



Town of Archer Lodge

AGENDA

Regular Council Meeting

Monday, October 7, 2024 @ 6:30 PM

Jeffrey D. Barnes Council Chambers

NCGS § 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.

Page

1. WELCOME/CALL TO ORDER:

- 1.a. Invocation
- 1.b. Pledge of Allegiance

2. APPROVAL OF AGENDA:

3. OPEN FORUM/PUBLIC COMMENTS:

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

4. CONSENT AGENDA:

4 - 82

- 4.a. Approval of Minutes:
 - 18 Apr 2022 Special Meeting - Public Hearing
 - 05 Aug 2024 Regular Meeting - Public Hearing
 - [Special Meeting - Monday, 18 Apr 2022 - DRAFT Minutes - Pdf](#)
 - [Regular Council - Monday, 05 Aug 2024 - DRAFT Minutes - Pdf](#)

83

- 4.b. Acceptance of Resignation for Council Member James "Jim" Purvis III
[JAMES JIM PURVIS III RESIGNED 08.05.24](#)

5. RECOGNITION/PRESENTATION:

- 5.a. Recognition - Long Time Citizen and Archer Lodge Supporter, Mr. Neal Brantley, Sr.
- 84 5.b. Proclamation - Breast Cancer Awareness Month
[Proclamation - Breast Cancer Awareness Month October 2024](#)

6. DISCUSSION AND POSSIBLE ACTION ITEMS:

- 6.a. Discussion and Possible Action of Appointing or Reappointing Vacant Council Member Position
- 85 - 86 6.b. Discussion and Possible Action of Adopting a Resolution Supporting Congressional Funding for the Disaster Relief Fund, Continuance of Halted Recovery Projects, and Sufficient Provisions to Prevent Future Immediate Needs Funding (Resolution# AL2024-10-7a)
[Resolution# AL2024-10-7a](#)
- 87 - 88 6.c. Discussion and Possible Action of Adopting a Resolution Supporting Operation Green Light for Veterans (Resolution# AL2024-10-7b)
[Resolution# AL2024-10-07b](#)
- 89 6.d. Discussion and Possible Action of Adopting the Budget Amendment for Fiscal Year Ending June 30, 2025 ~ (BA 2025 02)
[BA 2025 02](#)

7. TOWN ATTORNEY'S REPORT:

8. TOWN ADMINISTRATOR'S REPORT:

9. HUMAN RESOURCES OFFICER/TOWN CLERK'S REPORT:

10. PLANNING/ZONING REPORT:

- 90 10.a. Zoning Permit Report
[10.2.24 Zoning Permit Report for FY2025 JUL-AUG](#)
- 91 10.b. Code Enforcement Report
[10.7.24 Code Enforcement Report for July-Now](#)

11. MAYOR'S REPORT:

12. COUNCIL MEMBERS' REMARKS:

13. ADJOURNMENT:



**Special Meeting - Minutes
Monday, April 18, 2022**

COUNCIL PRESENT:

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

STAFF PRESENT:

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

COUNCIL ABSENT:

GUESTS PRESENT:

James Todd, Attorney with Smith, Anderson,
Blount, Dorsett, Mitchell & Jernigan, LLP
(Representing Piedmont Natural Gas Co.)

Jennifer Ingram, Senior Land Rep., Natural Gas
Unit with Duke Energy

Chad Meadows, AICP, CodeWright Planners, LLC

Page

1. WELCOME/CALL TO ORDER:

a) Invocation

Mayor Mulhollem called the meeting to order at 6:31 p.m. in the Jeffrey D. Barnes Council Chambers located at 14094 Buffalo Road, Archer Lodge, NC and declared a quorum present. Council Member Jackson offered the invocation.

b) Pledge of Allegiance

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

2. QUASI-JUDICIAL PUBLIC HEARING:

30 - 56

a) Discussion and Consideration of a Special Use Permit Application Submitted by Piedmont Natural Gas Company, Inc., a North Carolina Corporation, to Construct a Natural Gas Regulator Station on a 3.601 acre parcel off Covered Bridge Road.

Conduct of Quasi-Judicial Public Hearing:

- 1. Town Attorney - Swear in Witnesses, including staff, who intend to Present Evidence**
- 2. Mayor - Call Case as stated on the Agenda**
- 3. If applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council**
- 4. Members of Town Council to disclose the following:**
 - Any site visits.
 - Ex parte communications.
 - Specialized knowledge they have relevant to the case.
 - Fixed opinion that is not susceptible to change based on what they learn.

- **Conflict of Interest.**
- **Financial interest; and**
- **Any other information relevant to determining whether a conflict of interest**
- ****Town Council to vote on recusal of member if any conflict exists.**
- **Note: The applicant or other affected persons may present any objections regarding a member's participation.**

5. Mayor - Open the public hearing

6. Staff report

7. All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement

8. Applicant - present arguments and evidence in support of the application.

9. Persons opposed to granting the application shall present arguments and evidence against.

10. Opportunity for cross-examination.

11. After all evidence has been presented, the Mayor may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.

12. The Mayor will entertain objections and rule on the admissibility of the evidence or exhibit.

13. Mayor - Close the public hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial hearing or to a publicly stated date, time and location.

14. Mayor - Calls for a vote on each of the findings of fact/conclusions for the special use permit.

- **Must receive a super majority vote of the Town Council for the Application to be approved.**
- **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**

15. Mayor - Calls for a vote on the special use permit.

- **Must receive a super majority vote of the Town Council for the Application to be approved.**
- **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**

16. Mayor - Calls for a vote on the site plan.

1. Town Attorney Burrell swore In Witnesses, including staff, who intend to Present Evidence.

- Attorney Burrell swore in Attorney Todd and Ms. Maybee.

2. Mayor Mulhollem called the case as stated on the Agenda.

- Mayor Mulhollem called the case as follows:
 - Special Use Permit Application Submitted by Piedmont Natural Gas Company Inc., a North Carolina Corporation, to Construct a Natural Gas Regulator Station on a 3.601-acre parcel off of Covered Bridge Road.

3. If applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council.

- Mayor Mulhollem asked if the Applicant had any representation other than a licensed attorney. There was none.

4. Attorney Burrell asked the Town Council Members to disclose the following for specific purpose of this application:

- **Any site visits.**
- **Ex parte communications.**
- **Specialized knowledge they have relevant to the case.**
- **Fixed opinion that is not susceptible to change based on what they learn.**
- **Conflict of Interest.**
- **Financial interest; and**
- **Any other information relevant to determining whether a conflict of interest**
- ****Town Council to vote on recusal of member if any conflict exists.**
- **Note: The applicant or other affected persons may present any objections regarding a member's participation.**

- **The following items were disclosed:**
 - Council Member Bruton shared that she was personally in the middle of negotiations with Piedmont Natural Gas, so she would like to be excused from voting on the Special Use Permit because of a potential conflict of interest.
 - Motion was made by Council Member Jackson to recuse Council Member Bruton and Council Member Purvis seconded the motion and motion passed with an unanimous vote.
 - Attorney Burrell noted that with the recusal, there will be four (4) Council Members voting. With the upcoming action items to be considered, he further added that three votes will be required in order for the action item to pass. No further discussion.
 - There were no further items disclosed.

5. Mayor Mulhollem Opened the Quasi-Judicial Public Hearing at 6:40 p.m.

6. Ms. Maybee shared the Staff Report and a PowerPoint Presentation regarding the Special Use Permit Application/Site Plan (Transcribed)

Ms. Maybee's staff report, and PowerPoint presentation appear at the end of the minutes.

MS. MAYBEE: Good evening. I have a PowerPoint to share. On March 3rd, 2022, a special use permit application and site plan was submitted by Piedmont Natural Gas to construct a natural gas regulator station on a 3.601 lot, and at the time the application was submitted, it was a proposed lot, and it was located at the end of Covered Court off of Covered Bridge Road. That address at the time the application was submitted was 6225 Covered Bridge Road.

On March 9th, Piedmont Natural Gas Company was deeded the lot located at the end of Covered Court and a plan was recorded and worked with Johnston County, GIS department, and the planning department. The new address assigned to that parcel was 6231 Covered Bridge Road. Included with the application was a site plan showing the proposed site on now the newly created lot off of Covered Bridge Court. Covered Bridge Court is a gravel road (indiscernible) with residences alongside and the track in the back was accessed by easement. When you consider a gas regulator station in this zoning district, it requires a special use permit from the Town Council.

I want to add that the Planning Board did consider this request and forwards a favorable recommendation, and Staff respectfully requests that the staff report and the PowerPoint be incorporated into the record.

When considering a utility such as this, these are the ordinance provisions that need to be adhered to. One thing, wherever possible, this station must not be on the road frontage. This site is in the back

and has no vehicles or trailers or materials stored outdoors or on the premises. Again, it talks about the lot needs to meet the minimum lot size requirements, which this does, and it goes on to list the uses that need to comply.

Looking again at the back of Covered Court, it's been relayed that the area for the gas regulator station will be the only area that will be cleared. There is also a perimeter buffering going around the site, and that's shown in green. Also, there is an area going back down towards Covered Bridge, opposite side of this property, that will have that Class A buffer in that area.

It's been relayed that they will obtain applicable state permits. There is a buffer area and creek on the back side of it. In addition to this, the Technical Review Committee was forwarded copies of the proposed site plan. The Johnston County Public Utilities Department provided information, and I've included an e-mail from them stating that they would need to get a stormwater and erosion control permit and clarified if it's funded with public money then they need to go to the state for an erosion control permit. The county would issue a stormwater permit. Also, they would need either a 401 or 404 permit from the state and buffer authorization.

I also received comments from NCDOT, and they were not going to require any driveway access. I included a copy of that. One thing about the site, it is going to be surrounded -- let me go back -- where the gas regulator station is, it'll be surrounded by an eight-foot-high fence. I included that drawing.

PUBLIC: An eight-foot fence?

MS. MAYBEE: Yes.

PUBLIC: Thank you.

MS. MAYBEE: Yes, sir. And they go into specifics about it. Also, the gate going into it, it'd have a Knox box for emergency access. I wrote this (indiscernible) for fire department. Also, a couple of times a month, their maintenance folks would be going out there to take a look at the site, make inspections.

Lighting would be onsite. It would be turned on, you know, when needed and when they went out there to visit it. And it's required by the ordinance that the lighting meets the UDO (Unified Development Ordinance) provisions.

PUBLIC: Can I ask you a question? The lighting, did you say that it was going to be on all the time?

MS. MAYBEE: No, it isn't. Only while there. The attorney will address that further.

PUBLIC: Thank you.

MS. MAYBEE: At the Planning Board meeting, that question was raised, and they conveyed that it would not be on all the time. But even if the lights were on all the time, the ordinance provisions talk about the illumination level and also talk about the direction of the lighting going towards the residences then that would be something we'd have to review.

Here's just a copy of an excerpt out of our zoning map showing where the property exists, but the actual site is zoned agriculture-residential, and its zoned single family residential around the perimeter that's shown in the darker purple.

The reason the request is before Council is because of the special use permit, so these very questions can be raised and discussed. Again, that's showing the lot that was deeded over to Piedmont Natural Gas. The property is not in a state-protected water spot flagged watershed, and it does not contain any 100-year floodplains, but there is the buffer that is along that creek. And that's based on information available from Johnston County GIS.

Here's the most current information that I have and that's out there, to the best of my knowledge. Here's just a couple of copies of the e-mails that I received from the technical review committee. And as far as with special use permit, later we'll go on to the findings of fact that need to be made.

As far as staff's recommendation, staff recommends conditional approval upon, compliance with environmental provisions and other permitting requirements, compliance with the Unified Development Ordinance. Make sure that the fence is installed, and it's maintained in good condition; that the buffer be installed and an "as built" drawing sealed by a North Carolina licensed engineer or architect to be provided prior to the issuance of a certificate of occupancy. Also, make sure that things are done as they're described and approved by Town Council, and that the exterior lighting requirements are in accordance to the ordinance.

One thing, when you look at our comprehensive land use plan, it talks about in our mission statement -- and I'll just highlight a few things. One thing about planning for future growth, when we look at the growth that's been occurring in Johnston County, Wake County, we're growing at a rate faster than any other areas. We do need to continue to plan for the future. We need to look at protecting resources.

Again, the Comprehensive Plan, just highlight a few things, that -- again, we anticipated back when the Comprehensive Land Use Plan was adopted in 2015 that we needed to plan for continued agricultural uses, residential developments, and business development because we do see an influx in change in the community, and it is occurring.

Now, one thing about a special use permit -- and this is required by state law -- that with a special use permit, the Council needs to make findings of fact based on evidence presented at the meeting. And I'll just highlight a few things, and then I can go back and discuss this further.

The findings that you need to be able to make say that this proposed use will not endanger the public health and safety if located where proposed. Also that it complies with all standards, conditions, and specifications of the UDO, that it will not substantially injure the value of the abutting land, and that the special use is a public necessity, and that it will be in harmony with the area where it's to be located, that it's conforming with the town's adopted policy guidelines, and it will not exceed the town's ability to provide adequate public facilities.

Based on the information that I have, Staff recommends approval to the Town Council, that they consider findings of fact. If you are so inclined, at a later time, I'll be glad to go back into detail on the specific findings.

MAYOR MULHOLLEM: Thank you, Ms. Julie. Do any members of Council have any questions of Ms. Julie?

COUNCIL MEMBER WILSON: I do, Mayor. Ms. Maybee, where is this property located on Covered Bridge?

MS. MAYBEE: It's off the end of Covered Court off of Covered Bridge Rd. The people that owned the property initially, the big track, was addressed Covered Bridge Road, and this lot recently created is at the end of Covered Court.

COUNCIL MEMBER WILSON: Where is Covered Court?

MR. GORDON: If you come from your house to here...

MS. BATTEN: I'll pull the map up.

MR. GORDON: You go past Castleberry Road, it's the drive on the left.

COUNCIL MEMBER PURVIS: The trailer park on the right. It's at the end of the trailer park.

MR. GORDON: Coming from his house, it's on the left.

COUNCIL MEMBER PURVIS: It's not marked very well.

COUNCIL MEMBER WILSON: So surrounding -- is it residential surrounding it?

MS. MAYBEE: Yes, it is.

COUNCIL MEMBER WILSON: Why are they putting a natural gas regulator station? This indicates to me that natural gas is running through the area.

MS. MAYBEE: It's part of a 10-mile natural gasoline project. They're trying to increase it further, and a station is needed for that.

COUNCIL MEMBER WILSON: What is the purpose of this natural gas station?

ATTORNEY BURRELL: That would be a better question for the applicant once they present.

COUNCIL MEMBER WILSON: Okay.

MAYOR MULHOLLEM: Thank you, Ms. Julie.

7. All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement.

(Transcribed)

MAYOR MULHOLLEM: Item 7 - All parties represented by attorneys, the applicant, followed by any opposing party may present a brief opening statement.

ATTORNEY TODD: Good evening.

MAYOR MULHOLLEM: Good evening.

ATTORNEY TODD: Mayor, Mayor Pro Tem, and members of the Council, my name is James Todd. I'm with Smith Anderson, a law firm out of Raleigh, here on behalf of Piedmont Natural Gas this evening. Ms. Maybee has just done an excellent job outlining. We are seeking a special use permit here this evening for the construction and operation of the gas regulator system.

We can go through this whichever way the Council would prefer. But just broadly, to give a sense of the project, there is a compressor station, a larger natural gas station in Clayton off of Highway 70 near Guy Road which has a 12-inch steel pipe that runs natural gas to just north of where this site is. And at the termination of that pipe, a regulator station is required to take a higher-pressure gas coming out of

the compressor station, and essentially shrink the pressure down so that the gas can be sent out to individual homes and commercial uses.

The site was chosen because it's at the end of the compressor line and because Piedmont has access to easements on this property now to construct it.

So we, as the applicant of the special use permit, have the burden of presenting evidence to satisfy all of the individual criteria according to your code.

To begin, I can start to go through that. You said it's an agenda item. This is an opening statement, so I don't want to get ahead of ourselves if the agenda is different. I'm also available to answer questions that Council has at any time, but at some point, I do need to run through those criteria so we can have record.

MAYOR MULHOLLEM: Thank you for your opening statement. I think that's the next part in the public hearing, so at this time, is there any opposing party that has representation that needs a brief opening statement? There was none.

8. Applicant presented arguments and evidence in support of the application

(Transcribed)

ATTORNEY TODD: So, I'll try not to argue too much, but I think this is a project that to this point has done well. Planning Board has reviewed it, Technical Review Committee, Johnston County, NCDOT have been asked for questions. At this point, we think this is a good fit. We think it's a minimally invasive and intrusive use. And I think as we go through the conditions, we walk through your code requirements, hopefully that's the conclusion that Council will reach this evening.

So as Ms. Maybee described, this is a 3.6-acre parcel. I think it's been recently addressed as 6231 Covered Court or Covered Bridge Road. And it is -- it's being developed, as I said, to serve as a natural gas regulator station and as a local distribution station for residences for uses in Archer Lodge and surrounding areas.

It fills an important role in Piedmont's expanded growth that is required to meet the expanding needs that I'm sure we're all familiar with that this county is facing. Additional residential homes, and I've seen headlines this week of 700-800 unit projects being approved, requiring enhancement of infrastructure and utilities. That is what this site is intended to do.

The property is zoned agricultural and residential, so we need a special use permit to operate this utility on the property, which brings us here this evening.

There are five elements under your code that have to be satisfied for the issuance of a special use permit. The first is a four-part, or a five-part rather, which is the UDO conditions. This project will not materially endanger public health or safety as designed. And there were maps and graphics included in the application process. I have copies of those this evening if anyone would like to see them in hard copy.

