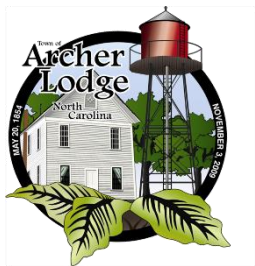


**Regular Council Meeting &
Public Hearing Minutes on Amending the Code
of Ordinances, Town of Archer Lodge, NC
in accordance with State Law as referenced
below:**



*Chapter 30 - Unified Development Ordinance (UDO):
Article 1. – General Provisions, Division 1;
Article 2. – Authorities, Divisions 3 and 4;
Article 3. – Procedures, Division 2;
Article 7. – Subdivisions, Division 3;
Article 11. - Appendix, Divisions 3 and 6*

Monday, March 7, 2022

COUNCIL PRESENT:

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

STAFF PRESENT:

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

COUNCIL ABSENT:

Council Member Bruton

GUESTS PRESENT:

Chad Meadows, Code Wright Planner, LLC

Page

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.

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.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. **PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS:**

15 - 26

a) **PUBLIC HEARING - Text Amendments - *Code of Ordinances, Town of Archer Lodge, NC*, Chapter 30 - Unified Development Ordinance (UDO):**

- **Article 1. – General Provisions, Division 1, Section 30-1104 to clarify that “Bona Fide” farms are exempted from the UDO (except for flood damage prevention requirements);**
- **Article 2. – Authorities, Division 3, Section 30-2306, and Article 2. – Authorities, Division 4, Section 30-2406 clarifying provisions related to simple and supermajority determinations pertaining to voting.**
- **Article 3. – Procedures, Division 2, Section 30-3202, and Article 11. – Appendix, Division 3 allowing plat applications and certificates to be signed digitally and Division 6, Summary Table.**
- **Article 7. – Subdivisions, Division 3, Section 30-7301 further clarifying that all new roads, public or private, must be paved and may not be gravel. Clarifying the requirements applied to different kinds of subdivisions. (No new standards, just further clarification of existing requirements.)**
 - 1. **Open Public Hearing**
 - 2. **Staff Report and Planning Board Recommendations**
 - 3. **Public Comments**
 - 4. **Close Public Hearing**
 - 5. **Governing Body**
 - **Discussion and Consideration of the Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2022-03-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance: Article 1. - General Provisions, Division 1; Article 2. - Authorities, Divisions 3 and 4; Article 3. - Procedures, Division 2; Article 7. - Subdivisions, Division 3 and Article 11. - Appendix, Divisions 3 and 6.**

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

2. Staff Report and Planning Board Recommendations

Ms. Maybee reported that the Planning Board considered this request at their January 26, 2022 Planning Board Meeting and asked Mr. Meadows if he would present the Staff Report.

Mr. Meadows shared a presentation on the Unified Development Ordinance Text Amendments and appears as follows:



UNIFIED DEVELOPMENT ORDINANCE

Text Amendment UDO-TA-1-22



Overview with Town Council 3-7-22

Overview

2

- 2nd UDO Amendment
- Current UDO pages with proposed amendments provided
- Proposed amendments provided in tracked changes format
- Planning Board has reviewed and forwards a favorable recommendation to the Town Council to approve.

Town of
ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE

Effective Date: June 7, 2021
Amended: November 15, 2021



Proposed Amendments

3

5 Proposed Changes:

1. Clarity regarding bona fide farms (p. 13)
2. Simple and supermajority calculations for voting (p. 22 & p. 24)
3. Digital signatures on plats allowed (p. 31 & 337)
4. Limitations on gravel streets (p. 224 & 225)
5. Subdivision requirements summary table (p. 343 & 344)

4

Bona Fide Farms

“Bona Fide” farms exempted from the UDO (except for flood damage prevention requirements)

Non-farm activity on a bona fide farm is subject to the UDO

ARTICLE 1 - GENERAL PROVISIONS

Sec. 30-1105 - Required conformance to article provisions.

(1) Within Corporate Limits, Except for the special flood hazard area standards, land and agricultural activity as defined in §1600-903 of the North Carolina General Statutes taking place on a bona fide farm use that is located within the Town's corporate limits shall be exempted from the standards in this Ordinance.

(2) Non-Farm Related Activity Taking Place on a Bona Fide Farm, Land uses and development activity that do not qualify as agricultural activity, as defined in §1600-903 of the North Carolina General Statutes, that is conducted for non-farming purposes shall be subject to the standards in this Ordinance regardless of whether they are located upon a bona fide farm.

(3) Special Flood Hazard Area Standards: All development and activity located on a bona fide farm shall be subject to all applicable special flood hazard area or flood damage prevention standards in accordance with 1600-903 of the North Carolina General Statutes.

Sec. 30-1105 - Required conformance to article provisions.

Except as otherwise specifically provided in this Ordinance, no land or structure shall be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development, and no structure, or part of a structure, shall be constructed, erected, altered or moved, except in compliance with all of the applicable provisions of this Ordinance.

Sec. 30-1106 - Purpose and intent.

(a) Declaration of necessity. In order to protect and promote the health, safety, and general welfare of the Town and its planning jurisdiction, this Ordinance is adopted by the Town Council to regulate and restrict by means of zoning regulations the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size and availability of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence and other purposes.

(b) Purpose. The purpose of the regulations set forth in this Ordinance shall be to accomplish compatible development of the land within the planning jurisdiction of the Town in a manner which will best promote the health, safety, and general welfare; to promote efficiency, energy conservation, and economy in development; to make adequate provisions for traffic; to secure safety from fire, flooding, panic, and other hazards; to provide for adequate light and air; to prevent overcrowding of land; to avoid inappropriate concentration of population; to facilitate the adequate provision of transportation, public water, sewerage, schools and other public requirements; to promote desirable living conditions and the stability of neighborhoods; and to achieve other purposes in accordance with the comprehensive plan and development policies for the Town's planning jurisdiction.

Sec. 30-1107 - Severability.

The legislative intent of the Town Council in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the Town as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of the Town of Archer Lodge. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the Town Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid. The sections not declared invalid will continue to be used and enforced by the Town.

TOWN OF ARCHER LODGE

Unified Development Ordinance

13

LAST AMENDED

November 15, 2021

5

Voting

Simple & supermajority determination for Planning Board and BOA

The minimum number of votes required for a majority only decreases if a member is recused or if a board position is vacant and there is no alternate available

Absence of a member from a meeting does not change the minimum number of votes required for a simple or super majority

(c) A quorum for the Planning Board shall consist of three or more members. A quorum is necessary for the Planning Board to take any action.

(d) A member who has withdrawn from the meeting without being excused, as provided in § 160A-75 of the North Carolina General Statutes shall be counted as present for purposes of determining whether a quorum is present.

Sec. 30-2306 - Voting.

(a) Once a quorum is established, the concurring vote of a majority of the regular membership board members (excluding vacant board member positions and any board members who are disqualified or excused from voting on a particular case) shall be necessary to make any decision.

(b) Once a member is physically present at a Planning Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.

TOWN OF ARCHER LODGE

Unified Development Ordinance

22

LAST AMENDED

November 15, 2021

ARTICLE 2 - AUTHORITIES

Sec. 30-2406 - Voting.

(b) The agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

(c) A quorum for the Board of Adjustment is four members. A quorum is necessary for the Board of Adjustment to take official action.

(d) A member who has withdrawn from the meeting without being excused, as provided in § 30-2406 Voting, shall be counted as present for purposes of determining whether a quorum is present.

Sec. 30-2406 - Voting.

(a) Once a quorum is established, the concurring vote of a majority of those present board members (excluding vacant board member positions and any board members who are recused from voting on a particular case) shall be necessary to make any decision, except decisions on variances.

(b) The vote on a variance shall require a 4/5 supermajority of all board members (excluding vacant board member positions and any board members who are recused from voting on a particular case).

(c) In accordance with §160D-406(a), majority or supermajority calculations shall be based on the total number of board member positions, regardless of whether the member is absent. Positions may only be excluded from the calculation when the position is vacant and there is no alternate or when a board member has been recused in accordance with subsection (a) below.

(d) Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (f) of this section.

(e) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

(1) If the member has a conflict of interest as defined by § 30-2105 Conflict of interest, above; or

(2) If the matter at issue involves the member's own official conduct.

(f) A motion to excuse a member from voting on a specific item, or from the remainder of the meeting may be made by any Board of Adjustment member.

TOWN OF ARCHER LODGE

Unified Development Ordinance

31

LAST AMENDED

November 15, 2021

6

Digital Signatures

Need to allow for plat applications and certificates to be signed digitally as this practice is becoming the industry standard

ARTICLE 3 - PROCEDURES

DIVISION 2 - Standard Review Procedures.

(6) No application shall be accepted for development proposed on a lot or site until property taxes are paid in full, as determined by the Johnston County Tax Assessor.

(7) Burden of presenting complete application. The burden of presenting and maintaining a complete application shall be solely upon the applicant.

(8) Determination of application completeness. On receiving a development application, the Town Planner shall determine, within seven days, whether the application is complete or incomplete. A complete application is one that:

(1) Contains all information and materials identified in the appropriate Town documentation as required for submittal of the particular type of application;

(2) Is in the form and number of copies required by the appropriate Town documentation;

(3) Is legible and printed to scale (where appropriate);

(4) Is signed by the person with the authority to file the application (verifiable electronic signatures are permitted);

(5) Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;

(6) Is accompanied by the fee established for the particular type of application; and

(7) Includes material associated with a pre-application conference if one is required.

