



**Regular Council – Minutes**  
**Rescheduled Monday, January 3, 2022**  
**Regular Council Meeting to**  
**Tuesday, January 18, 2022**

**COUNCIL PRESENT:**

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

**STAFF PRESENT:**

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

**COUNCIL ABSENT:**

**GUESTS PRESENT:**

Chad Meadows, Code Wright Planners (Remotely)

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**1. WELCOME/CALL TO ORDER:**

**a) Invocation**

Mayor Mulhollem called the meeting to order at 6:32 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.

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**b) Pledge of Allegiance**

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

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**2. APPROVAL OF AGENDA:**

**a) No changes or additions.**

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

**Approved Agenda.**

CARRIED UNANIMOUSLY

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**3. OPEN FORUM/PUBLIC COMMENTS:**

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

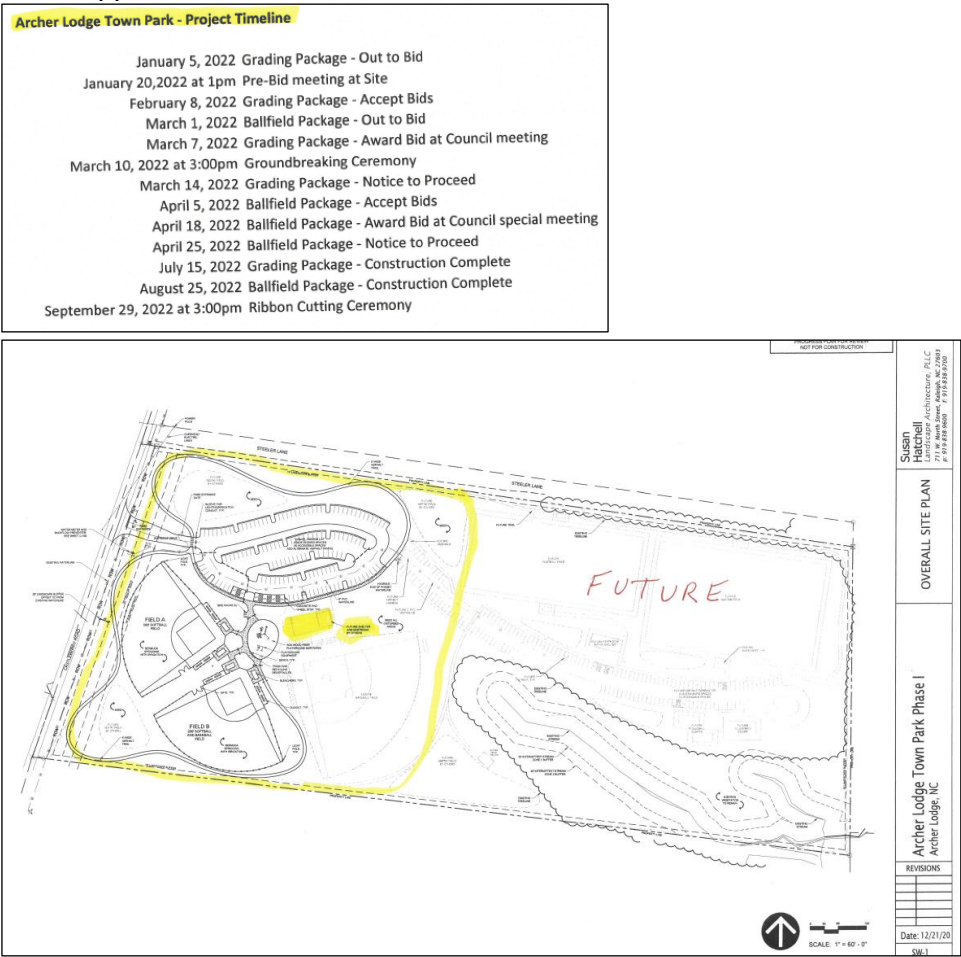
**a) No Public Comments.**

4. **TOWN ATTORNEY'S REPORT:**

- a) **Attorney Burrell discussed Violators of Code Enforcement as follows:**
- **Staff provided counsel with a report of a repeat offender that willfully ignores citation charges and continues violating the same codes.**
  - **Shared that there is one citizen at this time that has multiple citations for animal control violations.**
  - **Ms. Batten shared the normal process once a citation is issued, which is due immediately. However, if a citation goes unpaid for 30 to 60 days, then an invoice is sent which allows additional time to pay as well as allowing the individual the opportunity to pay on-line or in person.**
  - **Discussed options the Town might want to consider for repeat offenders such as placing a lien on property or other civil penalties.**

5. **TOWN ADMINISTRATOR'S REPORT:**

- a) **Mr. Gordon reported the following:**
- **CAMPO (NC Capital Area Metropolitan Planning Organization):**
    - **Mr. Gordon shared that there are four current appointees for the Town, and they want to continue and are as follows:**
      1. Mayor Mulhollem, Executive Board Member;
      2. Council Member Bruton, Executive Alternate Board Member;
      3. Ms. Maybee, Technical Coordinating Committee (TCC) Member; and
      4. Mr. Gordon TCC Alternate Member.
  - **Park Update:**
    - **Mr. Gordon shared copies of the Park Project timeline and map with the PARTF project highlighted in yellow and gave an overview of the details which appear as follows:**



- Bid package information is available on the Town Website or by contacting Mindy Arthur, Senior Project Manager with Susan Hatchell Landscape Architecture, PLLC.
- Hoping to have something for the Council to vote on in March 2022 as a result of the bids.
- **Road Project:**
  - Received more positive comments regarding the four-way stop at the intersection of Buffalo Road and Archer Lodge Road versus negative comments.
  - The church parking lot at the Archer Lodge Community Center has two areas of standing water. NCDOT will be coming back to determine a better way to drain the water there.
  - To warn drivers of the four-way stop, the Town has ordered "Stop Ahead" solar lighted signs to be placed prior to the intersection.
- **Budget:**
  - Reminded everyone to be thinking about any budget items or concerns they would like to share at the February Budget Workshop.
  - Ms. Batten informed that the Budget Workshop will be held in February and March this year, allowing more time to cover budget items.

Mayor Mulhollem opened the floor for any questions. No further comments or questions.

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## 6. **FINANCIAL/TOWN CLERK'S REPORT:**

### a) **Interim Financial Reports for November 2021**

Ms. Batten advised that November 30, 2021 marks 42% completion of fiscal year ending June 30, 2022. The General Fund revenues for this month was approximately \$109,000 and the expenditures for November 2021 was around \$78,250. The month of November is the first month in the fiscal year that shows where revenues exceeded expenditures by approximately \$30,700; however, the actual year to date figures still represent a deficit between the revenues and expenditures by roughly **<\$118,523>**. Ms. Batten shared that she anticipates the month of December to be the month that the year to date figures will not have a deficit.

