commercial subdivisions must have a preliminary plat approval from the Town Planning Board prior to any final plats being recorded with the Johnston County Register of Deeds.

Sec. 30-346. - Preliminary Conference.

Applicants proposing major subdivisions, including commercial and other non-residential subdivisions, are encouraged to first consult with the Zoning Administrator to ensure that the applicant understands the requirements of this division.

Sec. 30-347. - Application Submittal Requirements.

Applications for major and commercial subdivision preliminary plat approval shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of applications, as well as any other material it may reasonably require to determine compliance with this division, subject to approval by the Town Council. The Zoning Administrator shall not accept an application unless it complies with such requirements, including written confirmation that the applicant is the owner or agent having a valid ownership interest, or a valid enforceable contract or option for an ownership interest in the property involved. An incomplete application shall be returned to the applicant, with a notation of its deficiencies.

Sec. 30-348. - Traffic Impact Analysis (TIA) Submittal Requirement.

(a) *Purpose:* Archer Lodge is committed to maintaining and improving the quality of life for current and future citizens. A major factor affecting the quality of life has become traffic congestion along the major thoroughfares and local streets within urbanizing areas. By requiring a traffic impact analysis (TIA), the Town can evaluate the effect proposed development will have on the Town's existing traffic system and enable the Town to require specific improvements. The intent of this section is to provide developers with a clear policy as to the Town's TIA expectations and to ensure that all developments are treated equally through the establishment of specific guidelines and improvement requirements.

(b) *Requirement thresholds:*

- (1) Residential subdivision proposing 100 lots/units or more.
- (2) Nonresidential subdivision proposed which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.
- (3) Any residential or nonresidential development requiring a special use permit or site plan approval which generates an average daily traffic count of 1,000+ vehicles per day or 100+ trips during peak hour of generator. This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Note #1: The count is cumulative; as a proposed development reaches the threshold, a TIA will be required for the entire development. As new phases are proposed and once a development has reached the threshold, an additional TIA will be conducted for each additional phase.

Note #2: Failure to meet all requirements listed within this section may constitute disapproval of the development request.

(c) *Retention of expert assistance and reimbursement by applicant*

- (1) The Town shall hire a consultant and/or expert necessary to assist the Town in preparing, reviewing, and evaluating the traffic impact analysis, and at the request of the Town may be asked to look at other specific issues.
- (2) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the performance and review of any analysis. The initial deposit shall be established by the Town and may be changed within the discretion of the Town. These funds shall be deposited at the time the subdivision application is submitted and the Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall bill or invoice the Town no more frequently than monthly for its

services in reviewing the application and performing its duties. The applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance established by the Town and may be changed within the discretion of the Town. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the subdivision application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant. All invoices submitted by the applicant shall be itemized and be public records available for inspection.

- (3) The total amount of the funds needed as set forth above may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as reasonably required and requested by the Town, shall be paid by the applicant. However, notwithstanding any other provisions of this section, if the total amount paid to the consultant exceeds \$7,500.00 for a single application, such amount shall be subject to review and approval by the Town Council at the request of the applicant.
- (4) The developer may have a TIA conducted by a consultant of his or her choice but will be required to be submitted for review and evaluation by the Town's consultant. Any cost associated with the Town's review shall be paid by the developer as described in subsections (c)(2) and (3).

(d) *Traffic impact analysis guidelines.* All traffic impact analyses shall be completed in accordance with the guidelines listed in section 3 of the Johnston County Land Design Manual.

(e) *Improvement requirements.*

- (1) Left turn lane, right turn lane, and/or right turn taper. Based on requirements of the NCDOT Driveway Manual or other NCDOT standards.
- (2) *Additional right-of-way.* If a subject development falls along a road projected to be widened by NCDOT or an adopted Town or Johnston County plan, additional right-of-way along the development's road frontage shall be dedicated as deemed acceptable by NCDOT.
- (3) *Offsite improvements.* If a road segment or intersection is currently performing at level of service (LOS) D or better and is projected to perform at LOS E or F at the time of build-out, improvements must be made to maintain the road segment or intersection at LOS D. If a road segment or intersection is currently performing at level of service (LOS) E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA shall demonstrate how an LOS D could be achieved and also specify what improvements must be made to ensure that the road segment or intersection is not degraded any further than the current levels.
- (4) *Other necessary improvements.* Additional improvements may be required based on the TIA recommendations related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, circulation, and other potential traffic issues resulting from the proposed development. Additionally, the Planning Board may determine that additional improvements are necessary to ensure the safety and welfare of the Town's citizens and travelers.⁶

Sec. 30-349. - Zoning Administrator's Report.

The Zoning Administrator shall forward to the Planning Board an analysis of an application for major and commercial subdivision preliminary plat approval and his recommendation.

Sec. 30-350. - Planning Board Review and Action.

(a) After receiving the Zoning Administrator's report on an application for major or commercial subdivision preliminary plat approval, the Planning Board shall consider the application at its next available regularly scheduled meeting. No formal public hearing will be held. The Planning Board may hear comments and

⁶ Adapted from Johnston County ordinances (Amend. of 11-8-2004; Amend. of 02-03-2010(2))

questions. The Planning Board may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay. The applicant shall bear the burden of establishing that he is entitled to approval of the application.

- (b) The Planning Board shall act on an application for major subdivision preliminary plat approval after reviewing the application, the Zoning Administrator's report and public comment on the application. It shall base its action on its findings as to conformity with all applicable regulations of this article. Its action shall be one of the following: approval, approval subject to conditions, tabled to address deficiencies identified by the Planning Board, or denial. The Planning Board may impose reasonable conditions on its approval to ensure compliance with applicable regulations.
- (c) The Zoning Administrator shall notify the applicant for major or commercial subdivision preliminary plat approval in writing of the Planning Board's decision and shall file a copy of the decision with the Town's Zoning Administrator.

Sec. 30-351. - Expiration of Preliminary Plat Approval.⁷

Preliminary plat approval, or re-approval, for a major or commercial subdivision shall be effective for three years from the date of approval with no extension allowed by the Zoning Administrator or his/her delegate. An extension may be requested of the Planning Board for an additional three-year period. If a final plat for all or a portion of the subdivision has not been recorded within three years of the preliminary plat approval, the applicant must submit a new application. The Planning Board may reapprove the application unless they determine that paramount considerations of health, the general welfare, or public safety exist.

Sec. 30-352. - Standards for Design for Lots in a Subdivision.

- (a) Lots created pursuant to these provisions shall meet the following minimum design standards:
 - (1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following Table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

⁷ Same provision as the Johnston County ordinance.

