MINUTES
REGULAR SCHEDULED MEETING OF THE BOARD OF COMMISSIONERS
OF EDGECOMBE COUNTY
SEPTEMBER 4, 2018 AT 7:00 P.M.
IN THE COMMISSIONERS' ROOM, COUNTY ADMINISTRATIVE BUILDING
TARBORO, NORTH CAROLINA

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1. MEETING CALLED TO ORDER BY CHAIRMAN LEONARD WIGGINS AT 7:00 P.M.

MEMBERS PRESENT: Mr. Leonard Wiggins, Chairman, Mr. Jonathan Felton, Vice-Chairman, Mr. Donald Boswell, Mrs. Evelyn Powell, Mr. William Wooten, Mrs. Viola Harris and Rev. E. Wayne Hines.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mr. Eric Evans, County Manager, Mr. Michael Peters, County Attorney and Ms. Frangie Mungo, Clerk to the Board.

2. PRAYER.
Rev. Hines provided the prayer.

3. MINUTES OF PREVIOUS MEETING PRESENTED FOR APPROVAL.
Mr. Felton moved to approve the minutes of the August 6, 2018 meeting as presented. Rev. Hines seconded the motion, which carried by unanimous vote.

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With no objections from the Board Mr. Wiggins moved to agenda item 5 – A.

SCHEDULED APPOINTMENT(S).
A. Resolution honoring the service of Mr. Lorenzo Carmon.

Mr. Evans stated that he was grateful for the Board considering a resolution honoring the importance of the man being recognized for the County.

Mr. Wiggins read a Resolution to Honor Mr. Lorenzo Carmon. Mr. Carmon served as County Manager of Edgecombe County from August 2001 until his retirement in September of 2015.

Mr. Felton moved to approve the resolution honoring Mr. Lorenzo Carmon and proclaiming August 22nd as Lorenzo Carmon Day as presented. Rev. Hines seconded the motion, which carried by unanimous vote.

Mr. Wiggins asked Mr. Carmon's wife, Mrs. Addie Carmon, and any other family members present to come forth. Mr. Wiggins stated that it was an honor for him to make the presentation. He presented the resolution to Mrs. Carmon on behalf of the Board of Commissioners.

Mrs. Carmon thanked the Board.

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4. PUBLIC HEARINGS.
1. Mr. Wiggins called a recessed public hearing to order to receive citizen comments and questions relative to a proposed Unified Development Ordinance text amendment to allow a horse race track in the AR-30 zoning district.

Mr. Evans stated that at the Board's last meeting they opened a public hearing to hear comments relative to a proposed amendment to the Unified Development Ordinance (UDO). Currently the UDO allows for a "Race Track Operation" in A-1 and AR-30 zoning districts if the Board of Adjustment approves a Conditional Use Permit. The development standards for a Race Track Operation specified in our UDO includes a minimum lot area of 40 acres. Mr. Evans stated that the petitioner, who is requesting to have a horse race track on his property, was seeking to get a variance from the Board of Adjustment being that his property does not meet the 40-acre requirement. Staff saw this as an opportunity to add clarity to the UDO through a text amendment by adding specific language and requirements for a horse race track. A public hearing was scheduled for the last meeting and the required public notice was given. The Board opened that public hearing and heard from the petitioner as well as other interested parties. The board recessed that public hearing so that they may further consider this matter at the September meeting. He stated that the Board may call that public hearing back to order to hear further comments on this amendment request.

Mr. Evans provided the following overview of the process for a zoning amendment:

Process: Any person or organization may petition the Board of Commissioners to amend the Unified Development Ordinance. The petition must be filed with the zoning administrator (Planning Director), and must be submitted 20 days prior to a Planning Board meeting. The Planning Board reviews the proposed amendment and submits its recommendation to the Board of Commissioners within 45 days. Failure to do so will constitute a favorable recommendation.

Public Hearing requirements: A public hearing is required and notices are required to be sent out, not only published in local newspapers, but also direct mail is sent to anyone whose property is adjacent to the subject property. If the Planning Board recommends against the amendment, the applicant may appear before the Board of Commissioners to request a public hearing. If the Board refuses to schedule a public hearing, then the amendment petition is summarily denied.

Ultimate issue before the Board: "In deciding whether to adopt a proposed amendment to his ordinance, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare of the County.

Other considerations include:

- **The Board must consider, not just the specific use requested of the petitioner, but whether the full range of permitted uses in the requested classification is more appropriate that the range uses in the existing classification.**
- **The Board is not to seek any advantages or disadvantages for the person requesting the amendment, but must consider the impact of the proposed change for the public at large.**

Mr. Wiggins moved to re-open the public hearing for public comment.

Mr. David Styles, the petitioner came forth and stated that he is asking permission to have a small track so the "boys" can come play because you cannot ride on other folks land. He stated that he purchased his land in order to do the boys some justice. He stated that this is why he came and asked before he started. Mr. Styles provided a handout to the Board, which stated that he will "open the race track one day out of the month from 12:00 p.m. until 5:00 p.m. This will be a safe environment and will not disrupt the area."