Investment earnings, Ms. Batten noted, were approximately \$366 in the three reserve funds: Capital Reserve Fund, Park Reserve Fund, and Public Safety Reserve Fund. She further mentioned that the Park Reserve Fund received the three-cents tax transfer from the General Fund in the amount of \$11,255 for November 2021.

Ms. Batten shared that there were no transactions in the Archer Lodge Town Park PARTF Project Fund during the month of November 30, 2021, so the operating budget remains unchanged since the September 20, 2021 report.

Ms. Batten noted that the total amount of investment earnings ending November 30, 2021 were \$209 in the APRA Fund, and there were no expenditures to report as of November 30, 2021.

In comparing November 2021 with November 2020, the General Fund revenues are approximately \$44,235 higher in November 2021 and so were the November 2021 expenditures by \$25,300. Ms. Batten stated that both years showed where expenditures exceeded revenues, but November 2021 had less of a deficit by almost \$19,000 which is favorable.

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## 7. **PLANNING/ZONING REPORT:**

8 - 29

### a) **Planning | Zoning | Projects | Updates**

Mr. Chad Meadows, joining us remotely, shared a presentation on ETJ (Extraterritorial Jurisdiction) which **appears following the signature page at the close of the minutes.**

#### **Points of Interest - ETJ Presentation:**

- ETJ helps address mismatch, confusion, and create more continuity.
- Based on the population, Archer Lodge has the ability to extend the ETJ out one mile from the town boundaries.
- Archer Lodge must seek permission from Johnston County to establish an ETJ.
- Page 7, ETJ in Johnston County - the gray areas represent cities and the green area on the map represents cities that Johnston County has permitted an ETJ. Mr. Meadows noted that Archer Lodge is the only city in Johnston County that does not have an ETJ.
- Pages 9 and 10, ETJ in Johnston County/Potential ETJ Boundary - The red line on the maps demonstrate the one-mile buffer outside of the Archer Lodge current contiguous corporate limits. Johnston County GIS provided the map.

#### **ETJ Expansion Pros:**

- Protection
- Prevents incompatible development such as landfills, and adult businesses.
- Ensures a logical and safe expansion of public infrastructure on both sides.
- ETJ helps avoid the need for involuntary annexation.
- Can help avoid administrative complexity during and after the annexation process.

#### **ETJ Expansion Cons:**

- Residents in the ETJ are not permitted to vote on local elections but are required to follow the Town rules.
- ETJ residents might be required to go to a municipality for permitting as well as going to the county.
- More physical land area and uses are under the municipality's authority resulting in increased municipal services to provide without any direct revenue benefits for the municipality.

#### **Questions:**

- *Is annexation still on a voluntary basis?*
  - Attorney confirmed that it is voluntary.
  - Mr. Meadows added, otherwise there would have to be a referendum to annex.
- *Is the Town obligated to offer citizens in the ETJ the same level of services that are provided in the Town?*
  - Mr. Meadows responded that the Town can either continue with interlocal agreements with the county or the Town needs to provide the range of typical municipal planning regulation types of services at the same level.
- *Can a developer request a new subdivision to be annexed prior to any homes being sold?*
  - Attorney Burrell explained that the developer can request annexation before a home is sold, but once homes are being sold, all homeowners must be on board for an annexation.
  - Mr. Meadows recommended a standard practice be in place for property that is annexable and if the Town is interested in annexing, then it should be part of the development review process.

Discussion followed.

Mr. Meadows recommended holding a two- or three-hour workshop to look at maps and consider areas and benefits of having an ETJ. Mr. Gordon confirmed with Staff and Mr. Meadows that they would schedule a workshop soon.

[Archer Lodge ETJ Expansion Intro Presentation 01-18-22 CMeadows Code Wright Planners](#)

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**b) Code Enforcement**

Ms. Maybee reported the following:

**Complaints:**

- Scheduled to have obstruction at stop sign on Buffalo Road cleared.
- Received tall grass complaints.
- Reach out to Attorney Burrell regarding procedures for nuisance abatement.
- Complaint on dilapidated house that was referred to Johnston County Inspections in October 2021. A county demolition permit was issued 10/20/21 but no demolition has been scheduled.
- Motor vehicle complaints and travel trailer being used as a residence in Archer's Pointe.
- Goats roaming in subdivision.

Ms. Maybee expressed appreciation of the interlocal agreement with Johnston County Partners and Town of Clayton.

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**8. MAYOR'S REPORT:**

**a) Mayor Mulhollem shared the following:**

- **Wished everyone a Happy New Year.**
  - **He attended the Archer Lodge Community Center New Year's Brunch and was pleased to see some of the board members in attendance. He noted that the attendance was lighter than past years, possibly due to COVID.**
  - **He recognized Council Member Mark Jackson for having coordinated the "Adopt A Highway" program sponsored by White Oak Baptist Church for many years and expressed much appreciation for him and the volunteers keeping the roadway clean.**
    - **Informed that Mr. Jackson asked if he would take over the responsibility of coordinating the program and he accepted.**
    - **The "Adopt A Highway" program event will be held quarterly, and the next event is scheduled for Saturday, January 22, 2022 at 8:00 a.m. at White Oak Baptist Church, weather permitting. He encouraged volunteers to contact him so they can be added to a list for event notifications.**
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**9. COUNCIL MEMBERS' REMARKS:**

(non-agenda items)

**a) Council Member Wilson shared the following:**

- **Complimented Triangle J Council of Government (TJCOG) and the Regional Transportation Alliance (RTA) for supporting the Raleigh-Durham International Airport (RDU) Funding Project to help the airport get federal money for a new and much needed runway.**

- **He thanked Staff for sending a letter to the U.S. Department of Transportation in support of requesting \$275 million in federal funding to replace the primary commercial service runway at RDU International airport. A copy of the letter appears as follows:**



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

**Mayor:**  
Matthew B. Mulhollem

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

January 13, 2022

Honorary Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590  
United States

Dear Secretary Buttigieg,

I am writing to support a request from Raleigh-Durham International Airport (RDU) for \$275m in federal funding to replace its primary commercial service runway, 5L-23R.

The Triangle region grew by more than 377,000 people between 2010 and 2020, with four of our seven counties ranking in the top ten fastest growing counties in the state during this time. Population projections expect an additional 1.4 million residents to move to our region by 2050, an 85% increase from 2010.

RDU's 25-year master plan calls for improvements to the airfield, terminals, ground transportation, and general aviation. The current cost estimate is \$3.5 billion due to accelerated growth in passenger traffic. In addition to replacing RDU's primary runway, RDU will need more terminal gates, roadway improvements, and a new consolidated rental car and ground transportation center. The Regional Transportation Alliance (RTA), the voice of the regional business community on transportation, created the Airport Infrastructure Development task force to identify a stable financial footing for RDU. The task force's most urgent recommendation is securing federal funds for replacement of RDU's main runway.

