

**MINUTES**  
**ARCHER LODGE TOWN COUNCIL MEETING**  
**MONDAY, MARCH 8, 2010**  
**ARCHER LODGE COMMUNITY CENTER**

**PRESENT:** Mike Gordon, Mayor; Carlton Vinson, Mayor Pro Tem; Jeff Barnes, Councilman; Clyde Castleberry, Councilman; Matt Mulhollem, Councilman; John Perry, Councilman

**ALSO PRESENT:** David Mills, Town Attorney and Lisa Barnes, Acting Clerk.

**ITEM 1      Call to Order**

At 7:09 p.m., Mayor Gordon called the meeting to order. Councilman Mulhollem led us in prayer and the Pledge of Allegiance was cited.

**ITEM 2      Public Comment Period**

At 7:10 p.m., Mayor Gordon opened the floor for any public comments. One resident spoke. See attachment 1 for comments. At 7:13 p.m., the public comment period was closed after no other residents spoke.

**ITEM 3      Action Agenda**

(3a.) Mayor Pro Tem Vinson made a motion that the minutes of the regular/public hearing meeting on February 8, 2010 be approved. It was second by Councilman Mulhollem and approved by all with a show of hands.

(3b.) Mayor Pro Tem Vinson would like to add an item for discussion regarding an administrative consultant. I would like to make a motion to add this item to the agenda for discussion. It was second by Councilman Barnes and approved by all with a show of hands.

**ITEM 4      Action Items**

(4a.) N. C. League of Municipalities' Dues/Insurance – A copy of the resolution on accepting a complimentary membership in the N. C. League of Municipalities and expressing intent to become a paying member in the future was read. That free membership lasts until the end of June and after that time Mayor Pro Tem Vinson's best approximation will be around a \$3,000 annual fee into the League starting after June.

They do understand that we will be operating on a minimal budget and agreed to work with us even on that \$3,000 fee. This resolution speaks to our intent to become a full paid member. With regards to general liability insurance for \$1,000,000 of insurance coverage, there is a minimal charge of \$250. Even though we have insurance coverage on the community center building, they felt like it would be worth while to make sure the town council was covered as well. The League is getting us quotes on public official liability insurance. They felt like this was all we would need at this time. Mayor Gordon said that there are only three municipalities in the whole state that are not members. Mayor Pro Tem Vinson moved that we adopt this resolution. Councilman Castleberry second and it was approved by all with a show of hands.

(4b.) Town Banking Account – On Friday, March 5 Councilman Perry met with Charlie Reeves at First Citizens and they said the different types of accounts we need to open for the town would be a simple savings account and a free business checking. As our town grows, First Citizens Bank can meet our needs or we can look at other banks. He opened the accounts but we need to decide tonight three different items: (1) who do we want to be on the signature checking card for making withdrawals, writing checks and making deposits, (2) who has the right to change the corporate resolution with the bank and (3) have a credit card set up for the town and decide who needs to be in possession of the credit card. Councilman Castleberry asked do we need more than one signature. Attorney Mills said we need to have at least two on the checking account and that some towns have minimums where one person can sign up to one level, but his recommendation would be to have two signatures. Mayor Gordon said his opinion would be to have the Finance Director and a councilman. Maybe Councilman Mulhollem and Councilman Perry since Matt would like to get involved in the budget process. Councilman Perry suggested no more than two people so there would be less confusion and then the same two people could be for the signature card and credit card. We can always change later. Attorney Mills asked was that a motion to approve the corporate resolution to open the account. Councilman Perry said the account has already been opened and that we just needed a corporate resolution. Attorney Mills asked has the corporate resolution been approved by the Board? Councilman Perry said we needed to decide who is going to be on the checking card, and who can make changes on the account. Once we do that, I take the minutes to the bank. They have already let me open up the account in case we need to make deposits since the tax revenues will be coming in. Attorney Mills said the relationship between the town and the bank is in essence a contract so I think it needs to be approved by the town as a resolution. Attorney Mills said we could take up the charge card as a separate item. First is to make a motion to approve the accounts with the bank, and authorize certain people on the signature card and to sign up for a credit card and then decide with a separate motion as to what the guidelines for the use of the credit card. Councilman Perry made a motion that we accept the accounts we have set up with the First Citizens Bank, which is a simple savings account and checking account, and authorize Councilman Perry and Councilman Mulhollem to be on the signature card and the same two people have the right to make changes to the accounts at the bank and the same two people have authorization to use the credit cards. Mayor Pro Tem Vinson second. Attorney Mills had a clarification, would it require both signatures on a check. Yes, per