But this is a fairly small site located at the back of the parcel off of Covered Bridge Road. The area as I know is heavily wooded. The majority of those trees are going to remain in place. There will be some clearing involved in order to create room for the site, and also room adjacent to the site outside of the fence for emergency vehicles and fire to turn around in the event that they are required to access the site.

With the exception of the site itself and the access road required to access it off of Covered Bridge Road, the environment is going to be left as undisturbed as possible. I believe that speaks to public health and safety on the environmental side but also in a practical way, there's going to be a classic buffer on all four sides of the site. Mature trees are going to be allowed to remain around the property, and that will help both with noise and light, and even the ability for neighbors to know that this property is there and is being used in this way.

It's going to be fenced, as required by the UDO, with an eight-foot fence, barbed wire at the top. The access drive itself is not open to the public. That will be locked, and the gate will have a Knox box which allows emergency services access through it but is not accessible to members of the public.

So for all intents and purposes, we don't expect the members of the public to see this site. They won't be able to access it. The only folks that will ever go out there are the maintenance crews two or more times a month on average or certainly as needed if something were to come up, and then emergency services in the event that something was to go wrong.

We have to comply with the UDO standards. There are a number of dimensional and development standards that apply not just to this project but to all commercial projects in the zone, things like setbacks, and buffers, and all the sort of minutiae of the UDO that applies to all development. And as the application states, this will satisfy this requirement.

Another requirement is that this use does not negatively impact adjacent property values, or that it is a public necessity. The values can only be spoken to by someone that is certified to offer expert testimony on property values. As an attorney, I'm not. We don't expect that it will harm property values, but we didn't bring an expert with us here this evening because the use satisfies the second piece of that criteria, which is that it is a public necessity. Johnston County and Archer Lodge are growing. There is an increasing need for public utilities of this kind, and Piedmont is responding to that need and providing infrastructure.

A fourth criteria is that this is in harmony with the surrounding area. Harmony can be a confusing concept because we have single-family residential adjacent to this site. This is not a single-family house. It seems like an odd fit on paper, but I think harmony extends beyond identical uses. Its uses don't impact adjacent uses in a way that makes those properties worse off. As I said, this is a heavily wooded, buffered area. This is not an active site in the sense that there's traffic coming in and out every day. There will be almost no traffic impact. There will be limited noise. The property is designed to be quiet. We have to comply with any applicable noise ordinance. The special use permit doesn't exempt the site from noise regulations, nor is it exempted from nuisance requirements, so we don't expect it to be loud, but in the event that something broke and maintenance couldn't get out there in time, it's still subject to the city and the county's restrictions in that regard. So it's not harmonious in the sense that it looks like the houses that are next to it, but we believe it will be harmonious because it will not have a negative impact on those residences.

The property has to be in general conformity with policy guidance. Ms. Maybee showed the comprehensive plan and the future land use plans for Archer Lodge. For better or worse, folks are moving in and moving around here. That increased growth, as I said, and requires more utilities. These are those utilities.

Then the town has to provide adequate public facilities for the project. For some developments we do this gets into looking at school counts and traffic impact. In this case, the public utilities are just the electricity

required to operate it, and fire and emergency services in the event that they had to go out to the site. So it's a minor drain on public utilities. We believe those are adequately supplied for this site.

Another major item is sufficient access road. There's not a tremendous amount of access needed in this case. As I said, there's a 30-foot easement that accesses the site. After construction is finished, that's going to be used, on average, two to four times a month. And then access drive is just limited as it is. It's more than sufficient to meet that need. There's also, as I said, sufficient space provided for emergency vehicles both to access the site, to stage for whatever emergency response is needed, and to turn around and exit the site.

There was a lot of attention given to the site to reduce the number of trees that had to be cut down, but we're also aware of the need for a firetruck to get out there if it had to, so space has been allotted for those. Service and parking areas need to be located to be safe, convenient, and minimal nuisance. Again, that's not a criteria that I think is particularly sensitive for this topic or for this site just because of the limited nature of it, but it's not accessible to the public. Sufficient space has been provided for emergency vehicles.

We have the eight-foot buffer fence, the Type A buffer that goes all the way around the site, and then the majority of trees will be blocked. To the south of the site toward Covered Bridge Road, I think almost all, if not all of that property, is forest at the moment, and almost none of those trees are going to be disturbed. So we'll provide the Type A buffer in any places where there's a gap that needs to be filled in, like plantings. But a majority of the 360 degrees around the site, the existing vegetation and trees are already better than anything we could plant today, so they'll stay in place and shield the view.

The next criteria is screening, buffering, minimization of impact. I don't want to sound like a broken record, but again, the fencing is provided as required by code. The buffer will be provided per the UDO per condition of approval if that's what the Council chooses to do this evening. And the majority of the trees will be left, so this is for all intents and purposes, meant to be a site that is completely shielded. If there are any gaps left by the current vegetation or in the future, the Class A buffer requirement requires Piedmont to fill them in.

Lastly, there will be minimal impacts on adjacent properties, and I think that is maybe the most important part of this evening and perhaps why some of these folks are here is that they're concerned that there's this utility going in nearby a neighborhood. We understand that, but in this particular case, I think that the nature of the use, which is an unmanned relatively quiet, relatively low-traffic utility provides benefits to a number of houses and businesses in the area, and really should have almost no impact on the surrounding areas.

There will be a limited construction period. There's going to be a period of time when construction begins. When construction begins, you'll see more trucks going out to the site for a period of time, but once construction is finished, this is largely an unmanned site that runs by itself. There won't be a significant amount of maintenance that will be required, two to four times a month, as I said. And it should sit back off the road behind the trees and operate unobserved, and hopefully unobtrusively for the folks that are nearby.

So in conclusion, and as I said, I'm happy to answer any questions that the Council has. We envision this as a low impact, off-the-beaten-path use that is going to serve the public and serve this town, but it's not going to have much of an impact, if any, on the surrounding properties.

A lot of care was given to the site plan; to focus on the environmental impact; the impact on the neighborhoods that are nearby, and we feel

pretty good about what was put forth, and hopefully it accomplishes all the goals that we discussed, the ones that are required by the UDO, and maybe any concerns that the Council had.

So that's all I have. I don't want to spend more time than I need to. We're here to answer any questions you have. Thank you for your time and consideration.

MAYOR MULHOLLEM: Thank you. Any members of the Council have any questions?

COUNCIL MEMBER WILSON: Yes, sir. How do you account for safety at an unmanned site?

ATTORNEY TODD: A fence. The fact is there shouldn't be any foot traffic or vehicle traffic that can access the site. The road is the only access point to the site, and it will be gated long before you get to it. But if, for example, someone chose not to follow the rules, circumvented the gate, or went through the trees, there's an eight-foot fence with barbed wire before they can get onto the site.

COUNCIL MEMBER WILSON: You're talking about the site itself, but what about the individual homes in the area there? How do you account for safety at the facility that won't impact the residents in that area?

ATTORNEY TODD: Sure. So I guess I want to clarify. Safety in the sense of the impacts we'd expect from the noise and light, and general commotion of folks operating, there'll be a brief period at the beginning of construction where the site will be a little bit noisier, as folks bring this up. But after that, this is an unmanned site. It's going to run by itself for the most part. There'll be no lights on it except when people are out there working, which we would expect to be during the day except in the event of an emergency or some sort of unexpected maintenance that has to take place. And it's going to comply with county noise ordinance, so we don't expect it to be loud. We don't expect it to be bright. I expect for the most part, those homes are not even going to notice that it's there.

COUNCIL MEMBER WILSON: Is there any history of a site like that with regards to fire explosion?

ATTORNEY TODD: Not that I'm aware, no. I don't claim to know every time it's ever happened in the country. I'm sure if you research, you'll find something, but with Piedmont, no, I'm not aware.

COUNCIL MEMBER WILSON: You said earlier, the purpose was to reduce the pressure coming in and sending it out to other places. What other places are you talking about? Archer Lodge is deficient in natural gas. Most homes use propane, so where are you going to be pumping this to?

ATTORNEY TODD: So the gas comes in from the north from the compressor station and is going to be reduced in pressure. Then it follows a 10-inch pipeline along a 30-foot access to Covered Bridge Road, and goes out pipelines that are already there in the right of way. In terms of end users, I'm not sure exactly who it's going to. I imagine some of it is folks that have the capability to use natural gas and other people that become subscribers. I don't know the exact service map, and I'm not sure if we're at the stage where that's been fully mapped out.

COUNCIL MEMBER WILSON: So there's little if any benefit to the town of Archer Lodge

ATTORNEY TODD: I wouldn't say that. I think in some sense it's kind of like a chicken and the egg, which is, do folks have natural gas now and

do they need it, or have they not had it because the facilities haven't been provided? So I don't know the numbers on natural gas usage in Archer Lodge. I don't know candidly the number of folks that are now going to be able to sign up for that service since this is brought in. But I will say that the intent of this facility is to bring natural gas to the folks that haven't had it before, and to new development that is going to require it.

COUNCIL MEMBER WILSON: Is there any safety plan at all in case something catastrophic happened at that facility?

ATTORNEY TODD: There is; however, I don't know the exact details of it, but I was speaking with our engineer at the planning board meeting after our last planning board meeting about this. I was asking him.

I know the emergency services can get through that initial gate with the Knox box to get to the site, but I wanted to know how they were going to access the internal fence to reach the site itself. And the answer is that they're not supposed to because, God forbid something were to happen, that particular response to a natural gas fire is dealt with by Piedmont's own response teams who are trained and have safety plans to deal with that. So, I don't know the ins and outs of what that plan looks like, but I do know that is something the company itself takes care of, has personnel that are trained to handle those situations.

COUNCIL MEMBER WILSON: So in other words, our fire department is not qualified to fight a fire there.

ATTORNEY TODD: I don't want to step on anyone's toes and I'm getting a little bit out of my element here in terms of the specifics and how that type of fire is fought, but that's my understanding is that the local fire department is brought in to sort of contain generally the area, and then the specially trained crews come in to deal with natural gas itself. I don't know if it's a capping procedure, and I don't want to speak in a quasi-judicial setting without schooling, so it's a special sort of training, special sort of equipment possibly that's brought in to deal with those cases.

COUNCIL MEMBER WILSON: If there's a facility placed within the Town of Archer Lodge, I'm concerned as to if it would affect the fire department's rating.

ATTORNEY TODD: I'm sorry, Mr. Wilson, that I just don't know.

COUNCIL MEMBER JACKSON: So, we already have natural gas in some areas of the Archer Lodge fire district, and that doesn't affect the town of Archer Lodge, but I don't think that it affects the fire district...

MAYOR PRO TEM CASTLEBERRY: What size line is coming in and going out?

ATTORNEY TODD: So, a 12

MAYOR PRO TEM CASTLEBERRY: Feeding the...

ATTORNEY TODD: I'm sorry...

MAYOR PRO TEM CASTLEBERRY: distribution plant?

ATTORNEY TODD: It's 12 inches coming in and 10 inches going out and different pressures.

PUBLIC: What was that again?

ATTORNEY TODD: 12 inches coming in from the compression station.

PUBLIC: Per square foot?

ATTORNEY TODD: I don't know the exact pressure but just the size of the pipe that's coming in. 12 inches in and 10 inches down towards Covered Bridge Rd.

PUBLIC: Okay. Does that mean if you have two ditches for the pipeline that leave the main line and return back to it?

ATTORNEY TODD: So, the access road runs north and south, and the new pipeline -- the 10-inch pipeline that'll carry natural gas from regulator station out to Covered Bridge Road runs east on the right side.

PUBLIC: I think he's saying this is 12 inches coming in, and this is 10 inches going out. So you have just one in and then one out? That's it?

ATTORNEY TODD: That's my understanding.

PUBLIC: Where were they placed? Right here. This is our property coming from Covered Bridge Rd.

COUNCIL MEMBER JACKSON: I have a question. We've mentioned several times in the briefing, but just to kind of clarify folks, you talked about a Type A buffer at a separate time, but can you explain what a Type A buffer is?

ATTORNEY TODD: Sure. (Indiscernible).

COUNCIL MEMBER JACKSON: Well, just -- okay.

ATTORNEY TODD: I think it's -- I believe it's a 30-foot requirement with certain types of entities that are required --

UNKNOWN: Wait. Sorry.

COUNCIL MEMBER JACKSON: Just so that folks know what we're looking at.

MS. MAYBEE: I'm going to defer to Chad, but he does need to be sworn in.

ATTORNEY BURRELL: Okay. Do you swear the testimony you're about to give the Council will be the truth, the whole truth, and nothing but the truth so helps you God?

MR. MEADOWS: I do.

MS. BATTEN: Come on up. What is a Type A buffer?

MR. MEADOWS: If I stand here, will the record pick me up, or do I need to stand at the podium?

ATTORNEY BURRELL: Will your mic be able to pick him up, Kim?

MS. BATTEN: Is it in the UDO?

MR. MEADOWS: Yes, ma'am.

MS. BATTEN: (Indiscernible).

MR. MEADOWS: And let's go down to Chapter 5.

MS. BATTEN: Chapter 5, a division of...

MR. MEADOWS: There you go. That's good. Now come down to -- scroll down. Landscape screen. Just hold down the control key. Click on that one. (Indiscernible).

MS. BATTEN: 76.

MR. MEADOWS: (Indiscernible). Go up to the top. There we go. Type A separation buffer, this is on Page, approximately 176 of the UDO. It's a visual break between different kinds of land uses and zoning district designations. If you could scroll down just a little bit. There's a minimum width of 10 feet. There's a series of understory trees that are required four per every 100 feet. There's a series of shrubs required, 15 for every 100 feet, and half of those shrubs need to be evergreen. The purpose of the Type A buffer is to delineate land uses and help obscure one use from another within different zoning districts.

MAYOR MULHOLLEM: Thank you.

PUBLIC: Now you're just referring to the three-acre property that we're talking about here, is that correct, around the fencing?

ATTORNEY TODD: Yes. That is where the buffer is going to go, around the sides.

PUBLIC: So basically, you only need 10 feet all the way around?

ATTORNEY TODD: We need 10 feet for the buffer. We need the additional site for the regulator itself and then additional space for emergency access, maintenance vehicles that have to get there. Like I said, I mean it certainly is -- there's some size to it, but (indiscernible). This was as small as it could be while still meeting the code and making sure it was safe.

PUBLIC: The drawing kind of shows the lines right up against my property. So where is this buffer? Is this buffer on your side then?

ATTORNEY TODD: Yes. The buffer is on the property in its entirety.

PUBLIC: I also don't see the stream that runs down through there also. I don't see that on the drawing.

ATTORNEY TODD: We know that there's a stream on there. This is a special use permit for zoning approval, so we can't go out and begin construction tomorrow. It still has to go through stormwater, erosion, construction approval, so there's still some stages after this evening. I only say that because these plans were drawn in part for the special use application, so some of the environmental issues weren't shown. I want to say the stream is toward the north side of the property. I may have a map that shows it.

CAROLYN SAMET HANCHEY: It's in our backyard.

PUBLIC: I thought the stream was on the other side of the stream from my property, but this does not show that. I'm having a hard time because there's not drawings with the lake on it. There are drawings with the property line, but then there's no drawings with that, so I can't see where they flow.

ATTORNEY TODD: So, it looks like the stream buffer is on the western side, this side, to the left. So that would be your property, I think, and this side of the stream -- on the other side.

PUBLIC: So, the stream will be on the other side?

ATTORNEY TODD: I think so.

PUBLIC: There are actually two streams that come down through there.

ATTORNEY TODD: Yes. I mean, to the extent that those streams are, you know, wetlands, either at the stormwater level or certainly at the federal level, that's going to impact construction. Like I said, approval here this evening doesn't make those problems go away. If they exist, they're going to have to be dealt with. I'll certainly do that as part of the total development process.

MAYOR MULHOLLEM: Okay. Any members of Council have any further questions?

MAYOR PRO TEM CASTLEBERRY: Mr. Wilson was talking about the safety side of it, and I feel pretty positive that if there comes a leak or something, there's normally something to shut everything down. And then there's sensors for the smell -- I'm sure you all have to do all this.

ATTORNEY TODD: Yes. That's a good point. Unmanned doesn't mean unobserved. And certainly, there are ways to detect if there's a problem without someone being there onsite at all times.

COUNCIL MEMBER WILSON: So, you've come this evening asking for a special use permit, but all of the requirements have not been met.

ATTORNEY TODD: If there's a concern about a requirement, I'd really like the opportunity...

COUNCIL MEMBER WILSON: We're talking about the water, the streams, and we're talking about whether or not you've covered your bases.

ATTORNEY TODD: There are different stages in a development timeline, so the special use permit speaks to the zoning approval. If this were in a different district or if it were a different use, it would be permitted. In this case, it's kind of a middle ground where it is permitted. The zoning code provided that we come to Council this meeting and get a special use permit.

I mentioned the other stages of development just to say that not everything is being considered here this evening. For example, permit 404-protected wetlands are not within the jurisdiction of this board nor within my area of expertise, and those are going to be handled by environmental engineers and the Army Corps of Engineers.

So, construction drawings still have to be drawn. Wetland approvals, environmental approvals still have to be obtained. This evening though is for a special use permit on the zoning consideration, and those factors were in the list that we ran down, the list that was in the application this evening. I do believe that we've spoken to all those and I believe we meet all those. But if there are concerns about any of the special use factors, that's why we're here this evening.

COUNCIL MEMBER WILSON: Well, my concern is the approval of a special use permit, and then later on it doesn't happen, and then we have a change in the zoning, and we have a special use permit just sitting out there. We've done that before, and it actually changed zoning. And if you don't -- if Piedmont Natural Gas doesn't go through with the deal for some reason or other, we've done all this in vain. And there's a piece of property that has been changed.