(9) Application incomplete.

(10) If an application is incomplete, the Town Planner shall notify the applicant of the deficiencies in writing.

(11) Developers are required to give lot purchases a subdivision street disclosure statement pursuant to §136-102.6(f) of the North Carolina General Statutes.

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

(13) Electronic Signatures.

(14) Verifiable digital or electronic signatures ("e-signatures" such as those provided by Adobe Sign software) may be substituted for a handwritten signature on any of the above certification statements included on a subdivision plat.

Town Planner shall process the application in accordance with the standards in this Ordinance. In no instance shall additional materials or information be added to the application by the applicant. Nothing shall limit an applicant from withdrawing an application in accordance with § 30-3210 Modification, continuance, or withdrawal.

Sec. 30-3203 - Staff review and action.

(a) Initial staff review.

TOWN OF ARCHER LODGE

Unified Development Ordinance

31

LAST AMENDED

November 15, 2021

MARCH 7, 2022

REGULAR COUNCIL MEETING

Page 4 of 35

7

Gravel Roads

Clarifies that all new roads, public or private, must be paved and may not be gravel

Extensions of existing gravel roads are permitted for up to 4 additional lots; adding 5 or more lots requires the whole street to be paved

ARTICLE 7 - SUBDIVISIONS
DIVISION 3 - Streets and sidewalks.

DIVISION 3 - STREETS AND SIDEWALKS.

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 Town Planner. Principal vehicular access points to the subdivision shall be designed to encourage smooth traffic flow and minimize hazard to vehicular traffic, pedestrians 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.

Sec. 30-7301 - 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.

(a) Minimum construction standards. All roads, whether public or private, shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards for public roads, and shall:

(1) 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.

(2) 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.

(b) Other road requirements.

(1) 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.

(2) Paving: All roads, whether public or private, shall be paved with asphalt, concrete, NCDOT-approved pavers, or other suitable all-weather surface as determined by the NCDOT. Gravel shall not be permitted as a surface for a new public or private roadway. Extensions of existing gravel roads are permitted provided the total number of lots accessing the road does not increase by more than four from the number of lots accessing the road as of June 7, 2021. If the number of lots accessing an existing gravel roadway is increased by four or more after June 7, 2021, the gravel roadway shall be paved in accordance with these standards.

(2)(3) Offsets to utility poles: Overhead utility poles shall be break-away or located outside the roadway clear zone.

(3)(4) cross North

(4)(5) Install Place by the

(c) Relations conform proposed the be design

(d) Cul-de-sac

ARTICLE 7 - SUBDIVISIONS
DIVISION 3 - Streets and sidewalks.

(e) 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 for public roads.

(f) 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.

(1) 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.

TOWN OF ARCHER LODGE
Unified Development Ordinance

224

LAST AMENDED
November 15, 2021

8

Subdivision Requirements Table

New summary table in the Appendix that clarifies the requirements applied to different kinds of subdivisions

(no new standards, just clarification of existing requirements)

DIVISION 6 - SUBDIVISION REQUIREMENTS BY TYPE OF SUBDIVISION

The Subdivision Requirements Table below specifies the characteristics and requirements for each type of subdivision required by this Ordinance. In the event of conflict between the table below and the text of this Ordinance, the text shall control.

CHARACTERISTIC OR REQUIREMENT	TYPE OF SUBDIVISION			
	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION [1]	MINOR SUBDIVISION [1]	MAJOR SUBDIVISION [1]
Maximum Number of Lots Created [2]	No Limit	3 or less [3]	4 or less [3]	No Limit
Minimum Tract Size	[4]	More than 5 acres	No minimum	No minimum
Review Authority Deciding Application	Town Planner	Town Planner	Town Planner	Planning Board [5]
Plat for Recording Required	No	Yes	Yes	Yes [6]
Lot Access Provided Solely by Individual Driveway or Alternative Accessway	Yes	Yes	Yes	No
Driveway Permit Required for each new Driveway a Public Street [7]	Yes	Yes	Yes	Yes
Public or Private Street Extension Permitted	No	No	No	Yes [8]
Traffic Impact Analysis Required	No	[9]	[9]	[9]
Potable Water or Sanitary Sewer Extension Permitted	No	No	No	Yes
Curbs and Gutters Required	No	No	No	[10]
Sidewalks Required	No	No	No	Yes [11]
Open Space Set-Aside Required	No	No	No	Yes [12]
Parkland Dedication Required	No	No	No	Yes [13]
Owners' Association Required	No	No	No [14]	Yes [14]
Certificate Statements Required	[15]	[15]	[15]	[15]

NOTES:
[1] All proposed lots must meet the minimum dimensional requirements of the base and overlay districts where located.
[2] Including "parent" tract or residual parcel.
[3] Extension of public utilities (like water, sewer, roads, or public roads) makes this a major subdivision.
[4] Subdivision is an exempt subdivision when all lots are 10 acres or larger, when tract is no greater than 2 acres and no more than 3 lots are created, or when existing lots are recombined with no changes in the number of lots.

TOWN OF ARCHER LODGE
Unified Development Ordinance

343

LAST AMENDED
November 15, 2021

9

Subdivision Requirements Table

New summary table in the Appendix that clarifies the requirements applied to different kinds of subdivisions

(no new standards, just clarification of existing requirements)

CHARACTERISTIC OR REQUIREMENT	TYPE OF SUBDIVISION			
	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION [1]	MINOR SUBDIVISION [1]	MAJOR SUBDIVISION [1]

[5] Includes a recommendation by the Technical Review Committee prior to Planning Board review.
[6] Only final plat is recorded, not preliminary plat.
[7] Driveways shall be configured in accordance with Section 30-6101.
[8] All streets shall be configured in accordance with public street standards, including the provisions in Section 30-7301.
[9] A traffic impact analysis shall be required for all residential subdivisions of 100 or more lots and for all nonresidential subdivisions generating an average daily traffic count of 1,000 vehicles per day at more or all nonresidential subdivisions generating 100 or more vehicle trips during its peak hour.
[10] In accordance with NCDOT standards (private streets must be built to public street standards (see Section 30-7301).
[11] Sidewalks or multi-use paths are required for major subdivisions of 7 or more lots.
[12] Not required if subdivision occupies 2 acres or less.
[13] Parkland (or a fee-in-lieu) dedicated to the Town is required for major subdivisions of 5 or more lots.
[14] An owner's association is required if the subdivision has a private road or other commonly owned features, including stormwater facilities.
[15] See Appendix Division 3, Certificates 5 and 13 required only as appropriate. Certificates for final plats shall be as required in Section 30-33100.

TOWN OF ARCHER LODGE
Unified Development Ordinance

344

LAST AMENDED
November 15, 2021

MARCH 7, 2022

REGULAR COUNCIL MEETING

Page 5 of 35

Next Steps...

10

Overview



1. Planning Board favorable recommendation to approve received on 1/26/22

2. Public Hearing with Town Council 3/7/22

3. Adoption of Consistency Statement Findings and Amendments

4. Accept Redlines, Add Editor's Notes, and Update Footer

5. Post new UDO

3. Mayor Mulhollem asked if there were any **Public Comments**. There were no public comments.

4. Mayor Mulhollem called for a motion to **Closed the Public Hearing**.

5. Mayor Mulhollem opened the floor for the **Governing Body Discussion** session:

Consistency Statement

- No further discussion regarding the Consistency Statement.

Ordinance# AL2022-03-1

- No comments or concerns.

Having no further discussion, Mayor Mulhollem called for a motion to adopt the Consistency Statement as written and presented by Staff.

The Adopted Archer Lodge Town Council Consistency Statement appears as follows:

The Town Council finds that the proposed amendments to Chapter 30 referenced as Text Amendment UDO-TA-1-22 and summarized below are in accordance with state law are reasonable and in the public interest:

• Article 1. – General Provisions, Division 1. – Preface, Sec. 30 – 1104 – Applicability and Jurisdiction, to clarify that “Bona Fide” farms in the Town’s corporate limits are exempt from UDO provisions except applicable special flood hazard area and flood damage prevention standards in accordance with NCGS 160D – 903. Non-farm related activities taking place on a Bonafide Farm will be subject to provisions of the ordinance;

• Article 2. – Authorities, Division 3. – Planning Board, Sec. 30 –2306 – Voting; and Article 2. – Authorities, Division 4. – Board of Adjustment, Sec. 2406 – Voting, to clarify Planning Board and Board of Adjustment voting calculations pertaining simple and super majority;

• Article 3. – Procedures, Division 2. – Standard Review Procedures, Sec. 30 – 3202 – Application Filing and Acceptance; and Article 11. – Appendix, Division 3. – Plat Certificates, add Certificate (15) Electronic Signatures, to: allow for plat applications and certificates to be signed digitally or electronically as this practice is becoming the industry standards;

• Article 7. – Subdivisions, Division 3. – Streets and Sidewalks, Sec. 30-7301– Roads, to – clarify that all new roads, public or private must be paved. Extensions of existing gravel roads are permitted for up to 4 additional lots provided the total number of lots accessing the road does not increase by more than four from the number of lots accessing the road as of June 7, 2021.