[www.archerlodgenc.gov](http://www.archerlodgenc.gov)

We request that FAA provide a letter of intent for a 75% federal grant in support of the total \$366 million project cost so RDU can continue to serve as an increasingly vital node in the national commercial aviation system and an economic engine for this state.

Thank you for your leadership, time and consideration of this request.

Sincerely,



Matthew B. Mulhollem  
Mayor

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- b) Council Member Jackson shared that the "Adopt A Highway" program at White Oak Church recently received a 10 Year Certificate for their service and expressed the value of getting together with others for the fellowship. He noted that over 5,000 lbs. of trash had been collected over the years in a two-mile section. He added that he will still be participating in the program.**
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- c) Mayor Pro Tem Castleberry had no remarks.**
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- d) Council Member Purvis asked everyone to be safe due to the possibility of snow for the weekend.**
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e) Council Member Bruton had no remarks.

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**10. ADJOURNMENT:**

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

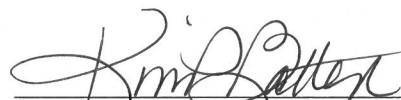
Moved by: Council Member Jackson  
Seconded by: Council Member Wilson

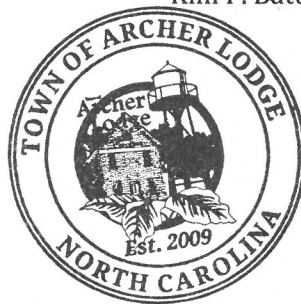
**Adjourned meeting at 8:13 p.m.**

CARRIED UNANIMOUSLY

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Matthew B. Mulhollem, Mayor

  
Kim P. Batten, Town Clerk





# EXTRA TERRITORIAL JURISDICTION

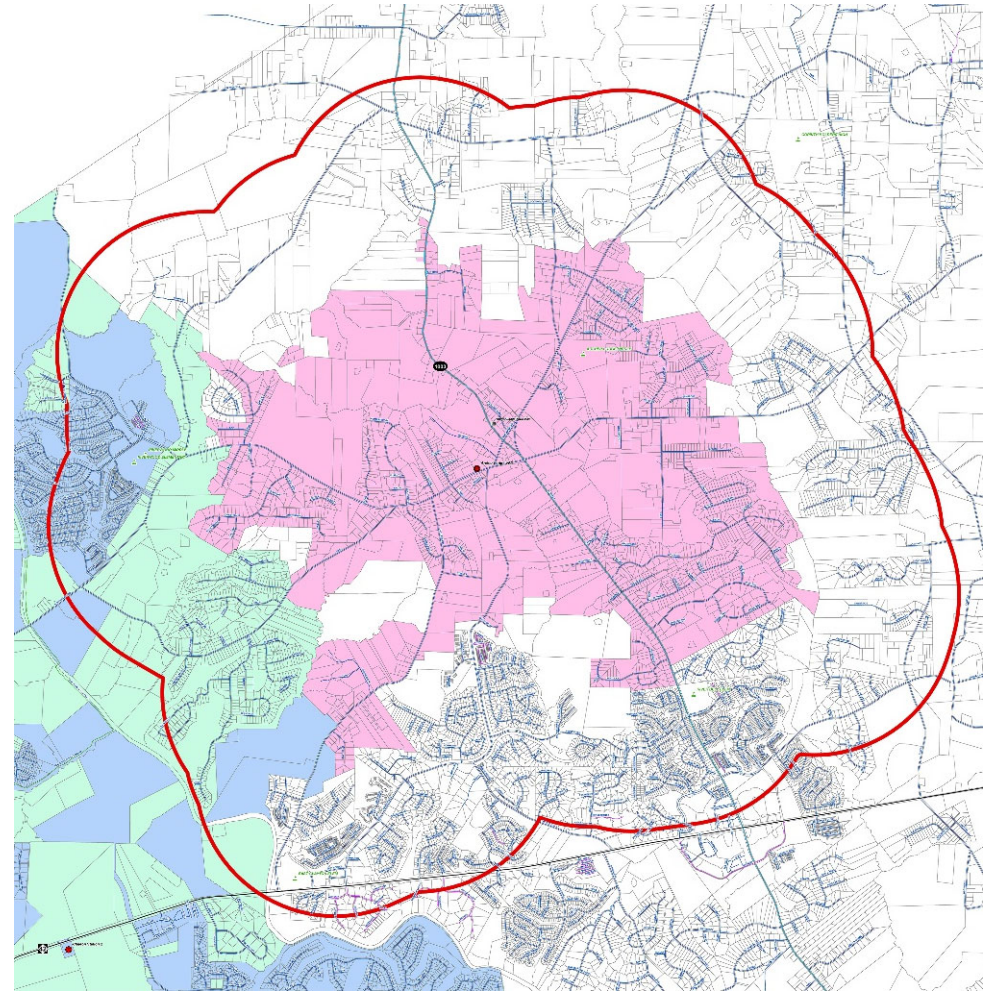
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Background discussion

# Overview

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- Background
- Current Configuration in Johnston Co
- Pros of ETJ Establishment
- Cons of ETJ Establishment
- Process for Establishing



# ETJ – Basic Concept

3

The rules related to ETJ are set down in North Carolina General Statutes §160D-202

## **Extraterritorial Jurisdiction (“ETJ”):**

Authority for a municipality to exercise its zoning and development-related regulations in an area outside, but proximate to, the municipality’s contiguous corporate limits

# ETJ – Purpose

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Intended to create greater continuity in land use planning, infrastructure expansion, development regulations, and the protection of health and safety in “edge” areas around municipalities

For more details, see:

<https://www.sog.unc.edu/resources/legal-summaries/extraterritorial-jurisdiction-planning-and-development-regulation>



# ETJ – General Configuration

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Measured from  
contiguous  
corporate limits  
(not satellite  
annexations)

## ETJ size is based on population

- $>10,000$ : 1 mile
- $10,000-25,000$ : 2 miles
- $<25,000$ : 3 miles

# ETJ – Authority

6

Supplement No. 29 (current)

Chapter 12 - ENVIRONMENT [8]

Chapter 13 - RESERVED

Chapter 14 - LAND DEVELOPMENT CODE\*

ARTICLE I. - IN GENERAL

ARTICLE II. - ZONING DISTRICTS

ARTICLE III. - SUBDIVISIONS [12]

ARTICLE IV. - SPECIAL USES

ARTICLE V. - SITE PLANS

ARTICLE VI. - DESIGN STANDARDS

ARTICLE VII. - STORMWATER MANAGEMENT [13]

ARTICLE VIII. - FLOOD DAMAGE PREVENTION [14]

ARTICLE IX. - SIGNS [16]

ARTICLE X. - NONCONFORMITIES

ARTICLE XI. - ADMINISTRATION [12]

ARTICLE XII. EROSION AND SEDIMENT CONTROL

Chapter 15 - RESERVED

**Chapter 14 - LAND DEVELOPMENT CODE\***

**\*Editor's note**—Growth Management Residential Development Allocation System, the provisions of which expire on December 31, 2002.