Councilman Perry. Attorney Mills asked do you accept that as a friendly amendment to the motion. Yes, per Councilman Perry and it was second by Mayor Pro Tem Vinson and all were in favor. Attorney Mills said now it would be appropriate to have a motion to lay the guidelines on the use of the credit card. Councilman Perry made a motion that we set up guidelines for the use of the credit cards and limits and what we want to use it for. Mayor Gordon asked do we want to set a limit right now as to what that would be. Councilman Perry said he thought that we needed to give it a little more thought instead of just throwing stuff out tonight. Maybe what we need to do as far as credit cards is to think about it and discuss at the next meeting. Mayor Gordon said to check with First Citizens to see what safeguards they have in place and come back to the meeting and with a recommendation. Attorney Mills asked Councilman Perry did he withdraw his motion and let's discuss at the next meeting. Councilman Perry said yes and it will be added to the April agenda.

## **ITEM 5        Administrative or Committee Reports**

(5a.) Mark Wilson reported that the Planning Board has had their first regular meeting. Their chair is planning to contact the Mayor regarding some concerns as to how the flow of information from board to council will happen. He will be visiting with the County Planning & Zoning to obtain zoning maps for Archer Lodge. He will also establish a point of contact between the two boards. He is also planning on looking at other small rural boards.

## **ITEM 6        Items for Discussion**

(6a.) Archer Lodge Fire Department – Mayor Gordon, Councilman Barnes, Councilman Castleberry and attorneys for both parties will be meeting this Wednesday. The Fire Department Board will be in attendance. The two attorneys have spoken briefly to get things worked out and plan on having a productive meeting to provide fire protection to the citizens of Archer Lodge.

(6b.) Agricultural Land Use Ordinance – Councilman Barnes read a draft proposed ordinance (copy attached). An Agricultural Advisory Committee may need to be established, maybe three farmers, and they do not have to reside within the city limits but would have to be tending land within the city limits. Attorney Mills said that as it is currently written, in the “whereas” portions it says that the Agricultural Advisory Committee has resolved, would not be appropriate. Councilman Barnes said we need to strike that language temporarily with intent of creating an advisory committee. Attorney Mills said here is what he would say. I see this and it specifically says pursuant to the authority granted in article 19 chapter 168 which is the provision that of the general statues that authorizes the town to zone or regulate development, that being the case, any modification to your zoning ordinance requires a public hearing. So it is my opinion because of the nature of this, you would require a public hearing. Mayor Pro Tem Vinson said this is a farming community and he thinks that it is an important

document that it is worth taking the time to look through and let attorney look through to see if there are any holes regarding the language and also ask other towns to see what they would redo. Councilman Castleberry asked did we need to set up an advisory committee before we vote on it. Mayor Pro Tem Vinson thinks it is an excellent idea and maybe we can come to the next meeting and make some recommendations regarding a committee and then have a public hearing within 60 days. Mayor Gordon said we need to speak to some farmers to see if they are interested in being on that committee and change the language on the ordinance and then have the public hearing. It may not be at the next meeting. Councilman Castleberry made a motion that we table this to our April meeting and add to agenda in April and discuss possible public hearing date and recommendation of an advisory board. It was second by Councilman Perry and approved by all. Mayor Pro Tem Vinson asked attorney if we have an agricultural advisory board, it would not have due powers as a planning board and would not require a public hearing to appoint. Attorney Mills said not to set up an advisory board. However, it would be a public body subject to open meeting laws. Mayor Pro Tem Vinson said that would be an advisory board to both the Councilmen and the planning board.