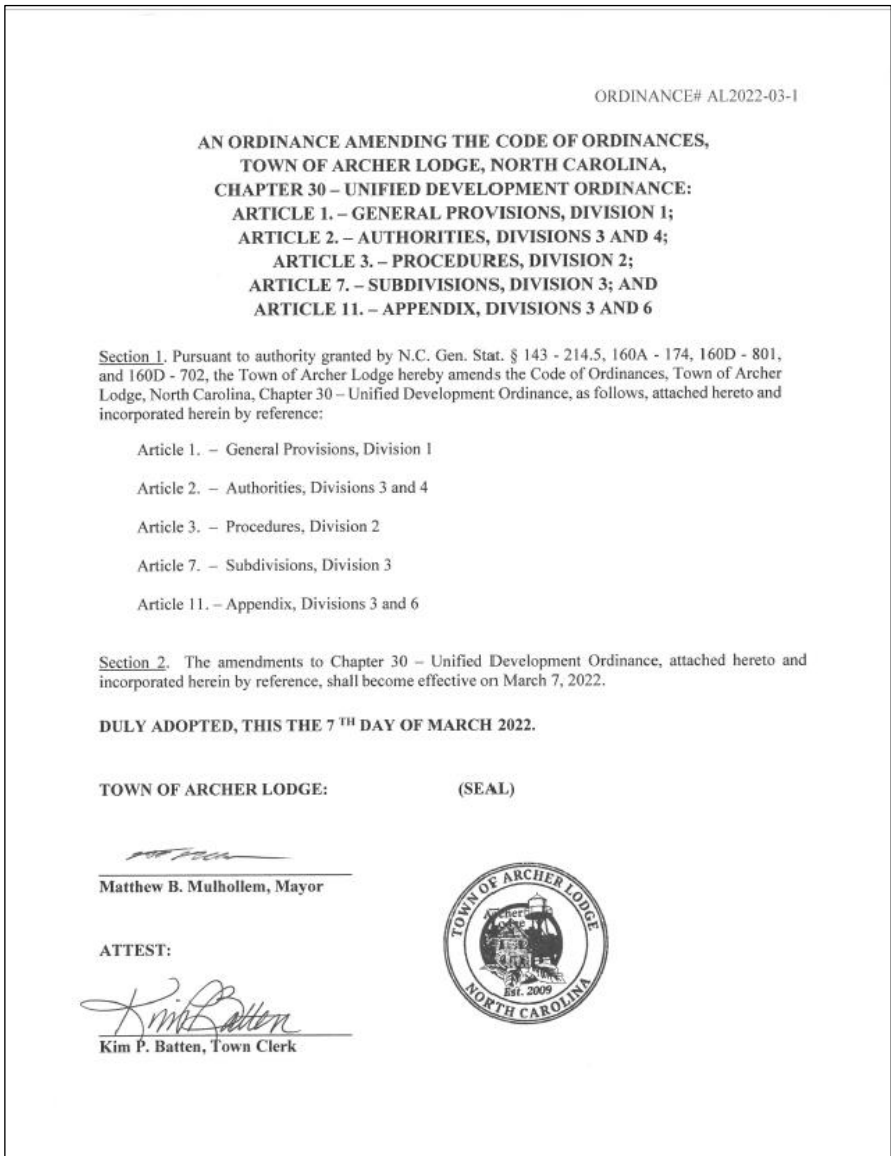
• Article 11. – Appendix, Division 6. – Subdivision Requirements by Type of Subdivision – new summary table in UDO Appendix that clarifies the requirements applied to different kinds of subdivisions. (No new standards just clarification of existing requirements.).

Having adopted the Consistency Statement, Mayor Mulhollem called for a motion to Adopt Ordinance# AL2022-03-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development

Ordinance: Article 1. - General Provisions, Division 1; Article 2. - Authorities, Divisions 3 and 4; Article 3. - Procedures, Division 2; Article 7. - Subdivisions, Division 3; and Article 11. - Appendix, Divisions 3 and 6.

Mayor Mulhollem opened floor for discussion. No discussion followed.

The Adopted Ordinance# AL2022-03-1 as presented appears as follows:



The Amended March 7, 2022 Unified Development Ordinance Text Amendments showing changes in **Red** appear at the end of the signature page of the minutes.

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Approved to Open the Public Hearing at 6:35 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson

Seconded by: Mayor Pro Tem Castleberry

Approved to Close the Public Hearing at 6:48 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Jackson

Seconded by: Council Member Wilson

Approved the Consistency Statement as presented.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Adopted Ordinance# AL2022-03-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance: Article 1. - General Provisions, Division 1; Article 2. - Authorities, Divisions 3 and 4; Article 3. - Procedures, Division 2; Article

7. - Subdivisions, Division 3 and Article 11. - Appendix, Divisions 3 and 6 as presented.

CARRIED UNANIMOUSLY

UDO Text Amendments Adopted March 7, 2022

b) Discussion and Consideration of Renewing the Deer Urban Archery Season for 2023 in the Town of Archer Lodge

Mayor Mulhollem shared that over the years the Town has received positive comments for participating in the Urban Archery program. He informed that this program is no cost to the Town and that it is an extension of an already legal activity. Ms. Batten informed that Staff has received calls requesting a list of properties that allow Urban Archery hunting and noted that Staff advises that there is no list and that they should contact local landowners for permission. No further discussion.

Mayor Mulhollem called for a motion to renew.

The 2023 Deer Urban Archery Season Renewal Form appears as follows:



Deer Urban Archery Season Renewal Form
(January 14 - February 19, 2023)
January 28, 2022

Please update any contact information that is not correct

Town of Archer Lodge
Mike Gordon
14094 Buffalo Road
Archer Lodge, NC 27527

Name of Representative: _____
Address: _____
City: _____ Zip Code: _____
Email Address: _____
Phone Number: _____

Do you wish to participate in the 2023 Deer Urban Archery Season (January 14 - February 19, 2023) Yes ☒ No ☐

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the Regulations Digest. Please indicate the phone number and/ or website to be listed in the 2022-2023 Inland Fishing, Hunting, and Trapping Regulations Digest (Please Print)

Phone Number: 919-359-9727

Website: archerlodgenc.gov

Are there any changes to the map submitted with your participation letter? Yes ☐ No ☒
If "Yes", please attached a new map to this form. (No larger than 11"x17")

Please print and sign the name of the representative for the Town of Archer Lodge.

Name of Representative: Mike Gordon, Town Administrator

Signature: 

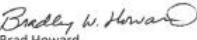
Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form by mail to:

Shauna Glover, Program Support
Wildlife Management Division
1722 Mail Service Center
Raleigh, NC 27699-1700

Or email: shauna.glover@ncwildlife.org



Town Clerk


Brad Howard
Chief, Wildlife Management Division
(919) 707-0050

Applications must be received by April 1, 2022, to be a part of the Deer Urban Archery Season

Mailing Address: Wildlife Management Division • 1722 Mail Service Center, Raleigh, NC 27699-1700
Phone: (919) 707-0050 • Fax: (919) 707-0067

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

Approved the Deer Urban Archery Season for 2023 Renewal.

CARRIED UNANIMOUSLY

c) **Discussion and Consideration of concluding the Budget Retreat on Monday, March 21, 2022 at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers at the Archer Lodge Town Hall, 14094 Buffalo Rd, Archer Lodge, NC 27527.**

Mayor Mulhollem discussed the recent Budget Retreat held on Monday, February 21, 2022. He noted that it mirrored the prior year Budget Retreat by reviewing segments of the budget in teams of two and afterwards discussing their recommendations.

Mayor Mulhollem opened the floor for discussion. It was the consensus of the Board to conclude the Budget Retreat on Monday, March 21, 2022 at 6:30 p.m.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved to Conclude the Budget Retreat on Monday, March 21, 2022, at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers at the Archer Lodge Town Hall, 14094 Buffalo Rd, Archer Lodge, NC 27527.

CARRIED UNANIMOUSLY

d) **Discussion and Consideration of calling a Work Session for Monday, April 18, 2022 at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers at the Archer Lodge Town Hall, 14094 Buffalo Rd, Archer Lodge, NC 27527 for Julie Maybee, Town Planner, to hold a workshop to review the status of goals outlined in the 2015 Comprehensive Land Use Plan and discuss future goals as well as further discuss extra territorial planning around Archer Lodge.**

Ms. Maybee discussed the need to hold a workshop for the following:

- Extra Territorial Jurisdiction (ETJ) in the Town.
- Review the 2015 Comprehensive Land Use Plan.
- Review the Bicycle and Pedestrian Plan.
- Review past goals.
- Discuss future goals of the Town.

Mr. Meadows mentioned updating the Comprehensive Land Use Plan, but nothing urgent before June 30, 2022.

Ms. Maybee provided handouts for Council to review in preparation of the April 14, 2022 Work Session.

Mayor Mulhollem opened the floor for a motion.

Moved by: Council Member Jackson

Seconded by: Mayor Pro Tem Castleberry

Approved a Work Session for Monday, April 18, 2022 at 6:30 p.m. in the Jeffrey D. Barnes Council Chambers at the Archer Lodge Town Hall, 14094 Buffalo Rd, Archer Lodge, NC 27527.