ATTORNEY TODD: I'll defer to Mr. Burrell on the effect of a special use permit after it's been issued. But it has an expiration date, so if tomorrow everything changes, the economy changes completely, Piedmont's plans change completely, and they want to do something different with that property, they would still have to go through development.

A special use permit, if anything, is kind of the opposite of a blank check. It is a carefully prescribed site plan that allows you to develop with any conditions that this Council puts on it exactly what is shown on that approval. To the extent that things change, and Piedmont has to go beyond that additional approval, if it changes enough, they have to come back in front of this Council, and we go through this again.

So, in my opinion, it is a fairly limited risk for the Council. In the sense of there being an open-ended zoning question, it is a fairly tailored specific approval that can only be used for what you approve it for, and even then, only for a certain period of time until it expires, and we have to come back in front of this Council.

ATTORNEY BURRELL: And to piggyback on that, Mr. Wilson, kind of addressing each of your things, the "we're-not-quite-there-yet" question; there are still steps to be made. That's part of the conditions that Ms. Maybee set forth. They have to go through and get the required stormwater and permits from either federal or county level. They have to sign off on those. If those permits are not issued, they cannot build. So, we grant a special use with those conditions. You have to get approval from the county. You have to get approval from the feds. If you don't, you cannot build.

As far as "can it just sit there forever" question, if it passes tonight, they have what's called vested rights. They can use the special use permit -- it's a two-year period that it's good for. They can come back and say, "Hey, the economy bottomed out. We weren't able to build, and it's been a year and 10 months. We're going to start building, but there's no way we can finish in two years. Will you give us some extension?" It doesn't just sit out there forever to encumber future landowners if they decide not to do anything with it and eventually sell the property.

Then as far as rezoning, if anything is rezoned, we have to let PNG know as the property owner, so they're going to be coming in and say, "Hey, we have the special use permit. If you're going to rezone it anything else, we have the vested rights for two years that will kind of grandfather into whatever the new zone will be. If you're going to rezone it anything, then give us a better zone where it's permitted, and we don't have to worry about the special use." But it kind of falls back onto that they have two years to do this with the special use permit. Did that cover all?

MAYOR MULHOLLEM: All right. Before we move on to the next section, any other questions from member of the Council? There was none.

9. Persons opposed to granting the application shall present arguments and evidence against.

MAYOR MULHOLLEM: Item 9 -Persons opposed to granting the application shall present arguments and evidence against. This is the time if you've signed up for the public comments section or if you have any additional questions or concerns, then you can ask questions to the applicant. Also, you may want to just state a concern. I'll go in order as written on the sign-up sheet. Peter Matino?

PETER MATINO, 2000 HUNTERS RIDGE DR, ARCHER LODGE:
I basically had the same question Mr. Wilson had in regard to the Fire Department. Has the fire department done an assessment of this, and do they have the equipment needed to handle that type of emergency? That was my first question.

My second question was in regard to the number of trees they're going to cut down. Archer Lodge is growing like crazy, as all you guys know. And that really is a beautiful little patch of woods that we're about to

tear up. Why don't we do this thing along the road? Like why does it go right through the middle of all this woods?

So that was my two thoughts. And another thing, people hunt back there with rifles. I hope this thing is bulletproof. Thank you.

MAYOR MULHOLLEM: Would the applicant like to respond? Next, Jim Caldwell and if I mispronounce anyone's name, I apologize in advance.

JIM CALDWELL, 2116 WOODSTONE DR, CLAYTON, NC:
A couple questions came up. The response team, how far away are they, and what is the timeframe to when they will get to this site while the local fire department is taking care of the surrounding areas? Is there an idea?

I work with computers, and when the system goes down, we got two hours to get it up or we lose money. So, I want to know what's the response time, and what's their level of -- service level agreement, I guess you'd call it. SLA is what we call it. What would that response time be? Does anybody know that?

ATTORNEY TODD: Sure. PNG has a resource center that I believe is somewhere between 10-ish minutes away. I don't know the exact mileage or the exact time. The only thing I would say about safety is that this has already been submitted through technical review. I believe that includes comment from emergency services, and we received no comments at that stage. I think my opinion probably matters less than the fire folks who had a chance to review it and didn't voice any concerns, so I would point to that as evidence that the fire department has reviewed. It has not expressed any concerns with the safety of the property.

JIM CALDWELL: Another thing, is there any special training that our local fire department would require to handle a (indiscernible) accident in this particular site? That'd be my question. That'd be something that the fire department probably would get special training, I would hope.

You said noise level or -- my concern is noise level and humming. This property is right up to where my bedroom window is. I don't want any humming at night. If I open up my window, am I going to hear a "hmm" something like that for the next 24 hours a day, seven days a week? I wouldn't be happy with that.

You have an easement, and you show your green area. It looks like it runs along the creek there, according to your little thing that says that's Buzzard Branch Creek. I'm assuming the green area is where the creek is, correct? Does anybody know that? Right here. You got Buzzard Branch, and then it points here, so I'm assuming that dotted line is the creek itself. So, because this is my property here, I was told that my property ran down to the creek.

ATTORNEY TODD: This is the screened buffer in this area. See those little dotted lines? I think it runs up.

JIM CALDWELL: What is that riparian buffer? What does that mean?

ATTORNEY TODD: It means area (indiscernible) because they're close to a body of water.

JIM CALDWELL: I'm not allowed to go in today or once this thing is passed, correct?

ATTORNEY TODD: From your side? No. But from my perspective, our area buffers are areas that we can't go in.

JIM CALDWELL: Oh, you can't go in. Okay.

ATTORNEY TODD: I think it goes beyond our property line.

JIM CALDWELL: All right. Very good. That's what I was expecting an easement as something I can't go in, but if it's just for --

ATTORNEY TODD: We're not doing anything --

JIM CALDWELL: I understand that. This is all new to me. I'm just trying to figure out what's going on here.

Oh, the access road. I just went down Covered Court. Are you going to be improving that road at all in this process? That thing is just a dirt path. I had a hard time. If you're going to get fire trucks down there, you're going to probably want some sort of a better road.

COUNCIL MEMBER JACKSON: Just for the record, folks, I'm not on the Fire Department.

JIM CALDWELL: I understand. I'm sorry. You answered questions earlier.

COUNCIL MEMBER JACKSON: I knew that one thing.

JIM CALDWELL: I wasn't sure. Anyhow, my concern is as a resident of Woodstone Drive, we have -- it's a private drive. We have 14 residents that maintain that road. Now, I went down that Covered Court. It is not even close to what our road is, which is dirt. And it'd be nice to see an improvement if you're going to have some traffic, especially during this construction. Is that going to be improved for those residents? Because they're the ones that are going to have to put up with it, not me, so I don't really have a dog in the fight with that one.

Brought up earlier about you're negotiating an easement. I don't understand. How do you negotiate your easement? My neighbor there was wondering about how do we -- what type of negotiations are you going through? Do you mind talking about --

COUNCIL MEMBER BRUTON: I really don't think that's relevant.

JIM CALDWELL: Okay. There's easements put on us too, and I just was curious how does it affect my property and me being able to use my property.

ATTORNEY BURRELL: The best thing that I can tell you is probably get a real estate attorney if you have any questions. I know that that's kind of self-serving.

JIM CALDWELL: Yes.

ATTORNEY BURRELL: But as far as that goes, that's going to be your best resource.

JIM CALDWELL: All right. When's the construction expected? Is there a timeframe?

ATTORNEY TODD: Hopefully, let's say, it could be as early as the end of May. I think there's some steps-

JIM CALDWELL: Oh, okay. That's sooner than I expected. Everything else, you've answered my questions, so thank you very much. I appreciate it.

COUNCIL MEMBER JACKSON: One of your questions that wasn't exactly answered though is that you were concerned about the buzz.

JIM CALDWELL: Yeah, the buzz and the humming. You know, I talked to you earlier, and you said minimal. Minimal could be really devastating, as far as I'm concerned, if I'm trying to sleep.

ATTORNEY TODD: Yes. I do want to talk to the noise and also about the road improvements. For noise, I wish I had a better answer. We haven't done a noise engineering study, so the only thing I can say is that there's quite a bit of buffering and a fair amount of space between this site and the adjacent residences that I think is going to help quite a bit. I was told by our engineer that it was engineered to be quiet. I don't -- he couldn't be more specific. That's all I know about the noise at this point, and then it has to comply with any noise ordinance that applies to the property.

JIM CALDWELL: Is there a 1-800 number we can call if we have issues or --

ATTORNEY TODD: I believe there is. And I'm sure if you call 911, you could probably get...

JIM CALDWELL: Well, no. I don't want to bother the police about it.

ATTORNEY TODD: Yeah. No.

PETER MATINO: Is it possible you could provide the Council with a decibel rating?

ATTORNEY TODD: Not without having a noise study, no.

JIM CALDWELL: Will that be done in the studies that's -- the EPA and government things going on?

ATTORNEY TODD: I don't think it will be. In this case, usually the way noise gets enforced -- I don't want to go too far off base, but usually the way is on a complaint basis. A neighbor calls and says, "I'm being woken up," or "I have a constant hum."

JIM CALDWELL: Yes.

ATTORNEY TODD: Noise is typically enforced by police, or sheriffs, who will go out and take a decibel reading at the property line. If you have a violation, you have a violation. If it's something less than that -- if the limit is 50, and this is consistent -- or some other use is consistently --

JIM CALDWELL: I'm not talking about real loud noises. I'm talking about the little annoying small hums, and buzzes, and things like that.

ATTORNEY TODD: No, I understand. So, I was going to say if it doesn't quite rise to the level of a criminal or a code problem -- that doesn't mean that there's nothing that can be done, and that there isn't a number to call and someone -- you know, maybe it's a matter of something not working the way it's supposed to, and so we call a mechanic.

When we talk through this project, noise and traffic are the most common -- I'm sure this board has seen it -- the most common issues that come up with development. We raised those with PNG and were told that neither of them was going to be a problem in this case.

JIM CALDWELL: My concern in a sense if it's not on a road. It's not on a highway. It's in my backyard, and it's quiet back there. I just want to

make sure you don't bother the crickets because if you bother the crickets, you're going to bother me.

ATTORNEY TODD: I understand.

CAROLYN SAMET HANCHEY: What about the deer? What about all the wildlife that's back there? That's what's bugging me right now because that's a beautiful -- I live right next door to him. We have the creek right back there. Is the water going to be contaminated in any way, and is there somewhere that we can actually go to see one of these stations? Can you give us an address or a location? I'd like to see it in operation and how it's fenced and everything.

ATTORNEY TODD: Yes, that's a good question. I think we can. I can't do it tonight. I'll get your info, and we can provide it.

CAROLYN SAMET HANCHEY: Okay.

ATTORNEY TODD: In terms of water quality, that's all going to be dealt with through the erosion and stormwater process. There's going to be sediment and stormwater controls put into place, permits requirements that we have to get, water quality requirements in certain cases. So yes, just not yet, and it's going to happen quickly, and it's going to happen before any construction happens, just not what I -- certainly what I'm prepared to speak about. It's just not in front of this board this evening.

CAROLYN SAMET HANCHEY: How long does it take to construct that?

MAYOR MULHOLLEM: Okay, ma'am, we're going to follow -- are you on this list?

CAROLYN SAMET HANCHEY: I'm on there. I'm Samet. I'm probably next. I apologize.

MAYOR MULHOLLEM: We're going to get to you in just a second. I appreciate that.

ATTORNEY TODD: Lastly, just very briefly about the road, Covered Court is going to be improved. Two inches of gravel are going to go in prior to getting started.

MAYOR MULHOLLEM: Ms. Julie?

MS. MAYBEE: I was just going to say that anybody that comes to speak needs to come up to the podium so for record purposes, you know, the name associated with the voice.

MAYOR MULHOLLEM: That's correct.

MS. MAYBEE: --- rather than back and forth because it's impossible with a quasi-judicial public hearing to be able to properly record who's speaking.

MAYOR MULHOLLEM: We have two more. Vernon Hardin?

VERNON HANCHEY: Hanchey.

CAROLYN SAMET HANCHEY: Hanchey.

VERNON HANCHEY: That's not even close.

MAYOR MULHOLLEM: Okay. Please state it.

VERNON HANCHEY: Hanchey. I'm concerned about --

MAYOR MULHOLLEM: If you can state your name first.

ATTORNEY BURRELL: State your name and address.

VERNON HANCHEY, 2114 WOODSTONE DR, ARCHER LODGE:
My name is Vernon Douglas Hanchey, and my property boundaries have got stakes, and those stakes go into the little Buzzard Creek where my property runs, supposedly, to the middle of that creek all the way down. And I'm not interested in giving up 50 feet of it on the full length of that property really at all, but especially not for free. So, I haven't heard anything about except we need to get an attorney, and if we get an attorney, that's going to cost us money when we didn't know that we were going to be spending money until we received this letter.

So, he says they might start building in May, and how's that -- really, how is that going to affect us? Is it going to go on our side of the creek or -- what's happening here is what I'd like to know too? And I'm kind of concerned about the noise also, so that's all I got.

MAYOR MULHOLLEM: Okay.

ATTORNEY TODD: I'm sorry if I didn't make this clear, but we're not doing any condemning. PNG isn't condemning any property in this case, and I think they're almost finished with any of the easement acquisitions that must be in place, and North Carolina doesn't have any sort of process that takes your property from you.

MAYOR MULHOLLEM: How long ago did the easement acquisition process start?

ATTORNEY TODD: About seven, eight months ago. And originally, this site was an easement before it was acquired from the Boyette's. But nobody here who is an adjacent or nearby property owner is losing property rights. No one's having their land taken or easement --

MAYOR MULHOLLEM: So, the riparian buffer that's been stated, that would be on your easement side, not the adjacent property owner.

ATTORNEY TODD: The riparian buffer follows the creek. It's not something we put in place. It's shown on our survey because we had to get it done as part of the evaluation site. It's X number of feet on either side of the center line of the creek.

We haven't done anything to change the course of the water. I don't believe we're able to or intend to. And no one -- no one who's adjacent is going to lose any property rights. Our folks are very careful with the survey that we stay on our side. It's all very -- it's all professionally done.

In the terms of construction deadline, May/June is best case to start, and October/November, something in there, is the likely end of construction. And after that, like I said, it's two to four times a month for routine maintenance to the site.

MAYOR MULHOLLEM: Ms. Carolyn?

CAROLYN SAMET HANCHEY: Okay. Most of what I was going to say --

MAYOR MULHOLLEM: Please come to the microphone and state your name, if you don't mind.

CAROLYN SAMET HANCHEY, 2114 WOODSTONE DR, ARCHER LODGE:

My name is Carolyn K. Samet Hanchey. Legally it's not -- doesn't have that on there, but I am Mrs. Hanchey. I really apologize for jumping in when my neighbor was talking.

I was just concerned about how the fence looks. It's such a beautiful natural area back there. This is just breaking my heart because I -- our dog loves to chase the deer that are running out there. She's locked up in a fence, but just to see them, and they come by a lot. There's just so much natural stuff out there, and that's something -- one of the reasons we live there, and we don't like -- I don't like the thought of even being able to see this thing, which it looks like it's going to be right visible from my deck or whatever. I'm very concerned about that.

I'd like to know whether the water in the creek would be affected, so I'm just putting that on the record, you know, if it would be affected at all, and then how long the construction time is. Do you know how many months, or is it going to be pretty quick? And how bad is everything going to be torn up back there? Because it is just gorgeous to me, so I am concerned about that, and my neighbors have already expressed that.

Also, I just would like to have known about this easement process when it started. It's just complete -- because apparently, it's been going on for some time, and I didn't even know about it. So, I appreciate that, and that's all I have to say. Thank you.

MAYOR MULHOLLEM: That concludes Item Number 9.

10. Opportunity for cross-examination.

MAYOR MULHOLLEM: Item 10, which I do not think applies. I just checked with the attorney - opportunity for cross examination. I don't believe that there's another separate attorney representing anyone else.

ATTORNEY BURRELL: One thing really quick. Mr. Todd, you gave a set of months there, and I think that answered her question as far as construction time. But just to reiterate.

ATTORNEY TODD: Yes. It's still a little loose right now, so I'm hesitant to pin us down too much, but informally, May or June -- late May, early June would be best case, and finishing sometime toward the end of October, so looking at about a four-month construction process.

COUNCIL MEMBER JACKSON: I do have one question. So, we're hearing questions about easements from folks that are concerned that they're going to be losing rights to property. That's kind of what I'm getting.

ATTORNEY TODD: That's what I've understood -- yes.

COUNCIL MEMBER JACKSON: What you're saying is that's not going to occur.

MAYOR MULHOLLEM: An easement is when you cross someone's property, not abut it, correct?

ATTORNEY TODD: Correct. I'll let Mr. Burrell give you legal advice, but the only easements that I'm aware of in this case are the access and pipeline easements that run up from Covered Bridge Road to access the site where maintenance and construction folks will go, and where the natural gas comes down right alongside the access road. 98 percent of those access issues are already worked out with private landowners. That is agreements that are signed and recorded as between PNG, the landowners. The folks that are involved in those easements know about them because they had to execute -- to the extent any adjacent owner

has concerns, there's no easement going on adjacent property. There's no condemnation or eminent domain going on with adjacent land.

As far as I know -- and I'm pretty 100 percent certain about this -- there was no condemnation involved in this at all. This was all private access agreements used to establish that access road. We own the site itself. Everything will be built inside of the site. All the buffers will be put inside the site. You know, we've been talking quite a bit this evening about possible impacts outside of the site, but those are things like noise and rights. They're not property rights that are being impinged.

ZANE PINCKNEY: Can I ask a question? Do I need to come up there?

MAYOR MULHOLLEM: Come on up. Come on and state your name, please. In fact, do me a favor, and since you're going to speak record that, and then let me give you a pen if there's not already one up there.

ZANE PINCKNEY, 379 NASHVILLE DR, ARCHER LODGE:
My name is Zane Pinckney. I have property on the other side of this. It was my original understanding it was going to be on the other side of the stream, so this comes as kind of a shock to me. This property -- the -- I wish you had the drawing. Can you show the drawing up there that you had?

I am concerned about the noise a little bit, but the lights, are they going to be on all the time, or are they --

COUNCIL MEMBER JACKSON: The lights are only going to be on when somebody is out there actively working.

ZANE PINCKNEY: Actively working. So, nobody is out there actively working or out there at night in general? Will somebody be out there monitoring all night long?

ATTORNEY TODD: No.

ZANE PINCKNEY: So, the lights will be off at that time? Okay.

The road going into there or into that area, is that a fence around it? Is there a fence around the road or is there -- I can't see is it gated so that you can't get into that area?

ATTORNEY TODD: Yes. It's gated along the access road, but it's not fenced like a pipeline all the way up.

ZANE PINCKNEY: So, on this drawing, I'm concerned about access and people going back in there. Is there a fence around the whole thing?

JENNIFER INGRAM: There's (indiscernible) through here.

ATTORNEY TODD: There's an eight-foot fence.

JENNIFER INGRAM: And there's (indiscernible).

ZANE PINCKNEY: Okay. So, I'm sorry; there is a gate. Then you won't be able to just drive in there.

JENNIFER INGRAM: Right.

ZANE PINCKNEY: I realize the piping part will be fenced or was the whole area going to be blocked off?

ATTORNEY TODD: Correct.

ZANE PINCKNEY: Okay.

ATTORNEY TODD: Only accessible to our folks or emergency services.

ZANE PINCKNEY: Okay. So, this looks like the road, and I don't know where the buffer is. I can't tell from that drawing where this buffer that we're talking about --

JENNIFER INGRAM: That area outlined in green will be on all sides, but where you see green, that's the buffer.

ZANE PINCKNEY: And that's 30 feet? Is that what I heard?

ATTORNEY TODD: I think it's 10 feet.

ZANE PINCKNEY: 10 feet. Yes. 10 feet. Okay. 10 foot is not much. The buffer, is the fence on the outside of the buffer or on the inside of the buffer?

ATTORNEY TODD: The buffer is on the edge of the property, internal to our side along the edge.

ZANE PINCKNEY: And what is this - some shrubs, but is that 10-foot shrubs? Is it 20-foot shrubs? Is it a mound of dirt that you build that you see all over Clayton and Archer Lodge where they build trees and shrubs along the top?

ATTORNEY TODD: Yes. It's a buffer. There's a requirement. We looked at it. It gets X number of shrubs every 100 feet, X number of trees. The majority of the practical buffer is just the trees that are going to be left in place that are already there.

ZANE PINCKNEY: Okay.

MAYOR MULHOLLEM: That detail of that buffer was given just a little bit ago. I'm not sure you were in the building.

ZANE PINCKNEY: I missed that. I'll write my name on this and give it to you.

MAYOR MULHOLLEM: Thank you. All right.

11. After all evidence has been presented, the mayor may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.

MAYOR MULHOLLEM: Now that all the evidence has been presented, is there any additional relevant information that has not been presented that would make a continuance in order?

ATTORNEY TODD: (Indiscernible) none.

12. The mayor will entertain objections and rule on the admissibility of the evidence or exhibit.

MAYOR MULHOLLEM: Okay. At this time, I'll entertain any objections to the admissibility of the evidence for exhibit.

ATTORNEY TODD: I do, and I don't want to play lawyer too much, and I'm sure Mr. Burrell is going to remind the Council of this, but the issue before the Board tonight is quite a bit narrower than some of the topics that we discussed.

It's always a good opportunity at these public hearings to hear concerns from the public and to address those to the extent we can, but the issue that the Board is deciding is the special use permit related solely to the site and solely on those conditions that we walked through in the beginning.

There is a substantial material and competent standard. There are certain opinions that cannot be presented without expert testimony, such as impact to property values. And if we have as the applicant established and introduced what our (indiscernible) have called the scintilla of evidence that we satisfy those requirements, then the Council is legally obligated to give the permit.

I don't say that to try to push one way or the other, but I do want to maybe narrow the issues tonight because some of the conversation has been a bit broader than the allocations. So again, thank you for your consideration.

MAYOR MULHOLLEM: Counsel, do you want to add anything to that?

ATTORNEY BURRELL: Just a reiteration of what we are looking at are the findings of fact, and they are set forth in the slideshow presentation, and we'll be voting on each of those individually in just a few minutes, but it is just for the special use permit, a permit to advance the construction of the regulator station. It's not necessarily for anything surrounding. It's just for this piece of property.

And as Mr. Todd said, if we vote yes that they meet the requirements, we are obligated to vote yes that we are issuing the special use permit.

Now, just because we issue the special use permit does not give a blank check to PNG to do anything they want. They are bound by the application, by the site plan, by any permits required upon them. This is just the first step towards building this facility there. So, keep that in mind as we go forward.

In just a minute, Mayor is going to call for a vote on each of the findings of fact, and we'll go forward one by one. But at the end, if we meet all of them, we do have to go forward with the special use permit and start the ball rolling.

13. Mayor - Close the public hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial hearing or to a publicly stated date, time and location.

MAYOR MULHOLLEM: Council, do I have a motion to close the public hearing?

COUNCIL MEMBER WILSON: So moved.

MAYOR MULHOLLEM: I have a motion -- is there a second?

COUNCIL MEMBER PURVIS: Second.

MAYOR MULHOLLEM: We have a motion and second. Is there any discussion? All in favor? Unanimous. Public Hearing was closed at 7:59 p.m.

14. Mayor - Calls for a vote on each of the findings of fact/conclusions for the special use permit.

- **Must receive a super majority vote of the Town Council for the Application to be approved.**
- **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**

BASIS FOR THE FINDINGS OF FACT AS PRESENTED:

MAYOR MULHOLLEM: As Counsel explained just a moment ago, I'll be calling for a series of votes now on findings of fact and conclusion for the special use permit.

The first of those is, Council, do I have a motion to accept the applicant's basis for the findings of fact as presented?

COUNCIL MEMBER JACKSON: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUNCIL MEMBER PURVIS: Second.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion? All in favor? Okay and all opposed? Motion carries three (3) to one (1) Wilson opposed.

FINDINGS OF FACT #1:

MAYOR MULHOLLEM: Council, do I have a motion to adopt the Findings of Fact #1, that the use will not materially endanger the public health, safety if located where proposed?

COUNCIL MEMBER PURVIS: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

MAYOR PRO TEM CASTLEBERRY: Second.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion?

COUNCIL MEMBER JACKSON: Ms. Maybee has something.

MS. MAYBEE: Excuse me. If you are interested, I have a draft motion for the findings if you want to consider those.

MAYOR MULHOLLEM: Okay. I'm going over the ones that the attorney and I talked about prior to the meeting, so --

COUNCIL MEMBER WILSON: I have a discussion point. Based on the number of residents here, I have concern that the safety and the wellbeing of all the residents in that area has been met. I don't believe it has been. Their counsel spoke of a safety plan, but yet they come without one tonight to talk about. I don't believe the wellbeing and the safety of the residents is heard.

MAYOR MULHOLLEM: Okay, Counsel, any response to that or anything you need to add? So, we had a motion, and we had a second, some discussion. Any other Council have any more discussion? All in favor? Okay. All opposed? Motion carries three (3) to one (1) Wilson opposed.

FINDINGS OF FACT #2:

MAYOR MULHOLLEM: Council, do I have a motion to adopt Findings of Fact #2, that the use complies with all standards, conditions, and specifications of the UDO, including Article 5 Use Regulations, and Article 6 Development Standards?

COUNCIL MEMBER PURVIS: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUNCIL MEMBER JACKSON: I'll second it.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion? All in favor? Okay. I see four hands, so none opposed. Okay. Motion carries four (4) to zero.

FINDINGS OF FACT #3:

MAYOR MULHOLLEM: Council, do I have a motion to adopt Findings of Fact #3, that the use will not substantially injure the value of the abutting land, or any special use is a public necessity?

COUNCIL MEMBER JACKSON: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUNCIL MEMBER PURVIS: Second.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion?

COUNCIL MEMBER WILSON: I don't believe the finding of fact states whether or not any real estate in the area will be affected. All there was, was a statement that it won't be, and that's neither here nor there.

MAYOR MULHOLLEM: Any other members of Council have any discussion or comment? Okay. All in favor? All opposed. Motion carries three (3) to one (1) Wilson opposed.

FINDINGS OF FACT #4:

MAYOR MULHOLLEM: All right. Do I have a motion to adopt Findings of Fact #4, that the use will be in harmony with the area in which it is to be located?

MAYOR PRO TEM CASTLEBERRY: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUCIL MEMBER PURVIS: Second.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion? All in favor? And none opposed. I saw four hands. Motion carries four (4) to zero.

FINDINGS OF FACT #5:

MAYOR MULHOLLEM: Do I have a motion to adopt Findings of Fact #5, that the use is in general conformity with the town's adopted policy guidance?

COUNCIL MEMBER JACKSON: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUNCIL MEMBER PURVIS: Second.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion? All in favor None opposed.

FINDINGS OF FACT #6:

MAYOR MULHOLLEM: Do I have a motion to adopt Findings of Fact #6, that the use will not exceed the town's ability to provide adequate public facilities (fire and rescue, utilities, etc.)?

COUNCIL MEMBER PURVIS: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

MAYOR PRO TEM CASTLEBERRY: Second.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion?

COUNCIL MEMBER WILSON: I don't believe it has been met. The fire department, whether or not they have been in on this, and have any special training needs or equipment needs. That hasn't been proven here tonight.

MAYOR MULHOLLEM: Is there any further discussion or any further comments? All in favor? All opposed? Motion carries three (3) to one (1) Wilson opposed.

I believe that that concludes all of the findings of fact and conclusions.

15. Mayor - Calls for a vote on the special use permit.

- **Must receive a super majority vote of the Town Council for the Application to be approved.**
- **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**

MAYOR MULHOLLEM: Council, do I have a motion to approve special use permit for Piedmont Natural Gas Company Inc., a North Carolina corporation, for natural gas regulator station at 6231 Covered Bridge Road, Archer Lodge, North Carolina and site plan with conditions recommended by the town planner?

COUNCIL MEMBER PURVIS: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUNCIL MEMBER JACKSON: I'll second that.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion?

COUNCIL MEMBER WILSON: I don't believe they have met the requirements. At this time, it's a little bit premature to approve.

COUNCIL MEMBER JACKSON: For me, I know it's part of the motion, but just to make sure it's absolutely clear that it's got to meet all the planner's recommendations? Again, I know that is part of the motion, but I want to make sure that's not understated.

MAYOR MULHOLLEM: Is there any further discussion or comments? We had the motion and had the second. Hearing no further discussion or comments, all in favor? All opposed? Motion carries three (3) to one (1) Wilson opposed.

16. Mayor - Calls for a vote on the site plan.

MAYOR MULHOLLEM: Item 16, calling for a vote on the site plan. Do I have a motion to adopt the site plan as presented?

COUNCIL MEMBER PURVIS: So moved.

MAYOR MULHOLLEM: I have a motion. Is there a second?

COUNCIL MEMBER JACKSON: I second it.

MAYOR MULHOLLEM: I have a motion and second. Is there any discussion?

COUNCIL MEMBER JACKSON: Just -- again, just to make sure that they understand it's got to go along with what the planner establishes. That's my only discussion on that.

MAYOR MULHOLLEM: Is there any further discussion or comments? All in favor? There were none opposed. Motion carries four (4) to zero.

The Piedmont Natural Gas Company, Inc. Special Use Permit and Site Plan was Filed/Recorded in the Johnston County, NC Register of Deeds Office on 06/21/2022 at 04:34:17 PM, DEED BOOK: 6284 PAGE: 993-995 INSTRUMENT # 2022815494 and appears at the end of the minutes.

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

Approved to recuse Council Member Bruton based on conflict of interest statements presented.

CARRIED UNANIMOUSLY (4 Member Council)

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

Approved to open the Public Hearing at 6:40 p.m.

CARRIED UNANIMOUSLY

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

Approved to close the Public Hearing at 7:59 p.m.

CARRIED UNANIMOUSLY

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

Approved to accept the basis for the Findings of Fact as presented by Piedmont Natural Gas, Inc.

CARRIED 3-1 (Wilson opposed)

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

Approved Findings of Fact# 1: That the use will not materially endanger the public health, safety if located where proposed.

CARRIED 3 to 1 (Wilson opposed)

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

Approved Findings of Fact# 2: That the use complies with all standards, conditions, and specifications of the UDO, including Article 5 Use Regulations, and Article 6 Development Standards.

CARRIED UNANIMOUSLY

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

Approved Findings of Fact# 3: That the use will not substantially injure the value of the abutting land, or the special use is a public necessity.

CARRIED 3 to 1 (Wilson opposed)

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

Approved Findings of Fact# 4: That the use will be in harmony with the area in which it is to be located.

CARRIED UNANIMOUSLY

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

Approved Findings of Fact# 5: That the use is in general conformity with the Town's adopted policy guidance.

CARRIED UNANIMOUSLY

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

Approved Findings of Fact# 6: That the use will not exceed the Town's ability to provide adequate public facilities (fire and rescue, utilities, etc.).

CARRIED 3 to 1 (Wilson opposed)

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

Approved the Special Use Permit for Piedmont Natural Gas, Inc. for natural gas regulator station at 6231 Covered Bridge Road, Archer Lodge, NC.

CARRIED 3 to 1 (Wilson opposed)

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

Approved the Site Plan for Piedmont Natural Gas, Inc. for natural gas regulator station at 6231 Covered Bridge Road, Archer Lodge, NC.

CARRIED UNANIMOUSLY

[Staff Report](#)

[Piedmont Natural Gas Inc SUP Presentation](#)

[Filed Piedmont Natural Gas Special Use Permit and Site Plan 06.21.2022](#)

3. ADJOURNMENT:

a) Having no further business. Mayor called for a motion to adjourn.

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

Adjourned meeting at 8:10 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Kim P. Batten, Town Clerk



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

Mayor:
Matthew B. Mulhollem

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

To: Town Council
From: Julie Maybee, Town Planner
Date: April 18, 2022
Cc: Town Administrator, Finance Officer/Town Clerk, Deputy Clerk, Town Attorney
Re: Special Use Permit Application (SUP-3-1-22) and Site Plan submitted by Piedmont Natural Gas Company, Inc., a North Carolina Corporation, to Construct a Natural Gas Regulator Station on a 3.601 acre parcel off Covered Bridge Road.

Background:

On March 3, 2022, a Special Use Permit Application (revised) and site plan was submitted by Piedmont Natural Gas Company, Inc., to construct a Natural Gas Regulator Station on a 3.601 acre lot (lot proposed at the time of application) off Covered Court and Covered Bridge Road. The parent tract is 6625 Covered Bridge Road, Archer Lodge.

On March 9, 2022, the 3.601 lot was deeded to Piedmont Natural Gas Company, Inc., a North Carolina Corporation, and the plat was recorded. In collaboration with the Johnston County Planning Department and GIS Department, an address was assigned for the newly recorded lot. The address is 6231 Covered Bridge Road, Archer Lodge, and is referenced as Johnston County Tag ID # 16J03084J.



Accompanying the special use permit application is the proposed site plan (aka construction plans) depicting the location of natural gas regulator station on the 3.601 acre property. A link to the special use permit application and site plan is included under the agenda item.

Site & Vicinity

Zoning:

The property is zoned Agricultural Residential. The parent parcel is bounded on the North, East and West by lands zoned Single Family Residential District (SFR-1) and Agricultural-Residential (AR) District. Bounded on the South by lands zoned Agricultural Residential (AR).

Environmental:

The property is not located in Water Supply Watershed Protection Overlay District (WSWOD), nor does it contain any 100-year flood plains. A riparian buffer is located on the back portion of the lot

Subject Property and Adjacent Land Uses:

Staff will present photographs of the of the site and adjacent land uses at the meeting.

Technical Review Committee Comments:

As of this writing the following comments (see excerpts below) have been received from Technical Review Committee members on the special use permit application/site plan:

➤ *Johnston County Public Utilities:*

From: Jessica Batten <jessica.batten@johnstonnc.com>

Sent: Friday, March 04, 2022 2:42 PM

To: Julie Maybee <julie.maybee@archerlodgenc.gov>

Cc: Farmer, Chandra <chandra.farmer@johnstonnc.com>

Subject: Re: Technical Review Committee Review Request - Piedmont Natural Gas Regulator Station

Be Advised: This email originated from outside of the Town of Archer Lodge, NC

Julie,

The Piedmont Natural Gas site would need a stormwater and an erosion control permit. If it is funded with public money or if they have the power of eminent domain then they would need to go to the State for their erosion control permit. The County would issue the stormwater permit either way. It does look like they have some buffer and stream impacts. They would need 401/404 permits and buffer authorization for the impacts. The State will handle the buffer authorization as the County does not have jurisdiction for buffers in Archer Lodge. Please let me know if you need further information.

Thank you,

Jessica Batten, EI

Development Engineer/Stormwater Manager
Johnston County Public Utilities
309 E. Market Street
P.O. Box 2263
Smithfield, NC 27577
Office: 919-938-4717

➤ North Carolina Department of Transportation:

From: Lawhorn, Samuel C <sclawhorn@ncdot.gov>
Sent: Thursday, March 03, 2022 12:58 PM
To: Julie Maybee <julie.maybee@archerlodgenc.gov>
Subject: RE: [External] Technical Review Committee Review Request - Piedmont Natural Gas Regulator Station

Be Advised: This email originated from outside of the Town of Archer Lodge, NC

Julie,

Thanks for sending this over. Covered Ct is not NCDOT maintained so we do not need anything on this one.

Thanks,

Sam Lawhorn, P.E.
 District 3 Engineer
 Highway Division 4
 North Carolina Department of Transportation
 |
 919-739-5300
sclawhorn@ncdot.gov
 2671 US 70 West
 Goldsboro, NC 27530

Future Land Use Plan (Excerpts from the 2030 Archer Lodge Comprehensive Land Use Plan):

Community Vision & Mission Statement:

- "Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business."
- "Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looks for opportunity of mold future growth into the town's core values. Archer Lodge is home to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources."

Future Land Use:

- The *Town of Archer Lodge 2030 Comprehensive Land Use Plan* (2015) identifies key areas for land use and growth management, it makes recommendations relating to community image, small economic development and skill training, business and farming relationships, public services and infrastructure, parks, and recreation, as well as environmental protection and historic preservation.
- According to the plan, Archer Lodge is located within the Research Triangle Economic Development region designated by the State.
- Archer Lodge is described as a sub-rural community that combines the town's agricultural and suburban lifestyles.
- Given the influx of families moving to the Town, the plan acknowledges the likelihood of change in the community.
- Archer Lodge anticipates continued agricultural uses, residential developments, and business development to be the future land uses in the Town.

Town Planner Recommendations:

A PowerPoint presentation will be given at the meeting. Staff recommends approval conditioned upon making the findings of fact; and

- Compliance with Environmental Provisions; and other Permitting Requirements;
- Compliance with UDO, Article 6, Division 4. Installation of Fence/Fabric, as depicted on the site plan and maintained in good condition;
- Compliance with Exterior Lighting Requirements as required By UDO, Article 6, Division 3; and
- Class A buffer to be installed around entire perimeter of site prior to issuance of certificate of occupancy unless otherwise provided by the UDO. As built drawing, sealed by a NC Licensed Engineer or Architect, to be provided prior to the issuance of a Certificate of Occupancy.

Planning Board Recommendations:

On March 16, 2022, the Planning Board considered the proposed special use permit application and site plan. After deliberation, the Planning Board unanimously recommends to the Council approval of the special use permit, upon making the findings of fact, and site plan with the conditions stipulated by the Town Planner (see Exhibit #1).

Requested Council Action:

Staff respectfully requests that the Town Council consider and conduct a Quasi-Judicial Public Hearing (as outline on the Town Council Special meeting agenda) on the special use permit request and consider the accompanying site plan.

EXHIBIT #1**ARCHER LODGE PLANNING BOARD RECOMMENDATIONS****PIEDMONT NATURAL GAS COMPANY, INCORPORATED,
A NORTH CAROLINA CORPORATION
SPECIAL USE PERMIT AND SITE PLAN**

On March 16, 2022, the Archer Lodge Planning Board conducted a public meeting and deliberated on a special use permit application and site plan submitted by Piedmont Natural Gas Company, Inc., a North Carolina Corporation, to construct a Natural Gas Regulator Station on a 3.601 acre lot off Covered Court and Covered Bridge Road. The property is addressed as 6231 Covered Bridge Road, Archer Lodge, and is referenced as Johnston County Tag ID # 16J03084J. It is owned by Piedmont Natural Gas Company, Inc., a North Carolina Corporation.

After deliberation, the Planning Board voted, based on the information presented, to unanimously approve the *findings of fact* for “A” as stated below:

- A. **Will not materially endanger the public health safety if located where proposed.**

After deliberation, the Planning Board voted, based on the information presented, to unanimously approve the *findings of fact* for “B” as stated below:

- B. **Complies with all standards, conditions, and specifications of the UDO, including Article 5 Use Regulations, and Article 6 Development Standards.**

After deliberation, the Planning Board voted, based on the information presented, to unanimously approve the *findings of fact* for “C” as stated below:

- C. **Will not substantially injure the value of the abutting land, or the special use is a public necessity.**

After deliberation, the Planning Board voted, based on the information presented, to unanimously approve the *findings of fact* for “D” as stated below:

- D. **Will be in harmony with the area in which it is to be located.**

After deliberation, the Planning Board voted, based on the information presented, to unanimously approve the *findings of fact* for “E” as stated below.

- E. **Is in general conformity with the Town’s adopted policy guidance.**

After deliberation, the Planning Board voted, based on the information presented, to unanimously approve the *findings of fact* for “F” as stated below.

F. **Will not exceed the Town's ability to provide adequate public facilities (fire and rescue, utilities, etc.).**

Based on the above, a motion was made by Planning Board Member Herbert Locklear and seconded by Planning Board Member Chris Cipriani to recommend approval of the special use permit to the Archer Lodge Town Council and site plan with conditions recommended by the Town Planner (in staff report). The motion carried unanimously.



SPECIAL USE PERMIT APPLICATION/SITE PLAN - PIEDMONT NATURAL GAS CO., INC

Town Council Special Meeting
4.18.2022

Special Use Permit Application

Agenda Item 6. a.

- On March 3, 2022, a Special Use Permit Application (revised) was submitted by Piedmont Natural Gas Company, Inc., to construct a Natural Gas Regulator Station on a 3.601-acre lot off Covered Court and Covered Bridge Road.
- As of March 9, 2022, the property, addressed as 6231 Covered Bridge Road, was deeded to Piedmont Natural Gas Company, Inc.; and is referenced as Johnston County parcel tag id number 16J03074J.
- Accompanying the special use permit application is the proposed site plan depicting the location of the natural gas regulator station.

Town Council Requested Action

Agenda Item

- Staff respectfully requests that the Town Council conduct a Quasi-Judicial Public Hearing in accordance adopted “Town of Archer Lodge Rules of Procedure” adopted on 11-2-21, and consistent with UDO provisions*.
- Consider Planning Board Recommendations
- *Note: Majority Vote

Conduct of Town Council Quasi-Judicial Hearing

- **Town Attorney – Swear in Witnesses, including staff, who intend to Present Evidence**
- **Mayor to call the case as stated on the agenda.**
- **If the applicant is to be represented by anyone other than a licensed attorney, the applicant shall request the consent of the Town Council;**
- **Members of Town Council to disclose the following:**
 - **Any site visits.**
 - **Ex parte communications.**
 - **Specialize knowledge they have relevant to the case.**
 - **Fixed opinion that is not susceptible to change based on what they learn.**
 - **Conflict of Interest.**
 - **Financial interest; and**
 - **Any other information relevant to determining whether a conflict of interest**
 - **** Town Council to vote on recusal of member if any conflict exists.**
 - **Note: The applicant or other affected persons may present any objections regarding a member's participation.**
- **Mayor – Open Public Hearing**
- **Staff Report**
- **All parties represented by attorneys, the applicant, followed by any opposing party, may present a brief opening statement**

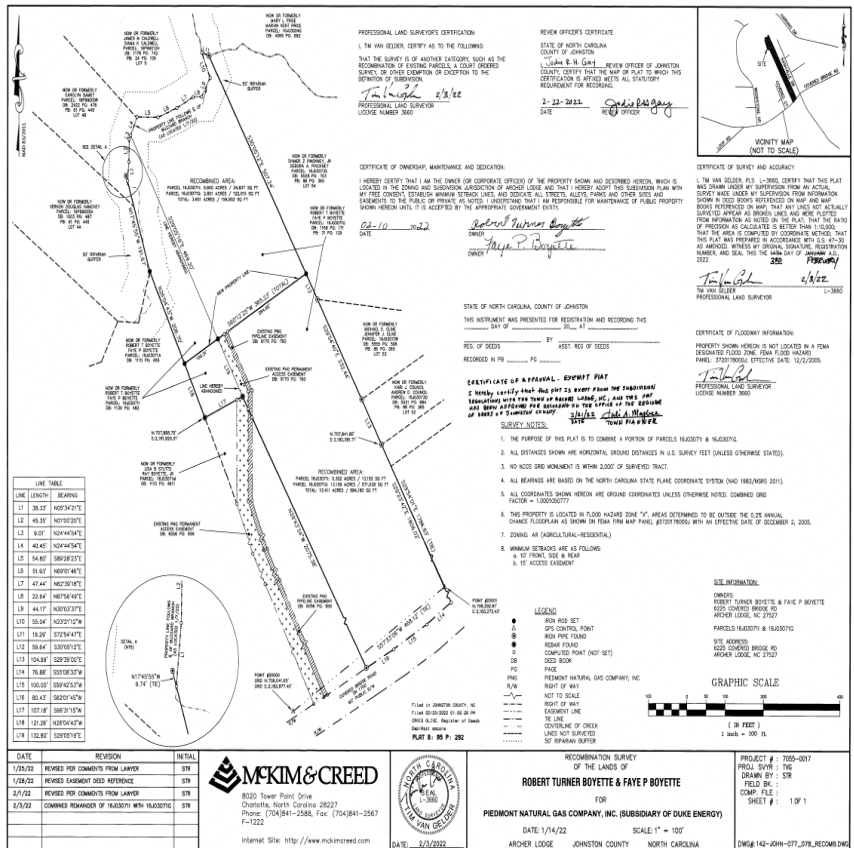
Conduct of Town Council Quasi-Judicial Hearing

- **Applicant has opportunity to present the arguments and evidence in support of the application.**
- **Persons opposed to granting the application shall present arguments and evidence against.**
- **Opportunity for cross-examination.**
- **After all evidence has been presented, the Mayor may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.**
- **The Mayor will entertain objections and rule on the admissibility of the evidence or exhibit.**
- **Mayor – Close the public hearing unless the hearing has been continued to the next regularly scheduled quasi-judicial public hearing or to a publicly stated date, time and location.**
- **Mayor to call for a vote on each special use permit findings of fact/conclusions for the special use permit..**
 - **Must receive a majority vote of the Town Council for the Application to be approved.**
 - **The Town Council may attach conditions of approval in accordance with existing state law and Town Code.**
- **Mayor calls for a vote on the site plan.**

Property Deed/Plat

DEED B: 6205 P: 527 END OF DOCUMENT

N 87-56-49 E, 22.64' TO A POINT; N 30-03-37 E, 44.17' TO A POINT; N 23-21-12 W, 55.04' TO A POINT; AND S 72-54-47 E, 19.29' TO AN IRON PIPE FOUND FOR THE NORTHWEST CORNER OF SAID PINCKNEY TRACT, THE NORTHEAST CORNER OF SAID DEED BOOK 1168, PAGE 171 AND SOUTHWEST CORNER OF A TRACT CONVEYED TO MARY L. PRICE AND MARVIN KENT PRICE BY DEED RECORDED IN DEED BOOK 4069, PAGE 992; THENCE S 30-05-12 E, 507.24' WITH THE EAST LINE OF SAID DEED BOOK 1168, PAGE 171 AND THE WEST LINE OF SAID PINCKNEY TRACT TO THE POINT OF BEGINNING, CONTAINING 8.601 ACRES OF LAND.



Site

CONSTRUCTION PLANS FOR COVERED BRIDGE RD REGULATOR STATION CLAYTON, NORTH CAROLINA CP#: 0232265 6225 COVERED BRIDGE RD ARCHERS LODGE, NC

SHEET NO.	DRAWING NO.	DRAWING TITLE	REV.
1	PNG-G-025-000112	COVER SHEET	0
2	PNG-G-025-000113	GENERAL ABBREVIATIONS & LEGEND	0
3	PNG-G-025-000113	Pipe SUPPORT DETAILS	0
4	PNG-G-025-000114	CIVIL DETAILS	0
5	PNG-G-025-000115	SUPPORT BLOCK DETAILS	0
6	PNG-G-025-000116	TEST WIRING DETAILS	0
7	PNG-C-025-000116	EXISTING CONDITIONS PLAN	0
8	PNG-C-025-000116	CIVIL SITE PLAN	0
9	PNG-C-025-000117	FOUNDATION PLAN	0
10	PNG-M-025-000116	MECHANICAL RFPING PLAN	0
11	PNG-M-025-000117	MECHANICAL SECTIONS	0
12	PNG-M-025-000118	MECHANICAL SECTIONS	0
13	PNG-M-025-000119	MECHANICAL SECTIONS	0
14	PNG-M-025-000120	MECHANICAL DETAILS	0
15	PNG-M-025-000121	BILL OF MATERIALS	0
16	PNG-M-025-000122	BILL OF MATERIALS	0
17	PNG-M-025-000123	BILL OF MATERIALS	0
18	PNG-L-025-000124	PNG LEGEND	0
19	PNG-L-025-000125	PNG LEGEND	0
20	PNG-L-025-000126	PNG LEGEND	0
21	PNG-E-025-000127	SECTION PING	0
22	PNG-E-025-000128	ELECTRICAL SPECIFICATIONS	0
23	PNG-E-025-000129	GROUNDING PLAN	0
24	PNG-E-025-000129	GROUNDING DETAILS	0
25	PNG-E-025-000130	STATION INSURANCE CLASSIFICATION AREA	0
26	PNG-E-025-000131	Hazardous Classification Details	0
27	PNG-E-025-000132	ELECTRICAL & INSTRUMENTATION CONDUIT PLAN	0
28	PNG-E-025-000133	CABLE & CONDUIT SCHEDULE	0
29	PNG-E-025-000134	INSTRUMENT CONNECTION DETAILS	0
30	PNG-E-025-000135	POWER DISTRIBUTION DETAILS	0
31	PNG-E-025-000136	LIGHTING INSTALLATION DETAILS	0
32	PNG-E-025-000137	TRU SERVICE LANDSCAPE	0
33	PNG-E-025-000138	SERVICE CONCEPT POWER DISTRIBUTION	0
34	PNG-E-025-000139	STATION EMERGENCY SCHEMATIC	0



LOCATION MAP
NOT TO SCALE

ISSUED FOR CONSTRUCTION

ISSUE DATE: 02/04/22

DESIGN CONSULTANTS:
ENGINEER:
IN NORTH CAROLINA, P.E.
ENERGY LAND & INFRASTRUCTURE, LLC
4262 NORTH FAIRFAX DRIVE, SUITE 80
ARLINGTON, VA 22203
703-694-0409

SUPPLIER:
THE VAN SELLER, P.L.S
MCHM & CREED
805 TOWNE POINT DRIVE
CHARLOTTE, NC 28227
704-641-2565



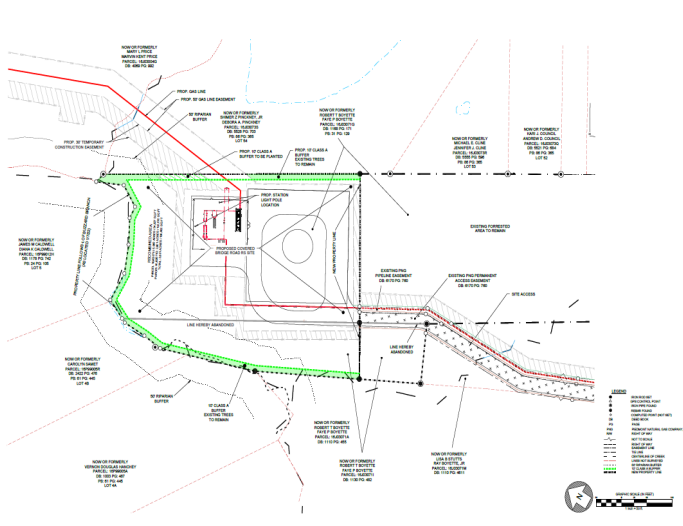
	<p>ENERGY LAND & INFRASTRUCTURE, PLLC NC ENGINEERING LICENSE # 2329 136 QUADRE DRIVE CARY, NC 27513</p> <p style="font-size: small;">PROPRIETARY & CONFIDENTIAL ALL RIGHTS RESERVED *DO NOT SCALE THIS DRAWING* USE DIMENSIONS ONLY PIEDMONT'S NATURAL GAS FACILITY DRAWINGS ARE CONSIDERED CONFIDENTIAL (CM-006)* DRAWING IS CURRENT ONLY THROUGH THE LATEST REVISED DATE * TO INSURE THERE IS NO RISK OF INAPPROPRIATE DISCLOSURE ALL PREVIOUS PAPER COPIES OF THIS DRAWING MUST BE DESTROYED IN ACCORDANCE WITH RECORDS & INFO. MANAGEMENT (PM) POLICY 1300</p>	<p>REF. DWG(S)</p> <p>SHEET 1 OF 34 [DWG SCALE: AS SHOWN] DWG DATE: 05/04/22 [SUPERSEDED] DRAWING NUMBER: PNG-G-025-0001121 REVISION: 0</p>																																																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION DESCRIPTION</th> <th>BY</th> <th>CHK</th> <th>APPV</th> <th>DESCRIPTION</th> <th>APPROVALS</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>02/04/22</td> <td>ISSUED FOR CONSTRUCTION PLANS</td> <td>WRS</td> <td>DMC</td> <td>WRS</td> <td>AREA CODE 1853</td> <td>REGIONAL ENGINEER</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>PROJECT NUMBER 0232265</td> <td>SENIOR ENGINEER</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>DRAWING BY WRS</td> <td>PRINCIPAL ENGINEER</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>STATION ID 64-TR-101-02-01</td> <td>PRINCIPAL ENGINEER</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td>CHECKER INITIALS WRS</td> <td>PRINCIPAL ENGINEER</td> </tr> </tbody> </table>	NO.	DATE	REVISION DESCRIPTION	BY	CHK	APPV	DESCRIPTION	APPROVALS	1	02/04/22	ISSUED FOR CONSTRUCTION PLANS	WRS	DMC	WRS	AREA CODE 1853	REGIONAL ENGINEER							PROJECT NUMBER 0232265	SENIOR ENGINEER							DRAWING BY WRS	PRINCIPAL ENGINEER							STATION ID 64-TR-101-02-01	PRINCIPAL ENGINEER							CHECKER INITIALS WRS	PRINCIPAL ENGINEER	<p style="text-align: center;">COVERED BRIDGE RD REGULATOR STATION COVER SHEET & INDEX CLAYTON, NORTH CAROLINA RESOURCE CENTER GOLDSBORO</p>
NO.	DATE	REVISION DESCRIPTION	BY	CHK	APPV	DESCRIPTION	APPROVALS																																											
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						CHECKER INITIALS WRS	PRINCIPAL ENGINEER																																											

Utilities, major and minor

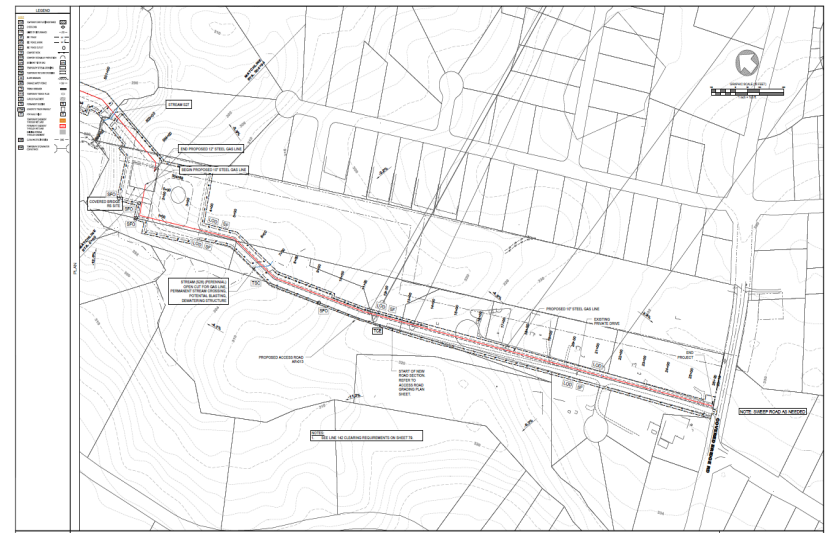
(1) All utilities shall comply with the following standards:

- a. Where possible, utilities should be located on lots interior to a development rather than on lots abutting streets;
- b. All dangerous apparatus shall be enclosed by a fence or wall at least eight feet in height;
- c. Major utilities may only be located on lots that meet the dimensional requirements for the zoning district where located.
- d. Minor utilities may be on lots, leaseholds, or easements that do not meet the minimum dimensional standards for lots in the district where located;
- e. The design of buildings, structures, and facilities located in residential neighborhoods shall conform as closely as possible to the character of development in the area to ensure compatibility. Utility placement and screening may also be used as a means of ensuring compatibility;
- f. No vehicles, trailers, or materials shall be stored outdoors on the premises;
- g. Portions of properties not used for facilities, off-street parking, or related services shall be maintained with natural ground cover; and
- h. Service and storage yards shall not be permitted within utility facilities located in residential or OI districts.

Site & Vicinity



COVERED BRIDGE RD REGULATOR STATION PROPERTY LINE BUFFER AREAS CLAYTON, NORTH CAROLINA RESOURCE CENTER 00000000				SHEET 1 OF 1 2016 SCALE: AS SHOWN DATE: 08/11/16 PNC_C-025-000000X		KEY SYMBOLS PNC-0-025-0001121		PROJECT NO. 142-0001073 SHEET NO. 19	



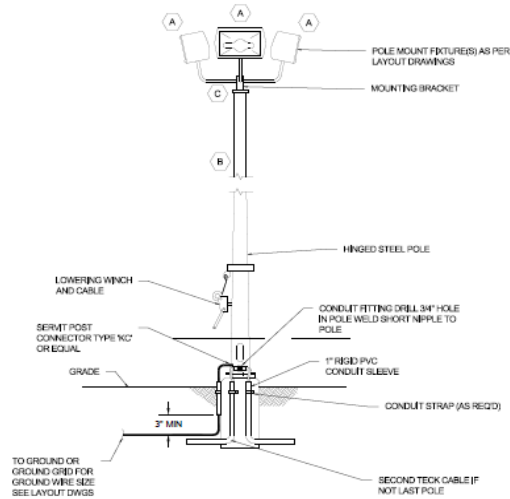
LINE 142 PIPELINE E&S PLAN-19 CLAYTON, NORTH CAROLINA Resource Center 00000000				SHEET 1 OF 1 2016 SCALE: AS SHOWN DATE: 08/11/16 PNC_C-142-0001073		KEY SYMBOLS PNC-0-025-0001121		PROJECT NO. 142-0001073 SHEET NO. 19	

Site Lighting

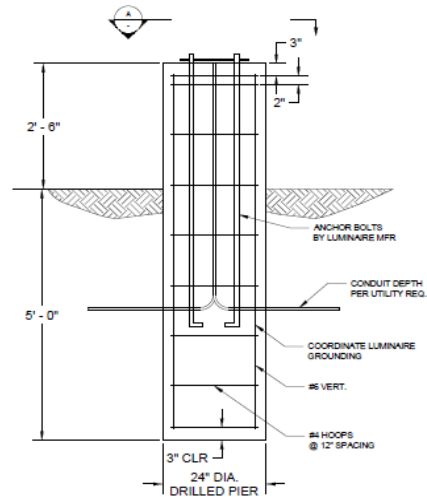
LIGHTING BILL OF MATERIALS (PER LIGHT)					
ITEM	QTY	MATERIAL DESCRIPTION	MANUFAC	MODEL	SUPPLIER
(A)	3	SAFE SITE FLOODLIGHT, CLASS 1 (BY CODE 10007) (VAC 1819), NEMA 4X, 100W, POLE MOUNT	DELIGHT	FLD4TRN03 (REQ)	CONSTRUCTION CONTRACTOR
(B)	1	24" HIGH HINGED LIGHTING POLE w/ LOWERING WINCH	APPLETON	GLV4H18M4 (REQ)	CONSTRUCTION CONTRACTOR
(C)	1	BULL HORN FOR 2 FLOODLIGHTS, 24" MOUNT, 27" SPACING w/ ADAPTOR FOR 4" SQUARE TOP POLE	DELIGHT	FLX4L5H-2006 (REQ) FLX4SPAD03 (REQ)	CONSTRUCTION CONTRACTOR

NOTES:

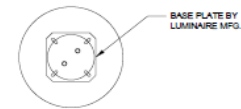
- CONDUIT FITTINGS:
CLASS 1, DIV 1 - EXPLOSION PROOF
CLASS 1, DIV 2 - VAPOUR TIGHT
- HINGED-OVER POSITION OF POLE AND LUMINAIRES: LOCATE BASE AND POLE SO MOTION IS NOT INTERFERED WITH BY EQUIPMENT, PIPING, FENCING, ETC. INSTALL SUCH LOWERED FIX FALLS WITH YARD.
- FLOODLIGHTS ARE SET TO OPERATE MANUALLY AND NOT VIA PHOTOCELL. LIGHT FIXTURES WILL BE ORIENTED TO CAST LIGHT ONTO THE STATION AND NOT THE SURROUNDING PROPERTIES.



POLE MOUNTED FLOODLIGHT FIXTURE
SCALE: NTS



DETAIL
LUMINAIRE FOUNDATION DRILLED PIER
SCALE: NTS



SECTION
LUMINAIRE FOUNDATION DRILLED PIER
SCALE: NTS



NO	DATE	REVISION DESCRIPTION	BY	CHK	APP	DESCRIPTION
1	02/04/22	ISSUED FOR CONSTRUCTION PLANS	KRR	DKR	WVG	AREA CODE: T883 ACCOUNT NUMBER: 15750 PROJECT NUMBER: 023026
						DRAWING BY: KRR STATION ID: 64-TR-11-GLD-4783 CHECKER INITIALS: WVG

APPROVALS					
DATE	DESIGNER/DRIVER	REGIONAL ENGINEER	MSR, TECH REC & STD	PRINCIPAL ENGINEER	
02/04/2022	William R. Gault				



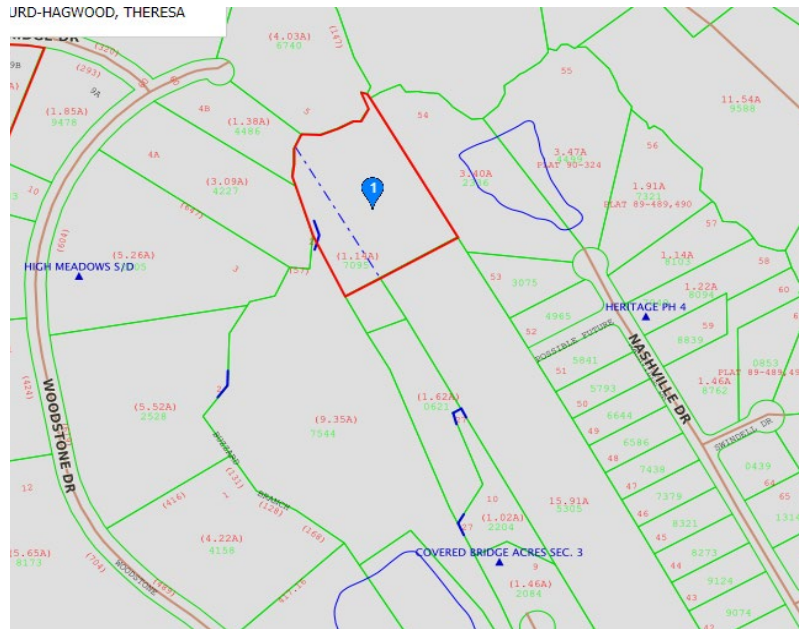
**COVERED BRIDGE RD REGULATOR STATION
LIGHTING INSTALLATION DETAIL
CLAYTON, NORTH CAROLINA**
RESOURCE CENTER GOLDSBORO

REF. DWG(S) PNG-G-025-0001121	SHEET 31 OF 34	DWG SCALE: AS SHOWN
DWG DATE: 02/04/22	SUPERSEDED	
DRAWING NUMBER PNG-E-025-0001279	REVISION 0	

Environmental

Concur with Johnston Co. Public Utilities – See TRC Comments

The property is not located in Water Supply Watershed Protection Overlay District (WSWOD), nor does it contain any 100-year flood plains. A riparian buffer is located on the back portion of the lot.



Technical Review Committee Comments

□
 >
 □
 □ *Johnston County Public Utilities:*
 □
 □ **From:** Jessica Batten <jessica.batten@johnstonnc.com>
Sent: Friday, March 04, 2022 2:42 PM
To: Julie Maybee <julie.maybee@archerlodgenc.gov>
Cc: Farmer, Chandra <chandra.farmer@johnstonnc.com>
Subject: Re: Technical Review Committee Review Request - Piedmont Natural Gas Regulator Station

□ **Be Advised:** This email originated from outside of the Town of Archer Lodge, NC

□ Julie,

□

□ The Piedmont Natural Gas site would need a stormwater and an erosion control permit. If it is funded with public money or if they have the power of eminent domain, then they would need to go to the State for their erosion control permit. The County would issue the stormwater permit either way. It does look like they have some buffer and stream impacts. They would need 401/404 permits and buffer authorization for the impacts. The State will handle the buffer authorization as the County does not have jurisdiction for buffers in Archer Lodge. Please let me know if you need further information.

□ Thank you,

□ **Jessica Batten, EI**

□ Development Engineer/Stormwater Manager

□ Johnston County Public Utilities

□ 309 E. Market Street

□ P.O. Box 2263

□ Smithfield, NC 27577

□ Office: 919-938-4717

□ NC Department of Transportation

From: Lawhorn, Samuel C <sclawhorn@ncdot.gov>

Sent: Thursday, March 03, 2022 12:58 PM

To: Julie Maybee <julie.maybee@archerlodgenc.gov>

Subject: RE: [External] Technical Review Committee Review Request - Piedmont Natural Gas Regulator Station

Be Advised: This email originated from outside of the Town of Archer Lodge, NC

Julie,

Thanks for sending this over. Covered Ct is not NCDOT maintained so we do not need anything on this one.

Thanks,

Sam Lawhorn, P.E.

District 3 Engineer

Highway Division 4

North Carolina Department of Transportation

919-739-5300

sclawhorn@ncdot.gov

Technical Review Committee Comments

15

- Town Planner's Recommendation – Approval Conditioned Upon Findings of Fact; and
 - Compliance with Environmental Provisions; and other Permitting Requirements
 - Compliance with UDO, Article 6, Division 4. Installation of Fence/Fabric as depicted and maintained in good condition;
 - Class A buffer to be installed around entire perimeter of site prior to issuance of certificate of occupancy unless other wise provided by UDO As built drawing, to be sealed by a NC Licensed Engineer or Architect to be provided prior to issuance of certificate of occupancy.
 - Compliance with Exterior Lighting Requirements as required by UDO, Article 6, Division 3.

-

Future Land Use Plan

(Excerpts from the 2030 Archer Lodge Comprehensive Land Use Plan):

- “Vision Statement: Today and into the future the Town of Archer Lodge, will be a peaceful, family oriented, active community that looks to retain our small-town, agricultural character meeting the needs of current and future residents and business.”
- “Mission Statement: The Town of Archer Lodge is a community that honors and embraces its rich cultural heritage and past, pursues healthy living in the present and looks for opportunity of mold future growth into the town’s core values. Archer Lodge is home to many natural resources and open-agricultural land. With an eye toward planning future growth the Town will protect these resources.

Future Land Use

- The Town of Archer Lodge 2030 Comprehensive Land Use Plan (2015) identifies key areas for land use and growth management, it makes recommendations relating to community image, small economic development and skill training, business and farming relationships, public services and infrastructure, parks, and recreation, as well as environmental protection and historic preservation.
- According to the plan, Archer Lodge is located within the Research Triangle Economic Development region designated by the State.
- Archer Lodge is described as a sub-rural community that combines the town's agricultural and suburban lifestyles.
- Given the influx of families moving to the Town, the plan acknowledges the likelihood of change in the community.
- Archer Lodge anticipates continued agricultural uses, residential developments, and business development to be the future land uses in the Town.

**ARCHER LODGE TOWN COUNCIL
PIEDMONT NATURAL GAS COMPANY, INCORPORATED,
A NORTH CAROLINA CORPORATION,
SPECIAL USE PERMIT AND SITE PLAN**

On April 18, 2022, the Archer Lodge Town Council conducted a quasi-judicial public hearing and deliberated on a special use permit application submitted by Piedmont Natural Gas Company, Incorporated, A North Carolina corporation, to construct a Natural Gas Regulator Station on a 3.601-acre lot, 6231 Covered Bridge Road, Archer Lodge, NC. Accompanying the special use permit application was the proposed site plan depicting the location of the natural gas regulator station. The property is owned by Piedmont Natural Gas Company, Inc., a North Carolina corporation; and is referenced as Johnston County parcel tag id number 16J03074J. The property is zoned Agricultural-Residential (AR)

After deliberation, Councilmember Purvis moved to approve the *findings of fact* for “1.” below. The motion was seconded by Mayor Pro-Tem Castleberry and approved by a 3 to 1 vote. Councilmember Wilson voted no.

1. That the use will not materially endanger the public health, safety if located where proposed.

(a) The proposed use complies with all standards and conditions, and specifications of the Unified Development Ordinance (UDO); (b) As a public utility, the proposed use is a public necessity; (c) The proposed use will be screened from view; (d) A fence and gate will be installed to restrict public access. A knock box will be installed to allow access by emergency responders. (e) Space will be provided adjacent to the station to provide ingress/egress by emergency vehicles; and (f) The facility will be tested and maintained monthly by Piedmont Natural Gas, Inc., a North Carolina corporation, staff.

After deliberation, Councilmember Purvis moved to approve the *findings of fact* for “2.” below. The motion was seconded by Councilmember Jackson and approved unanimously.

2. That the use complies with all standards, conditions, and specifications in the UDO, including Article 5, Use Regulations, and Article 6, Development Standards.

(a) The proposed use complies with all the standards and conditions, and specifications of the UDO; (b) As a public utility the proposed use is a public necessity; and (c) The proposed use will be screened from view of adjacent properties by existing vegetation, Class A buffer, and fence.

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “3.” below. The motion was seconded by Councilmember Purvis and approved by a 3 to 1 vote. Councilmember Wilson voted no.

3. That the use will not substantially injure the value of the abutting land, or the special use is a public necessity.

(a) The proposed use complies with all the standards and conditions, and specifications of the UDO Parking is available on the tank site for maintenance vehicles; (b) As a public utility, the proposed use is a public necessity; and (c) The proposed use will be screened from the view of adjacent properties by existing vegetation, Class A buffer, and fence.

After deliberation, Mayor Pro-Tem Castleberry moved to approve the *findings of fact* for “4.” below. The motion was seconded by Councilmember Purvis and approved unanimously.

4. That the use will be in harmony with the area in which it is to be located.

(a) The location of the station is in a wooded area off Covered Bridge Road; (b) The proposed use will be screened from the from neighboring properties by a wooded buffer and fence that surrounds on all four sides of the station; and the (c) The station will only be lighted when someone is actively working on site.

After deliberation, Councilmember Jackson moved to approve the *findings of fact* for “5.” below. The motion was seconded by Councilmember Purvis and approved unanimously.

5. That the use in general conformity with the Town’s adopted policy guidance.

(a) The proposed use is in accordance policies set forth in the Archer Lodge 2030 Comprehensive Land Use Plan adopted by the Town Council.

After deliberation, Councilmember Purvis moved to approve the *findings of fact* for “6.” below. The motion was seconded by Mayor Pro-Tem Castleberry and approved by a 3 to 1 vote. Councilmember Wilson voted no.


6. That the use will not exceed the Town’s ability to provide adequate public facilities (fire and rescue, utilities, etc.).

(a) The proposed will provide a natural gas utility to the community. (b) The station will be tested, maintained, and monitored by Piedmont Natural Gas Company, Inc., A North Carolina corporation; and. (c) The Technical Review Committee reviewed the proposed site plan for the natural gas regulator station.

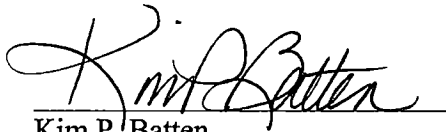
**ARCHER LODGE TOWN COUNCIL
PIEDMONT NATURAL GAS COMPANY, INCORPORATED,
A NORTH CAROLINA CORPORATION,
SPECIAL USE PERMIT AND SITE PLAN**

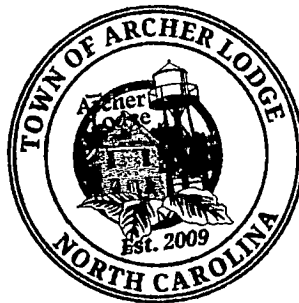
Based on the above, a motion was made by Councilmember Purvis and seconded by Mayor Pro-Tem Castleberry to approve the special use permit for Piedmont Natural Gas, Inc., a North Carolina Corporation, for a natural gas regulator station at 6231 Covered Bridge Road, Archer Lodge, NC with the following conditions: (1) Compliance with environmental provisions, and other permitting requirements; (2) Compliance with the UDO, Article 6, Division 4. The installation of the fence/fabric to be as depicted (on the site plan) and maintained in good condition; (3) Class A Buffer to be installed around the entire perimeter of the site prior to the issuance of a Certificate of Occupancy unless otherwise stipulated in the UDO; (4) As built drawing, sealed by a NC Licensed Engineer or Architect, to be provided prior to the issuance of the Certificate of Occupancy; and (5) Comply with exterior lighting requirements as required by the UDO, Article 6, Division 3. The motion was approved by a 3 to 1 vote. Councilmember Wilson voted no.

After deliberation, a motion was made by Councilmember Purvis and seconded by Councilmember Jackson to approve the site plan Piedmont Natural Gas Company, Inc., a North Carolina Corporation, for a natural gas regulator station at 6231 Covered Bridge Road, Archer Lodge, NC. The motion was approved by a 3 to 1 vote. Councilmember Wilson voted no.


Matthew B. Mulhollem
Mayor

ATTEST:


Kim P. Batten
Town Clerk





**Regular Council - Minutes
Monday, August 5, 2024**

COUNCIL PRESENT:

Mayor Mulhollem
Council Member Bruton
Council Member Jackson
Council Member Purvis
Council Member Wilson

STAFF PRESENT:

Bryan Chadwick, Town Administrator
Marcus Burrell, Town Attorney
Jason Kress, Town Planner
Kim P. Batten, Assistant Town Administrator/Finance Officer
Chris Allen, Parks & Recreation Director
Chad Meadows, CodeWright Planners, LLC
Jenny Martin, Human Resources Officer/Town Clerk

COUNCIL ABSENT:

Mayor Pro Tem Castleberry

MEDIA PRESENT:

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) Council Member Jackson asked if the Board could receive the agenda earlier in the week. Council Member Bruton agreed. Mayor Mulhollem informed that it had been noted. No further discussion.

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

Approved Agenda.

CARRIED UNANIMOUSLY

3. OPEN FORUM/PUBLIC COMMENTS:

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

a) No Public Comments.

4. CONSENT AGENDA:

**a) 15 Nov 2021 Special Meeting
08 Jul 2024 Regular Meeting**

Mayor Mulhollem called for a motion to approve Consent Agenda. Discussion followed.

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

CARRIED 3 to 1 (Bruton opposed)

5. DISCUSSION AND POSSIBLE ACTION ITEMS:

a) PUBLIC HEARING - Text Amendments - Code of Ordinances, Town of Archer Lodge, NC, Chapter 30 - referenced as Unified Development Ordinances (UDO) Text Amendment# AL2024-08-1:

- **Article 5. - Use Regulations, Division 4. - Accessory Uses, Sec. 30 - 5404. - Common Accessory Uses Table, to add private burials to the list of allowable accessory uses.**
- **Article 5. - Use Regulations, Division 4. - Accessory Uses, Sec. 30 - 5405(d). - Specific Standards for Common Accessory Uses, to include new standards for private burial as an accessory use.**
- **Article 5. - Use Regulations, Division 5. - Temporary Uses, Sec. 30 - 5503(c)(1). - Food truck and pushcart vendors, to permit such uses in the AR zoning district, clarify minimum separation distances from certain other use types, modify allowable hours of operation, and establish special standards for food truck and push carts when operated on lots owned or operated by a governmental entity (like the Town Park).**
- **Article 5. - Use Regulations, Division 5. - Temporary Uses, Sec. 30 - 5503(c)(2). - Itinerant merchant sales, to permit such uses on lots owned or operated by a governmental entity (like the Town Park), to modify hours of operation, and to establish special standards for food truck and push carts when operated on lots owned or operated by a governmental entity.**
- **Article 10. - Measurements and Definitions, Division 3. - Definitions, to establish a definition for private burials.**

1. **Open Public Hearing**
2. **Staff Report and Planning Board Recommendations**
3. **Public Comments (Maximum 30 minutes allowed; 3 minutes per person)**
4. **Close Public Hearing**
5. **Governing Body**
 - **Discussion and Consideration of the Consistency Statement**
 - **Discussion and Consideration of Adopting Ordinance# AL2024-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance:**
 - Article 5. - Use Regulations, Division 4, Division 5,**
 - Article 10. - Measurements and Definitions, Division 3**

1. Mayor Mulhollem called for a motion to **Open the Public Hearing.**
2. **Staff Report and Planning Board Recommendations.**
 - Mr. Meadows provided a presentation (attached to the agenda) and discussed the specifics of the proposed amendments. He noted that there are no state laws regarding private burials. Discussion followed.
 - Points of Discussion:
 - UDO - 30-5405 (d) Private Burial (4): Clarify the minimum 50-foot setback from potable water sources.
 - UDO 30-5405 (d) Private Burial (6): Change "physical marker" to "permanent marker".
 - Minimum 2-Acre lot size to allow private burial.

- Clarified that a private burial is one person, and two or more persons are cemeteries.
- Recommendation to prohibit amendment AL2024-08-1 - Establishes standards for home burial and approve amendments AL2024-08-1 - Clarified the zoning district where food trucks are permitted and Clarifies allowable activities on Town-owned/controlled sites.

3. Public Comments:

- a. Mr. Pete Barnes of 2100 Castleberry Road, Archer Lodge, questioned some of the specifics of the burial lot.
- b. Ms. Terri Richards of 120 Bentley Way, Archer Lodge, recommended eliminating established subdivisions or small lots from private burials and questioned the possibility of flooding at a burial site. Discussion followed.

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

5. Governing Body

- **Discussion and Consideration of the Consistency Statement**
 - Property values
 - Appropriateness - low lying area, proximity to wells, setbacks
 - Already established burials sites.
 - Minimum size of lot.
- **Attorney Burrell read the Consistency Statement as follows:**
 - The Town Council finds that the proposed amendments are reasonable and in the public interest. The proposed revisions clarify/streamline ordinance provisions, facilitate environmental protection, plans for future development, and addresses changes in state law. Furthermore, the proposed amendments are consistent with the Town of Archer Lodge 2030 Comprehensive Land Use Plan, aka "Comprehensive Plan", vision and mission statements and other adopted Town plans having bearing on the matter.
- **Discussion and Consideration of Adopting Ordinance# AL2024-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance:**
 - **Article 5. - Use Regulations, Division 4, Division 5**
 - **Article 10. - Measurements and Definitions, Division 3**
- Mayor Mulhollem called for a motion to adopt the Consistency Statement and Ordinance# AL2024-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance with changes listed below
 - Article 5. - Use Regulations, Division 4, Division 5
 - Article 10. - Measurements and Definitions, Division 3 with the following proposed changes:
 - UDO - 30-5405 (d) Private Burial (4): Clarify the minimum 50-foot setback from potable water sources.
 - UDO 30-5405 (d) Private Burial (6): Change "physical marker" to "permanent marker".
 - Minimum 2-Acre lot size to allow private burial.
- ***Motion failed.***
- Discussion followed regarding private burials.
- Mayor Mulhollem called for a motion to approve text amendment AL2024-08-1 for Food Trucks and Itinerant Merchant Sales and prohibit Private Burials.

Moved by: Council Member Wilson

Seconded by: Council Member Jackson

Approved to Open the Public Hearing at 6:36 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Council Member Jackson
Approved to Close Public Hearing at 7:03 p.m.

CARRIED UNANIMOUSLY

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Motion failed to adopt the Consistency Statement and Ordinance# AL2024-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance. Article 5. - Use Regulations, Division 4, Division 5, Article 10. - Measurements and Definitions, Division 10 for Food Trucks, Itinerate Merchant Sales and Private Burials, as presented and to include the following changes:

- **UDO - 30-5405 (d) Private Burial (4): Clarify the minimum 50 foot setback from potable water sources.**
- **UDO 30-5405 (d) Private Burial (6): Change "physical marker" to "permanent marker".**
- **Minimum 2-Acre lot size to allow private burial.**

Failed: 2 IN FAVOR (Wilson & Purvis) 3 OPPOSED (Bruton, Jackson, & Mulhollem)

Moved by: Council Member Wilson
Seconded by: Council Member Bruton
Adopted Ordinance# AL2024-08-1 Amending the Code of Ordinances, Town of Archer Lodge, NC Chapter 30 - Unified Development Ordinance. Article 5. - Use Regulations, Division 4, Division 5, for Food Trucks & Itinerant Merchant Sales and prohibit Private Burial and definition, as presented.

CARRIED 3 TO 1 (Jackson Opposed)

Moved by: Council Member Wilson
Seconded by: Council Member Bruton
Adopted the Consistency Statement for Ordinance# AL2024-08-1.

CARRIED 3 TO 1 (Jackson Opposed)

8 - 21

b) Discussion and Possible Action of Engaging May & Place, PA to Audit Financial Records and Approving the Audit Contract for Fiscal Year Ending June 30, 2024

Mr. Chadwick explained the changes in auditing costs. No further discussion.

Mayor Mulhollem called for a motion.

The signed Contract is attached.

Moved by: Council Member Wilson
Seconded by: Council Member Purvis
Approved Engaging May & Place, PA to Audit Financial Records and the Audit Contract for Fiscal Year Ending June 30, 2024.

CARRIED UNANIMOUSLY

[Audit Engagement Letter Yellow Book 2024 Signed](#)
[2024 Audit Contract Signed](#)

c) Discussion and Possible Action of Approving the Updated Affidavit of Parent, Guardian, or Legal Custodian of Employment, Internship, or Volunteer of Minor Age at the Town of Archer Lodge

Ms. Martin discussed the specifics of the updated affidavit. No further discussion.

Moved by: Council Member Purvis
Seconded by: Council Member Wilson
Approved the Updated Affidavit of Parent, Guardian, or Legal Custodian of Employment, Internship, or Volunteer of Minor Age at the Town of Archer Lodge, as presented.

CARRIED UNANIMOUSLY

22

d) Discussion and Possible Action of Adopting the Budget Amendment for Fiscal Year Ending June 30, 2025 ~ (BA 2025 01)

Mr. Chadwick explained the Budget Amendment attached that will reduce the budget by \$75,450. Discussion followed regarding the specifics of the changes. He reminded Council that the Archer Lodge Park & Recreation Master Plan was adopted in 2015 and due to be updated. He noted that it required to be updated at least every 10 years.

Mr. Chadwick informed Council Member Bruton that he received the budget spreadsheet she emailed to him on Thursday, prior to the meeting. He shared copies of the spreadsheet with Council, to review and discuss at a later date. Discussion followed.

Mayor Mulhollem reminded Council that the subject being discussed was the amendment that was presented to reduce the budget by \$75,450, any other items outside of the reduction can be discussed at a later date. He opened the floor for discussion. No further discussion.

Mayor Mulhollem called for a motion.

The signed Budget Amendment is attached.

Moved by: Council Member Wilson

Seconded by: Council Member Purvis

Adopted Budget Amendment BA 2025 01 for Fiscal Year Ending June 30, 2025, as presented.

CARRIED UNANIMOUSLY

[BA 2025 01 Signed](#)

e) Discussion and Possible Action of Approving the Memorandum of Agreement for Personnel Services between the Town of Archer Lodge, the North Carolina League of Municipalities (NCLM) and the MAPS Group.

Mr. Chadwick asked the Mayor to table Item 5 e), allowing Council time to review and contact him with any questions, and add to the Special Meeting Agenda scheduled for Monday, August 19, 2024. Mayor Mulhollem confirmed.

f) Discussion of Possible Action of Approving the Updated Memorandum of Understanding (MOU) Between the Town of Archer Lodge and Johnston County Little League

Mr. Chadwick shared an explanation of the changes to the memorandum discussed during the last meeting held with Johnston County Little League. He asked Council to provide feedback regarding the revised MOU before Staff sends to JCLL for final approval before adopting. Discussion followed. Mayor Mulhollem informed that no action will be taken until the memorandum is finalized.

6. TOWN ATTORNEY'S REPORT:

a) Attorney Burrell advised everyone to stay safe due to possibility of severe weather.

7. TOWN ADMINISTRATOR'S REPORT:

a) Mr. Chadwick shared a budget timeline, that he and Mayor Mulhollem discussed. It included dates and schedules that begin September 23, 2024. He asked Council to review and contact him with any questions, before the Monday, August 19, 2024, Special

Meeting. Mayor Mulhollem shared that the goal was to push up the process for preparing earlier for the FY2025/2026 Budget.

Mr. Chadwick informed that he would like to discuss special upcoming projects with Council at the Special Meeting being held Monday August 19, 2024, at 6:30 p.m.

Mr. Chadwick shared that a Town Emergency Operation Plan (EOP) will need to be implemented and noted that he had been in discussions with Terri Richards, who lives in the Town of Archer Lodge. He informed that Ms. Richards volunteered to help the Town and has a background with EOP, and is currently completing a doctorate degree at Liberty University in public policy with emphasis in emergency management. Ms. Richards provided a weather report on the specifics of the potential severe weather coming to the area. Discussion followed.

8. HUMAN RESOURCES OFFICER/TOWN CLERK'S REPORT:

- a) Ms. Martin provided an update on recent new hires for the Town.

9. PARK AND RECREATION DIRECTOR'S REPORT:

- a) Mr. Allen shared the following updates:
- Two part-time and one full-time staff employees have been added to Parks & Recreation.
 - Summer Season programs are ending the month of August:
 - Volleyball Clinic - 39 registered;
 - Softball - 92 registered (3 sessions);
 - Popsicles in the Park Reading Program - averaged 31 kids per session
 - Fall Season includes:
 - Senior Exercise Classes (15 Seniors attended the last session);
 - Baseball and Softball;
 - Flag Football
 - The new Mosaic Mural, made by Jeanette Brossart, Artist, has been installed at the park. A grant from the Johnston County Art Council paid for the art piece and the town covered installation.

10. PLANNING/ZONING REPORT:

- a) Mr. Kress shared the following updates:
- 6 Permits issued for FY 2025 - sheds, pools, 1 for solar panels.
 - No new residential or subdivisions permit requests, at this time.
 - Asked Council to consider amending the ordinance to allow expansion of the AR (Agriculture & Rural) Zoning Districts for accessory structures. The current ordinance restricts any accessory structures to 50% of the principal structure. Discussion followed. Council Member Bruton asked Mr. Kress to provide the current text without maps for them to review.

11. MAYOR'S REPORT:

- a) Mayor Mulhollem stated for everyone to be safe due to the forecast of storms coming to the area.

12. COUNCIL MEMBERS' REMARKS:

a) **Council Member Bruton had no remarks.**

23

b) **Council Member Purvis read his resignation letter, which is attached, to Council.**

Council Member Bruton shared that she hated to see Council Member Purvis go.
Mayor Mulhollem reiterate Council Member Bruton's remark and shared that they would be praying for him.

[JAMES JIM PURVIS III RESIGNED 08.05.24](#)

c) **Council Member Jackson shared that he was grateful for having had the opportunity to work with him and enjoyed his even temperament and humor. He added that he is still hoping for a Mardi Gras event that Council Member Purvis always suggested having.**

d) **Council Member Wilson shared that he would keep Council Member Purvis in his prayers. He echoed what everyone had said regarding the potential severe weather, "Turn around, don't drown" and watch out for down trees and power lines.**

13. ADJOURNMENT:

a) **Having no further discussion, Mayor Mulhollem called for a motion to adjourn.**

Moved by: Council Member Wilson
Seconded by: Council Member Bruton
Adjourned meeting at 8:40 p.m.

CARRIED UNANIMOUSLY

Matthew B. Mulhollem, Mayor

Jenny Martin, Town Clerk

May & Place, PA

CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 900
LOUISBURG, NC 27549
Bus: 919-496-3041
Fax: 919-496-6342

SCOTT H. MAY, CPA
DALE R. PLACE, CPA, CFE

July 24, 2024

To the Honorable Mayor and Town Council Members
14094 Buffalo Road
Archer Lodge, NC 27527

We are pleased to confirm our understanding of the services we are to provide the Town of Archer Lodge for the year ended June 30, 2024.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Archer Lodge as of and for the year ended June 30, 2024. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Archer Lodge's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Archer Lodge's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Local Government Employees' Retirement System's Schedule of the Proportionate Share of the Net Pension Liability and Contributions.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Archer Lodge's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and individual fund statements
- 2) Budgetary schedules and other schedules

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standard* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and

are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Archer Lodge and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risk(s) of material misstatement as part of our audit planning:

- Management override of controls.

- Improper revenue recognition due to fraud.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting

misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Archer Lodge's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the Town of Archer Lodge in conformity with accounting principles generally accepted in the United States of America based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed, and approved the financial statements, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and *Government Auditing Standards*.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Mayor and Town Council; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of May & Place, PA, and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Local Government Commission or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of May & Place, PA, personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we

Dale Place is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately July 31, 2024, and to issue our reports no later than October 31, 2024.

Our fee for these services will be \$8,000.00 plus \$6,000.00 for each federal and/or State major program as defined by the Uniform Guidance and/or the NC Single Audit Implementation Act for the audit and \$6,500.00 for the financial statement preparation. Our invoices for these fees will be rendered in accordance with the North Carolina Local Government Commission instructions as detailed in the contract. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of the Town of Archer Lodge's financial statements. Our report will be addressed to the Town Council of the Town of Archer Lodge. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that Town of Archer Lodge is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

We appreciate the opportunity to be of service to the Town of Archer Lodge and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy, and return it to us.

Very truly yours,

May & Place, PA

May & Place, PA

RESPONSE:

This letter correctly sets forth the understanding of the Town of Archer Lodge.

Management signature:



Title: Town Administrator – Bryan R. Chadwick

Date:

8/5/2024

The	Governing Board Town Council
	Primary Government Unit Town of Archer Lodge
of	
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name May & Place, PA
	Auditor Address PO Box 900 Louisburg, NC 27549

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Date Audit Will Be Submitted to LGC
	06/30/24	10/31/24

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.
24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.
- All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.
28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:
- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
 - b) the status of the prior year audit findings;
 - c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
 - d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.
29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	Title and Unit / Company:	Email Address:
Kim P. Batten	Asst. Town Admin/Finance Officer	Kim.batten@archerlodgenc.gov

OR Not Applicable (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	Town of Archer Lodge
Audit Fee (financial and compliance if applicable)	\$ 8,000.00
Fee per Major Program (if not included above)	\$ 6,000.00
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 6,500.00
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 20,500


Discretely Presented Component Unit	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 20,500

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* May & Place, PA	
Authorized Firm Representative (typed or printed)* Dale Place	Signature*
Date* 07/24/24	Email Address* dale@mayandplace.com

GOVERNMENTAL UNIT

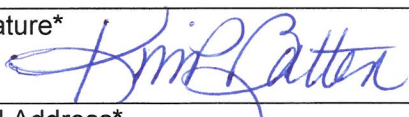
Governmental Unit* Town of Archer Lodge	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	8/5/2024
Mayor/Chairperson (typed or printed)* Matthew B. Mulhollem	Signature* 
Date 8-5-2024	Email Address* matt.mulhollem@archerlodgenc.gov

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 20,500
Primary Governmental Unit Finance Officer* (typed or printed) Kim P. Batten	Signature* 
Date of Pre-Audit Certificate* 8/6/2024	Email Address* kim.batten@archerlodgenc.gov

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
N/A	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$ 20,500
DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

Town of Archer Lodge
Fiscal Year Ending June 30, 2025



Budget Amendment # BA 2025 01
Date: 05-Aug-24

General Fund

Account	Account Number	Budget	Amendment	Amended Budget
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Revenues:

Gen/Jo Co Tourism Authority Grant	10-3492-0000	-	5,000.00	5,000.00
Gen/Fund Balance Appropriated	10-3990-0000	378,000.00	(80,450.00)	297,550.00
				-
Total Increase (Decrease) in Revenues			(75,450.00)	

Expenditures:

Gen/Admin/Retiree Medical	10-4120-1832	700.00	(700.00)	-
Gen/Public Buildings/Professional Fees	10-4190-1900	20,000.00	(10,000.00)	10,000.00
Gen/Public Buildings/Communications	10-4190-3340	23,000.00	20,760.00	43,760.00
Gen/Public Buildings/Building Permits	10-4190-5900	10,000.00	(5,000.00)	5,000.00
Gen/Public Safety/Contracted Services-Animal Control	10-4300-3550	6,000.00	(750.00)	5,250.00
Gen/Transportation(Public Works)/Street Lights	10-4510-3330	11,000.00	(2,000.00)	9,000.00
Gen/Transportation(Public Works)/Contracted Services	10-4510-3500	5,000.00	(5,000.00)	-
Gen/Planning_Zoning/Training & Meetings	10-4910-3110	8,000.00	(2,000.00)	6,000.00
Gen/Planning_Zoning/Code Enforcement Services	10-4910-3650	2,000.00	(1,000.00)	1,000.00
Gen/Parks & Recreation/Salaries (Part-Time)	10-6120-1220	40,000.00	(5,000.00)	35,000.00
Gen/Parks & Recreation/Professional Fees	10-6120-1900	-	20,000.00	20,000.00
Gen/Parks & Recreation/Program Materials & Supplies-Parks & Rec	10-6120-2050	80,000.00	(10,000.00)	70,000.00
Gen/Parks & Recreation/Contracted Services	10-6120-3500	76,000.00	(20,760.00)	55,240.00
Gen/Parks & Recreation/Small Equipment & Furnishings	10-6120-5000	10,000.00	(4,000.00)	6,000.00
Gen/Interfund Transfers/Transfer to Capital Reserve Fund 30	10-9900-0030	25,000.00	(25,000.00)	-
Gen/Interfund Transfers/Transfer to Public Safety Reserve Fund 32	10-9900-0032	25,000.00	(25,000.00)	-
				-
Total Increase (Decrease) in Expenditures			(75,450.00)	

Justification for Budget Amendment:

To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 5th day of August 2024

ATTEST:

Jenny Martin
Jenny Martin, Town Clerk



Matthew B. Mulhollem
Matthew B. Mulhollem, Mayor

Bryan Chadwick
Bryan Chadwick, Budget Officer

August 5, 2024

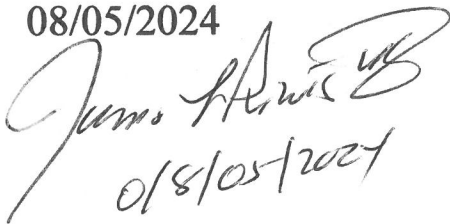
Town of Archer Lodge
14094 Buffalo Road
Archer Lodge, North Carolina 27527

Archer Lodge Town Staff
Archer Lodge Town Council

Today August 5, 2024 I wish to render my resignation from the Town Council of Archer Lodge. A few months ago I was diagnosed with Stage 4 Kidney failure and have been attending to testing and what treatment to go forward with. I personally feel at this point with the disease progressing that I will not be able to perform my duties as town council member to my fullest ability.

I wish to thank everyone involved for their support during this time and pray that Archer Lodge grows with working with each other in a compassionate way to make sure Archer Lodge grows into a town everyone may be proud of.

James L. Purvis III
08/05/2024



James L. Purvis III
08/05/2024

August 5, 2024

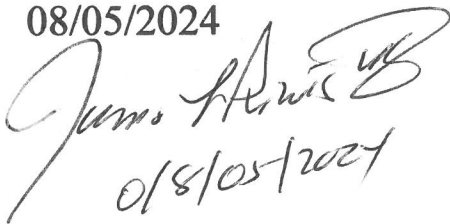
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James L. Purvis III
08/05/2024



James L. Purvis III
08/05/2024



Proclamation



WHEREAS, while breast cancer touches the lives of Americans from every background in every community, while considerable progress has been made in the fight against breast cancer; and

WHEREAS, it is estimated that more than 310,720 new cases of invasive breast cancer in women will be diagnosed in the United States in 2024 and about 2,790 new cases of invasive breast cancer are expected to be diagnosed in men in 2024; and

WHEREAS, October is Breast Cancer Awareness Month, an annual campaign to increase awareness about the disease; and

WHEREAS, during this month, we as a community support breast cancer research and to educate all citizens about detection, risk factors and treatment; and

WHEREAS, we, as a community, support those courageously fighting breast cancer and honor the lives lost to the disease; and

WHEREAS, this October, we recognize breast cancer survivors, those battling the disease, their families who are a source of love and encouragement, and applaud the efforts of our medical professionals and researchers working hard to find a cure; and

NOW, THEREFORE, LET IT BE PROCLAIMED by the Honorable Mayor and Town Council of the Town of Archer Lodge, North Carolina, do hereby proclaim October 2024 as

Breast Cancer Awareness Month

In the Town of Archer Lodge, North Carolina, I encourage citizens to participate in activities that will increase awareness of what Americans can do to prevent breast cancer, and to wear pink ribbons in honor of those who have lost their lives to breast cancer and those who are now bravely fighting this disease.

Duly adopted this the 7th day of October 2024.

Matthew B. Mulhollem
Mayor



**TOWN OF ARCHER LODGE
RESOLUTION SUPPORTING CONGRESSIONAL FUNDING FOR THE DISASTER
RELIEF FUND, CONTINUANCE OF HALTED RECOVERY PROJECTS, AND
SUFFICIENT PROVISIONS TO PREVENT FUTURE IMMEDIATE NEEDS FUNDING**

WHEREAS, on August 7, 2024, the Federal Emergency Management Agency (FEMA) announced that the Disaster Relief Fund (DRF) had become depleted, forcing the agency to transition to Immediate Needs Funding (INF) and halting more than \$6.1 billion in recovery activities across the country; and

WHEREAS, the DRF is a critical source of funding for disaster response and recovery efforts, and recent funding gaps have placed undue strain on state and local governments, hindering long-term recovery projects; and

WHEREAS, in 2023, over 840 counties experienced at least one major disaster, with 28 separate billion-dollar disasters totaling over \$92 billion in damages; and

WHEREAS, when FEMA operates under INF, long-term recovery efforts are delayed as disaster funding is severely restricted across the country; and

WHEREAS, this unpredictability places an undue burden on disaster survivors and local governments, and complicates already onerous programs with many counties relying on loans to cover recovery costs; and

WHEREAS, rising interest rates can further increase financial strain, potentially affecting county credit ratings, particularly in smaller or rural areas; and

WHEREAS, Congress can prevent disruptions in recovery and ensure communities receive timely support after disasters by fully funding the DFR, helping Counties avoid significant challenges in addressing both immediate and long-term recovery needs; and

WHEREAS, Congress is urged to address the current shortfall by replenishing the Disaster Relief Fund (DRF) through the Continuing Resolution (CR) under negotiation; and

WHEREAS, Congress is requested to include an additional \$10 billion in disaster relief to support ongoing recovery efforts and prevent future funding gaps; and

WHEREAS, the Town of Archer Lodge requests that Congress backfill the \$6.1 billion in projects halted due to the transition to Immediate Needs Funding (INF) and ensure these funds are available; and

WHEREAS, the Town of Archer Lodge asks Congress to include provisions to avoid the need for INF next year, ensuring more stable and predictable funding for disaster recovery; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Archer Lodge Town Council unequivocally expresses its support and endorsement for Congress to fully fund the Disaster Relief Fund, and backfill all projects halted due to the transition to Immediate Needs Funding, including provisions to avoid the need for Immediate Needs Funding in the coming years.

DULY ADOPTED ON THIS 7th DAY OF OCTOBER 2024, WHILE IN REGULAR SESSION.

_____(SEAL)
Matthew B. Mulhollem
Mayor

ATTEST:

_____(SEAL)
Jenny Martin
Town Clerk



TOWN OF ARCHER LODGE
RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS

WHEREAS, the residents of the Town of Archer Lodge have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, the Town of Archer Lodge seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, Veterans continue to serve our community in the various Veterans Services Organizations, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, Johnston County encourages all municipalities to recognize Operation Green Light for Veterans; and

WHEREAS, the Town of Archer Lodge appreciates the sacrifices of our United States Military Personnel and believes specific recognition should be granted.

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Archer Lodge, North Carolina, hereby declares from October through Veterans Day, November 11, 2024, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; and

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, the Town of Archer Lodge encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a

window of their place of business or residence, and further encourages all municipalities within Johnston County to display green lighting, wherever possible, at public buildings.

DULY ADOPTED ON THIS 7th DAY OF OCTOBER 2024, WHILE IN REGULAR SESSION.

_____(SEAL)
Matthew B. Mulhollem
Mayor

ATTEST:

_____(SEAL)
Jenny Martin
Town Clerk

Town of Archer Lodge
 Fiscal Year Ending June 30, 2025



Budget Amendment # BA 2025 02
 Date: 07-Oct-24

General Fund

Account	Account Number	Budget	Amendment	Amended Budget
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Revenues:

Gen/Fund Balance Appropriated	10-3990-0000	297,550.00	56,405.00	353,955.00
Total Increase (Decrease) in Revenues			56,405.00	

Expenditures:

Gen/Public Buildings/Professional Fees	10-4190-1900	10,000.00	3,850.00	13,850.00
Gen/Public Buildings/Contracted Services	10-4190-3500	35,000.00	29,585.00	64,585.00
Gen/Planning_Zoning/Contracted Services	10-4910-3500	28,000.00	20,500.00	48,500.00
Gen/Parks & Recreation/Small Equipment & Furnishings	10-6120-5000	6,000.00	2,470.00	8,470.00
Total Increase (Decrease) in Expenditures			56,405.00	

-

Justification for Budget Amendment:

To appropriate or reappropriate unanticipated revenues and expenditures as recorded.

Adopted this 7th day of October 2024

ATTEST:

Matthew B. Mulhollem, Mayor

Jenny Martin, Town Clerk

Bryan Chadwick, Budget Officer



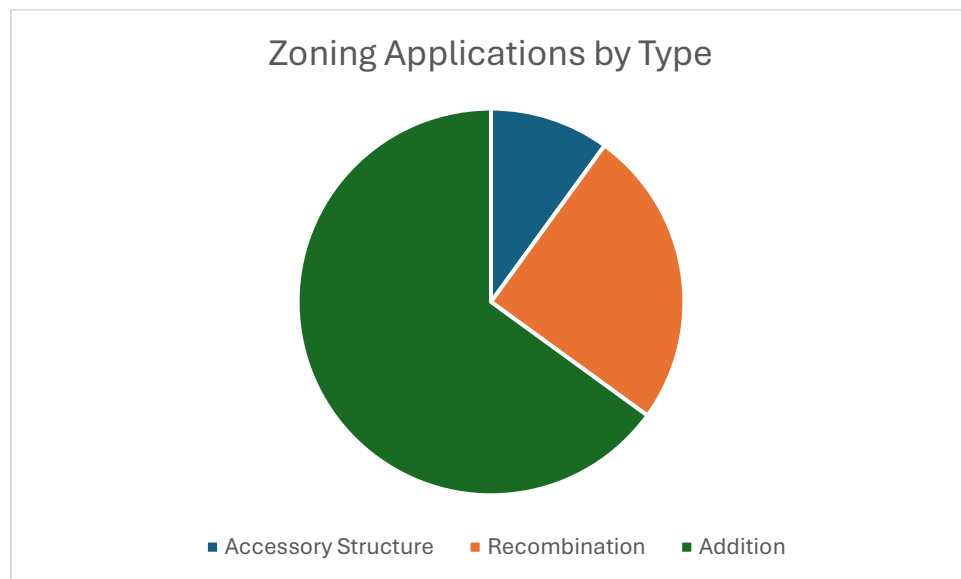
Town of Archer Lodge Planning and Zoning Report for FY2025 JUL-AUG

Permits

- 20 Applications for Zoning Permits received
- 15 Zoning Permits issued
- 4 Recombinations were approved

Highlights

- School of Government Certified Zoning Official Class
- Plat Review Officer Workshop
- Clean Connected Communities Summit
- APA-NC Planning Conference in Greenville next week

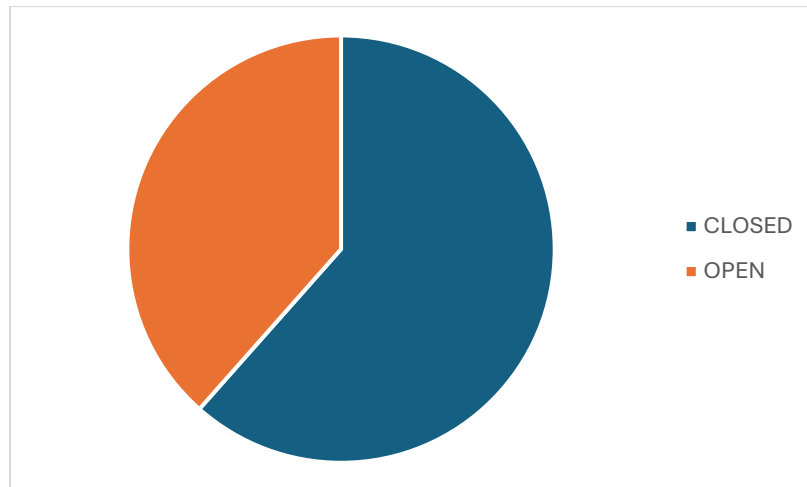




Town of Archer Lodge Code Enforcement Update – October 2024

Cases

- 24 Open cases taken over from ACE
- 16 Cases Closed as of 10/1
- 8 cases from ACE still open, 2 new cases identified



Open Violations by Type