1. PURPOSE AND INTENT

The purpose and intent of this ordinance is to:

a) Enact an ordinance that is general in nature and is applicable to all property subject to regulation by the county establishing a Growth Management Development Allocation System in Johnston County's planning jurisdiction to regulate the rate at which the county issues building permits for certain residential dwelling units.

b) Implement the policies and goals of the Johnston County Strategic Plan relating to growth management strategy, provision of school facilities, transportation, provision of public water and sewer facilities, economic development and preservation of rural character.

c) To establish a residential development management and allocation system to manage the rate of residential development to ensure that:

1) Growth is orderly and that the County can continue to provide effective public services and to prevent any deterioration in the delivery of those services as residential development increases;

2) The fiscal impact of such development does not exceed revenue available from such development and other sources to pay the cost of public services and facilities, particularly the County's financial obligation related to schools;

3) The community and visual character of the county as a desirable place to live and conduct business is maintained and that property values are protected throughout the county; and

4) The density of population in the county is managed carefully to prevent overcrowding and congestion.

2. FINDINGS

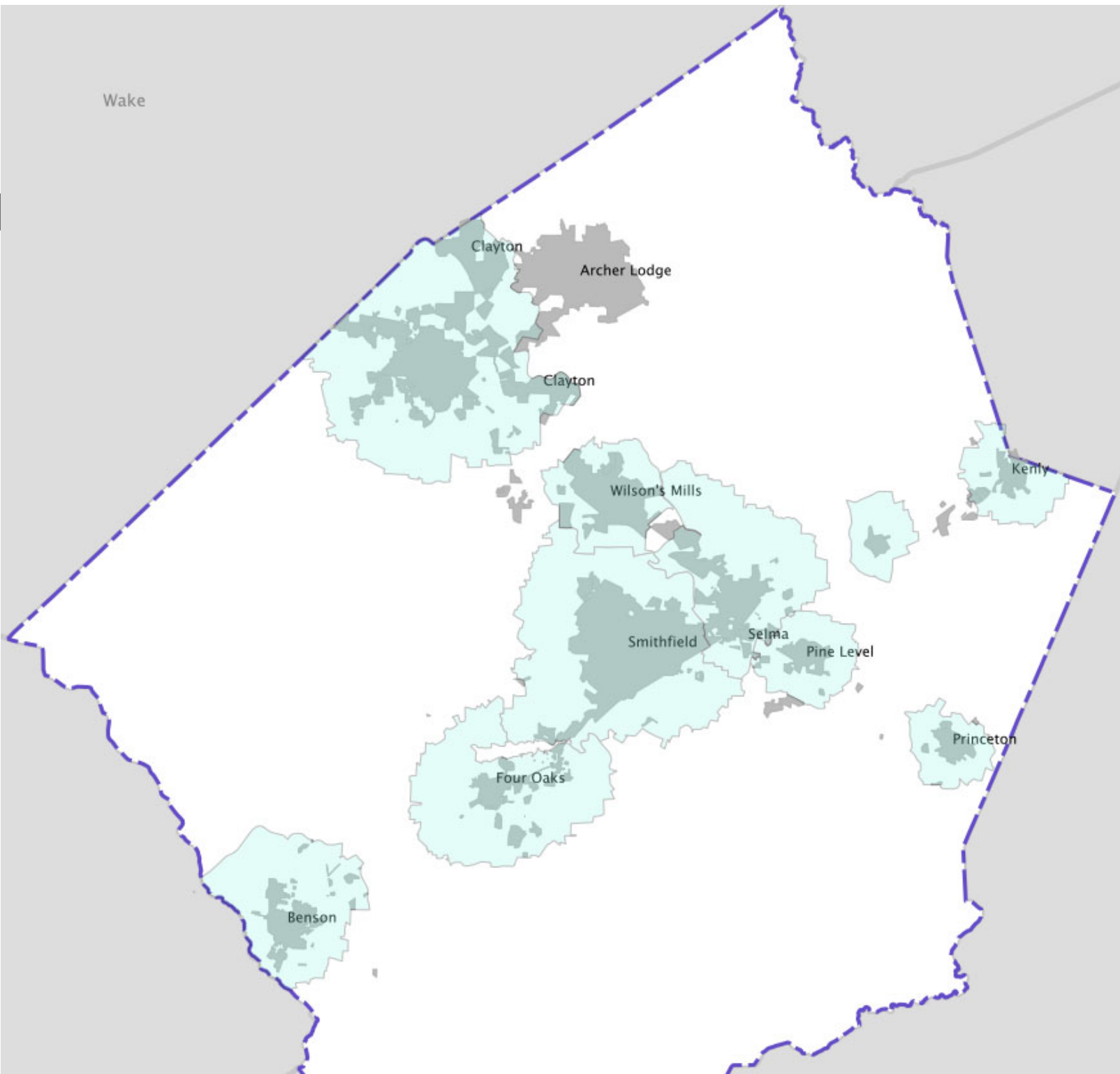
The Johnston County Board of Commissioners makes the following findings:

a) That the growth rate of the County over the past decade exceeds the growth rate of the region, the State of North Carolina and the United States as a whole;