CARRIED UNANIMOUSLY

27 - 35

e) **Discussion and Consideration of Approving the Construction Contract for the Archer Lodge Town Park Phase 1-Site Work between the Town of Archer Lodge and J.M. Daniels Construction Co., Inc. effective March 7, 2022.**

Mr. Gordon shared the following:

- Provided Council Members with a copy of the J.M. Daniels Construction Co., Inc. contract to review.
- Informed that J.M. Daniels Construction Co., Inc was the lowest bidder out of seven bids with quotes ranging from \$500K to \$1.3MM.
- J.M. Daniels Construction Co., Inc. has worked for the Town in the past.

-
- Paving of the parking lot as required by the Archer Lodge Town Ordinances is included.
 - The Town Park Groundbreaking ceremony is tentatively set for Thursday, March 24, 2022, at 4:00 p.m.
 - He asked for any recommendations of invitees.

Town Administrator raised the concern of a conflict of interest with Mayor Pro Tem Castleberry. Discussion followed with guidance from Attorney Burrell. The Mayor asked if there was a motion to excuse Mayor Pro Tem Castleberry from voting. No motion was made.

Mayor Mulhollem opened the floor for a motion to approve the contract with J.M. Daniels Construction Co., Inc.

The Approved Construction Contract for the Archer Lodge Town Park Phase 1-Site Work between the Town of Archer Lodge and J.M. Daniels Construction Co., Inc. effective March 7, 2022 appears after the signature page of the minutes.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved the Construction Contract for the Archer Lodge Town Park Phase 1-Site Work between the Town of Archer Lodge and J.M. Daniels Construction Co., Inc. effective March 7, 2022.

CARRIED UNANIMOUSLY

(Mayor Pro Tem Castleberry abstained from voting, which pursuant to NCGS§160A-75 was recorded as an affirmative vote)

[Fully Executed ALTP Phase 1 Site Work Construction Contract J.M. Daniels Construction Co Inc 03.07.22](#)

5. TOWN ATTORNEY'S REPORT:

- a) **Attorney Burrell met with Kerry Barnes, Town Animal Control Officer, and the results appears as follows:**
- **The Town's Animal Control charge for the first violation is \$25.00 and Johnston County charges \$100.00.**
 - **The Town's maximum fine for repeated Animal Control violations is \$75.00 and Johnston County charges \$300.00.**
 - **Suggested to increase fines for Animal Control to reduce repeat offenders.**
 - **Animal Control Officer suggested that the Town mirror Johnston County Animal Control Violation fees.**
-

6. TOWN ADMINISTRATOR'S REPORT:

- a) **Mr. Gordon shared that he was contacted by Triangle J Council of Government (TJCOG) and was advised that they have a list of towns that are similar to Archer Lodge and have received ARPA Relief Funds (American Rescue Plan Act). He mentioned that there was a possibility that some of the Town's ARPA funds could be used towards the Town park and noted that TJCOG will be reaching out to discuss.**
-

7. FINANCIAL/TOWN CLERK'S REPORT:

- a) **Interim Financial Reports for February 2022**

Ms. Batten shared that the fiscal year is 67% complete with the end of the February 28, 2022. She noted that the projected General Fund

revenues were approximately 61% collected and the expenditures were showing approximately 55% of those budgeted. Revenues exceeded expenditures for the month of February by \$22,641 and for the fiscal year by \$162,070.

Regarding the Capital Reserve Fund, Ms. Batten stated that the only activity was investment earnings in the amount of \$136. In the Park Reserve Fund, investment earnings and the three-cents tax transfer from the General Fund were the only transactions in the amount of \$8,002. Ms. Batten mentioned that the Public Safety Reserve Fund had only investment earnings of \$94.

In comparing February 2022 with February 2021, Ms. Batten stated that both revenues and expenditures had increased in February 2022 by \$593 and \$10,632 respectively. No further comments.

b) Budget Development Calendar for Fiscal Year Ending June 30, 2023

Ms. Batten shared the proposed budget development calendar for fiscal year ending June 30, 2023 with the Mayor and Council members and appears as follows:

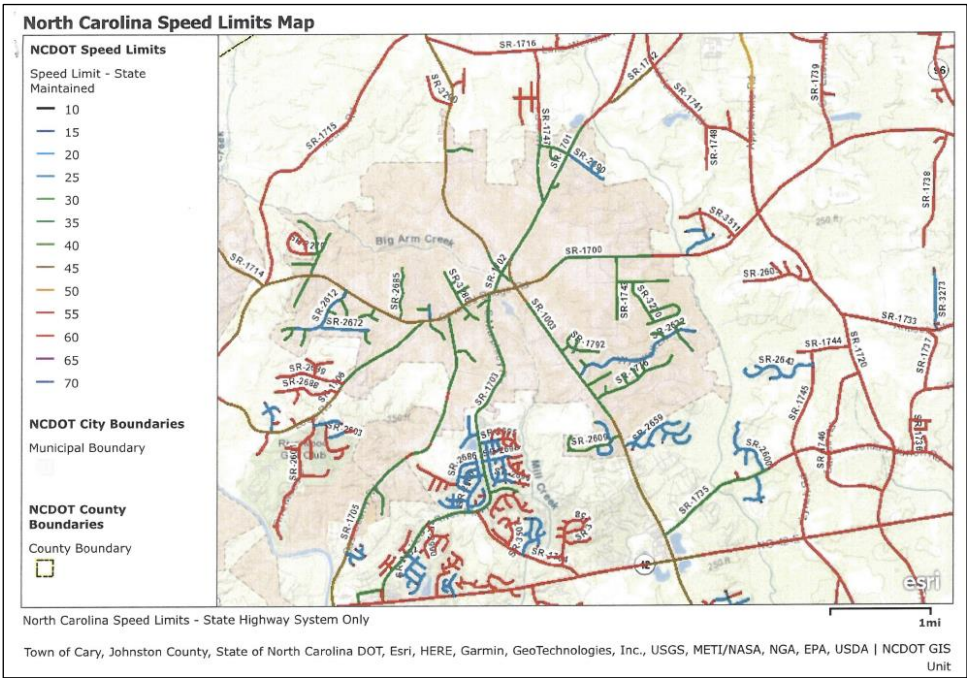
 Town of Archer Lodge Budget Development Calendar For Fiscal Year Ending June 30, 2023	
Monday, February 21, 2022	Council Budget Planning Retreat I
Monday, March 21, 2022	Council Budget Planning Retreat II
Tuesday, March 22, 2022 – Friday, April 22, 2022	Staff Budget Preparation
Monday, April 25, 2022 – Monday, May 9, 2022	Budget Officer, Mayor, Council Rep & Finance Officer Budget Meeting
Monday, May 16, 2022	Work Session / Budget Presentation
Tuesday, May 17, 2022 – Monday, May 23, 2022	Questions/Answers/Comment Period Between Mayor/Council & Budget Officer & Finance Officer
Monday, June 6, 2022	Budget Public Hearing / Regular Council Meeting
Monday, June 6, 2022 – Thursday, June 30, 2022	Budget Ordinance Adoption
Friday, July 1, 2022	FY 2023 Budget Implementation

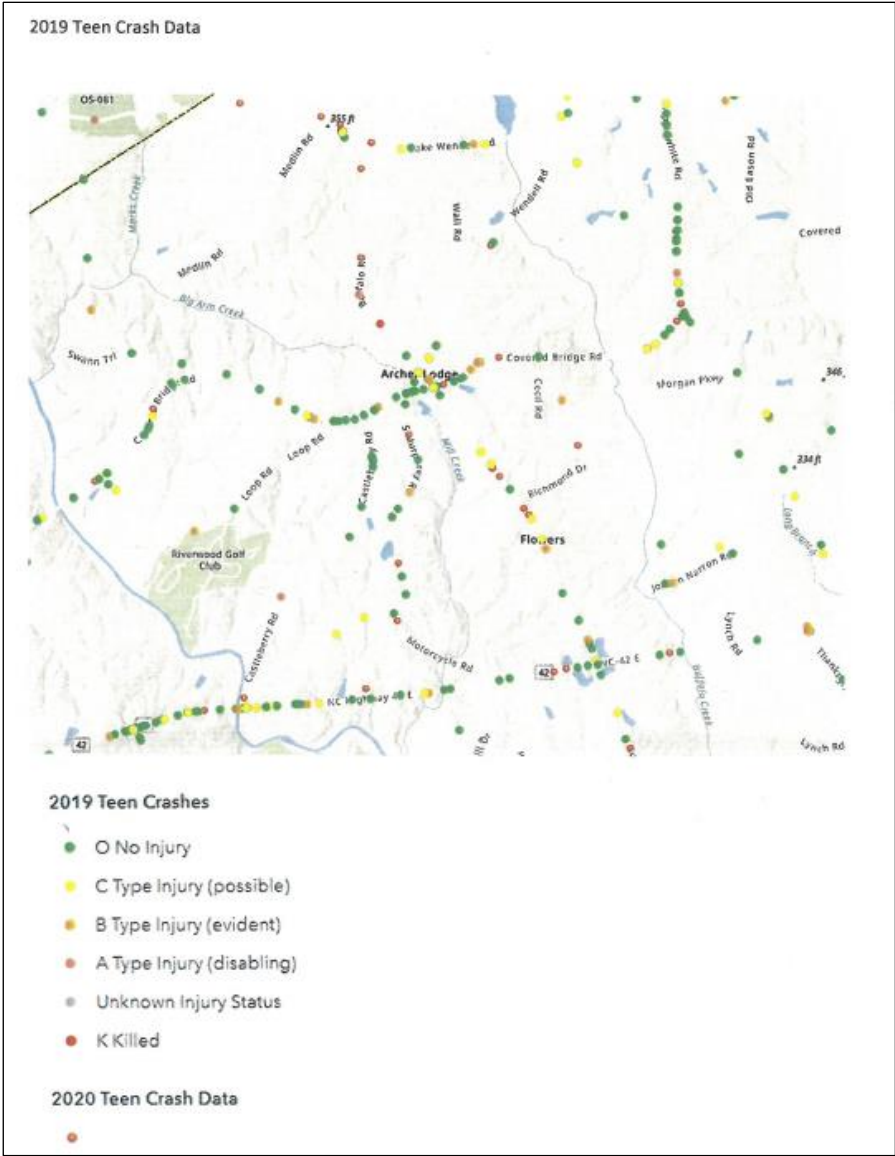
8. PLANNING/ZONING REPORT:

a) Planning | Zoning | Projects | Updates

Ms. Maybee reported the following:

- Issued six zoning permits for new residences, solar panels, and swimming pool.
- Thanked everyone for approving the UDO Text Amendment and scheduling a Workshop for April.
- CAMPO - TCC Meeting was held Thursday, March 3, 2022 - nothing to report.
- Received a Special Use Permit (SUP) application from Piedmont Natural Gas for a gas regulator station that will be presented to the Planning Board next week and to the Town Council next month.
- Shared an overview of the NCDOT website and the features available and expressed that NCDOT is a great partner to work with.
- Shared information on speed limit maps and 2019 teen crash data located on the NCDOT website which appear as follows:





- Will inquire with NCDOT regarding having a town-wide speed limit and why there is a variation of speed limits signs posted on Castleberry Road.

b) Code Enforcement

Ms. Maybee reported the following for February 2022:

- Six animal control reports on cats and dogs.
- Complaints received on goats, chickens & roosters, junk cars in front yard, living in recreational vehicles.

9. MAYOR'S REPORT:

a) No report.

10. COUNCIL MEMBERS' REMARKS:
(non-agenda items)

- a) Council Member Wilson thanked everyone for their thoughts and prayers during his recent sickness and his wife for supporting him as a caregiver.**
- b) Council Member Jackson had no remarks.**
- c) Mayor Pro Tem Castleberry had no remarks.**
- d) Council Member Purvis had no remarks.**

11. CLOSED SESSION:

- a) **Attorney Burrell advised that pursuant to NCGS § 143-318.11 (a)(6) Council is authorized to enter into closed session to discuss personnel matters.**

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

Approved to Enter Into Closed Session at 8:00 p.m.

CARRIED UNANIMOUSLY

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

Approved to Return to Open Session at 8:40 p.m.

CARRIED UNANIMOUSLY

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 Jackson

Adjourned meeting at 8:41 p.m.

CARRIED UNANIMOUSLY


Matthew B. Mulhollem, Mayor


Kim P. Batten, Town Clerk



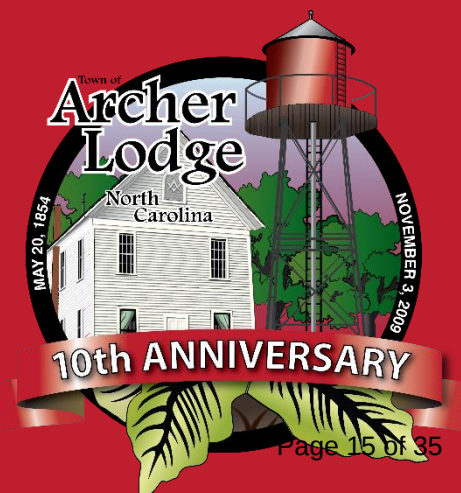
Town of

ARCHER LODGE

UNIFIED DEVELOPMENT ORDINANCE

Effective Date: June 7, 2021

Amended: ~~November 15, 2021~~ March 7, _____
2022 (Draft)



ORDINANCE AMENDMENTS

TABLE OF UDO AMENDMENTS		
ORDINANCE NUMBER	ADOPTION DATE	DESCRIPTION
UDO-TA-1-21	11-15-21	- Clarification of Review Authority roles, - Updates to the Water-Supply Watershed Overlay Districts standards, - Update to manufactured home park standards for masonry skirting in accordance with State law - Revisions to Electronic Gaming Operation use standards
<u>UDO-TA-1-22</u>	<u>03-07-22</u>	- <u>Bona fide farm exemptions</u> - <u>Electronic plat signatures</u> - <u>Subdivision requirements table (new Division 6 of Appendix)</u> - <u>BOA super majority voting</u>

ARTICLE 1. - GENERAL PROVISIONS**DIVISION 1. - PREFACE.****Sec. 30-1101 - Short title.**

This Ordinance shall be known as and may be cited as the "Archer Lodge Unified Development Ordinance," and may be referred to as "the UDO," or "this Ordinance."

Sec. 30-1102 - Effective date.

This Ordinance shall be in full force and effect on June 7, 2021, and repeals and replaces any prior version of the Archer Lodge Unified Development Ordinance.

Sec. 30-1103 - Authority.

This Ordinance is adopted pursuant to authority contained in Chapter 160D of the North Carolina General Statutes.

Sec. 30-1104 - Applicability and jurisdiction.

This Ordinance shall be effective throughout the Town's planning jurisdiction.

- (a) *Where applied.* The standards in this Ordinance apply to all lands within the Town of Archer Lodge, as identified on the Official Zoning Map.
- (b) *No Development Until Compliance with This Ordinance.*
 - (1) *No Land Developed.* Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable County, State, and federal regulations.
 - (2) *No Grading or Excavation.* Unless exempted, no land shall be subjected to substantial clearing, grading, filling, or excavated without compliance with this Ordinance and all other applicable Town, County, State, and federal regulations.
 - (3) *No Use or Occupancy.* No person shall use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under their control, except in accordance with this Ordinance.
 - (4) *No Construction or Alteration.* No building, or portion thereof, shall be erected, used, moved, or altered except in conformity with the regulations specified for the zoning district in which it is located and all other applicable provisions of this Ordinance.
 - (5) *No Improvement to Subdivided Land.* Improvements to subdivided land shall not be undertaken until approval of a preliminary plat for all or the active phase of a major subdivision or a minor subdivision approval for all or the active phase of a minor subdivision.
 - (6) *No Sale or Transfer.* Except for lots within an exempt subdivision, no lots in a subdivision may be sold or titles to land transferred as part of a transfer plat until all the requirements of this Ordinance have been met, except as authorized by §160D-801, et seq. of the North Carolina General Statutes.
- (c) *Application to Governmental Units.* Except where otherwise stated, the provisions of this Ordinance shall apply to:
 - (1) Development by the Town or County or its agencies, or departments;
 - (2) Development of buildings by the State, public colleges or universities, or other political subdivisions of the State; in accordance with the North Carolina General Statutes; and
 - (3) Development owned or held in tenancy by the government of the United States, its agencies, departments or corporate services, to the full extent permitted by law.

(d) Application to Bona Fide Farms.

ARTICLE 1. - GENERAL PROVISIONS

Sec. 30-1105 - Required conformance to article provisions.

- (1) *Within Corporate Limits.* Except for the special flood hazard area standards, land and agricultural activity as defined in §160D-903 of the North Carolina General Statutes taking place on a bona fide farm use that is located within the Town's corporate limits shall be exempted from the standards in this Ordinance.
- (2) *-Non-Farm Related Activity Taking Place on a Bona Fide Farm.* Land uses and development activity that do not qualify as agricultural activity, agri-tourism, as incidental to a bona fide farm, or that is conducted for non-farming purposes shall be subject to the standards in this Ordinance regardless of whether they are located upon a bona fide farm.
- (3) *Special Flood Hazard Area Standards.* All development and activity located on a bona fide farm shall be subject to all applicable special flood hazard area or flood damage prevention standards in accordance with 160D-903 of the North Carolina General Statutes.

Sec. 30-1105 - Required conformance to article provisions.

Except as otherwise specifically provided in this Ordinance, no land or structure shall be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development, and no structure, or part of a structure, shall be constructed, erected, altered or moved, except in compliance with all of the applicable provisions of this Ordinance.

Sec. 30-1106 - Purpose and intent.

- (a) *Declaration of necessity.* In order to protect and promote the health, safety, and general welfare of the Town and its planning jurisdiction, this Ordinance is adopted by the Town Council to regulate and restrict by means of zoning regulations the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size and availability of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence and other purposes.
- (b) *Purpose.* The purpose of the regulations set forth in this Ordinance shall be to accomplish compatible development of the land within the planning jurisdiction of the Town in a manner which will best promote the health, safety, and general welfare; to promote efficiency, energy conservation, and economy in development; to make adequate provisions for traffic; to secure safety from fire, flooding, panic, and other hazards; to provide for adequate light and air; to prevent overcrowding of land; to avoid inappropriate concentration of population; to facilitate the adequate provision of transportation, public water, sewerage, schools and other public requirements; to promote desirable living conditions and the stability of neighborhoods; and to achieve other purposes in accordance with the comprehensive plan and development policies for the Town's planning jurisdiction.