⁸ If approved by Johnston County Environmental Health Department

⁹ If approved by Johnston County Environmental Health Department

¹⁰ If approved by Johnston County Environmental Health Department

- (2) Minimum non-residential lot sizes shall be one-half acre.
- (3) Residential lots shall front on a public or private right-of-way. Non-residential lots shall front on a public right-of-way. Lots may be created that have access to an existing access easement, or have an easement created to serve the lots if one of the two following conditions exist:

(A)¹¹ ALL of the following criteria are met:

- (i) The tract or parcel to be divided is not a parcel to be divided into parcels greater than 10 acres where no street right-of-way dedication is involved.
- (ii) No part of the tract or parcel to be divided has been divided under this section in the 10 years prior to the proposed division.
- (iii) The entire area of the tract or parcel to be divided is greater than five acres.
- (iv) After division, no more than three lots result from the division.
- (v) After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

OR

- (B) The division is made in accordance with the terms of a probated will or in accordance with intestate succession under G.S. Chapter 29.
- (4) Divisions into lots or residual lots shall not be created as non-conforming to this ordinance or "non-buildable." Each lot or residual lot must be reviewed and approved as buildable which must contain a system for wastewater disposal, [and] contain sufficient area for all structures to meet building setbacks.
- (5) The standards of Div. 5, Design of Subdivisions.
- (6) The standards of Article III. Site Plans and Article IV Design Standards, as applicable.
- (7) The street design standards of the NC Dept. of Transportation, as applicable. NC Department of Transportation Subdivision Roads Minimum Construction Requirements, January 2010 (Revised May 2016)
- (8) If a mailbox kiosk is to be provided, it shall be designed and built as required in Section 30-415 (a) 2. D. of this Ordinance.
- (b) Non-buildable lot exception: lots in which no buildable area exists due to scale and extent of hydrological features such as ponds, wetlands, floodway zones, or riparian buffers.

Sec. 30-353. - Appeal of Decision.

The Planning Board's decision on an application for a preliminary plat approval for a major or commercial subdivision may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Secs. 30-354—30-379. - Reserved.

DIVISION 4. - FINAL PLAT APPROVAL

Sec. 30-380. - Application Requirements.

¹¹ These exceptions are from G.S. 160A-376 Definition [of subdivision] (2017)

Applications for final plat approval of subdivisions shall be filed with the Zoning Administrator. The Zoning Administrator shall prescribe the form of application, as well as any other material it may reasonably require to determine compliance with this division, with the approval of the Town Council. Final plats shall comply with the mapping requirements of section 30-385 and the certification and endorsement requirements of section 30-386. For major subdivisions, a preliminary plat for the lots shown on the proposed final plat must have been approved and not expired before a final plat approval application may be accepted. As part of the application for final plat approval, the applicant shall certify one of the following:

- (1) That all required improvements (streets, utilities, storm drainage facilities, street signs, and facilities for common use, if any) approved as part of the preliminary plat approval and serving lots shown on the final plat have been completed, or sufficient performance guarantee has been posted;
- (2) ¹²That a performance guarantee at a rate of 1.25 of the estimated cost and description thereof, including sufficient means and procedures, to ensure satisfactory completion of any uncompleted improvements have been posted at the time the plat is recorded, or in the case of phased subdivisions at the time a subsequent plat is recorded, provided that the Zoning Administrator shall specify which subsequent final plat requires the performance guarantee.
 - (A) Duration. -- The duration of the performance guarantee shall initially be one year, unless the applicant/developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
 - (B) Extension. -- A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the city or county, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (D) of this subsection and shall include the total cost of all incomplete improvements.
 - (C) Release. -- the performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements to the specifications of the Town, or upon acceptance of the required improvements, if the required improvements are subject to Town acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to Town acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.
 - (D) Amount. -- The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The Town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining

¹² See N.C. Gen. Stat. § 160A-372 (g) (2017)

incomplete improvements still outstanding at the time the extension is obtained.

- (3) That the development requires only review of the final plat per section 30-314.

Sec. 30-381. - Zoning Administrator's Action.

When the Zoning Administrator accepts an application for final plat approval of a subdivision, the Zoning Administrator shall determine if the final plat conforms to all applicable regulations and to an approved valid preliminary plat if a major subdivision. He shall approve or deny the application.

Sec. 30-382. - Actions Subsequent to Decision.

If an application for final plat approval of a subdivision is approved, the Zoning Administrator shall endorse his approval on a reproducible Mylar original of the final plat. The applicant shall record the final plat in the office of the county register of deeds. Approval of any final plat is void if it is not properly recorded within 60 calendar days after the Zoning Administrator's endorsement of the approval. The Zoning Administrator may extend this deadline provided the applicant has demonstrated a good faith effort to comply with the deadline, but for reasons beyond his control, fails to meet the requirements of the register of deeds for recordation within that period. Such plat shall conform to the drawing specifications, certifications and endorsement requirements of sections 30-385 and 30-386.

Sec. 30-383. - Appeal of Decision.

The Zoning Administrator's decision on a final plat approval application may be appealed to the Board of Adjustment under an appeal of decision application provided by the Zoning Administrator.

Sec. 30-384. - Required Restrictive Covenants and Review by Town.

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

Sec. 30-385. Specifications for Drawings. (Formerly 30-419)

- (a) *Format.* The requirements of this section apply to the format of drawings.
- (b) *Preliminary plat.* The preliminary plat shall be drawn to the standards of G.S. § 47-30 Plats and Subdivision; Mapping Requirements at a scale between 1:100 and 1:20. Under special circumstances, with the Zoning Administrator's approval, a preliminary plat can be drawn to another scale which can clearly and accurately display the necessary information for review. The plat shall show the following:
 - (1) *Title data.* Name of the subdivision, the names and addresses of the owner or owners, name of designer of the plat, scale, date, approximate north point, and in large letters the words "Preliminary Plat."
 - (2) *Existing data.* Property lines, street lines and names, greenways, sidewalks, bicycle facilities, principal buildings, existing utility lines (water, sewer, electric, gas, etc.) watercourses (intermittent and perennial), wetlands, bridges, public/private easements, names of adjacent subdivisions, property owners, zoning districts, land uses, distance to nearest street intersection, voluntary agricultural districts, corporate limits and/or planning district lines; and an inset sketch map showing the subdivision's location in relation to the Town and general area.
 - (3) *Data relating to subdivision.* Names, locations and other dimensions and/or metes and bounds of proposed streets, lots, easements, building lines, gross acreage to be developed, development existing and proposed impervious surfaces, buffers, and recreational/open space areas if appropriate. A statement describing the water supply and sanitary sewage disposal facilities proposed to be installed in the subdivision.
 - (4) *Floodway data.* The boundaries of both the floodway and floodplain, shown on maps entitled flood hazard boundary map, shall be shown clearly.

- (5) *Dedications for future right-of-way.* Whenever land to be subdivided includes any part of a planned thoroughfare improvement shown on the official plan adopted by the Town, the applicant shall dedicate the right-of-way in the location and to the width specified in the comprehensive plan. Land reserved for future right-of-way shall not be counted in satisfying any yard, area, or dimensional requirements.
- (6) Stormwater Management Statement as required in the Johnston County Storm Water Management Ordinance and/or Johnston County Stormwater Design.
- (c) *Final plat.* The final plat shall be drawn in black ink on Mylar to a suitable scale to assure legibility. It shall show the following:
 - (1) *Title and documentation data.* Name of subdivision, the Township, the name of the licensed engineer or surveyor under whose supervision the plat was prepared; the date of the plat; the scale and north point; and all endorsements and certifications required by in section 30-386.
 - (2) *Data relating to the subdivision.* Lines and names of streets; lines of all lots, easements, areas devoted to common use, with notes stating clearly their proposed use, required landscape buffers, any limitations and the person or entity responsible for continued maintenance; corporate and/or other boundaries; lots numbered consecutively through the subdivision; building lines; metes and bounds survey information sufficient to determine readily on the ground the location of every street, lot line, boundary line, block line, easements line, and building line; the radius central angle, and tangent distance for both street lines of curved streets, the locations and types of all permanent monuments; the names of subdivisions, subdivision entrance sign easement, and streets adjoining the platted subdivision; if applicable, the location of mail kiosk; and designation of all streets and easements within the subdivision as public or private.
 - (3) *State statute.* All data shown on the final plat shall be consistent with the provisions set out in G.S. 47-30.
 - (4) *Easements.* All easements and their function shall be shown on the final plat. Drainage easements shall comply with Johnston County's Storm Water Management Ordinance, Johnston County Stormwater Design Manual and NCDOT Subdivision Road Standards.
 - (5) *Floodway data.* The boundaries of both the floodway and 100-year floodplain zone, as shown on the map entitled "Flood Boundary and Floodway Map," shall be shown. The FRIM panel and its adoption date shall be shown.
 - (6) *Future streets.* All streets intended for future extension either within or beyond the boundaries of the subdivision shall clearly be indicated on the plat, by the words "Reserved for Future Public Access."
 - (7) *Subdivision road disclosure statement.* The subdivision road disclosure statement shall be shown on the final plat. All roads shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as a public road shall be conclusively presumed an offer of dedication to the public. Where roads are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the road shall be noted on the final plat.
 - (8) *Plat Certificates* As required by section 30-386 below.

Sec. 30-386. - Certificates and Endorsements on Final Plat. (Formerly 30-420)

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy.
- (2) Professional Land Surveyor's Certification
- (3) Certificate of Floodway Information.
- (4) Certificate of Ownership, Dedication and Maintenance.
- (5) Notice to Homeowners to Connect to Public Utility System.

- (6) Certificate of Public Utilities-
- (7) Certification of Approval of Water Supply and Sewage Disposal System.
- (8) NC Department of Transportation Division of Highways Certification
- (9) Road maintenance statement of understanding.
- (10) Zoning Administrator's certification.
- (11) Review officer's certification.
- (12) Register of deed certification.
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary.

TABLE 2: CERTIFICATES REQUIRED BY PLAT

Type	Reference Numbers
Exempt	(1)– (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Secs. 30-387. - Distribution of Recorded Plat and Recorded Covenants. (Formerly 30-421)

When approved by the Zoning Administrator, the Zoning Administrator shall endorse his approval on a minimum of two reproducible Mylar originals of the final plat if he/she approves an application or approves it with conditions. The applicant shall record such plats with the county register of deeds returning one to the Town Zoning Administrator, along with a recorded copy of the required covenants in 30 days, and a blue line copy shall be on file with each of the county departments of environmental health and public utilities.

Secs. 30-388—30-409. - Reserved.

DIVISION 5. - DESIGN OF SUBDIVISIONS

Sec. 30-410. - Intent.

Subdivisions shall be designed with a street and pedestrian network which provides safe, adequate access to all lots within the subdivision. Extension of a public access to an adjoining property should be considered in the subdivision design where a compelling public need is deemed necessary for orderly development of these adjoining properties. However, the design of the local street network in a subdivision should not encourage large amounts of through traffic, the origins and destination of which are external to the subdivision, to use local roads in the subdivision. Due consideration should be given to preserving important natural features, such as trees, ponds, streams, lakes, as well as historical sites which are of value to the Town as a whole. Consideration shall also be given

to grading to ensure the adequate flow of stormwater on the site, and the retention of stormwater as required by Johnston County Public Utilities Department.

Sec. 30-411. - Applicability of Lot Design Standards.

Each lot in a subdivision shall comply with the lot design standards contained in this division and in Article IV, Design Standards. Newly created or revised lots shall be designed so that any existing structures continue to meet the requirements of this division or so that any existing nonconformity is not increased, enlarged, or extended. The standards of this section, however, do not apply to recreation areas.

Sec. 30-412. - Lot Size Standards.

- (a) Every subdivided lot shall comply with the minimum lot size, lot width, and street frontage standard as stipulated in this Ordinance, as well as the standards of the Johnston County health department for lots not served by a public water and/or sanitary sewer system.¹³
- (b) Lots laid out for commercial or industrial purposes shall be of a size that is adequate to provide for the structure to be located on the site; off-street parking facilities required by the type and use of the development; and any required landscape buffer or screening areas. Lots for residential use shall comply with the provisions of this division.

Sec. 30-413. - Lot and Block Arrangement.

- (a) *Lots.* The arrangement of lots in a subdivision shall comply with the provisions of this division and the regulations of the Town and shall provide vehicular access to buildings on the lot from an approved street.
- (b) *Blocks.* Blocks shall be arranged with special consideration given to the type of land use proposed within the block.
 - (1) Blocks shall not exceed 1,500 feet in length.
 - (2) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.
 - (3) A pedestrian access easement not less than ten feet in width may be required near the center and entirely across any block greater than 900 feet in length to provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.
 - (4) A pedestrian access easement not less than ten feet in width may be required from a cul-de-sac to help provide adequate access to schools, parks, churches, civic facilities, open space, trails, or greenways.

Sec. 30-414. - Flag Lots.¹⁴

- (a) Flag lots and easement access lots shall be permitted only if it can be demonstrated by the applicant that the subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit flagpole lots. Hardships shall include the following:
 - (1) Topographic constraints or irregularly shaped land in which no alternative exists;
 - (2) Natural features such as ponds, streams, wetlands, or buffers exist which would limit street construction and/or lot design;
 - (3) A long narrow parent parcel which would limit alternative designs;
 - (4) A parent parcel that has limited or no direct road frontage which would require the use of a flagpole or easement with no alternative design available;

¹³ Adapted from Johnston County Ordinance Section 14-227.

¹⁴ Similar to Johnston County Ordinance.

- (5) No alternative access is available or feasible such as a paved subdivision street or cul-de-sac street constructed to NCDOT standards.
- (b) It is the responsibility of the applicant to present evidence to the Zoning Administrator that one or more of the hardships listed in subsection (a) of this section exist.
- (c) Any decision of the waiver described in subsection (a) of this section may be appealed to the Board of Adjustment as described in section 2-46.
- (d) All flag lots or easement access lots within a major subdivision shall meet the following requirements:
 - (1) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
 - (2) The minimum flagpole width shall be 30 feet;
 - (3) The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 100 feet;
 - (4) Where public water is available, the occupied building on the flag lot shall be within 500 feet of a fire hydrant. The hydrant shall not be across a street from a proposed flag lot. This distance shall be measured along the street, then along the flagpole, then from the end of the flagpole in a straight line to the building thereon;
 - (5) Where public sewer is available, the occupied building on the lot shall have a gravity service line, or the sewer pump requirements shall be noted on the recorded plat;
 - (6) Use of a single driveway to serve the flag lot and an adjoining lot is permitted and encouraged. In the case of a shared driveway, the location of the driveway shall be on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and
 - (7) Designate the building footprint and orientation of the house on the preliminary plat.
- (e) The flagpole portion of a lot shall not be used to calculate the area, width, or setbacks of the lot for the zoning district in which the lot is located.

Sec. 30-415. – Standards: Access, Circulation and Open Space.

The type and arrangement of streets within a development under this article shall comply with and coordinate with the Town's adopted transportation plan(s); or the decision of the Zoning Administrator. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrian and bicycle traffic. Accommodation for controlled turning movements into and out of the subdivision and improvement of the approach street should be considered where existing or anticipated heavy traffic flows indicate need. Safe and convenient vehicular access shall be provided for emergency, service and school bus vehicles.

- (a) *Roads.* The arrangement, character, extent, width, grade, and location of all roads should be designed in relation to existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads and existing and potential land uses in adjoining areas.
 - (1) *Minimum construction standards.* All roads shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards, and shall:
 - A. Be dedicated for public use and meet the design and construction standards as required by the NCDOT for the functional classification and projected traffic volumes;
 - B. For all roads not maintained by NCDOT and/or not dedicated for public use, be ensured proper maintenance through the establishment of a homeowners' association or a road maintenance agreement.
 - (2) *Other road requirements.*

- A. *Permits for connecting to state roads.* An approved permit is required to connect any subdivision street to an existing state road. This permit is required prior to constructing the road. The application is available at the office of the nearest district engineer of the division of highways.
 - B. *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - C. *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of N. C. General Statutes section 136-44.14 and the Americans with Disabilities Act.
 - D. *Mail Box Kiosks:* All mail box kiosks will meet the standards USPS Cluster Box Units Concrete Pad Installation – Interim Pad Policy (2/19/2017 or most recent edition) and the NC DOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the N.C. Dept. of Transportation.
- (3) *Relationship to adjoining properties.* New streets or roads shall be appropriately related to, and coordinated with, adjoining properties and existing and proposed roadways. Roadways within a proposed subdivision may be required to connect with adjoining properties where necessary to permit the convenient, efficient and safe movement of traffic. All roads that extend to adjacent properties shall be designated as public roads.
- (4) *Cul-de-sac length.* No residential street cul-de-sac shall exceed 1,500 feet in length.
- (5) *Access to streets.* Every subdivided lot shall front on, or have direct driveway access or dedicated easement to, a public street meeting the standards of the latest edition of the NCDOT subdivision roads minimum construction standards.
- (6) *Direct residential driveway connections.* Subdivisions located on an arterial or collector road shall be designed such that no new subdivided lot shall have a direct driveway connection onto the arterial or collector road, unless it can be demonstrated that the proposed subdivision cannot be feasibly designed, or that no reasonable alternative exists, to prohibit driveway access onto the collector street.
- A. Major subdivisions to be located on a local road shall be so designed that there shall be no more than one direct residential driveway connection per 500 feet along the same side of the local road, unless it can be demonstrated that the proposed subdivision cannot be physically designed, that no reasonable alternative exists, or it would create an unreasonable hardship without a corresponding public benefit to prohibit individual driveway access onto a local road.
 - B. *Subdivision access.* A second full-service access built to the standards of the Johnston County Design manual (as adopted by Town) for the purpose of ingress and egress or emergency access easement will be required when meeting or exceeding the following thresholds:
 - (i) For subdivisions proposing between 100 and 200 lots, the developer has the option of providing a second full-service access built to the standards of the Johnston County Design Standards for the purpose of ingress and egress or a dedicated "emergency vehicle access." This "emergency vehicle access" is to be constructed of any all-weather surface and kept cleared at all times in case the main entrance is blocked, and emergency vehicles need to access the development.
 - (ii) For subdivisions proposing 201 lots or more, a second full-service access built to county standards for the purpose of ingress and egress will be required. In lieu of installation of a second full service access, a dedicated emergency vehicle access must be approved by the Planning Board and constructed as described above with a full service access approved by the Planning Board planned within the subdivision proposal for future development.
- Note: For determining when a second access is required, the count will be cumulative.
- (7) *Subdivision Road Standards.*