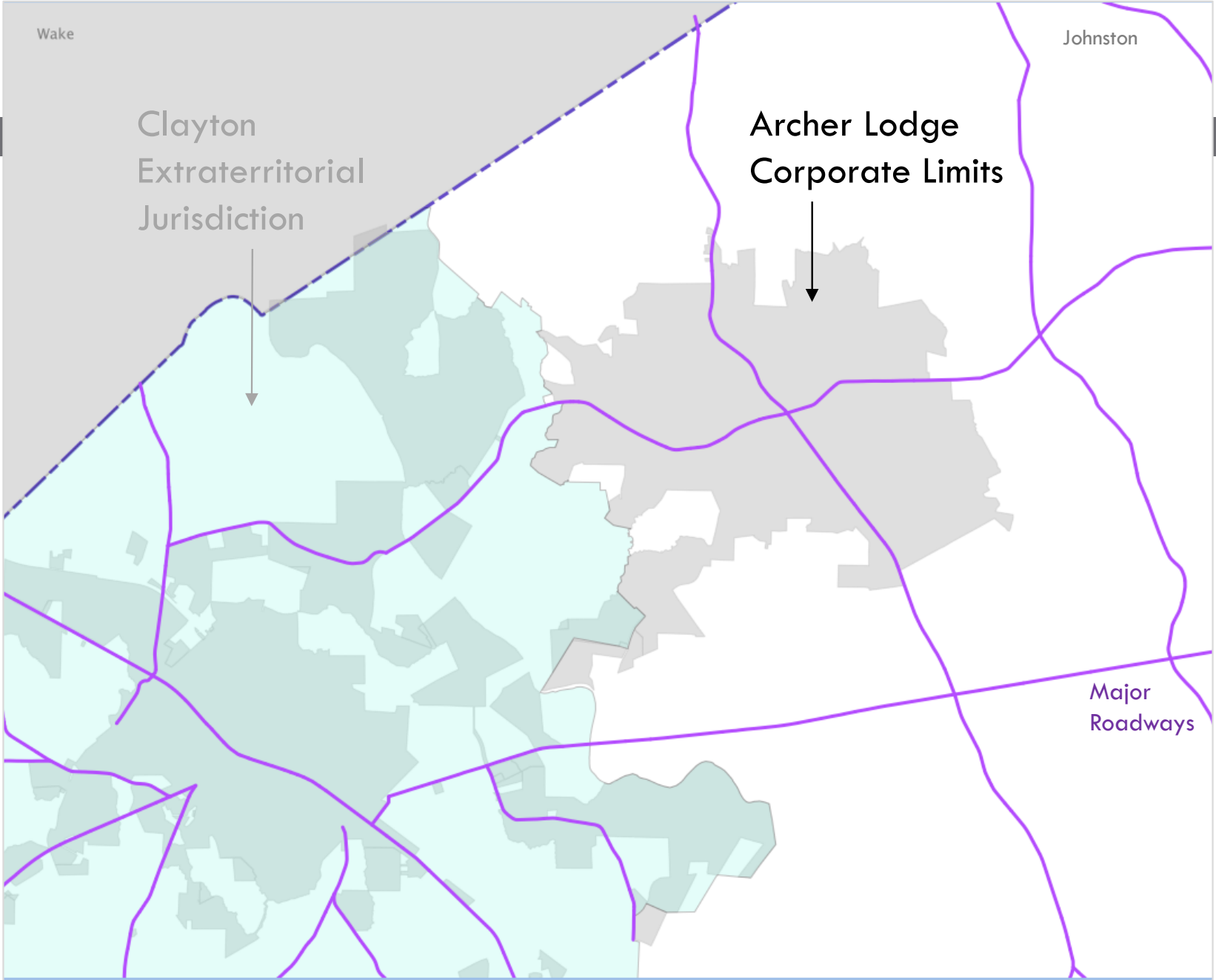
b) The County's school enrollment is currently 20,279 pupils; since 1990, the County's school enrollment has increased by 5,769 students, of that number, 4,211 students have been added since 1995.

Because the County exercises zoning controls, Archer Lodge must seek permission to establish an ETJ from the Johnston County Board of County Commissions