Sec. 30-1107 - Severability.

The legislative intent of the Town Council in adopting this Ordinance is that all provisions shall regulate development in accordance with the existing and future needs of the Town as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of the Town of Archer Lodge. If any section, subsection, sentence, boundary, or clause of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, the Town Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases are declared invalid. The sections not declared invalid will continue to be used and enforced by the Town.

- (a) At its first regular meeting of each calendar year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairperson and preside over the Board's meetings and one member to serve as Vice-Chairperson. All elected person shall serve in these capacities for terms of one year. A certified municipal clerk shall be appointed by the Town Council as Secretary to the Planning Board. Any appointed secretary shall serve at the pleasure of the Town Council. Vacancies among the appointed or elected officials may be filled for the unexpired terms only by majority vote of the Town Council.
- (b) The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
- (c) The Board shall draw up and adopt rules of procedure under which it will operate. The Town Council will approve the rules of procedure and any amendments.

Sec. 30-2304 - Powers and duties of board.

- (a) The Planning Board shall hear and decide applications for major subdivisions (See § 30-3312).
- (b) The Planning Board shall hear and provide a recommendation to the Town Council on the following:
 - (1) Adoption of or amendment to the comprehensive plan or any other Town plan, as requested by the Town Council (see § 30-3305);
 - (2) Development agreements (See § 30-3307);
 - (3) Planned developments (See § 30-3314);
 - (4) Rezoning/Map amendments (See § 30-3316);
 - (5) Site plans (See § 30-3317);
 - (6) Special use permits (See § 30-3318); and
 - (7) Text amendments (See § 30-3320).
- (c) Any of the duties listed in §160D-301 of the North Carolina General Statutes that are assigned by the Town Council.

Sec. 30-2305 - Meetings and quorum.

- (a) The Planning Board shall meet every other month, unless meetings are cancelled for lack of business, emergency, or other valid reason. Special meetings may be called in accordance with §160A-71 of the North Carolina General Statutes.
- (b) All meetings of the Planning Board shall be open to the public, and the agenda for each Planning Board meeting shall be made available in advance of the meeting. A notice of the meeting shall be published in a local newspaper and be posted at Town Hall in accordance with §160A-71 of the North Carolina General Statutes.
- (c) A quorum for the Planning Board shall consist of three or more members. A quorum is necessary for the Planning Board to take any action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in §160A-75 of the North Carolina General Statutes shall be counted as present for purposes of determining whether a quorum is present.

Sec. 30-2306 - Voting.

- (a) Once a quorum is established ~~the~~ the concurring vote of a majority of ~~the regular membership board members~~ (excluding vacant ~~seats~~ board member positions and any board members who are ~~disqualified~~ recused from voting on a particular case) shall be necessary to make any decision.
- (b) Once a member is physically present at a Planning Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) of this section or has been allowed to withdraw from the meeting in accordance with subsection (d) of this section.

- (b) The agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.
- (c) A quorum for the Board of Adjustment is four members. A quorum is necessary for the Board of Adjustment to take official action.
- (d) A member who has withdrawn from the meeting without being excused, as provided in § 30-2406 Voting, shall be counted as present for purposes of determining whether a quorum is present.

Sec. 30-2406 - Voting.

- (a) Once a quorum is established, the concurring vote of a majority of ~~these present~~ board members (excluding ~~members who are disqualified~~ vacant board member positions and any board members who are recused from voting on a particular case) shall be necessary to make any decision, except decisions on variances.
- (b) The vote on a variance shall require a 4/5 supermajority of all board members (excluding vacant board member positions and any board members who are recused from voting on a particular case).
- (c) In accordance with §160D-406(i), majority or supermajority calculations shall be based on the total number of board member positions, regardless of whether the member is absent. Positions may only be excluded from the calculation when the position is vacant and there is no alternate or when a board member has been recused in accordance with subsection (e) below.
- (d) Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (ee). of this section or has been allowed to withdraw from the meeting in accordance with subsection (df) of this section.
- (e) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - (1) If the member has a conflict of interest as defined by § 30-2105 Conflict of interest, above; or
 - (2) If the matter at issue involves the member's own official conduct.
- (f) A motion to excuse a member from voting on a specific item, or from the remainder of the meeting may be made by any Board of Adjustment member.

DIVISION 5. - TECHNICAL REVIEW COMMITTEE.**Sec. 30-2501 - Establishment.**

The Town Administrator shall appoint a committee of staff members having particular expertise in the development of real property as the Technical Review Committee (TRC). The Committee shall be chaired by the Town Planner. The TRC members shall consist of the Planning Board Chair, and the Fire Chief or their designees. Other members shall serve on the TRC on an ad hoc basis, depending on the nature, size, and complexity of the development project to be reviewed include, but are not limited to: Parks and Recreation, Legal, NCDOT, and the following Johnston County agencies: Public Utilities (including storm water, erosion control, infrastructure), Environmental Health, Health Department, Inspections, and Emergency Management Services.

Sec. 30-2502 - Powers and Duties.

- (a) The TRC shall provide a recommendation to the Planning Board on the following:
 - (1) Major subdivisions;
 - (2) Site plans; and
 - (3) Plans filed with applications for a special use permit. (Amended 11-15-21 UDOTA 1-21)
- (b) The TRC shall review and comment, prior to consideration by other review authorities, on the following:
 - (1) The Comprehensive Plan or an amendment to the Comprehensive Plan;
 - (2) Planned development master plans; and

- (4) No application shall be accepted for development proposed on a lot or site until property taxes are paid in full, as determined by the Johnston County Tax Assessor.
- (f) *Burden of presenting complete application.* The burden of presenting and maintaining a complete application shall be solely upon the applicant.
- (g) *Determination of application completeness.* On receiving a development application, the Town Planner shall determine, within seven days, whether the application is complete or incomplete. A complete application is one that:
- (1) Contains all information and materials identified in the appropriate Town documentation as required for submittal of the particular type of application;
 - (2) Is in the form and number of copies required by the appropriate Town documentation;
 - (3) Is legible and printed to scale (where appropriate);
 - (4) Is signed by the person with the authority to file the application (verifiable electronic signatures are permitted);
 - (5) Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
 - (6) Is accompanied by the fee established for the particular type of application; and
 - (7) Includes material associated with a pre-application conference if one is required.
- (h) *Application incomplete.*
- (1) If the application is incomplete, the Town Planner shall notify the applicant of the deficiencies in writing.
 - (2) The applicant may correct the deficiencies and resubmit the application for completeness determination.
 - (3) Application processing shall stop following delivery of a notice of incomplete application until all deficiencies are addressed and the application is determined to be complete, or the applicant declares the application to be complete in accordance with § 30-3202(j) Declaration of completeness by applicant.
- (i) *Application complete.*
- (1) On determining that the application is complete, it shall be considered as submitted, the Town shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
 - (2) Nothing shall preclude the Town Planner or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.
- (j) *Declaration of completeness by applicant.*
- (1) If, upon receipt of notice of application deficiencies by the Town Planner, an applicant wishes to have the application processed without further amendment or revision, the applicant shall provide written notice to the Town Planner that they desire the application to be processed without further amendment or revision.
 - (2) Upon receipt of written notice to process the application without further amendment or revision, the Town Planner shall process the application in accordance with the standards in this Ordinance. In no instance shall additional materials or information be added to the application by the applicant. Nothing shall limit an applicant from withdrawing an application in accordance with § 30-3210 Modification, continuance, or withdrawal.

Sec. 30-3203 - Staff review and action.

- (a) *Initial staff review.*

DIVISION 3. - STREETS AND SIDEWALKS.

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 Town Planner. 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.

Sec. 30-7301 - 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.

- (a) *Minimum construction standards.* All roads, whether public or private, shall meet the road construction standards as set forth in the latest edition of the NCDOT subdivision roads minimum construction standards for public roads, and shall:
 - (1) 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;
 - (2) 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.
- (b) *Other road requirements.*
 - (1) *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.
 - (2) *Paving.* All roads, whether public or private, shall be paved with asphalt, concrete, NCDOT-approved pavers, or other suitable all-weather surface as determined by the NCDOT. Gravel shall not be permitted as a surface for a new public or private roadway. Extensions of existing gravel roads are permitted provided the total number of lots accessing the road does not increase by more than four from the number of lots accessing the road as of June 7, 2021. If the number of lots accessing an existing gravel roadway is increased by four or more after June 7, 2021, the gravel roadway shall be paved in accordance with these standards.
 - (2)(3) *Offsets to utility poles.* Overhead utility poles shall be break-away or located outside the roadway clear zone.
 - (3)(4) *Wheelchair ramps and curb cuts for disabled persons.* All roads, sidewalks, curbing, crosswalks, and other road improvements shall conform to the requirements of § 136-44.14 of the North Carolina General Statutes and the Americans with Disabilities Act.
 - (4)(5) *Mail box kiosks.* All mail box kiosks shall meet the USPS Cluster Box Units Concrete Pad Installation - Interim Pad Policy (2/19/2017 or most recent edition) and the NCDOT Policy for Placement of Mail Cluster Box Units (9/1/2015 or most recent edition) and be subject to approval by the North Carolina Department of Transportation.
- (c) *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.
- (d) *Cul-de-sac length.* No residential street terminating in a cul-de-sac shall exceed 1,500 feet in length.