(6c.) Firearms Safety Ordinance – Councilman Barnes made motion to withdraw from agenda because of some additional language changes and research that needs to be done to the document. It was second by Councilman Mulhollem and approved by all.

(6d.) Hiring an Administrative Consultant – Possibly hiring C. L. Gobble as a consultant for the Town of Archer Lodge on a part time basis. Attorney Mills said it would be open comments unless negotiations are continuing and if so we can go into closed session but if we are simply going to make a motion to approve something, then we can do that. Mayor Pro Tem Vinson spoke with Mr. Gobble at the request of the mayor last week. Mr. Gobble was the town manager of Louisburg for 26 years and has been a voice of experience for this community over the last two years and he has already acted out of the goodness of his heart as an advisor to the town. Given that we are a mayor/council form of government, we cannot have a town manager, we will have to have a town administrator which is not the same type of position and given the limited budget funds, I think it is in our best interest to find someone with that level of expertise that is willing to work under a contractual basis. After speaking with Mr. Gobble, he said he would be more than agreeable to do that and his fee would be \$50.00 per hour. We can discuss time limitations, maybe 8 hours a week or 32 hours a month or we can say 20 hours a month max. We can determine what the limits are since we do have a budget at this point. One recommendation I would like to make, is given his extensive work for this community to date, is to make this retroactive to March 1 or February 1 because he has certainly given more of his share of time to the town. Attorney Mills said you can make it retroactive to February 1 but you can't precede the formation of the town. Councilman Mulhollem asked how many hours to date has he spent. Mayor Pro Tem Vinson said he has not given me that but has probably put in 20-25 hours in the last month with traveling on our behalf and that fee does include travel. He could request expenses at that point. Mayor Gordon said the council is familiar with Mr. Gobble because he has worked with us for the past two years and been a lot of help to

us. Councilman Mulhollem said he has certainly provided a lot of experience. Councilman Perry asked how would he communicate with us as far as his duties. Mayor Pro Tem Vinson said he can communicate with us whether it is with the Mayor or any of us or there can be a contact person--just like we do with our attorney. But if there is something we need him to do, he is accessible by any of us. Mayor Gordon said his duties would be to do research on certain subjects that we ask him to check on. Mayor Pro Tem Vinson said we are going to be looking at hiring a town clerk full time or at least part time. He has helped hire town managers as well. He would be invaluable to us in hiring our first town clerk. Councilman Castleberry agrees that his knowledge has been tremendous and I trust his judgment just having him on board the last couple of years with the incorporation process. Mayor Pro Tem Vinson asked in drawing up a contract up with him, do we need to work with the attorney. Attorney Mills says he certainly needs to at least review the contract but thinks the appropriate procedure would be to approve a motion authorizing Mayor Pro Tem Vinson to work out details with Mr. Gobble and come back to the board with a contract that is agreeable to both parties or at least agreeable with him and what you have heard here tonight and then bring back for final approval from the board. Vinson says that \$50 dollars and hour is a reasonable fee for what he is going to do for us.

Mayor Gordon asked if there was any more discussion on Mr. Gobble. Mayor Pro Tem Vinson said he would like to make a motion that the council approve a contact with Mr. Gobble towards a final negotiation with the intent of making this go forward. Attorney Mills said along the lines that we have discussed tonight. Mayor Pro Tem Vinson said right. Attorney Mills asked does your motion include that you be that person. Mayor Pro Tem Vinson said yes I will be glad to do that. Councilman Perry second and no further discussion was had and all was in favor.

There were several questions asked from audience. One was why not use the League of Municipalities since they are free with regards to hiring a consultant? Mayor Gordon said that they do have a lot of knowledge but they will not do the leg work for you. Mayor Pro Tem Vinson said that our budget includes payment for a town administrator. So it is not anything we are stepping out of what we had planned for. Councilman Mulhollem said we certainly need to take to heart what the citizens are saying and we would need to be conservative of what we ask him to do for us, knowing the cost involved. Mayor Gordon said we will definitely use the League when we can. Mayor Pro Tem Vinson said we established a maximum but there does not need to be a minimum amount of time. Another question was who is Mr. Gobble and is he willing to relocate. Mayor Pro Tem Vinson said he is the man who has been our consultant for the incorporation committee and the unpaid consultant for what we have been doing at the town for four months. He was the former town manager for Louisburg for 26 years, he was interim town manager in Selma and Smithfield. He has knowledge and experience and he does not need to relocate. He is not a full time employee, he is a contract consultant.

Other questions were with regards to the fire arms ordinance and being able to view it before hand and Attorney Mills said that has been taken off the agenda.

**ITEM 7      Adjournment**

Councilman Barnes made the motion that the meeting adjourn at 8:10 p.m. and was second by Councilman Mulhollem and approved by all.

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Mike Gordon, Mayor

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Submitted by: Lisa Barnes, acting clerk

## Attachment 1

Public Comment – Eddie Boyce agrees with Chief Barnes in keeping the fire taxes separate from the town. He is 100 percent behind that. Any time that public safety funds go into the general funds, there is always that possibility that the funds don't go to public safety and that it short changes men and women in public safety. He would also like to comment that the committee should think about a public safety volunteer liaison position for any reporting of statistical analysis or any type of situation that the town needs to be advised of.

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Town of Archer Lodge, North Carolina  
An  
“Ordinance Prohibiting Restrictions  
on Agricultural Land Use”

Whereas, the Town of Archer Lodge has traditionally been an agricultural community and continues to be a largely agricultural community;

Whereas, the Town of Archer Lodge wishes to encourage and maintain the rural quality and agricultural nature of the community;

Whereas, the Town Council has determined that the high quality of life within the Town of Archer Lodge will be best maintained by encouraging the continuation of agricultural activities in the Town;

Whereas, the Town Council recognizes the value of agriculture in the Town of Archer Lodge and throughout the county;

Whereas, the Agriculture Advisory Committee (**note: we may need to establish one**) of the Town of Archer Lodge has resolved to recommend adoption of an ordinance by the Town Council which will encourage the continuation of agricultural activities within the Town;

Whereas, the State of North Carolina and the federal government closely and carefully regulate and restrict agricultural activities; and

Whereas, the Town of Archer Lodge does not have the expertise or resources to impose or enforce regulations or restrictions greater than those imposed by the state and federal governments.

BE IT ORDAINED

By the Town Council of the Town of Archer Lodge, North Carolina that, pursuant to the authority granted by Article 19, Chapter 160A and N.C.G.S. 160A-174, the following ordinance is enacted, to be effective immediately:

The Town of Archer Lodge shall not impose any regulation or restriction on the use of agricultural land which is more stringent than that imposed by the State of North Carolina or the United States of America. Agricultural land shall be defined to include “agricultural land, forestland, and horticultural land” as defined in G.S. 105-277.2 and property used for bona fide “farm purposes” as defined in G.S. 153A-340(b)(2). Those

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regulations and restrictions that are prohibited include but are not limited to those related to waste management, water quality, pesticide use, farm labor, hours of operation, water usage, stream buffers, storm water runoff, sounds and odors.

This prohibition does not apply to any prohibition of, regulation of or limitations on non-agricultural activities occurring upon agricultural property.

Nothing herein shall be construed to impose any restriction upon the ability of Johnston County to regulate land use or prohibit or regulate any activity within the Town of Archer Lodge pursuant to any Johnston County Ordinance that is being administered or enforced by Johnston County within the Town of Archer Lodge pursuant to an agreement between Johnston County and the Town of Archer Lodge.

Nothing herein shall be construed to impose any restriction upon the ability of the Town of Archer Lodge to regulate land use pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes as long as such regulation of agricultural land is not more stringent than that imposed by the state and federal governments.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Mike Gordon, Mayor

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Lisa Barnes, Acting Clerk

Approved as to form:

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David Mills, Town Attorney