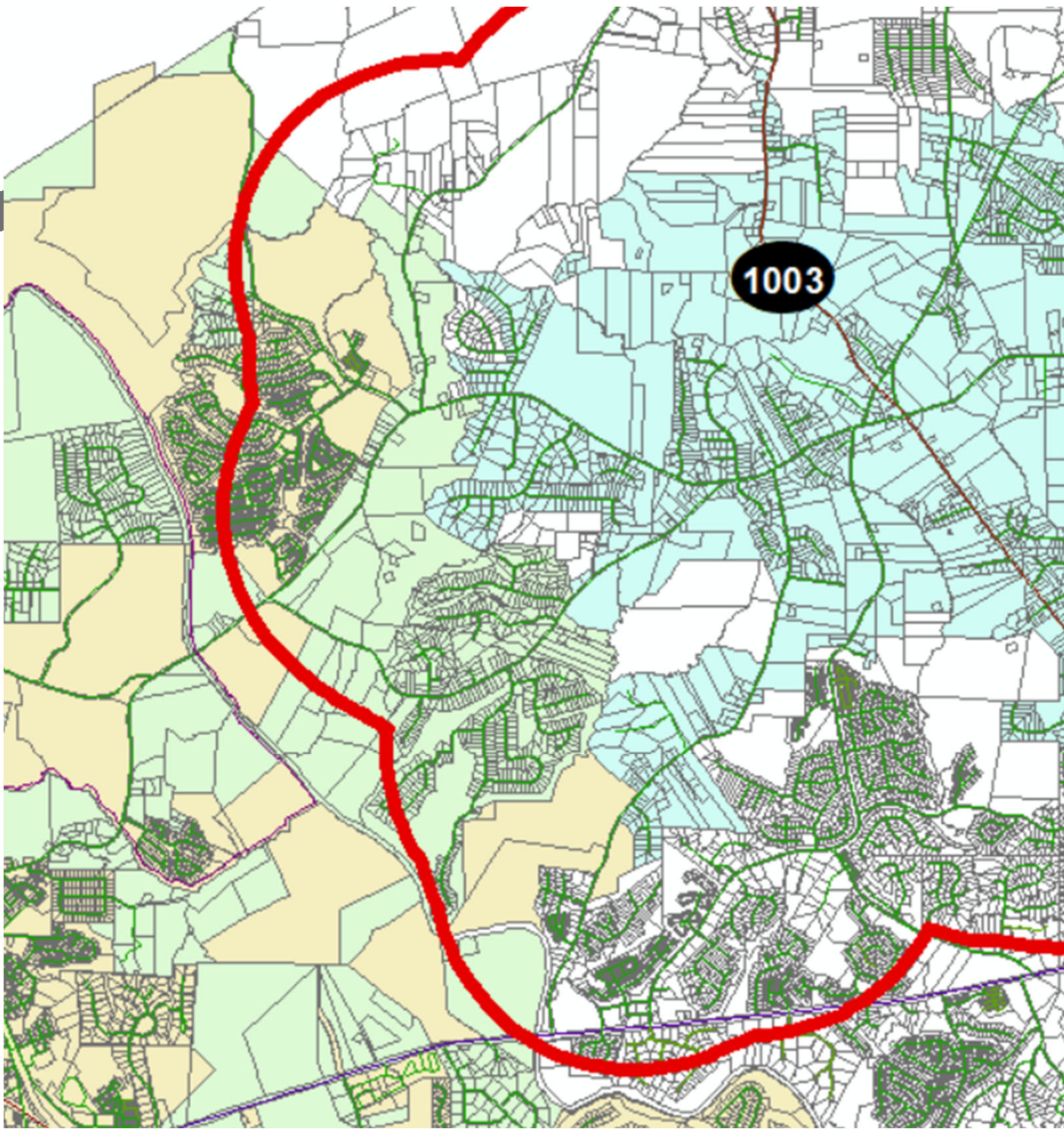
# ETJ in Johnston County



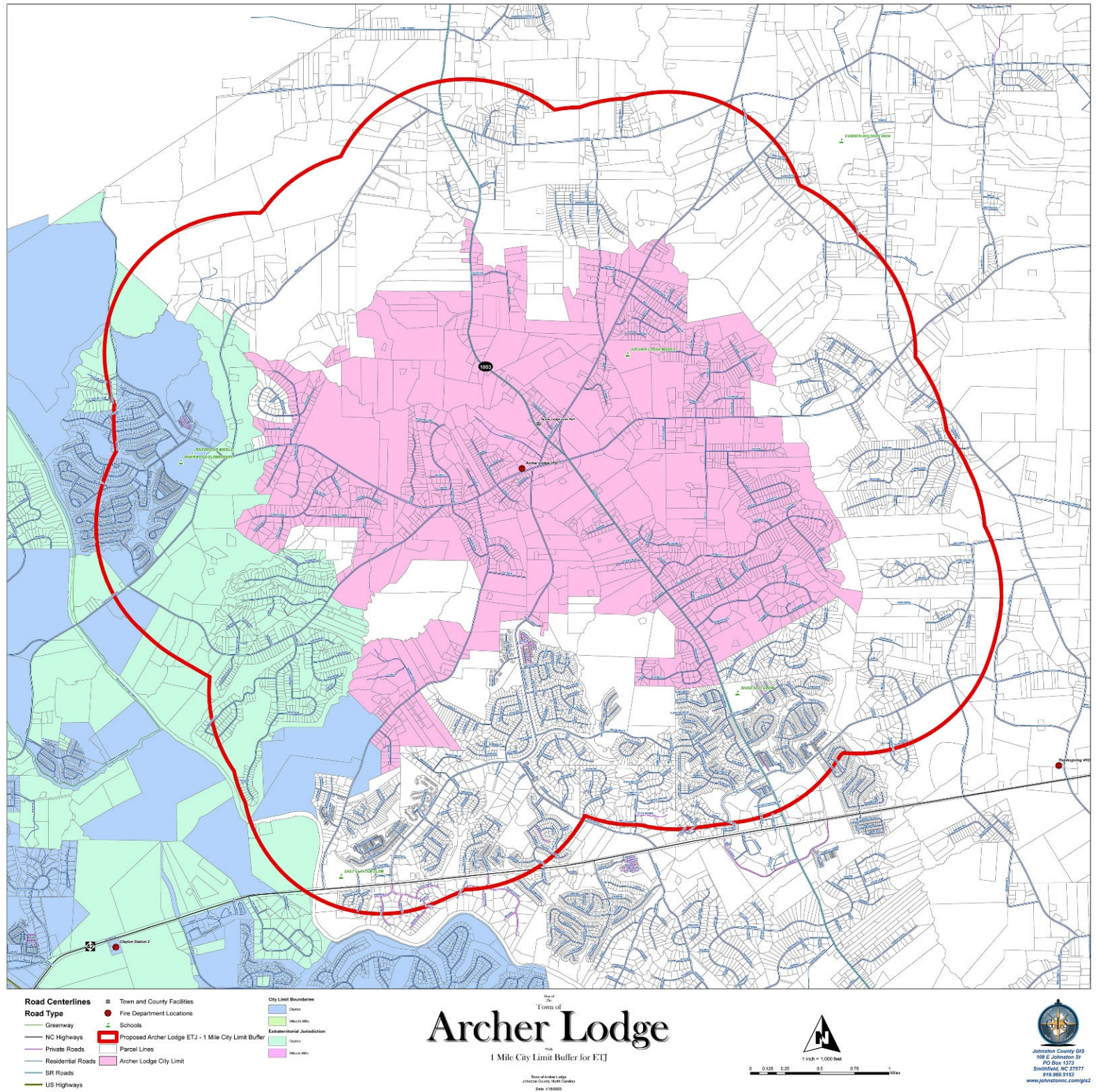
# ETJ in Johnston County



# ETJ in Johnston County



# Potential ETJ Boundary

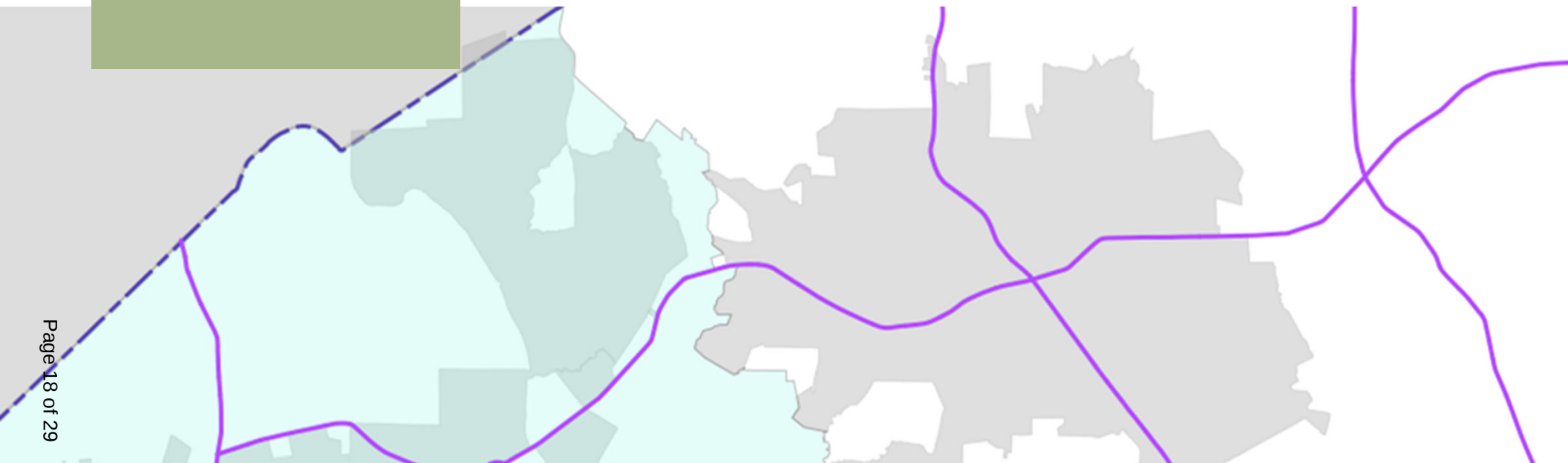


# ETJ Expansion - Pros

11

There are 5 basic good reasons or “pros” to establishing an ETJ

1. **ETJ creates a recognized growth and planning area for the Town’s long-term development** by preventing other municipalities from annexing within its ETJ boundary



# ETJ Expansion - Pros

12

There are 5 basic good reasons or “pros” to establishing an ETJ

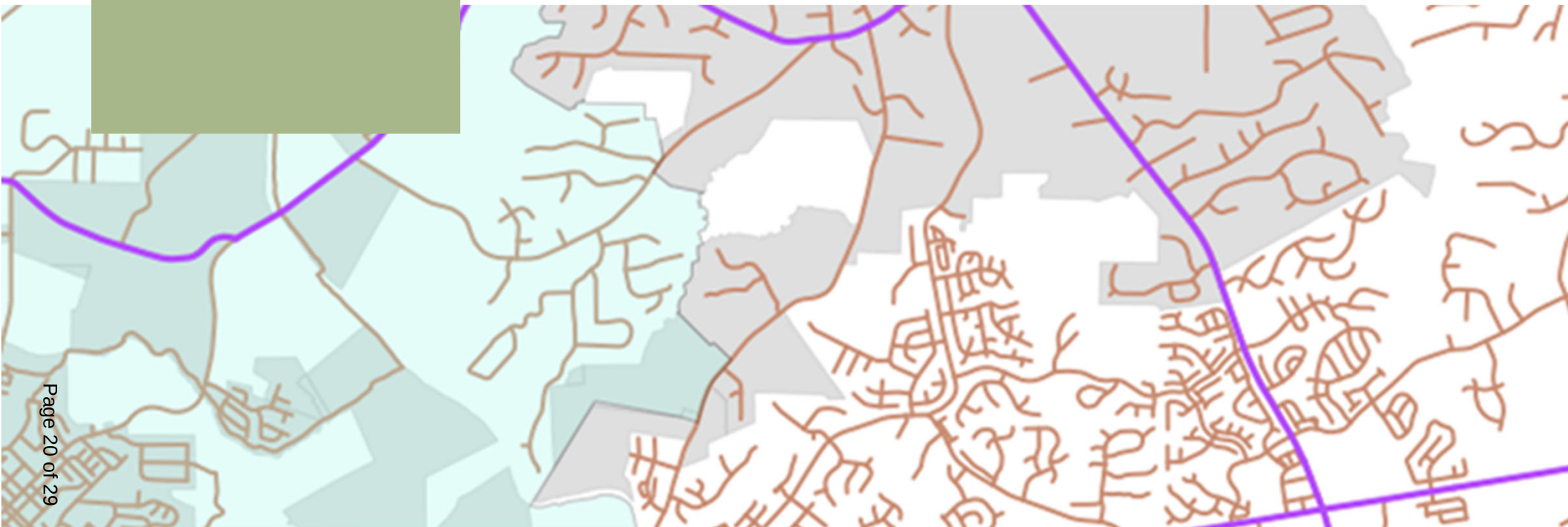
2. **ETJ helps prevent incompatible development from locating close to a municipal corporate limits** thereby negatively impacting the municipal residents' quality of life, property values, or the planning investments made by the municipality

# ETJ Expansion - Pros

13

There are 5 basic good reasons or “pros” to establishing an ETJ

3. **ETJ helps ensure a logical and safe expansion of public infrastructure on both sides of the corporate limit line and the larger landscape**



# ETJ Expansion - Pros

14

There are 5 basic good reasons or “pros” to establishing an ETJ

4. **ETJ helps avoid the need for involuntary annexation** (because municipalities already have land use control in areas that would typically be most appropriate for annexation)

# ETJ Expansion - Pros

15

There are 5 basic good reasons or “pros” to establishing an ETJ

5. **ETJ can help avoid administrative complexity during and after the annexation process** by ensuring existing development conforms to municipal land use requirements

# ETJ Expansion - Cons

16

There are 3 basic negative outcomes or “cons” to establishing an ETJ

1. Expansion of an ETJ into an area where one does not currently exist **can create resentment on the part of residents in the proposed ETJ** who will become subject to land use controls from the Town, but may who not vote in Town elections

# ETJ Expansion - Cons

17

There are 3 basic negative outcomes or “cons” to establishing an ETJ

2. Because counties routinely provide some permitting services within ETJs, ETJ expansion can **require residents in the ETJ to secure municipal planning approval as well as County approval** for other parts of their development (like building permits)

# ETJ Expansion - Cons

18

There are 3 basic negative outcomes or “cons” to establishing an ETJ

3. Having ETJ authority means more physical land area and land uses are under the municipality’s authority; this results in **increased municipal resource utilization without any direct revenue benefits** for the municipality

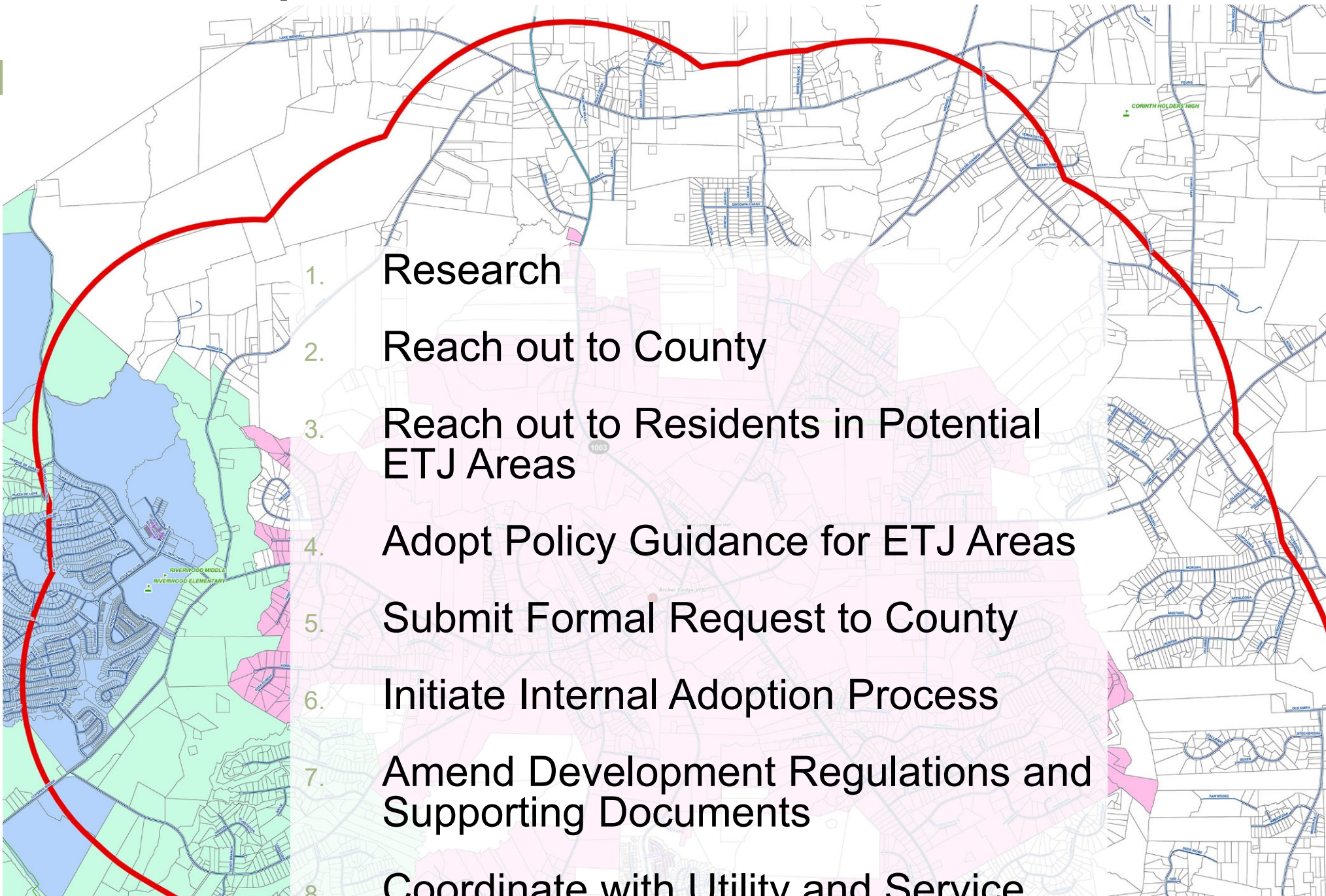
# ETJ Expansion - Pros/Cons

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| PROS                                          | CONS                                                                  |
|-----------------------------------------------|-----------------------------------------------------------------------|
| 1. Establishes recognized growth area         | 1. Resentment from new ETJ residents                                  |
| 2. Prevents incompatible development at edges | 2. Permitting complexity of dealing with two governments in ETJ areas |
| 3. Safe/logical infrastructure extension      |                                                                       |
| 4. Avoids need for involuntary annexation     | 3. Increased need for resources with no additional revenues           |
| 5. Helps avoid nonconformities                |                                                                       |

# ETJ Expansion - Process

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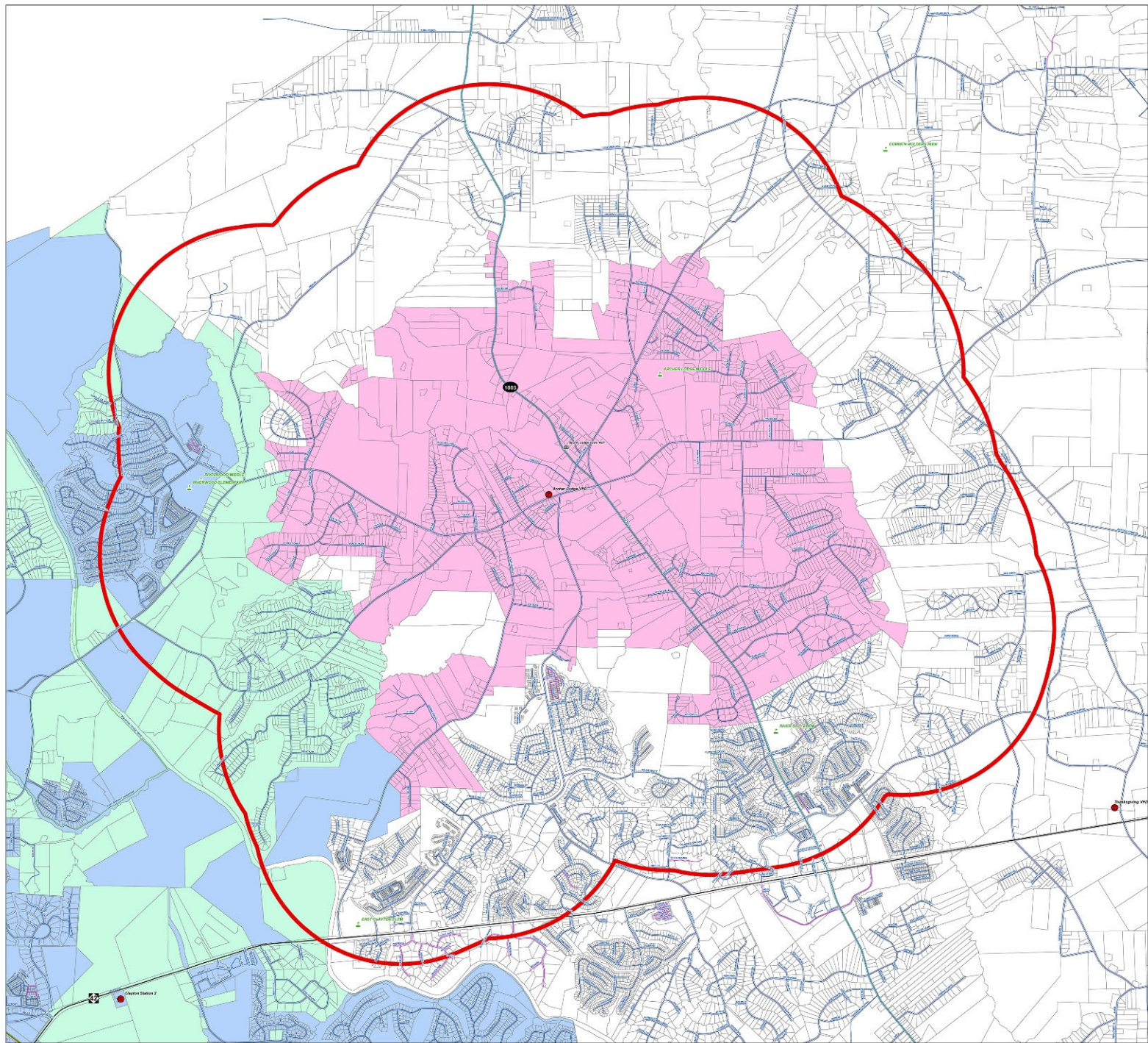
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- A map showing a large area outlined in red, representing the ETJ expansion process. The map includes various colored regions (green, blue, pink) and labels for schools like RIVERWOOD MIDDLE, RIVERWOOD ELEMENTARY, and CORINTH HOLDERS HIGH. The process steps are listed on the right side of the map.
1. Research
  2. Reach out to County
  3. Reach out to Residents in Potential ETJ Areas
  4. Adopt Policy Guidance for ETJ Areas
  5. Submit Formal Request to County
  6. Initiate Internal Adoption Process
  7. Amend Development Regulations and Supporting Documents
  8. Coordinate with Utility and Service

# ETJ Expansion - Next Steps...

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1. Collect maps and data
2. Conduct a workshop with Town Council and Planning Board
3. Consider ramifications, potential boundaries, and whether request will be staged or a one-time request





- |                         |                                                        |                                    |
|-------------------------|--------------------------------------------------------|------------------------------------|
| <b>Road Centerlines</b> | <b>Town and County Facilities</b>                      | <b>City Limit Boundaries</b>       |
| <b>Road Type</b>        | ● Fire Department Locations                            | ■ Quarters                         |
| — Greenway              | ● Schools                                              | ■ Military Bldg                    |
| — NC Highways           | ■ Proposed Archer Lodge ETJ - 1 Mile City Limit Buffer | ■ Extrajurisdictional Jurisdiction |
| — Private Roads         | — Parcel Lines                                         | ■ Quarters                         |
| — Residential Roads     | ■ Archer Lodge City Limit                              | ■ Military Bldg                    |
| — SR Roads              |                                                        |                                    |
| — US Highways           |                                                        |                                    |

Map of  
Town of  
**Archer Lodge**  
1 Mile City Limit Buffer for ETJ  
Town of Archer Lodge  
Johnston County, North Carolina  
Date: 11/18/2022