- (e) *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 for public roads.
- (f) *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.
- (1) 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.
- (2) *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:
- a. 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.
- b. For subdivisions proposing 201 lots or more, a second full-service access built to Johnston County Design 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.
- c. Note: For determining when a second access is required, the count will be cumulative.
- (g) *Subdivision road standards.*
- (1) The applicant/developer shall be responsible for ensuring that all dedicated public subdivision streets are successfully accepted by NCDOT for maintenance. The applicant/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.
- (2) 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 applicant/developer is ultimately responsible for the upkeep and maintenance of all streets until such time that the streets are included in the state system.
- (3) *Stub out streets.* All stub out streets shall be posted with a sign at least 24 inches by 36 inches in area but no greater than 36 inches by 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.

Sec. 30-7302 - 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.

Sec. 30-7303 - Sidewalks.

Specifications.

- (1) 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).

NOTE: To be used only if Town Council accepts an offer of dedication.
I hereby certify that all parks and greenways as 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

(13) Subdivision Road Disclosure Statement:

Developers are required to give lot purchases a subdivision street disclosure statement pursuant to §136-102.6(F) of the North Carolina General Statutes.

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

Notations:

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

(15) Electronic Signatures.

Verifiable digital or electronic signatures ("e-signatures" such as those provided by Adobe Sign software) may be substituted for a handwritten signature on any of the above certification statements included on a subdivision plat.

DIVISION 6. - SUBDIVISION REQUIREMENTS BY TYPE OF SUBDIVISION

The Subdivision Requirements Table below specifies the characteristics and requirements for each type of subdivision required by this Ordinance. In the event of conflict between the table below and the text of this Ordinance, the text shall control.

SUBDIVISION REQUIREMENTS TABLE				
CHARACTERISTIC OR REQUIREMENT	TYPE OF SUBDIVISION			
	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION [1]	MINOR SUBDIVISION [1]	MAJOR SUBDIVISION [1]
<u>Maximum Number of Lots Created [2]</u>	<u>No Limit</u>	<u>3 or less [3]</u>	<u>4 or less [3]</u>	<u>No Limit</u>
<u>Minimum Tract Size</u>	<u>[4]</u>	<u>More than 5 acres</u>	<u>No minimum</u>	<u>No minimum</u>
<u>Review Authority Deciding Application</u>	<u>Town Planner</u>	<u>Town Planner</u>	<u>Town Planner</u>	<u>Planning Board [5]</u>
<u>Plat for Recording Required</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes [6]</u>
<u>Lot Access Provided Solely by Individual Driveway or Alternative Accessway</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Driveway Permit Required for each new Driveway a Public Street [7]</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Public or Private Street Extension Permitted</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes [8]</u>
<u>Traffic Impact Analysis Required</u>	<u>No</u>	<u>[9]</u>	<u>[9]</u>	<u>[9]</u>
<u>Potable Water or Sanitary Sewer Extension Permitted</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>
<u>Curb and Gutter Required</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>[10]</u>
<u>Sidewalks Required</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes [11]</u>
<u>Open Space Set-Aside Required</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes [12]</u>
<u>Parkland Dedication Required</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes [13]</u>
<u>Owners' Association Required</u>	<u>No</u>	<u>No</u>	<u>No [10]</u>	<u>Yes [14]</u>
<u>Certificate Statements Required</u>	<u>[15]</u>	<u>[15]</u>	<u>[15]</u>	<u>[15]</u>
NOTES: <u>[1] All proposed lots must meet the minimum dimensional requirements of the base and overlay district(s) where located.</u> <u>[2] Including "parent" tract or residual parcel.</u> <u>[3] Extension of public utilities (like water, sewer, roads, or public roads) makes this a major subdivision.</u> <u>[4] Subdivision is an exempt subdivision when all lots are 10 acres or larger, when tract is no greater than 2 acres and no more than 3 lots are created, or when existing lots are recombined with no changes in the number of lots.</u>				

SUBDIVISION REQUIREMENTS TABLE

CHARACTERISTIC OR REQUIREMENT	TYPE OF SUBDIVISION			
	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION [1]	MINOR SUBDIVISION [1]	MAJOR SUBDIVISION [1]
<u>[5] Includes a recommendation by the Technical Review Committee prior to Planning Board review.</u> <u>[6] Only final plat is recorded, not preliminary plat.</u> <u>[7] Driveways shall be configured in accordance with Section 30-6101.</u> <u>[8] All streets shall be configured in accordance with public street standards, including the provisions in Section 30-7301.</u> <u>[9] A traffic impact analysis shall be required for all residential subdivisions of 100 or more lots and for all nonresidential subdivisions generating an average daily traffic count of 1,000 vehicles per day or more or all nonresidential subdivisions generating 100 or more vehicle trips during its peak hour.</u> <u>[10] In accordance with NCDOT standards (private streets must be built to public street standards (see Section 30-7301).</u> <u>[11] Sidewalks or multi-use paths are required for major subdivisions of 7 or more lots.</u> <u>[12] Not required if subdivision occupies 2 acres or less.</u> <u>[13] Parkland (or a fee-in-lieu) dedicated to the Town is required for major subdivisions of 5 or more lots.</u> <u>[14] an owner's association is required if the subdivision has a private road or other commonly owned features, including stormwater facilities.</u> <u>[15] See Appendix Division 3; Certificates 5 and 13 required only as appropriate. Certificates for final plats shall be as required in Section 30-3310(f).</u>				

FORM OF CONSTRUCTION CONTRACT
(ALL PRIME CONTRACTS)

THIS AGREEMENT, made the seventh day of March in the year of 2022 by and between J. M. Daniels Construction Co., Inc. hereinafter called the Party of the First Part and the State of North Carolina, through the Town of Archer Lodge hereinafter called the Party of the Second Part.

WITNESSETH:

That the Party of the First Part and the Party of the Second Part for the consideration herein named agree as follows:

1. Scope of Work: The Party of the First Part shall furnish and deliver all of the materials, and perform all of the work in the manner and form as provided by the following enumerated plans, specifications and documents, which are attached hereto and made a part thereof as if fully contained herein: advertisement; Instructions to Bidders; General Conditions; Supplementary General Conditions; specifications; accepted proposal; contract; performance bond; payment bond; power of attorney; workmen's compensation; public liability; property damage and builder's risk insurance certificates; and drawings, titled:

Archer Lodge Town Park Phase 1 Site Work

Consisting of the following sheets: Cover Sheet, SW-1 Existing Conditions & Clearing Plan, SW-2 Site Layout Plan, SW-3 Site Details, C-100 Utility Plan, C-200 Grading and Storm Drainage Plan, C-300 Erosion Control Plan Ph 1, C-301 Erosion Control Plan Ph 2, C-400 NCDOT Driveway Detail, C-500.1 NPDES Stabilization Plan, C-500.2 NPDES Stabilization & Materials Handling, C-500.3 NPDES Records Keeping & Reporting, C-501 Details, C-502 Details, C-503 Details, and C-504 Details

Dated: January 5, 2022 and the following addenda:

Addendum No	<u>1</u>	Dated:	<u>01/19/2022</u>	Addendum No.	<u> </u>	Dated:	<u> </u>
Addendum No	<u>2</u>	Dated:	<u>01/26/2022</u>	Addendum No.	<u> </u>	Dated:	<u> </u>
Addendum No	<u>3</u>	Dated:	<u>02/01/2022</u>	Addendum No.	<u> </u>	Dated:	<u> </u>
Addendum No	<u> </u>	Dated:	<u> </u>	Addendum No.	<u> </u>	Dated:	<u> </u>

2. That the Party of the First Part shall commence work to be performed under this agreement on a date to be specified in a written order of the Party of the Second Part and shall fully complete all work hereunder within one hundred twenty-two (122) consecutive calendar days from said date. For each day in excess thereof, liquidated damages shall be as stated in Supplementary

General Conditions. The Party of the First Part, as one of the considerations for the awarding of this contract, shall furnish to the Party of the Second Part a construction schedule setting forth planned progress of the project broken down by the various divisions or part of the work and by calendar days as outlined in Article 14 of the General Conditions of the Contract.

3. The Party of the Second Part hereby agrees to pay to the Party of the First Part for the faithful performance of this agreement, subject to additions and deductions as provided in the specifications or proposal, in lawful money of the United States as follows:

six hundred thirty-five thousand seventy-six dollars (\$635,076.00).

Summary of Contract Award:

4. In accordance with Article 31 and Article 32 of the General Conditions of the Contract, the Party of the Second Part shall review, and if approved, process the Party of the First Party's pay request within 30 days upon receipt from the Designer. The Party of the Second Part, after reviewing and approving said pay request, shall make payments to the Party of the First Part on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by the First Party, less five percent (5%) of the amount of such estimate which is to be retained by the Second Party until all work has been performed strictly in accordance with this agreement and until such work has been accepted by the Second Party. The Second Party may elect to waive retainage requirements after 50 percent of the work has been satisfactorily completed on schedule as referred to in Article 31 of the General Conditions.

