



Regular Council - Minutes Monday, April 5, 2021

COUNCIL PRESENT:

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

STAFF PRESENT:

Mike Gordon, Town Administrator
Marcus Burrell, Town Attorney
Julie Maybee, Town Planner
Kim P. Batten, Finance Officer/Town Clerk

COUNCIL ABSENT:

MEDIA PRESENT:

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:33 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present.

Mayor Mulhollem shared that he hoped everyone, and their families had a wonderful Easter, and have been able to cope with the pollen in the air and the extreme changes in temperature outside.

Council Member Jackson offered the invocation.

b) Pledge of Allegiance

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

2. APPROVAL OF AGENDA:

a) No additions or changes 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:
01 Feb 2021 Regular Council Meeting Minutes
05 Apr 2021 Work Session Minutes**

Ms. Batten noted that the 05 Apr 2021 Work Session Minutes were listed in error and needed to be removed. Attorney Burrell advised amending the Consent Agenda and to rescind the previous motion.

Mayor Mulhollem ask for a motion to rescind previous motion.

Moved by: Council Member Wilson
Seconded by: Council Member Purvis

Approved Consent Agenda.

CARRIED UNANIMOUSLY

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

Rescinded Previous Motion that Approved Consent Agenda.

CARRIED UNANIMOUSLY

4. AMENDED CONSENT AGENDA:

**a) Approval of Minutes:
01 Feb 2021 Regular Council Meeting Minutes
~~05 Apr 2021 Work Session Minutes~~ (REMOVED)**

Mayor Mulhollem noted that Agenda Item 4. Consent Agenda needed to be Amended by removing the 05 Apr 2021 Work Session Minutes which were listed in error.

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

Amended Consent Agenda.

CARRIED UNANIMOUSLY

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

Approved Amended Consent Agenda.

CARRIED UNANIMOUSLY

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

**a) Discussion and Consideration of Approving the 15 Feb 2021
Budget Planning Retreat FY 2021-2022 Minutes**

Ms. Batten noted that these set of minutes were not included under the Consent Agenda since she completed them late on Thursday, April 1, 2021, and she felt that the Council Members would not have ample time to review before being voted on.

Mayor Mulhollem offered time for review and comments. Having none, Mayor Mulhollem called for a motion.

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

**Approved the 15 Feb 2021 Budget Planning Retreat FY 2021-2022
Minutes.**

CARRIED UNANIMOUSLY (T Bruton Abstained)

b) **Discussion and Consideration of Setting a Public Hearing at the May 3, 2021 Regular Town Council Meeting for the Text Amendments to the *Code of Ordinances, Archer Lodge, NC, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. - Water Supply Watershed Protection Overlay District (WSWOD), (e) Definitions***

Ms. Maybee shared her Staff Report which appears as follows:

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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: Archer Lodge Town Council

From: Julie Maybee, Town Planner

Date: April 5, 2021

Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney, Brough Law Firm, CodeWright Planners

Re: Agenda Item 5.b. – Text Amendments to the Code of Ordinances, Archer Lodge, NC, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*

Summary: The Town is required to adopt ordinances limiting development in drinking water watersheds to protect the drinking water supply of downstream communities. These ordinances must be approved by the State. The basis of this regulation is that streams and rivers will naturally clean themselves of certain pollutants after about ten miles of flow. Thus, local governments are required to control certain types of polluting land uses and discharges within defined watershed upstream from drinking water intakes.

NC Environmental Management Commission (EMC) amended the NC Administrative Code (NCAC) in 2019 which required counties and towns to amend their Water Supply Water Ordinance (WSWO) by 2020.

Revisions to local watershed supply watershed protection ordinances and watershed maps must be submitted to the EMC or its designee for approval in accordance the NC Administrative Code 15A NCAC 02b.0623 (4) as referenced below:

"REVISIONS TO ORDINANCES AND MAPS. Revisions to local watershed supply watershed protection ordinances and watershed maps shall be submitted to the Commission or its designee for approval. The submission requirements set forth in Item (2) of this Rule shall apply to all subject revisions. In addition, revisions to ordinances shall be submitted in a format that identifies the changes adopted or being proposed, as applicable ..."

Draft revisions, complying with 2019 amendments, were submitted for review, and were tentatively approved in early November 2020 by the Water Supply Program Coordinator (designated approval authority) with the Division of Energy, Mineral, and Land Resources, NC Department of Environmental Quality.

On January 20, 2021, the Planning Board deliberated, made consistency statement findings, and recommended approval of the new water supply watershed overlay protection provisions.

On February 1, 2021, the Archer Lodge Town Council adopted Ordinance #AL-2021-02-1 that incorporated the new water supply watershed overlay protection provisions.

As required by law, the adopted ordinance was submitted to and reviewed by the Water Supply Watershed Protection Coordinator with the Division of Energy, Mineral, and Land Resources, NC Department of Environmental Quality, on February 24, 2021.

Upon review, it was requested that the Town amend/replace the definition of *protected area* in Chapter 30 - Zoning and Subdivisions, Article II, Division 3, Section 30-131 - Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*. The definition to read as follows:

"Protected area means the area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundary of a protected area is defined as: (a) extending either five miles in an as-the-river-runs manner upstream from and draining to the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed, whichever is nearest the normal pool elevation of the reservoir; (b) extending either 10 miles in an as-the-river-runs manner upstream from and draining to the intake located directly in the stream or river run-of-the-river or to the ridge line of the watershed, whichever is nearest the intake. In some cases, the protected area shall encompass the entire watershed; or (c) extending a different distance from the reservoir or intake as adopted by the Commission during the reclassification process pursuant to Rule .0104 of this Subchapter."

On March 17, 2021, the Planning Board deliberated on the proposed amendment referenced above (in blue text); and considered applicable consistency statement findings:

2030 Archer Lodge Comprehensive Land Use Plan (Plan Excerpts)

"Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business."

"Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looksfor opportunity of mold future growth into the town's core values. Archer Lodge ishome to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources."

Planning Board Recommendations – March 17, 2021. Planning Board Meeting:

Consistency Statement Findings

The Planning Board finds that the proposed amendments to Chapter 30, Article II, Division 3, Section 30-131 – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions* are reasonable and in the public interest. The proposed revisions clarify/streamline the process/procedures pertaining to protection of natural resources/development of lands within the Town's WSIV water supply watershed protection program 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", vision and mission statements and other adopted Town plans having bearing on the matter.

Text Amendment Recommendation

The Planning Board recommends approval of the proposed text amendments (see blue text above) pertaining to Water Supply Watershed Protection Overlay District (WSWOD), as presented, to the Code of Ordinances, Archer Lodge, NC - Chapter 30, Article II, Division 3, Section 30-131, Section (e) *Definitions*, Protected Area.

Town Council Requested Action:

Staff respectfully requests that the Town Council discuss and consider setting (conducting) a Public Hearing at the May 3, 2021, Regular Town Council Meeting for the Text Amendments to Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. – Water Supply Watershed Protection Overlay District (WSWOD), Section (e) *Definitions*, Code of Ordinances, Archer Lodge, NC.

Ms. Maybee informed Council that this State Mandated Amendment was considered by the Planning Board at their meeting on Wednesday, March

17, 2021. Having received a Recommendation of Approval by the Archer Lodge Planning Board, Ms. Maybee respectfully requested that Council hold a Public Hearing for the Amendment on Monday, May 3, 2021 at their Regular Town Council Meeting. No further discussion.

Moved by: Council Member Wilson

Seconded by: Council Member Purvis

Set a Public Hearing for Monday, May 3, 2021 at the Regular Town Council Meeting for the Text Amendments to the *Code of Ordinances, Archer Lodge, NC, Chapter 30. Zoning and Subdivisions, Article II. Zoning, Division 3. Overlaying Zoning Districts, Section 30-131. - Water Supply Watershed Protection Overlay District (WSWOD), (e) Definitions*

CARRIED UNANIMOUSLY

6. TOWN ATTORNEY'S REPORT:

Attorney Burrell began with a comical comment related to the April Fool's FB post sharing that Archer Lodge and the Cleveland Area would be getting a Chick-Fil-A, but learning it was not true. However, if it were the case, then the Town would be getting commercial zoning requests. Chapter 160D being presented in a Unified Development Ordinance (UDO) addresses Commercial Design Standards and these new standards will benefit the Town.

7. TOWN ADMINISTRATOR'S REPORT:

a) Mr. Gordon reported the following:

- **Town Events:**
 - On Saturday, April 10, 2021 from 10:00 a.m. until 2:00 p.m. the Town will sponsor a Shredding Event for the public and the Baton Rouge Cuisine Food Truck will be on site as well.
- **NCDOT Sidewalk, Curb & Gutter Project, and Road Widening Projects:**
 - Addison Gainey, PE, NCDOT Project Team Lead, stated that the Buffalo Rd widening project is in progress in front of Town Hall towards the Wake County line.
 - The intersection of Buffalo Road and Lake Wendell Road is projected to be completed in May 2021.
 - June 2021 - August 2021 is the projected start date for the resurfacing of Buffalo Road from south end of Town Hall property to the Wake County line, along with the Town Hall sidewalk, curb & gutter project.
 - Covered Bridge Road Widening Project is projected to be contracted in the Fall of 2022.
- **Park Update:**
 - Permits for the new park have been submitted to the County and State.
 - Septic design has been completed and waiting on permit from County.
 - County suggested using well water for irrigation and location of well is pending.
 - Shelter details will soon be underway.
 - Old barn has been burned and debris removed.
 - Future maintenance equipment will need storage and hoping to utilize the storage on site.
 - Ms. Hatchell finalizing park drawing details and waiting for permits to be approved.
 - Bids possibly will go out in May 2021.
- **Sewer Update:**

- Staff contacted Triangle J Council of Government (TJCOG) and the UNC School of Government regarding options to acquire sewer.
- Aqua would not be able to provide any sewer capacity to the Town.
- Recap - the cost for sewer capacity from the Town of Clayton was approximately \$10M.
- Town cannot apply for approximately 90% of the grants due to household median income level is higher than allowable threshold.
- Recommended that Council contact the Johnston County Commissioners and our NC Senator and House of Representative for help with sewer.
- Johnston County Comprehensive Plan did not show sewer for Archer Lodge.
- **Lead for NC Fellow with the UNC School of Government (LFNC) – Town chosen and interviewing this month.**

8. FINANCIAL/TOWN CLERK'S REPORT:

a) Interim Financial Reports for February 2021

Ms. Batten provided an interim summary for all funds ending February 28, 2021. The fiscal year is about 67% complete and in the General Fund (GF), the collected revenues were slightly less than 83% of those anticipated for the fiscal year. The GF Expenditures were roughly 70% of those budgeted, and in reviewing the year to date estimated figures, revenues exceeded expenditures by approximately \$172,000. Other than the three-cents tax transfer of \$8,152 to the Park Reserve Fund in February, investment earnings remained minimal and constant in the other three funds: Capital Reserve, Park Reserve and Public Safety Reserve Funds.

When comparing February 2021 with February 2020, the net difference is an increase in February 2021 by approximately \$71,000; however, Ms. Batten mentioned several items that aided with the increase:

1. Unanticipated Increases in Sales Tax and Property Tax Revenues
2. Annual Capital Reserve Transfer was not budgeted

Ms. Batten mentioned that the Archer Lodge Town Park Fund (PARTF) Project had minimal transactions with actual revenues of \$71,547.50 and expenditures of \$38,665.00 as of February 28, 2021. No further comments.

b) Interim Financial Reports for March 2021

With the close of March 31, 2021, the fiscal year is 75% complete, and Ms. Batten shared the interim financial reports for all funds ending March 31, 2021. In the General Fund, Franchise Tax Revenues for period ending 12/31/20 were received on March 15th which increased the anticipated revenue collection rate to 88%. The GF Expenditures were roughly 78% of those budgeted. In reviewing the estimated net totals, revenues exceeded expenditures by approximately \$136,000 in the GF. The monthly three-cents tax transfer to the Park Reserve Fund was \$2,819 and the investment earnings for each of the three funds ranged from \$104 - \$149.

Comparing March 2021 with March 2020, Ms. Batten shared that the General Fund revenues increased by approximately \$40,100 in 2021 and expenditures decreased by roughly \$25,700 in 2021; therefore, a net difference showed an increase by roughly \$65,800 in 2021.

Ms. Batten noted that the Archer Lodge Town Park Fund (PARTF) Project had a few more transactions than in February with actual revenues of \$93,932.50 and expenditures of \$61,050.00 as of March 31, 2021. No further comments.

9. PLANNING/ZONING REPORT:

a) Planning | Zoning | Projects | Updates

Ms. Maybee reported the following:

- Ms. Maybee provided Council with the following handouts and would email copies to Council Member Bruton and Council Member Jackson:
 - Planning & Zoning Report for 7/1/21 - 3/31/21
 - Animal Control Report for March 2021
- Johnston County is doing a new Arial View Map, the last map was taken in 2017.
- Following the meeting, she would share the 2017 Johnston County Arial Map that was provided by Sam Porter, Johnston County GIS Technician II. It depicts growth and development in the county.
- Ms. Maybee expressed the importance of sewer and long-term goals that sustain the viability of the Town.
- Town's Comprehensive Land Use Plan shows a commercial/business district. Town should plan for these changes before sewer is installed.
- Re-emphasized that the Town Board should contact elected leaders regarding sewer and suggest that the Town be included in the County's Capital Improvement Plan (CIP).
- Zoning permits issued for single family dwelling have exceeded the previous year.
- Planning Board will meet later this month to continue reviewing the **DRAFT** Unified Development Ordinance (UDO) and following Ms. Maybee will share with Town Council.
- UDO will assure that the Town follows the General Statutes, help in planning for future growth and assure that developers will be responsible for maintaining roads until turned over to NCDOT.
- Expressed thanks to Animal Control Officer Kerry Barnes for handling complaints received which are low and possibly due to people staying home due to COVID-19.
- No report was given for CAMPO due to the last meeting being cancelled.

Mr. Gordon shared an email from the NCLM regarding legislation that has been presented in both the NC Senate and NC House that would eliminate local government authority zoning control. He asked that they review and stay tuned.

b) Code Enforcement

Ms. Maybee reported the following:

- Complaints regarding oil, and potential chemicals near streams are being referred to North Carolina Environment Quality(NC DEQ - Water Resources).
- NCDOT will be following up with some road complaints that were submitted.
- Monitoring tall grass complaints.
- Johnston County Environmental Health advised that the report received for the erosion of a septic line was not in violation but will be monitored.
- Streamline public nuisance complaints/reports

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- Reviewing Fees on Fee Schedule for FY2021-2022 for cleaning sites and nuisance fees.
 - Expressed thanks to Johnston County for their support in following up with the complaint reports.
- Discussion followed.
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10. MAYOR'S REPORT:

- a) **Mayor Mulhollem received calls regarding Town's Zoning Ordinance on Residential Accessory Buildings. Mayor suggested looking at options and possibly amendments. Staff mentioned that the subject had previously come up, and she would review the ordinance with Special Counsel for options and provide an update at a later meeting.**
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11. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

- a) **Council Member Wilson shared the following:**
- **April is Parkinson's Awareness Month and remarked on some personal issues.**
 - **Renee Boyette, TJCOG, retired but will stay on 4 additional months in Foreign Trade Zone**
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- b) **Council Member Jackson had no remarks.**
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- c) **Mayor Pro Tem Castleberry shared that he received a complaint from a citizen that he waited four months to receive a septic permit approval from the Town. Furthermore, he was upset also because building supplies had increased while waiting for approval and due to the pandemic. In response, Ms. Maybee shared that Johnston County Environmental Health was behind 10 to 13 weeks for issuing permits which delays the Town's permitting process.**
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- d) **Council Member Purvis mentioned excessive speeding on Buffalo Road. Mr. Gordon shared that Staff would contact the Johnston County Sheriff's Department.**
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- e) **Council Member Bruton was not available for remarks due to remote connectivity issues.**
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12. ADJOURNMENT:

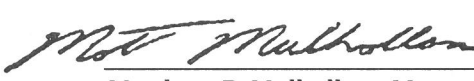
- a) **Having no further business, Mayor Mulhollem asked for a motion to adjourn meeting.**

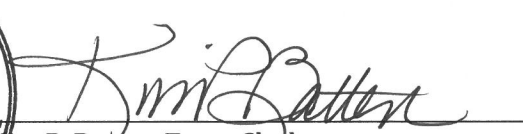
Moved by: Council Member Wilson

Seconded by: Council Member Purvis

Adjourned meeting at 7:55 p.m.

CARRIED UNANIMOUSLY


Matthew B. Mulhollem, Mayor


Kim P. Batten, Town Clerk