- A. The developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT for maintenance. The developer shall be responsible for maintenance of all streets and protection of rights-of-way until such streets are accepted into the state road system.
 - B. Where streets are dedicated to the public but not accepted into the state system at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.
 - C. Stub out streets. All stub out streets shall be posted with a sign at least 24 inches X 36 inches in area but no greater than 36 inches X 48 inches with a minimum height of three feet and a maximum height of five feet stating the following: Road subject to future extension for additional lots.
- (b) *Sidewalks.*
- (1) *Specifications.* Sidewalks or shared use paths (or greenways) will be provided along both sides of new collector and arterial streets as stated in the adopted [Bicycle and Pedestrian Plan, Town of Archer Lodge, NC](#) (2020); Sidewalks or shared use paths shall be provided along one side of local streets inside major subdivisions of seven or more lots. Sidewalks and/or greenways are required to all required open spaces and public parks, greenways and schools. The Planning Board may adjust the sidewalk requirements to accommodate local conditions. Sidewalks shall be constructed to a minimum width of five feet and in accordance with NCDOT specifications and construction standards. All sidewalks shall be located behind curb and gutter or beyond the clear zone behind a swale or ditch. All sidewalks shall be placed in the street right-of-way or within a public access easement.
 - (2) *Protection of significant trees.* Sidewalks shall be meandered as to protect and preserve existing significant trees. "Significant trees" depend on the species and health of the trees. Generally healthy overstory trees of eight inches or more in diameter at breast height (DBH) and understory trees of two inches or greater DBH are "significant". For that purpose, sidewalks may be placed within a minimum 15-foot-wide public access easement located outside the public right-of-way. In no case shall more than thirty percent of a tree's roots be disturbed.
- (c) *Curb and gutter standards.* When provided or required by either the Planning Board or Town Council, curb and gutters shall be constructed in accordance with plans and profiles meeting NCDOT specifications for curb and gutters.
- (d) *Open space requirements.* All major subdivision residential developments shall provide or dedicate common open space or recreation areas suitable for the residents' common passive or active recreational uses or make a payment in lieu of provision or dedication.
- (1) *Minimum common open space or recreation area.* Where common open space or recreational area must be provided or dedicated as part of a subdivision residential development, its total land area shall be at least 15 percent of the total gross land area of the development. Where amenities are proposed, a reduction in the required minimum acreage may be approved by the Planning Board. For major subdivisions with less than one acre of open space, the developer shall provide fee-in-lieu.
 - A. The required open space shall be contiguous, unless it is determined by the Planning Board that the required open space can be split and located at different places in a subdivision. Wherever possible, open space and recreation areas should be located as to abut existing open space in adjacent developments or phases if a proposed subdivision contains wetlands and/or riparian or stream buffer areas, they must be designated as common open space. Overhead electric utility easements may be designated as common open space if open to the public and approved by the electric utility. However, these areas will count at fifty percent of their acreage toward the amount of required open space. No off-site septic areas for the benefit of residential lots can be included within the open space.
 - B. Sidewalks and greenways shall count as a part of the required open space.

- C. Any proposed reduction or change involving previously recorded open space must be approved by the Town Council. The applicant must provide sufficient information on why the change is requested and why no other alternative exists.
- (2) *Method of provision or dedication.* Land provided or dedicated for common open space or recreation purposes shall be designated on a final plat duly recorded with the county register of deeds. Amenities shall be designated on the final plat and shall be specific as to type of amenity/use. Design criteria can be found in article IV of this chapter. Such common open space land shall be dedicated or deeded to an appropriate public body upon their acceptance, land trust, nonprofit established for the purpose of land conservation or recreational purposes; or create a neighborhood or homeowner's association for the continuing maintenance and control of common open space or recreation area; or, held by the owner for the continuing maintenance and control of common open space or recreation area, subject to a binding agreement with financial surety for such maintenance. Any HOA covenants or binding agreement and the proposed financial security shall be reviewed and approved by Town and Town Attorney prior to recording a final plat.
- (3) *Payments in lieu of provision or dedication.* In lieu of providing or dedicating common open space or recreation area required pursuant to this section, a developer of a subdivision may choose to make a payment to the Town. If the required open space to be provided is less than one acre fee-in-lieu shall be required.
- (4) *Use of Fees-In-Lieu.* The Town shall use such fees only for the acquisition or development of open space, recreation, or park sites to serve residents of the Town. The amount of the payment shall be the product of the total number of proposed dwelling units recorded multiplied by the fee established in the Town's annual schedule of fees. The developer shall make the payment before approval of a final plat; however, the Zoning Administrator may allow phasing of payments consistent with the approved phasing of the major subdivision.
- (5) *Access to open space.* All open space must be pedestrian accessible. Open space not contiguous to a proposed subdivision street must have a minimum of an improved 20 - foot fee-simple or easement access.
- (e) An incorporated homeowner's association shall be required for all major residential subdivisions. See section 30-384 for a list of the required covenants to be reviewed and approved by the Town.

Sec. 30-416. - Reserved.

Sec. 30-417. - Reverse Frontage Residential Lots.

For residential developments designed to have the dwelling units face an internal subdivision street and the rear of the dwelling units partially or completely facing an arterial or collector road, the following shall be required:

- (1) Landscape area "A" with the use of an eight-foot landscape berm, decorative wall, or opaque fence; excluding a wooden fence (see article IV of this chapter) is required for lots abutting a collector or arterial street.
- (2) Landscape area "B" with the use of only plant material (see article IV of this chapter) is required for lots abutting all other streets.
- (3) The natural existing vegetation may be used if the density meets or exceeds the landscape area "B" requirements and remains undisturbed.

Sec. 30-418. - Public Water, Fire Hydrants, and Sewer Systems.

Subdivisions that incorporate a public water distributions system and/or a public sewage collection system shall require that all future homeowners connect to the public water and/or sewer system prior to the issuance of a certificate of occupancy for their principal structure. All subdivisions incorporating a public water distribution system and/or a public sewage collection system shall comply with the standards of the State of North Carolina, Johnston County, and any other public utility providers.

Sec. 30-419. - Other Utilities.¹⁵

For all new developments, except residential subdivisions of four lots or less, all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground, and all surface disruptions required for installation shall be rehabilitated to the original or an improved condition.

Sec. 30-420. – Outdoor Lighting¹⁶

- (a) In developments contemplating the use of outdoor lighting to ensure the security of property and the safety of persons using such development, streets, sidewalks and facilities, all principal entrances to the development, and internal areas as appropriate, should be sufficiently lighted to ensure the safety of residents and the security of the building.
- (b) All streets within a major subdivision shall incorporate a street lighting system to ensure the security of property and the safety of persons using such development, streets, driveways and facilities.
- (c) Down lighting shall be provided where possible. Overflow lighting shall be prohibited, and all light pollution shall be minimized to the greatest extent practical.

Sec. 30-421. - Reserved.

¹⁵ Duplicate of Sec. 30-203.

¹⁶ Duplicate of Sec. 30-206.

Appendix

Sec. 30.A.4 Plat Certificates

(1) Certificate of Survey and Accuracy:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____, A.D., _____.

Seal or Stamp

Professional Land Surveyor
License Number # _____

(2) Professional Land Surveyor's Certification:

As denoted by an "X" below, I, _____, certify as to the following:

- ☐ a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- ☐ b. That the survey is in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☐ c. Any one of the following:
 - ☐ (1) That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
 - ☐ (2) That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a watercourse.
 - ☐ (3) That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
 - ☐ (4) That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.
- ☐ d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
- ☐ e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

(3) Certificate of Floodway Information:

Property shown hereon _____ is _____ is not located in a FEMA designated flood zone.
FEMA Flood Hazard Panel: _____; Effective Date: _____.

Professional Land Surveyor
License Number # _____

(4) Certificate of Ownership, Maintenance and Dedication:

I hereby certify that I am the owner (or corporate officer) of the property shown and described hereon, which is located in the zoning and subdivision jurisdiction of Archer Lodge and that I hereby adopt this subdivision plan with my free consent, establish minimum setback lines, and dedicate all streets, alleys, parks and other sites and easements to the public or private as noted. I understand that I am responsible for maintenance of public property shown hereon until it is accepted by the Town Council of Archer Lodge.

Date Owner/Officer of Corporation

(5) Notice to Homeowners to Connect to Public Utility System:

Homeowner is required to connect to public water and/or sewer (where available) before a Certificate of Occupancy is issued for the principle structure and/or any structure served by water and/or sewer.

(6) Certificate of Approval by Public Utilities:

The Director of Public Utilities for County of Johnston, North Carolina, hereby certifies that this plat meets all Johnston County standards and requirements for public utilities required by the Johnston County ordinances. Upon recordation of this plat, Johnston County accepts the owner's offer of dedication for public water and/or sanitary sewer purposes all easements, common areas, and/or rights-of-way shown and delineated on this plat as dedicated for public utility purposes. No structures or fences shall be placed within the public utility easements. Access to the dedicated areas shall not be blocked or obstructed by any fence or structures, unless pre-approved access is provided with a 12' minimum opening gate. The County shall have the right to clear and/or remove any vegetation within the public utility easements. Furthermore, the County will not replace any landscaping (other than grass, which will be replaced with seed) within the public utility easement area disturbed for maintenance of the utilities.

THIS THE _____ DAY OF _____, 20____.
COUNTY OF JOHNSTON

By: _____
Director of Public Utilities

(7) Certification of Approval of Water Supply and Sewage Disposal System:

Certificate of preliminary approval of water supply and sewage disposal systems installed for installation in _____ subdivision meet public health requirements as described in Archer Lodge Subdivision regulations. Final approval for individual lots with this subdivision will be based on detailed lot evaluation upon application and submission of plan for proposed use. This preliminary certification is advisory only and confers no guarantee.

Date Health Representative

Note: Each lot shown hereon may require the use of sewage pumps, low pressure pipe systems, fill systems, innovative systems or any other alternative system type and site modifications specified in the North Carolina Laws and rules for sewage treatment and disposal systems, 15A NCAC 18A Section 1900. The actual system type, design and site modifications will be determined at the time of permitting.

(8) NC Department of Transportation Division of Highways Certification:

Proposed Subdivision Road Construction Standards Certification

Approved: _____
Date District Engineer

Note: Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

Note: Site triangle takes precedent over any sign easement.

Note: Owner, developer, or contractor shall set the centerline of the existing roadway ditch back to a minimum of 12 feet from the existing/proposed edge of pavement along all road front lots.

Note: All drainage easements shall be dedicated as public and it shall be the responsibility of the property owners to maintain the drainage easements and any drainage structures there in, so as to maintain the integrity of the drainage system and insure positive drainage.

Note: All lots shall be served by the internal street system.

(9) Road Maintenance Statement of Understanding:

I, _____ am responsible for the construction, maintenance and required road improvements of the subdivision streets on this plat until the earlier of the follow occurs:

- (a) Approved and accepted for permanent maintenance by the North Carolina Department of Transportation as public roads; or
- (b) Approved and taken over by the Homeowners Association for private roads permanent maintenance; or
- (c) Private road maintenance agreement is signed and recorded by owners of each lot.

Name of Corporation or Owner

Date Developer/Owner/Officer of Corporation

(10) Zoning Administrator's Certification:

Certificate of Approval for Recording – Subdivision Plat

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County. This plat is null and void if not recorded at the Johnston County Deed Registry within sixty (60) days of the date written below.

Date Zoning Administrator

Certificate of Approval for Recording – Exempt Plat

I hereby certify that this plat is exempt from the Subdivision Regulations with the Town of Archer Lodge, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Johnston County.

Date Zoning Administrator

(11) Review Officer's Certification:

State of North Carolina
County of _____

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date Review Officer

(12) Register of Deed Certification:

State of North Carolina, Johnston County

This instrument was presented for registration and recording this ____ day of _____, 20____ at _____.

by _____
Register of Deeds Asst. Reg of Deeds

Recorded in PB _____ PG _____

(13) Acceptance of Offer of Dedication

NOTE: To be used only if Town Council accepts the offer of dedication at/or before the time the final plat is approved.

I hereby certify that all streets and sidewalks, parks and greenways, potable water, sanitary sewer, and/or stormwater infrastructure (or any other easements, lots and/or infrastructure) shown on this plat were accepted, as specified, by the Town Council by a resolution adopted at the meeting held on _____, 2 _____.

Date Town Clerk

(14) Subdivision Road Disclosure Statement:

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to NC General Statutes section 136-102.6(F)

(15) Additional Certifications, Statements, or Notations necessary.

Notations:

- 1. Maximum Impervious Surface Per Lot.
- 2. Designate whether lot is within a protected watershed.

Both Ms. Maybee and Mr. Benshoff shared the following PowerPoint presentation to assist with the Planning Board recommendations and discussion:



Town of Archer Lodge, North Carolina
Town Council Meeting , June 1, 2020, 6:30 p.m.

Agenda Item 6.b. - Presentation of Planning Board Recommendations:
Text Amendments – Code of Ordinances,
Archer Lodge, NC, Chapter 30 – Zoning and Subdivisions,
Article VI - Subdivisions



- Article VI - Subdivisions

Article Organization:

- Division 1. Generally
- Division 2. Procedures for Approval of Minor Subdivisions
- Division 3. Procedures for Approval of Major and/or Commercial Subdivision
- Division 4. Final Plat Approval
- Division 5. Design of Subdivisions

Appendix

- 30.A.4 Plat Certificates

Code of Ordinances, Archer Lodge, NC - Chapter 30,
Article VI – Subdivisions

- Article VI - Subdivisions

Highlighted Changes:

- Updated: Section 30-288 – Definition of Subdivision
- Added: Sec. 30-289 – Penalties for Transferring Lots in Unapproved Subdivisions
- Added: Sec. 30-314 – Exception for Subdivision of Land in Single Ownership Established by NC General Statute, Section 160A-376 (c)
- Updated: Sec. 30-352 – Standards for Design of Lots in a Subdivision
- Updated: Sec. 30-386 – Certificates and Endorsements on Final Plat (Formerly Sec. 30-420)
- Added: Appendix 30.A. 4 – Plat Certificates (Language)
- Updated: Sec. 30-380 – Application Requirements (Final Plat Approval regarding Performance Guarantees)
- Updated: Sec. 30-415 – Standards: Access, Circulation, Open Space



Updated: Sec. 30-288 – Definition of Subdivision*

Subdivision means any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future. It includes any division of land involving the dedication of a new street or change in existing streets. The following divisions of land are not included in this definition and are not subject to this article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots, where the total number of lots is not increased and the resultant lots are equal to or exceed the standards set forth in this article, and the minimum gross lot size, minimum lot width and minimum street frontage standards of this article;
- (2) The division of land into parcels greater than ten acres in area, where no public street right-of-way dedication or opening of streets is involved;
- (3) The public acquisition, by purchase, of strips of land for the purpose of widening or opening of streets; or
- (4) The division of a tract in single ownership whose entire land area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards set forth in this article.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under General Statutes Chapter 29.

*Added to G.S. 160A-376 Definition [of subdivision] in 2017

Added: Sec. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions*

Secs. 30-289—Penalties for Transferring Lots in Unapproved Subdivisions

- (a) Any owner or agent of the owner of any land located within the Town's jurisdiction who subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Johnston County register of deeds, shall be guilty of a Class 1 misdemeanor; and civil penalties described in section 30-25 Penalty.
- (b) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.
- (c) The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.
- (d) Building permits required may be denied for lots that have been illegally subdivided.
- (e) In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate.

*Taken from N.C.G.S. § 160A-375, Penalties for transferring lots in unapproved subdivisions. the violation, or to prevent any illegal act or conduct.

(1) Minimum residential lot sizes resulting after subdivision shall meet the standards of the following Table:

TABLE 1: Minimum Residential Densities or Lot Sizes

	Residential Zoning Districts Max. Densities (except Mobile Home Park) / Not in a Watershed Overlay District	Mobile Home Park	Residential Zoning Districts in a Water Supply Watershed Overlay Zoning District (Except Mobile Home Park)
With ONLY Utility Provided Water	1.5 dwelling units (D/U) per acre	3.0 D/U per acre	1.0 D/U per acre ⁸
Well & Septic System	1.0 D/U per acre	3.0 D/U per acre	1.0 D/U per acre ⁹
Utility Provided Water and Public Sewer	1.5 D/U per acre	4.0 D/U per acre	2.0 D/U per acre ¹⁰

Updated: Sec. 30-352—Standards for Design of Lots in a Subdivision

Updated: Sec. 30-386. - Certificates and Endorsements on Final Plat (Formerly Sec. 30 - 420)

Sec. 30-386. - Certificates and Endorsements on Final Plat.

The following certificates and endorsements, where applicable, must be shown on all final plats of subdivisions:

- (1) Certificate of survey and accuracy
- (2) Professional land surveyor's certification
- (3) Certificate of floodway information
- (4) Certificate of ownership, dedication and maintenance
- (5) Notice to homeowners to connect to public utility system
- (6) Certificate of public utilities
- (7) Certification of approval of water supply and sewage disposal system
- (8) NC Department of Transportation Division of Highways certification
- (9) Road maintenance statement of understanding
- (10) Zoning Administrator's certification
- (11) Review Officer's certification
- (12) Register of Deed certification
- (13) Acceptance of offer of dedication
- (14) Subdivision road disclosure statement
- (15) Additional certifications, statements, or notations necessary

Updated: Sec. 30-386. - Certificates and Endorsements on Final Plat.
(Formerly Sec. 30-420)

TABLE 2: [CERTIFICATES REQUIRED BY PLAT](#)

Type	Reference Numbers
Exempt	(1) – (5), (7) (10), (11), (12)
Minor	(1) – (7), (10-12) As applicable (6) through (9), (13), (14)
Major	(1) – (13)

Performance Guarantees – Sec. 30-380

- Warranties not permitted after 2016.
- If infrastructure incomplete, Town requires a *PERFORMANCE BOND* = 1.25 cost of construction.
- Implication – do not accept infrastructure for Town ownership unless it is perfect.

The Problem of Incomplete Roads

- If it is not a NC DOT road, Town can require a *PERFORMANCE BOND*.
- DOT has its own acceptance policy. It is complicated.
20% lots in private ownership + 2 occupied residences per 1/10 mi. (4 homes if road less than 2/10 mi.
- Consider requiring HOAs to be responsible for roads.
See next slide.
- Solution is above the municipal level.

Sec. 30-415 (a)(7) Standards: Access, Circulation, etc.

- A. Developer responsible for streets until accepted by DOT. Developer to ensure they are accepted.
- B. Plat shall contain a notice when streets are dedicated but not accepted.
- (e) Incorporated homeowner’s association required.

Planning Board Recommendations
Amendments to Code of Ordinances, Archer Lodge, Chapter 30,
Zoning & Subdivisions, Article VI - Subdivisions

On May 20, 2020, the Planning Board recommended approval of the proposed amendments to Chapter 30, Zoning & Subdivisions, Article VI - Subdivisions, as presented, upon finding:

- The proposed amendments are reasonable and in the public interest.
- The proposed revisions clarify/streamline the process/procedures for the subdivision of land in Archer Lodge in accordance with NC State laws.
- Furthermore, the proposed amendments are in compliance with the *Town of Archer Lodge 2030 Comprehensive Land Use Plan*, aka "*Comprehensive Plan*", and other adopted Town plans having bearing on the matter.
- The proposed revisions will aid in the implementation of the *Comprehensive Plan - Action Plan* that ensures that new development is consistent with the policies of the Town, and direct and concentrate new development to areas where adequate public infrastructure is available or can be extended without placing excessive burden on the Town's physical or financial resources.



Discussion followed.

Mr. Gordon asked that Ms. Maybee, Attorney Hewett and Attorney Benshoff plan a time to discuss the mandatory language for the restrictive covenants.

She shared that the consideration of setting a Public Hearing for June 2020 will be discussed following this presentation/discussion. She asked that everyone review the provisions and language for the restrictive covenants provided and contact her with any comments or suggestions.

Mayor Mulhollem shared that Special Council Attorney Benshoff and Town Attorney Hewett will be working with Ms. Maybee for clarification on the restrictive covenants. Attorney Benshoff confirmed.

c) Discussion and Consideration of Setting a Public Hearing at the June 15, 2020 Work Session for the Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Article VI, Subdivisions

Mayor Mulhollem called for a motion to set a Public Hearing at the June 15, 2020 Work Session.

Moved by: Council Member Wilson

Seconded by: Council Member Purvis

Set a Public Hearing at the June 15, 2020 Work Session for the Text Amendments - Code of Ordinances, Archer Lodge, NC, Chapter 30, Zoning and Subdivisions, Article VI, Subdivisions.

CARRIED UNANIMOUSLY

d) Discussion and Consideration of Setting a Special Meeting to follow the Work Session on Monday, June 15, 2020 and begin at 7:15 p.m. or shortly thereafter for the Purposes of:

- **Adopting the Annual Budget Ordinance for Fiscal Year ending June 30, 2021**
- **Approving the Subdivision Consistency Statement**
- **Adopting Ordinance# AL2020-06-1 Amending Chapter 30, Article VI - Subdivisions**
- **Adopting BA 2020 04**

Mayor Mulhollem called for a motion to set a Special Meeting to follow the Work Session on Monday, June 15, 2020.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Set a Special Meeting to follow the Work Session on Monday, June 15, 2020 and begin at 7:15 p.m. or shortly thereafter for the Purposes of:

- **Adopting the Annual Budget Ordinance for Fiscal Year ending June 30, 2021**
- **Approving the Subdivision Consistency Statement**

- **Adopting Ordinance# AL2020-06-1 Amending Chapter 30, Article VI - Subdivisions**
- **Adopting BA 2020 04**

CARRIED UNANIMOUSLY

7. TOWN ATTORNEY'S REPORT:

a) Attorney Hewett reported the following:

- Emphasized Governor Cooper is proceeding in phases regarding COVID-19 and advised Staff to plan the Town/Public meetings accordingly.
 - Reminded the Town Council about §166A-19.24 which regulates the procedures for holding virtual meetings.
 - Applauded Ms. Maybee and Attorney Benshoff for their work on updating the ordinances.
 - Recommended that Council provide feedback on the proposed ordinances with Staff prior to the meetings to eliminate lengthy discussions.
-

8. TOWN ADMINISTRATOR'S REPORT:

a) Proposed Annual Budget Ordinance for FY 2020-2021

Mr. Gordon reported the following:

- Discussed questions from Council Member Wilson and Council Member Purvis that were submitted to Staff prior to the meeting. Handouts of the questions with answers were provided to all.
 - Discussed monies allocated for the following:
 - Public Buildings: Contracted Services - Town Hall letters on the outside of building.
 - Public Safety: Town of Clayton Police Protection - Backup to Animal Control Officer, Kerry Barnes, if needed.
 - Public Works: Contracted Service - Town's 20% of estimated sidewalk project cost with NCDOT.
 - Planning and Zoning: Salaries and Benefits - Employees are split between Administration & Planning/Zoning.
 - Cultural and Recreation: Contracted Services - ALCC - quarterly & monthly payments.
 - Informed that the Johnston County Open Space Grant was not included in the FY2021 Budget due the Grant allowing a three-year period to utilize funds.
-

b) NCDOT Updates

Mr. Gordon reported the following:

- Due to funding issues, Buffalo Road Project for the sidewalks and curb and gutter has been rescheduled for February 2022 and Covered Bridge Road widening and the realignment of Murphrey Road is rescheduled for August 2022.
-

c) Sewer Feasibility Study Update

Mr. Gordon reported that Coulter, Jewell, Thames, PA plans to have a presentation at the July 13, 2020 Regular Council Meeting. Ms. Batten confirmed the Regular Council meeting in July is the 2nd Monday and not the 1st Monday, due to July 4th Holiday week. In addition, Mr. Gordon mentioned the soil testing is underway at the park land.

9. FINANCIAL/TOWN CLERK'S REPORT:

a) April 30, 2020 Interim Financials & Year-to-Date Comparison (FY19 compared to FY20)

Ms. Batten shared that April 30, 2020 marked that FY 2019-2020 was 83% completed. The year-to-date figures for anticipated revenues were slightly higher than the actual year-to-date expenditures in the General Fund by approximately \$32,000. She reported the other funds shared investment earnings which are declining due to the economy.

Comparing April 2020 with April 2019, Ms. Batten noted that the current fiscal year was like the prior fiscal year with a net decrease of \$2,300 between the two years. Nothing further was discussed.

10. PLANNING/ZONING REPORT:

a) Planning Activity

Ms. Maybee reported the following:

- 49 Zoning Permits issued since last reported on May 4, 2020 with the majority being Single-Family Dwellings.
 - Woodfin Subdivision final plat has been approved and a zoning permit was issue for the entrance sign.
 - Bittle Creek Subdivision is under construction with ten new lots and four lots that already exist.
 - Cape Fear Hazard Mitigation meetings are still on-going and expecting an update on the Hazard Mitigation Plan soon.
-

b) Projects

Ms. Maybee reported the following:

- Thanked the Planning Board and Board of Adjustment for accomplishing some goals regarding Text Amendments.
 - Thanked the Town Council for adopting the Bicycle and Pedestrian Plan at the April 6, 2020 Regular Council Meeting.
 - Thanked Staff for their support in getting the fillable forms on the Town website.
 - Informed that she continues to work with the Edmund's Permitting Software Consultant.
-

c) Code Enforcement

Ms. Maybee reported the following:

- Updated Code Enforcement report will be emailed to Council soon.
- May 2020, 25 signs have been removed from the NCDOT right-of-way totaling approximately 119 signs removed to date.
- June 15, 2020 Work Session, Ms. Maybee and Chad Meadows, AICP, Principal and Founder of Code Wright Planners, LLC will be presenting a presentation of Commercial Design Standards.
- July or August 2020, Ms. Maybee plans to look at future lot sizes and minimum setbacks in zoning areas such as: Agriculture, Residential and Commercial Districts.

11. MAYOR'S REPORT:

- a) Mayor Mulhollem thanked Staff and Council for their cooperation with virtual meetings. He further expressed gratitude to Staff for their guidance on the following: Zoning and Subdivision Ordinances, Sewer Study, FY2020-2021 Budget preparation and keeping those items on schedule.
-

12. COUNCIL MEMBERS' REMARKS:

(non-agenda items)

- a) Council Member Wilson shared regarding having a virtual meeting with Triangle J Council of Government (TJCOG) with approximately 60 attendees and how it made it more challenging than attending in person. He mentioned that his church was having their services virtually and how he was ready to get back to some normalcy.
-

- b) Council Member Jackson shared that he was glad to see some normalcy returning and looking forward to being able to gather with friends again.
-

- c) Mayor Pro Tem Castleberry reiterated Council Member Jackson but noted that it changed his thinking about the value of taking time to enjoy life. He thanked Staff and Council for continuing to press forward during the phases of the COVID-19 Pandemic.
-

- d) Council Member Purvis shared that the Archer Lodge Community Center (ALCC) closed the Food Bank after having operated from March 15, 2020 - June 1, 2020 and distributed approximately 3,000 bags containing about three meals each. Due to the donations received from the community, approximately \$9,000 remained to share with each of the nine schools and their Backpack Buddy Programs.

He encouraged everyone to attend ALCC's Red Cross Blood Drive scheduled for Monday, June 29, 2020 from 12:30 p.m. - 5:30 p.m.

Mayor Mulhollem commended everyone involved in the Food Drive which demonstrated a great example of what makes Archer Lodge a special community.

13. ADJOURNMENT:

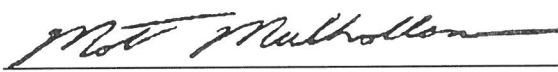
- a) **Having no further business.**

Moved by: Council Member Jackson

Seconded by Mayor Pro Tem Castleberry

Adjourned meeting at 7:55 p.m.

CARRIED UNANIMOUSLY


Matthew B. Mulhollem, Mayor


Kim P. Batten, Town Clerk