5. Upon submission by the First Party of evidence satisfactory to the Second Party that all payrolls, material bills and other costs incurred by the First Party in connection with the construction of the work have been paid in full, final payment on account of this agreement shall be made within thirty (30) days after the completion by the First Party of all work covered by this agreement and the acceptance of such work by the Second Party.

6. It is further mutually agreed between the parties hereto that if at any time after the execution of this agreement and the surety bonds hereto attached for its faithful performance, the Second Party shall deem the surety or sureties upon such bonds to be unsatisfactory, or if, for any reason, such bonds cease to be adequate to cover the performance of the work, the First Party shall, at its expense, within five (5) days after the receipt of notice from the Second Party so to do, furnish an additional bond or bonds in such form and amount, and with such surety or sureties as shall be satisfactory to the Second Party. In such event no further payment to the First Party shall be deemed to be due under this agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the Second Party.

7. The Party of the First Part attest that it and all of its subcontractors have fully complied with all requirements of NCGS 64 Article 2 in regards to E-Verification as required by Section 2.(c) of Session Law 2013-418, codified as N.C. Gen. Stat. § 143-129(j).

Archer Lodge Town Park Phase 1 Site Work
Town of Archer Lodge, NC

IN WITNESS WHEREOF, the Parties hereto have executed this agreement on the day and date first above written in two (2) counterparts, each of which shall without proof or accounting for other counterparts, be deemed an original contract.

Witness:

(Proprietorship or Partnership)

Attest: (Corporation)

By: Leesa D. Connolly
Title: Asst. Sec.
(Corp. Sec. or Asst. Sec. only)

(Corporate Seal)

J. M. Daniels Construction Co., Inc.

Contractor: (Trade or Corporate Name)

By: Jody D. Castleberry

Title: Owner, President
(Owner, Partner, or Corp. Pres. or
Vice Pres. only)

The State of North Carolina through*

Witness:

Kim P. Batten
Kim P. Batten, Town Clerk

Town of Archer Lodge

(Agency, Department or Institution)

By: Michael A. Gordon
Michael A. Gordon

Title: Town Administrator



Archer Lodge Town Park Phase 1 Site Work
Town of Archer Lodge, NC

FORM OF PERFORMANCE BOND

Date of Contract: March 7, 2022

Date of Execution: March 7, 2022

Name of Principal
(Contractor) J. M. Daniels Construction Co., Inc.

Name of Surety: FCCI Insurance Company

Name of Contracting
Body: Town of Archer Lodge, NC

Amount of Bond: Six Hundred Thirty-Five Thousand Seventy-Six Dollars (\$635,076.00)

Project Archer Lodge Town Park Phase 1 Site Work

KNOW ALL MEN BY THESE PRESENTS, that we, the principal and surety above named, are held and firmly bound unto the above named contracting body, hereinafter called the contracting body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind, ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the contracting body, identified as shown above and hereto attached:

NOW, THEREFORE, if the principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the contracting body, with or without notice to the surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreements of any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Executed in _____ counterparts.

Archer Lodge Town Park Phase 1 Site Work
Town of Archer Lodge, NC

Witness:

(Proprietorship or Partnership)

Attest: (Corporation)

By: Jessie O'Connell
Title: Asst. Sec.
(Corp. Sec. or Asst. Sec. only)

(Corporate Seal)

Witness:

ty Early

Countersigned:

Hasten McDermott
Hasten McDermott
(N.C. Licensed Resident Agent)

Oakbridge Insurance Agency, LLC

4011 Westchase Blvd Suite 120 Raleigh, NC 27607
Name and Address-Surety Agency

FCCI Insurance Company

1755 North Brown Road Suite 400 Lawrenceville, GA 30043
Surety Company Name and N.C.
Regional or Branch Office Address

J.M. Daniels Construction Co., Inc.
Contractor: (Trade or Corporate Name)

By: Jody P. Castleberry

Title: Owner / President
(Owner, Partner, or Corp. Pres. or
Vice Pres. only)

FCCI Insurance Company
(Surety Company)

By: Debra McElrath

Title: Commercial Manager
(Attorney in Fact)

(Surety Corporate Seal)

FORM OF PAYMENT BOND

Date of Contract: March 7, 2022

Date of Execution: March 7, 2022

Name of Principal
(Contractor) J. M. Daniels Construction Co., Inc.

Name of Surety: FCCI Insurance Company

Name of Contracting
Body: Town of Archer Lodge, NC

Amount of Bond: Six Hundred Thirty-Five Thousand Seventy-Six Dollars (\$635,076.00)

Project Archer Lodge Town Park Phase 1 Site Work

KNOW ALL MEN BY THESE PRESENTS, that we, the principal and surety above named, are held and firmly bound unto the above named contracting body, hereinafter called the contracting body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the principal entered into a certain contract with the contracting body identified as shown above and hereto attached:

NOW, THEREFORE, if the principal shall promptly make payment to all persons supplying labor/material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications of said contract that may hereafter be made, notice of which modifications to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Executed in _____ counterparts.

Archer Lodge Town Park Phase 1 Site Work
Town of Archer Lodge, NC

Witness:

(Proprietorship or Partnership)

Attest: (Corporation)

By: Teresa J Connolly
Title: Asst Sec.
(Corp. Sec. or Asst. Sec. only)

(Corporate Seal)

Witness:

by Early

Countersigned:

Hasten McDermott
Hasten McDermott
(N.C. Licensed Resident Agent)

Oakbridge Insurance Agency, LLC

4011 Westchase Blvd Suite 120 Raleigh, NC 27607
Name and Address-Surety Agency

FCCI Insurance Company

1755 North Brown Road Suite 400 Lawrenceville, GA 30043
Surety Company Name and N.C.
Regional or Branch Office Address

J.M. Daniels Construction Co., Inc.

Contractor: (Trade or Corporate Name)

By: Jody P. Castleberry

Title: Owner / President
(Owner, Partner, or Corp. Pres. or
Vice Pres. only)

FCCI Insurance Company

(Surety Company)

By: William O'Leary

Title: Commercial Manager
(Attorney in Fact)

(Surety Corporate Seal)



GENERAL POWER OF ATTORNEY

Know all men by these presents: That the FCCI Insurance Company, a Corporation organized and existing under the laws of the State of Florida (the "Corporation") does make, constitute and appoint:

Hasten McDermott; Brandon Pittman; Diana McKnight; Ty Early

Each, its true and lawful Attorney-In-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed in all bonds and undertakings provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the sum of (not to exceed \$10,000,000.00): **\$10,000,000.00**

This Power of Attorney is made and executed by authority of a Resolution adopted by the Board of Directors. That resolution also authorized any further action by the officers of the Company necessary to effect such transaction.

The signatures below and the seal of the Corporation may be affixed by facsimile, and any such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached.

In witness whereof, the FCCI Insurance Company has caused these presents to be signed by its duly authorized officers and its corporate Seal to be hereunto affixed, this 23rd day of July, 2020.

Attest: Christina D. Welch
Christina D. Welch, President
FCCI Insurance Company



Christopher Shoucair
Christopher Shoucair,
EVP, CFO, Treasurer, Secretary
FCCI Insurance Company

State of Florida
County of Sarasota

Before me this day personally appeared Christina D. Welch, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 2/27/2023

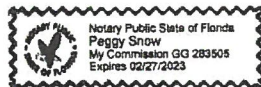


Peggy Snow
Notary Public

State of Florida
County of Sarasota

Before me this day personally appeared Christopher Shoucair, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 2/27/2023



Peggy Snow
Notary Public

CERTIFICATE

I, the undersigned Secretary of FCCI Insurance Company, a Florida Corporation, DO HEREBY CERTIFY that the foregoing Power of Attorney remains in full force and has not been revoked; and furthermore that the February 27, 2020 Resolution of the Board of Directors, referenced in said Power of Attorney, is now in force.

Dated this 7th day of MARCH, 2022

Christopher Shoucair
Christopher Shoucair, EVP, CFO, Treasurer, Secretary
FCCI Insurance Company



JMDANIE-01

TEARLY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/4/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Pittman Insurance Group, LLC 4011 Westchase Blvd. Suite 120 Raleigh, NC 27607	CONTACT NAME: Ty Early PHONE (A/C, No, Ext): (919) 518-9480 FAX (A/C, No): E-MAIL ADDRESS: ty@pittgroupllc.com
INSURED J. M. Daniels Construction Co., Inc. 677 Dairy Rd Clayton, NC 27520	INSURER(S) AFFORDING COVERAGE INSURER A : Selective Ins Co of America NAIC # 12572 INSURER B : West Bend Mutual Insurance Company 15350 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☒ PRO-JECT ☐ LOC OTHER:		S 2486312	8/23/2021	8/23/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY		S 2486312	8/23/2021	8/23/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION \$		S 2486312	8/23/2021	8/23/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	A958365	8/23/2021	8/23/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Town of Archer Lodge
attn: Mike Gordon, Town Administrator
14094 Buffalo Rd
Archer Lodge, NC 27527

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE