



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

COUNCIL ABSENT:

STAFF PRESENT:

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

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

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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 as 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 about 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](#)

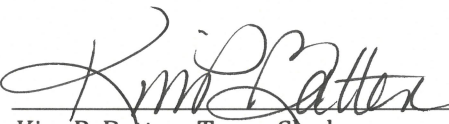
3. ADJOURNMENT:

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.

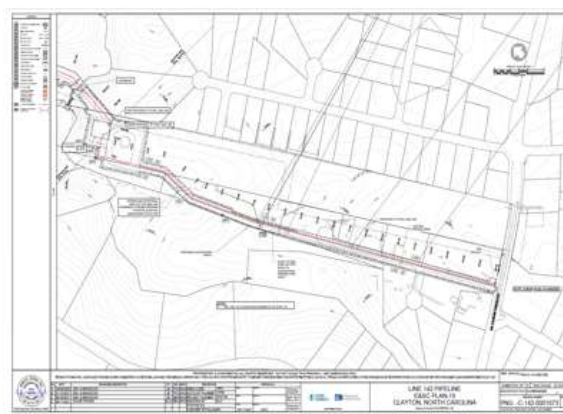
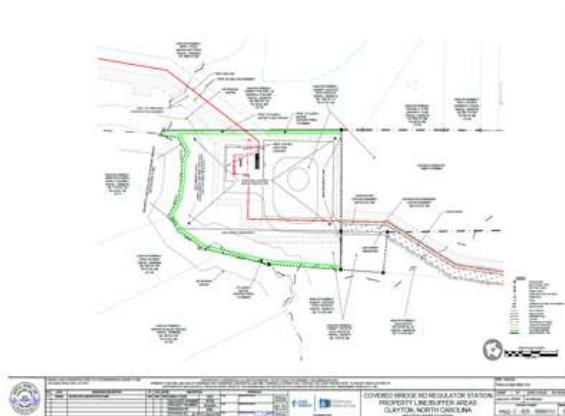
On March 9, 2022, the 3.601 lot was deeded to Piedmont Natural Gas Company, Inc., a North Carolina Corporation, and the plat was recorded. In collaboration with the Johnston County Planning Department and GIS Department, an address was assigned for the newly recorded lot. The address is 6231 Covered 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

11



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

2

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

3

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**

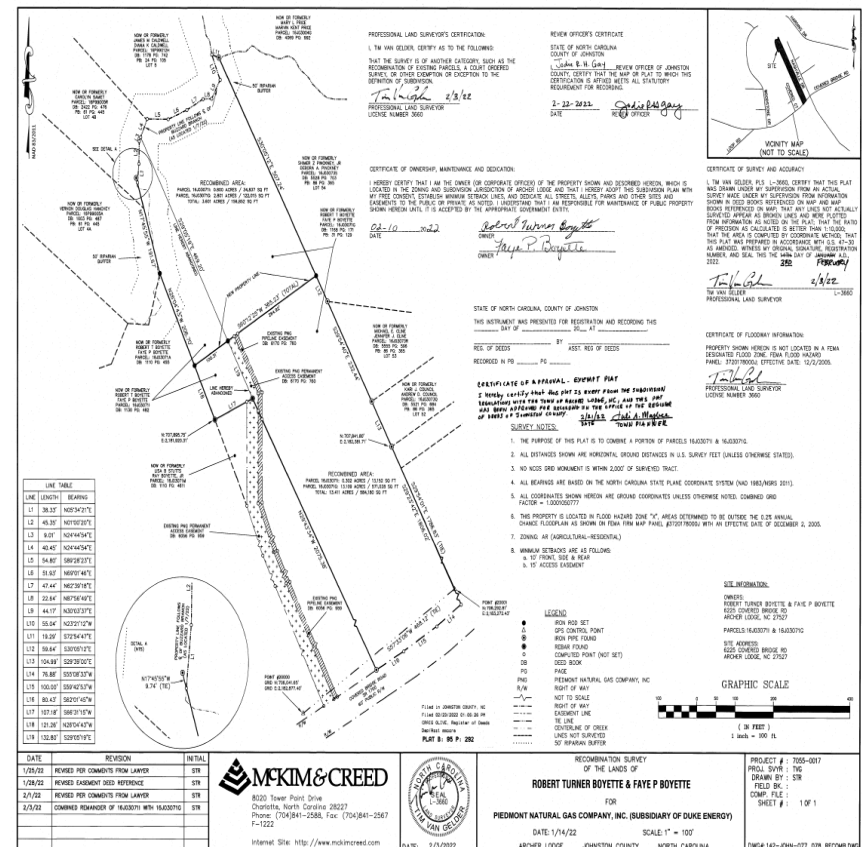
Conduct of Town Council Quasi-Judicial Hearing

- **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.**

6

END OF DOCUMENT

Page 42 of 56



Site

7

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-025-0001121	COVER SHEET	0
2	PNG-G-025-0001122	GENERAL ABREVIATIONS & LEGEND	0
3	PNG-G-025-0001123	PIPE SUPPORT DETAILS	0
4	PNG-G-025-0001124	CIVIL DETAILS	0
5	PNG-G-025-0001125	SUPPORT BLOCK DETAILS	0
6	PNG-G-025-0001126	TEST WIRING DETAILS	0
7	PNG-G-025-0001127	EXISTING CONDITIONS PLAN	0
8	PNG-G-025-0001128	CIVIL SITE PLAN	0
9	PNG-G-025-0001129	FOUNDATION PLAN	0
10	PNG-M-025-0001130	MECHANICAL PIPING PLAN	0
11	PNG-M-025-0001131	MECHANICAL SECTIONS	0
12	PNG-M-025-0001132	MECHANICAL SECTIONS	0
13	PNG-M-025-0001133	MECHANICAL SECTIONS	0
14	PNG-M-025-0001134	MECHANICAL DETAILS	0
15	PNG-M-025-0001135	BILL OF MATERIALS	0
16	PNG-M-025-0001136	BILL OF MATERIALS	0
17	PNG-M-025-0001137	BILL OF MATERIALS	0
18	PNG-G-025-0001138	PNG LEGEND	0
19	PNG-G-025-0001139	PNG LEGEND	0
20	PNG-G-025-0001140	PNG LEGEND	0
21	PNG-G-025-0001141	STATION PING	0
22	PNG-E-025-0001142	ELECTRICAL SPECIFICATIONS	0
23	PNG-E-025-0001143	GROUNDING PLAN	0
24	PNG-E-025-0001144	GROUNDING DETAILS	0
25	PNG-E-025-0001145	STATION HAZARDOUS CLASSIFICATION AREA	0
26	PNG-E-025-0001146	HAZARDOUS CLASSIFICATION DETAILS	0
27	PNG-E-025-0001147	ELECTRICAL & INSTRUMENTATION CONDUIT PLAN	0
28	PNG-E-025-0001148	CABLE & CONDUIT SCHEDULE	0
29	PNG-E-025-0001149	INSTRUMENT CONNECTION DETAILS	0
30	PNG-E-025-0001150	POWER DISTRIBUTION DETAILS	0
31	PNG-E-025-0001151	LIGHTING INSTALLATION DETAILS	0
32	PNG-E-025-0001152	PLU SERVICE CADDY	0
33	PNG-E-025-0001153	SERVICE CADDY POWER DISTRIBUTION	0
34	PNG-E-025-0001154	STATION EMERGENCY SCHEMATIC	0



LOCATION MAP
NOT TO SCALE

ISSUED FOR CONSTRUCTION

ISSUE DATE: 02/04/22

DESIGN CONSULTANT:

ENGINEER:
IN NORTH QUALITY, P.E.
ENERGY LAND & INFRASTRUCTURE, LLC
4200 NORTH FAIRFAX DRIVE, SUITE 60
ARLINGTON, VA 22203
703-694-0400

SURVEYOR:
TIM HAN, LICENSED, PLS
MCM & CREED
MCM & CREED
CHARLOTTE, NC 28207
704-691-2888



		ENERGY LAND & INFRASTRUCTURE, PLLC NC ENGINEERING LICENSE E-0236 130 QUADRE DRIVE CARY, NC 27513		PROPRIETARY & CONFIDENTIAL ALL RIGHTS RESERVED *DO NOT SCALE THIS DRAWING *USE DIMENSIONS ONLY PIEDMONT'S NATURAL GAS FACILITY DRAWINGS ARE CONSIDERED CONFIDENTIAL (CM-DSG) 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 100		REF. DWG(S):	
NO.	DATE	REVISION DESCRIPTION	BY	CHK	APP	DESCRIPTION	APPROVALS
1	02/04/22	ISSUED FOR CONSTRUCTION PLANS	MM	MM	MM	AREA CODE	1853
2	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	PROJECT NUMBER	0232265
3	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	CHECKED BY	MM
4	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	STATION (ST)	64+70.5 TO 64+70.5
5	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	CHECKER INITIALS	WKS
6	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	DATE	02/04/2022
7	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	DESIGNER	William R. Gault
8	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	REGIONAL ENGINEER	
9	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	PRINCIPAL ENGINEER	
10	02/04/22	NEW 15" DI. 1500 PSI HDPE GAS SERVICE LINE	MM	MM	MM	DATE	02/04/2022

COVERED BRIDGE RD REGULATOR STATION
COVER SHEET & INDEX
CLAYTON, NORTH CAROLINA
RESOURCE CENTER GOLDSPRING

SHEET	1	OF	34	DWG SCALE	AS SHOWN
DWG DATE	02/04/22	SUPERSEDED			
DRAWING NUMBER	PNG-G-025-0001121	0			
PNG-GOLDSPRING RESOURCE CENTER NUMBER					

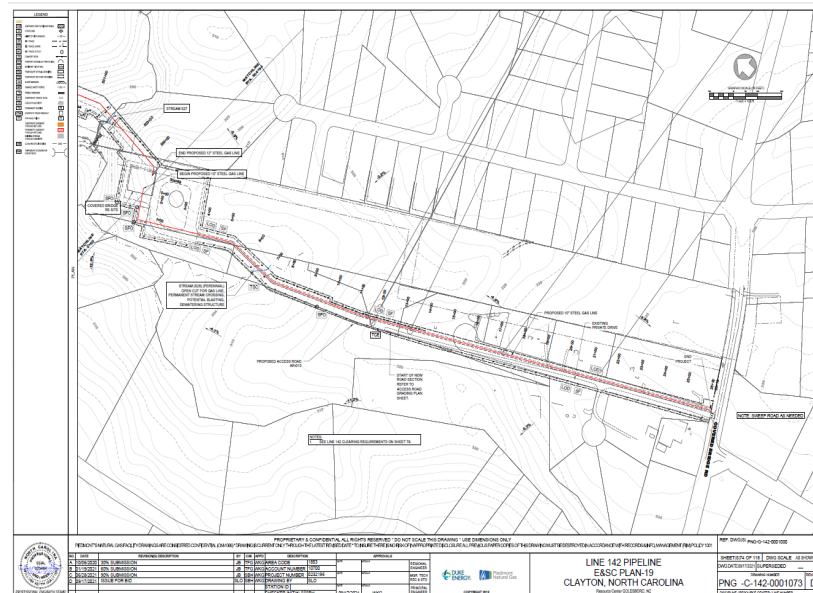
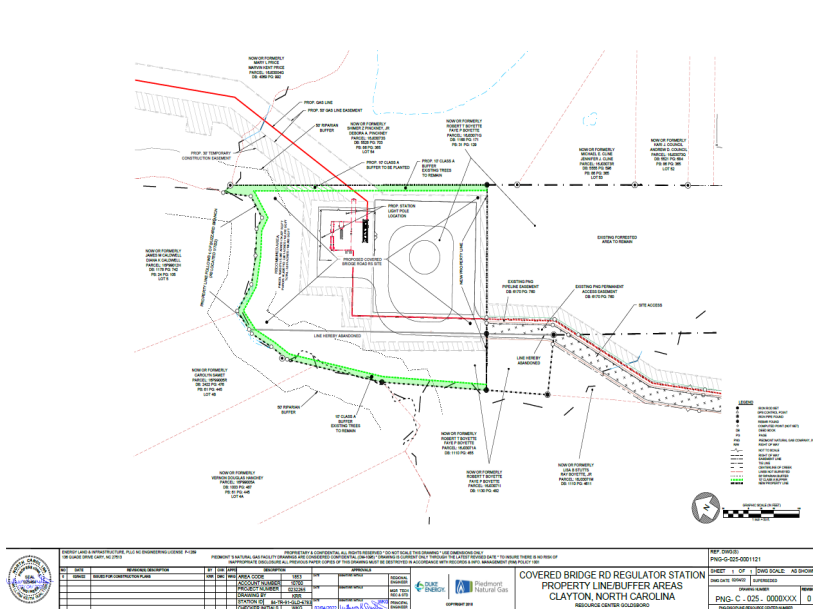
Utilities, major and minor

(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

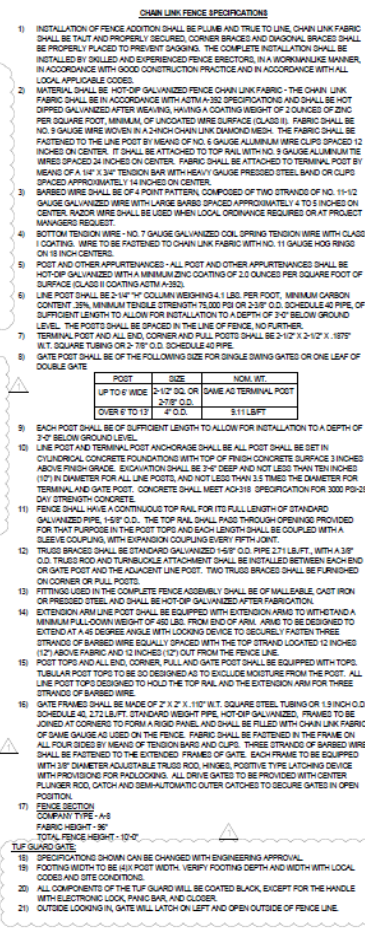
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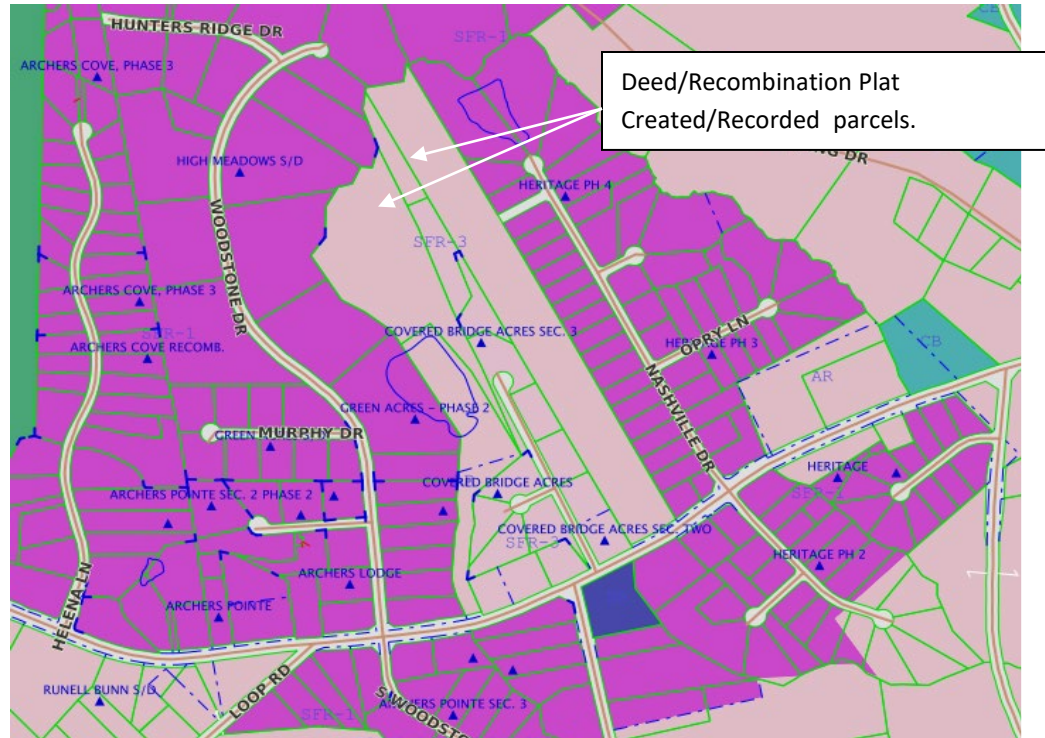
Page 46 of 56

11



Zoning

12

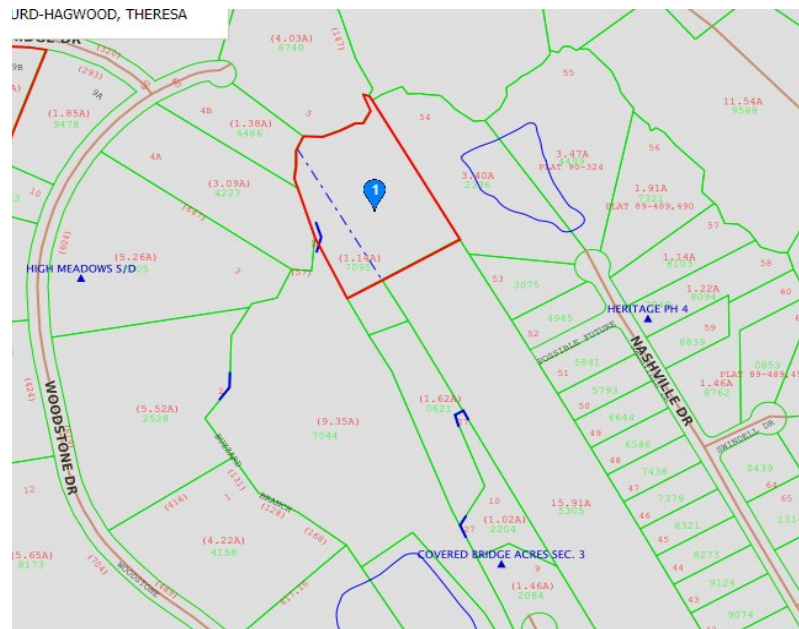


The property is zoned Agricultural Residential. The parent parcel is bounded on the North, East and West by lands zoned Single Family Residential District (SFR-1) and Agricultural-Residential (AR) District. Bounded on the South by lands zoned Agricultural Residential (AR).

Note: Special Use Permit (SUP) Required in AR Zoning District for

13

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

14

□
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):

16

- “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 Knox 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.

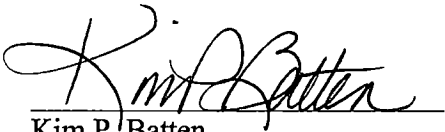
**ARCHER LODGE TOWN COUNCIL
PIEDMONT NATURAL GAS COMPANY, INCORPORATED,
A NORTH CAROLINA CORPORATION,
SPECIAL USE PERMIT AND SITE PLAN**

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

