



Regular Council - Minutes Monday, April 6, 2020

COUNCIL PRESENT:

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

STAFF PRESENT:

Mike Gordon, Town Administrator
Chip Hewett, Town Attorney - Remotely
Kim P. Batten, Finance Officer/Town Clerk
Julie Maybee, Town Planner

COUNCIL ABSENT:

MEDIA PRESENT:

None

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:31 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 NC Guidelines and to limit the spread of Coronavirus (COVID-19), Council Member Bruton, Council Member Wilson and Attorney Hewett attended remotely via phone conferencing.

b) Pledge of Allegiance

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

2. APPROVAL OF AGENDA:

a) Mayor Mulhollem requested the following:

- Add Agenda Item# 4. a. Proclamation - Parkinson's Awareness Month April 2020
- Change Agenda Item# 11. from Adjournment to Council Members' Remarks
- Add Agenda Item# 12. Adjournment

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Approved Agenda with the requested changes noted above.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

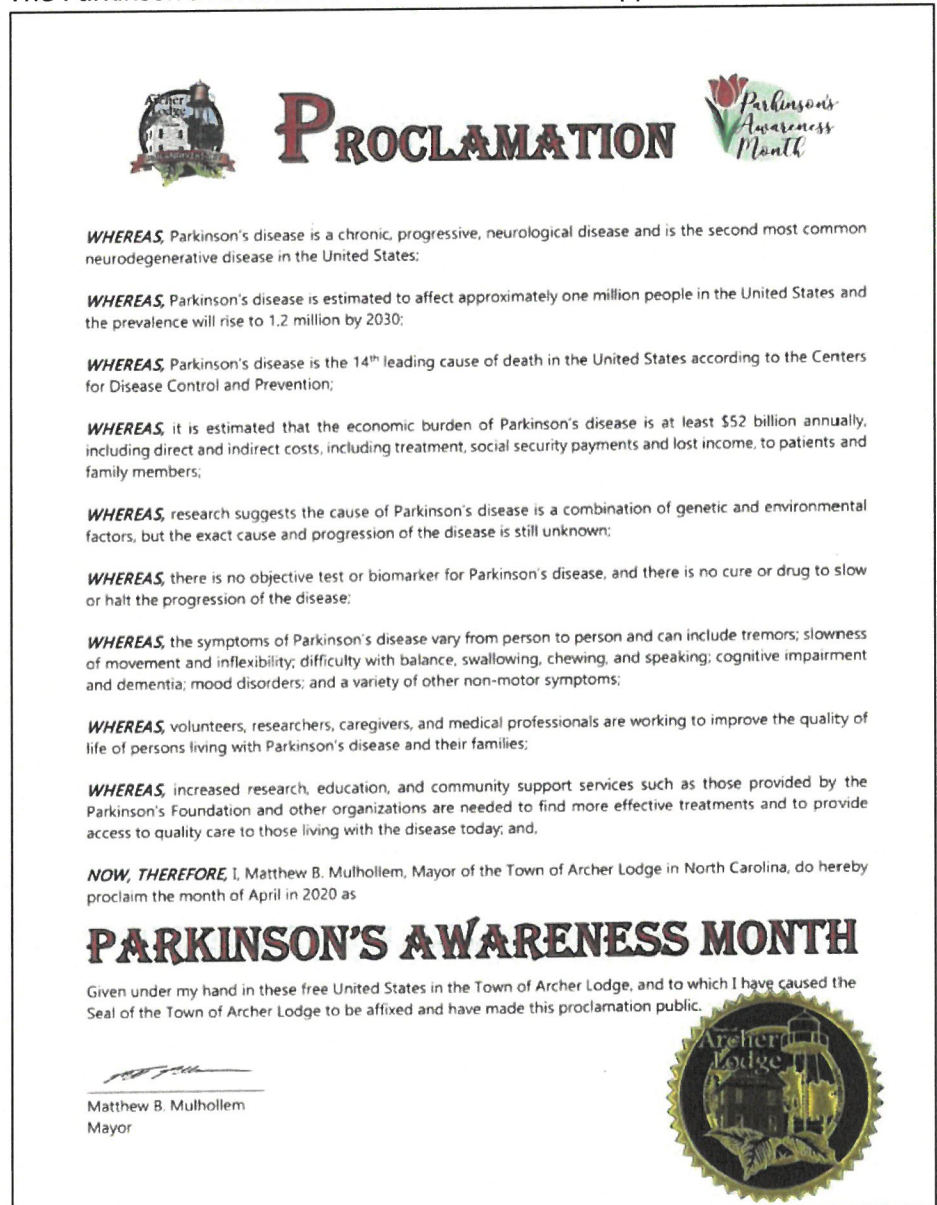
a) No Public Comments.

4. **RECOGNITION/PRESENTATION:**

a) **Proclamation - Parkinson's Awareness Month**

Mayor Mulhollem read the Proclamation and proclaimed the Month of April 2020 as Parkinson's Awareness Month and offered it to Council Member Wilson.

The Parkinson's Awareness Month Proclamation appears as follows:



Council Member Wilson publicly thanked Mayor Mulhollem on behalf of himself, other Parkinson's Patients, and the estimated 60,000 people that will be diagnosed this year. Mayor Mulhollem extended prayers to him and others, along with their families, that are suffering from this disease.

5. **CONSENT AGENDA:**

a) **Approval of Minutes: 02 Dec 2019 Regular Council Meeting Minutes**

b) **Ordinance Regulating Firearms within the Town of Archer Lodge (ORDINANCE# AL2020-03-2, previously Concept Draft Ordinance #1)**

Council Member Bruton questioned if the Firearms Ordinance required a 2nd reading before voting. Attorney Hewett clarified the NC General Statues do not require a 2nd reading, having the ordinance in the minutes is considered a

2nd reading.

Ordinance# AL2020-03-2 (previously Concept Draft Ordinance #1) appears as follows:

ORDINANCE# AL2020-03-2

**AN ORDINANCE REGULATING FIREARMS WITHIN THE
TOWN OF ARCHER LODGE**

Section 1. Pursuant to authority granted by N.C. Gen. Stat. § 160A-189, the Town of Archer Lodge hereby amends the Code of Ordinances, Town of Archer Lodge, North Carolina, Chapter 3, as follows:

Sec. 3-50. - Discharge of firearms.

- (a) **Application.** The provisions of this section shall apply to all properties located within the corporate limits of the Town of Archer Lodge.
- (b) **Definition.** For purposes of this section, firearm is defined as a handgun, shotgun, rifle or any device which expels a projectile by action of an explosion.
- (c) **Violations.** It shall be unlawful for any person to:
 - (1) Discharge a firearm in the town carelessly and heedlessly, so as to endanger any person or property.
 - (2) Discharge a firearm that results in a projectile crossing the property line of another person without the permission of the owner, or
 - (3) Discharge a firearm while under the influence of alcohol or a controlled substance (under the influence: determination by the investigating officer that the person is intoxicated by alcohol or a narcotic to the point where physical and mental faculties are appreciably diminished).
- (d) **Discharge on Public Streets, Highways.** It shall be unlawful for any person to discharge any firearm on, from, or across the traveled portion of any public street, or highway.
- (e) **Prohibited times of discharge.** The discharge of firearms from two hours after sunset to one hour before sunrise is prohibited.
- (f) **Miscellaneous Exceptions.** The following exceptions are permissible under this section:
 - (1) Law enforcement officers or members of the armed forces acting in the line of duty;
 - (2) The shooting or killing of any dangerous or destructive animal or reptile when necessary to protect life or property;
 - (3) All legal hunting activities pursuant to the North Carolina Department of Agriculture, the North Carolina Wildlife Commission and G.S. Chapter 113, subchapter IV, as it is from time to time amended or pursuant to lawfully issued state or federal hunting or wildlife removal permits;
 - (4) The use of firearms for defense of persons or property as allowed under state law;
 - (5) Nonprofit special events such as turkey shoots conducted with a valid local town permit issued by the Town Administrator or their designee;
 - (6) Indoor firing/shooting ranges with an applicable zoning permit(s) issued by the town; and
 - (7) A bonafide training facility acting in the course of providing firearms proficiency training and certification to law enforcement agencies, private security agencies, employers of armored-car personnel (e.g. Brinks, Loomis, and similar companies), and similar legitimate

ORDINANCE# AL2020-03-2

businesses that require such certification. A "bonafide training facility" is one that is: (a) properly authorized to provide such training and certification to North Carolina or federal law enforcement agencies, and (b) obtains an applicable zoning permit(s) issued by the Town.

- (g) **Penalties.** A violation of this ordinance by any person is a misdemeanor and shall subject the offender to a fine of \$100.00 and/or imprisonment for up to 30 days. A second or subsequent violation by the same person within one year shall subject such person to a fine of up to \$300.00 but not less than \$100.00 and/or imprisonment for up to 30 days.

Section 2. This ordinance shall become effective after a second reading on April 6, 2020.

DULY ADOPTED, THIS 2nd DAY OF MARCH 2020.

TOWN OF ARCHER LODGE


Matthew B. Mulhollem, Mayor

ATTEST:

(SEAL)


Kim P. Batten, Town Clerk



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

CARRIED 4 to 1 (Wilson Opposed)

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) Discussion and Consideration of Adopting by Resolution a Bicycle and Pedestrian Plan for the Town of Archer Lodge (RESOLUTION# AL2020-04-06a and BICYCLE AND PEDESTRIAN PLAN v04.06.20)

Ms. Maybee shared that the Southeast Area Study (SEAS) that Mr. Bob Clark had worked with recommended a shared use path on Covered Bridge and Buffalo Road as a long term recommendation; therefore, he was able to incorporate those suggestions in the Bicycle and Pedestrian Plan as mentioned. Ms. Maybee thanked him for his assistance. In addition, Ms. Maybee referenced other pages with comments from prior discussions as well as additional conversations with Ms. Camacho of AECOM. Council Member Bruton preferred revisions which were noted by Ms. Maybee. Discussion followed.

Mayor Mulhollem ask for a motion to Adopt by Resolution a Bicycle and Pedestrian Plan for the Town of Archer Lodge (RESOLUTION# AL2020-04-06a) to include the revisions preferred by Council Member Bruton.

The Fully Adopted and Revised Bicycle and Pedestrian Plan is on file in the Town Clerk's Office and on the Town's Website at archerlodgenc.gov.

The Approved Resolution# AL2020-04-06a Adopting a Bicycle and Pedestrian Plan for the Town of Archer Lodge appears as follows:

RESOLUTION# AL2020-04-06a

TOWN OF ARCHER LODGE
RESOLUTION ADOPTING A BICYCLE AND PEDESTRIAN PLAN

WHEREAS, the Town of Archer Lodge 2030 Comprehensive Land Use Plan identifies development of a bicycle and pedestrian infrastructure as an important objective for advancing multi-modal transportation for all citizens within the Town of Archer Lodge (Town); and

WHEREAS, the Archer Lodge Town Council (Town Council) entered into a municipal agreement on April 13, 2018 with the N.C. Department of Transportation, Division of Bicycle and Pedestrian Transportation (NCDOT/DBPT) whereby the Department, and its agent, AECOM, in cooperation with the Town, have developed a comprehensive Bicycle and Pedestrian Plan for the Town; and

WHEREAS, the Town Council appointed a Bicycle and Pedestrian Plan Steering Committee (Committee) and charged the Committee with the task of advising the Town and NCDOT/DBPT through the course of preparing a comprehensive Bicycle and Pedestrian Plan for the Town of Archer Lodge; and

WHEREAS, the Committee has completed its work and the Town Council has received a final Bicycle and Pedestrian Plan presented by AECOM at its regular meeting held March 2, 2020; and

WHEREAS, the Town Council has completed its consideration of the final Bicycle and Pedestrian Plan with minor technical changes incorporated in the document.

NOW, THEREFORE, BE IT RESOLVED that the Bicycle and Pedestrian Plan for the Town of Archer Lodge is hereby adopted and shall serve as a policy and planning guide toward development of bicycle and pedestrian infrastructure within the Town.

DULY ADOPTED THIS 6TH DAY OF APRIL 2020 WHILE IN REGULAR SESSION.

(SEAL)
Matthew B. Mulhollem, Mayor

ATTEST:

(SEAL)
Kim P. Batten, Town Clerk

TOWN OF ARCHER LODGE
NORTH CAROLINA
EST. 2009

Mayor Mulhollem thanked everyone involved for their hard work in putting this plan together.

Moved by: Council Member Jackson
Seconded by: Council Member Purvis

Approved Resolution# AL2020-04-06a Adopting a Bicycle and Pedestrian Plan for the Town of Archer Lodge to include the revisions noted by Council Member Bruton on pages 42, 45 and 99.

CARRIED UNANIMOUSLY

b) Discussion and Consideration of Adopting by Resolution a Remote Participation Policy for the Archer Lodge Town Council (RESOLUTION# AL2020-04-06b)

Mr. Gordon shared that having this Resolution in place will approve holding meetings remotely for the safety of the Town Council, Staff and Public due to the Coronavirus (COVID-19) Pandemic restrictions and in the future for any Council Member that is unable to attend.

Attorney Hewett offered additional information since NC General Statutes do not address remote meetings. UNC School of Government has offered guidelines and Johnston County has recently adopted a policy, so he suggested adopting a policy to allow remote meetings for Town Council. Discussion followed.

Mayor Mulhollem ask for a motion to adopt Resolution# AL2020-04-06b as presented and appears as follows:

RESOLUTION# AL2020-04-06b

**TOWN OF ARCHER LODGE
RESOLUTION ADOPTING A REMOTE PARTICIPATION POLICY
FOR THE ARCHER LODGE TOWN COUNCIL**

WHEREAS, the Archer Lodge Town Council (Council) has determined it is in the best interest of the Town to adopt a policy allowing for limited remote participation by Council at meetings; and

WHEREAS, there is no general statute that regulates remote participation by counties or municipalities, but the University of North Carolina's School of Government (SOG) has provided guidance on the framework for such a policy; and

WHEREAS, Johnston County has recently adopted a remote participation policy that is substantially like the policy under consideration by the Council, which reads as follows:

REMOTE PARTICIPATION POLICY

Archer Lodge Town Council Members may remotely participate in briefings and official meetings of the Council, subject to the following rules and procedures:

1. Remote participation may be used only in limited circumstances. A Council Member desiring to participate in a meeting remotely must assert one or more of the following reasons for being physically unable to attend the meeting:
 - a. Personal illness or disability;
 - b. Employment purposes;
 - c. Family or another personal emergency; or
 - d. Participation in other scheduled Town related meetings which make it logistically impossible to attend the Council meeting.
2. Remote participation may be allowed only during open sessions when a quorum of the Council is physically present at the meeting and the Council Member participating remotely is not necessary to establish a quorum.
3. Remote participation shall not be allowed during the following:
 - a. Quasi-judicial hearings; and
 - b. Closed sessions.
4. A Council Member desiring to participate in a meeting remotely must notify the Town Clerk of the need for remote participation and request approval by the Mayor of his/her remote participation at least 24 hours prior to the start of the meeting, unless advance notice is impractical.
5. At the start of the official meeting and prior to participating in deliberations, the Mayor shall announce that a Council Member is participating remotely. Such Council Member shall identify himself or herself and state the reason that he/she is participating remotely.

6. A Council Member participating remotely shall be allowed to participate in all open session briefing and meeting discussions, except for quasi-judicial hearings. A Council Member participating remotely shall be able to vote on matters allowed under the policy.
7. A Council Member participating remotely shall be provided with all documents to be considered during the official meeting.
8. A Council Member participating remotely shall participate via simultaneous and/or electronic communication and must be fully heard and if possible, seen by other members of the Council and any other individuals in attendance at the official meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another is necessary. If clear audio is not available, the Mayor may elect to disallow or discontinue the remote participation.
9. A Council Member participating remotely shall provide a voice vote which can be heard and recorded if participating by telephone and shall provide a voice and hand vote if participating by video.
10. The only exception to this policy is that remote participation by electronic means by any and all Council Members is permissible during a state of emergency declared pursuant to N.C.G.S. §166A of the North Carolina General Statutes and Article 36A Chapter 14 of the North Carolina General Statutes and shall be consistent with the North Carolina Open Meetings Law. During a state of emergency, the 24-hour notice requirement shall be waived, and Council may conduct closed sessions, as provided by law.
11. This policy shall be applicable to the Archer Lodge Town Council and any boards or committees appointed by the Council.

NOW, THEREFORE, BE IT RESOLVED that the Archer Lodge Town Council hereby approves the Resolution Adopting a Remote Participation Policy.

DULY ADOPTED THIS 6TH DAY OF APRIL 2020 WHILE IN REGULAR SESSION.

 (SEAL)
Matthew B. Mulhollem, Mayor

ATTEST:

 (SEAL)
Kim P. Batten, Town Clerk



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

Approved Resolution# AL2020-04-06b Adopting a Remote Participation Policy for the Archer Lodge Town Council.

CARRIED UNANIMOUSLY

c) Discussion and Consideration of Canceling the April Work Session previously scheduled and approved for Monday, April 20, 2020

Due to COVID-19 Pandemic and present status, Mr. Gordon recommended canceling the April 20, 2020 Town Council Work Session. He informed that Staff would keep everyone updated as well as the status of future meetings. No further discussion.

Mayor ask for a motion to cancel the April 20, 2020 Work Session.

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

Cancelled the April 20, 2020 Town Council Work Session due to COVID-19 Pandemic and present status.

CARRIED UNANIMOUSLY

7. TOWN ATTORNEY'S REPORT:

a) Attorney Hewett reported the following:

- Sent everyone well wishes.
- Recommended Staff keep updated with COVID-19 guidelines.

- Johnston County Courts COVID-19 closure has been extended until June 1, 2020, more updates forthcoming.
- Shared that Mayors are demanding quicker information from County, but County believes data is protected under HIPPA. State is saying County can provide information. Clarity will soon come for all.
- No Quasi-Judicial Hearings can be held until June 1, 2020.
- Public Hearings are allowed but COVID-19 restrictions must be followed.
- Mentioned the Coronavirus Aid, Relief, and Economic Security (CARES) Act that should be shared with local small businesses to help ease their financial burdens during the Coronavirus Pandemic.

8. TOWN ADMINISTRATOR'S REPORT:

a) Mr. Gordon reported the following:

- The results of the Request for Proposal (RFP) for a 5-Year Auditing Contract have been reviewed. Since a \$1,000 difference from our present auditing firm, May & Place, CPA and a new firm, he along with Staff advised to continue with May & Place, CPA.
- Interim Financials for February 2020 and March 2020 were handed out to Town Council for review and he advised them to contact Ms. Batten within the week for any questions or concerns.
- Town Hall offices are closed to the Public due to COVID-19 and some staff may work remotely.
- Meeting this week to review Sewer Study Analysis with plans for Engineers to present the Study to Council within 30 - 45 days depending on COVID-19 restrictions.
- Council Member Bruton inquired if the Town could get an electronic signature software package and Mr. Gordon advised that he will research for one.

9. PLANNING/ZONING REPORT:

a) Planning Activity

Ms. Maybee reported the following:

- Permit activity to date:
 - 8 - Zoning Permits issued.
 - 11 - Zoning Permit applications pending Johnston County Environmental Health approval.
 - 3 - Zoning Applications approved pending issuance and having been working electronically with applicants.
 - 4 - Watershed Protection Permits.
- Minor Subdivisions:
 - 4 - Exempt Plats.
 - 1 - Minor Plat with 3 Lots.
- Major Subdivisions:
 - 1 - Major Subdivision with 20 Lots (Woodfin - signed off)
- Major Subdivision under development:
 - Harden Creek Subdivision moving forward to start construction.
- Cape Fear Hazard Mitigation Plan Meeting for March 17, 2020 was cancelled.

b) Projects

Ms. Maybee shared the following:

- She thanked everyone for their support and adoption of the Bicycle and Pedestrian Plan.
- Planning and Zoning Website page is continually being updated and forms are fillable.

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- Working with Johnston County GIS regarding the Permitting Software.
 - At the March 25, 2020 Planning Board meeting the following amendment recommendations were approved for Town Council:
 - ❖ Chapter 2, Article II - Boards and Commissions, pertaining to Board of Adjustment
 - ❖ Chapter 2, Article II - Boards and Commissions, pertaining to Planning Board
 - ❖ Chapter 30, Article II - Zoning, pertaining to amendment procedures
 - Updating existing Ordinances with the current NC General Statutes.
 - Scheduling a Town Council Public Hearing as soon as possible.
 - Planning Board meeting on May 20, 2020 will address Commercial Designs Standards, Subdivision Standards, and Plat Certificates, in efforts to make them more streamline and traffic concerns.
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c) Code Enforcement

Ms. Maybee reported the following:

- Removed 94 portable signs in the right-of-way as of the end of March 2020.
- Creating a Code report that only lists the streets and will email to Council Members.

Council Member Jackson commended Ms. Maybee for not identifying addresses on the Code Enforcement report. No further comments.

10. MAYOR'S REPORT:

a) Mayor Mulhollem shared the following:

- Recognized Council Member Jackson, Council Member Wilson, and Attorney Hewett's Birthday.
 - Shared the Johnston County Public Health Department updated case status on COVID-19 that was released on April 6, 2020 at 4:00 p.m. He encouraged everyone to take precautions and stay safe.
 - Wished everyone and their families a Happy Easter Holiday.
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11. COUNCIL MEMBERS' REMARKS:

a) Council Member Wilson shared that he was having "Cabin Fever" due to the COVID-19 Quarantine.

b) Council Member Jackson reminded everyone of it being "Holy Week" and especially during the unusual times during the present status of the COVID-19 restrictions. He shared a quote "This too shall pass".

c) Council Member Purvis shared that the Archer Lodge Community Center is working with the Johnston County Schools on a Food Drive. He thanked the volunteers for their support. Mayor Mulhollem commended all the volunteers and humanitarians that are supporting the cause.

d) Mayor Pro Tem Castleberry ask everyone to keep his wife in their prayers. He expressed compassion for the 2020 graduating Seniors due to the Coronavirus Pandemic.

e) Council Member Bruton ask everyone to stay safe, and that she appreciated Staff for their efforts to provide the meeting remotely.

12. ADJOURNMENT:

a) Having no further business.

Moved by: Council Member Jackson

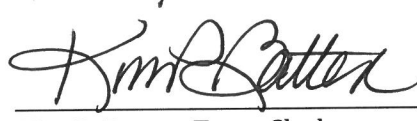
Seconded by: Mayor Pro Tem Castleberry

Adjourned meeting at 7:44 p.m.

CARRIED UNANIMOUSLY



Matthew B. Mulhollem, Mayor



Kim P. Batten, Town Clerk