Mr. Wooten asked if Mr. Styles' intent was for someone to have a place to ride or a place to race horses.

Mr. Styles that he purchased the land for to have a small race track.

Mr. Felton asked Mr. Styles if security will be provided.

Mr. Styles stated that a sheriff will be hired.

Mr. Felton asked if he was charging.

Mr. Styles stated that he will take donations because the sheriff has to be paid. He stated that there will be no illegal activities because he wants a place where kids can come.

Mrs. Harris asked if this was like a riding club.

Mr. Styles stated yes, for different riding clubs, where they will be giving away trophies.

Mrs. Harris stated that the handout stated that the race track will be one day out of the month. She asked what day.

Mr. Styles stated that it will probably be on a Saturday.

Mr. Wiggins stated that this discussion is more than for this particular land. He stated that if it approved it will be an amendment to the ordinance.

Mrs. Barbara Hendricks, 3122 Battleboro/Leggett Road, stated that she came before the Board at the last meeting and wanted to make sure the Board had a copy of what she presented then. She stated that if you look at the map of the property you can tell that

that piece of property is more woodland than clear. She requested that the text amendment request by Mr. David Styles be denied. The text amendment states that the 40 acres required be decreased to 10 acres. Mr. Styles owns 12.86 acres and a large house sitting on the property. There are two main ditches on each side of his house and one carries enough water to flood often. She stated that Mr. Styles stated that he bought the house for the purpose of having a horse race track and he also stated that she lived two miles from him, which is actually 1.1 miles and she can see his house from her back porch. She stated that he owns the land across from his, which is heavily hunted, which creates another concern. Mrs. Hendricks stated that the North Carolina Statutes require licensing; there is a strict regulation in place by the State under the Gaming Commission which states that horse racing is prohibited. All the documents she found address professionally run horse race tracks and require quite a bit of acreage. Acreage is required for the actual race track and requires the same amount of acreage for parking, bathrooms, concessions and office. This is probably why we have the 40 acres in our ordinance. There is a horse race track in Mineral Springs, North Carolina. The race is held once a year and is held on 261 acres of farmland and it is professionally run, as it raises funds for all the Alzheimer's Association. The ordinance that is in place now addresses all race tracks, be it cars, horses, go carts or any kind of race. She asked that the ordinance remain the same, as it protects the citizens and the County from unwanted activities. She stated that several people are present tonight that live on Battleboro/Leggett Road and in the vicinity that are against this text amendment and she asked them to stand. She stated that Sheriff Clee Atkinson is trying very hard to clean up our County and the denial of the text amendment will help him in his endeavors to make this County safer. This kind of activity opens the door for illegal gambling, large and noisy crowds, excessive trash, excessive consumption of alcohol, public urination and fights which all contribute to an unsafe environment and a public nuisance. These same acts were witnessed at the site in Nash County, where this kind of race track was shut down due to the zoning issues. Mrs. Hendricks thanked the Board for their attention to this matter and the time spent researching the subject.

Mr. Bob Cassanova, 1018 Benson Farm Road, stated that his property is not very close to the property. He is over two miles away. His concern is if you reduce the acreage from 40 acres to 10 acres you are opening up the possibility of other racing activities like that all over the County. He stated that this is the first time that he has been exposed to this ordinance and he was surprised when he heard it was only 40 acres. He thought this kind of activity would require a lot more than that. He stated that he fully support Mrs. Hendricks and he hoped that the Board would not approve the text change in the ordinance.

Mrs. Harris asked if the tractor pull held in Pinetops is considered a race track and if certain acreage is required. She stated that it creates a lot of noise.

Mr. Evans stated that he did not know, but would certainly look into that. He stated that it may not trigger any zoning issues since it is a once a year event.

Mr. Cassanova asked what experience has been in surrounding counties in situations like this.

Mr. Wiggins stated that the Board asked that question at the last meeting.

Mr. Evans referred to a table in the agenda packet listing counties that responded to Mrs. Jones', Planning Director, request regarding this situation. He stated that none that were polled have an ordinance that specifically addresses horse race tracks. He pointed out that most were related to equestrian boarding and riding and the lot size requirements were a lot smaller than 10 acres.

Mr. Wooten stated that after researching other counties it looks as if the acre allotments are for just keeping horses on their property not for horse racing.

Mr. Boswell stated that we will be setting precedence on whatever is passed tonight. He expressed his concerns about the reduction of acreage without further study.

Mr. Felton asked Mrs. Jones if there was discussion or debate from the Planning Board.

Mrs. Jones stated that it was and the Planning Board recommended that it go to the Board of Adjustment, but staff recommended that it go to the Board of Commissioners

since nothing was in the ordinance pertaining to horse racing. She stated that it is not going to be an actual track but horses running from a straight away, from one point of his property to the other end. She stated that they felt that is request was valid and staff did not want to be so restrictive with Mr. Styles, because he purchased his property with the intent of having a horse race.

Mr. Boswell asked if the Planning Board was aware that approving this will set a precedence.

Mrs. Jones stated that they explained to the Planning Board that it was not just for Mr. Styles' request, it would be for the entire County.

Mr. Wiggins stated that the Board does set precedence and we don't necessary have to do what other counties do.

Mr. Wooten asked if there is any other process that can be implemented that would accommodate Mr. Styles but not change the entire ordinance countywide.

Mr. Evans stated that if it is voted down or if no action is taken, Mr. Styles could go back and request a variance from the Board of Adjustment and the Board of Adjustment could decide that horse racing falls within the current ordinance that talks about a race track and they could decide to give him a variance from the 40 acres to 12.86 acres that he has. And with them acting as a quasi-judicial body, that will be the final decision.

Mr. Wiggins stated that based on Mr. Styles conversation, he felt he could be accommodated if he requested it another way.

There being no further comments from the public Mr. Wiggins adjourned the public hearing.

Mr. Wiggins moved to approve the UDO text amendment as presented. Mrs. Powell seconded the motion. Voting for the motion: Mr. Wiggins and Mrs. Powell. Voting against the motion: Mrs. Harris, Rev. Hines, Mr. Boswell, Mr. Felton and Mr. Wooten.

Motion failed down by a vote of 5 against and 2 for.

2. Mr. Wiggins called a recessed public hearing to order to receive citizen comments and questions relative to a proposed Special Use Permit request from Fern Solar, LLC for the construction of a solar energy system. The site for the proposed project is generally along Battleboro-Leggett Road (SR 1407) between Cool Springs Road and Speights Chapel road.

Mr. Evans stated that at the last Board of Commissioners meeting the Board opened a public hearing to hear comments relative to a proposed Special Use Permit (SUP) for the construction of a solar energy system. After hearing brief comments from the applicant as well as other concerned parties, the applicant requested the Board consider tabling the matter until the next meeting. Therefore, the Board recessed the public hearing. Mr. Evans stated that a summary of the related County ordinances is included in the Board's agenda packets, which describes the SUP application process, the Boards authority in hearing a SUP request, and the standard by which you are to weigh that request.

Mr. Evans provided the following overview for the Special Use Permit process:

Process: an application for a special use permit shall be submitted to the Board of Commissioners by filing a copy of the application with the Zoning Administrator 20 days prior to the Board meeting. The application is first reviewed by the Planning Department; the Board holds a public hearing; and the Board reviews the application and takes action. Mr. Evans stated that the County's ordinance does not require that a SUP go before the Planning Board first, but that has been our practice and he recommended that we continue that practice.

Authority and nature: In considering SUP applications, the Board acts in a quasi-judicial capacity and is required to observe the procedural requirements of the Board of Adjustment except that no vote greater than a majority vote shall be required for the Board to issue a SUP. The Board may require that all testimony be sworn testimony and

that the Chair or the Clerk administer the oath. Mr. Evans stated that this has not been done in the past, but we will start doing that.

Public hearing requirements after notice:
Standard: the Board of Commissioners shall approve the requested permit unless it concludes, based upon the information submitted at the hearing, that:

- The requested permit is not within its jurisdiction according to the Table of Permitted Uses; or
- The application is incomplete; or
- If completed as proposed in the application, the development will not comply with one or more requirements of the EC ordinances.

If the Board finds that application complies with all other provisions if the EC ordinances, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:

- Will materially endanger the public health or safety; or
- Will substantially injure the value of adjoining or abutting property; or
- Will not be in harmony with the area in which it is to be located; or
- Will not be in general conformity with the land development plan or other plans officially adopted by the Board.

Burden: The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of the EC ordinances remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any reason rests on the party or parties urging that the requested permit should be denied.

Being that the burden of persuasion to show the request meets the requirements of the EC ordinances is on the applicant, the applicant should address the Board first. Then any interested party who would like to speak regarding the matter is to be given the chance to do so. Though not explicit in the EC ordinances, reasonable protocol would be to give each side the opportunity to respond to or ask questions of the opposing side. However, this should be done only after recognition from the Chairman, and at his discretion as to the length and number of times given to speak.

Possible actions: Following the public hearing, the Board may proceed to vote on the permit request, refer it to committee for further study, or take other action consistent with its usual rules of procedure.

Mr. Wiggins asked all wishing to speak on the application to come forth to be sworn in.

Ms. Mungo, Clerk to the Board, administered the oath.

Mr. Wiggins called for public comments.

Mr. Phillip Harris (Sworn), Law firm of Kilpatric Townsend, 4208 Six Forks Road, Raleigh, representing Fern Solar, LLC, came forth and presented Fern Solar Project exhibits to the Board. He stated that they were here for a Special Use Permit that is required because this is a solar energy system and because it is zoned A-1, there is a requirement based on size of the project that a SUP needs to be issued. This project is a 960 acres spread across 9 separate plots of land, 100 megawatts solar facility that's located along Battleboro/Leggett Road. A special use permit for a solar project requires compliance with Edgecombe County's UDO and the Solar Development Ordinance. He stated that for a SUP to be granted the Board of Commissioners must find that the application is complete and that it complies with all the ordinance requirements. Mr. Harris stated that based on the application submitted to the Planning Board and materials submitted to the Board of Commissioners they have met that requirement. The Board of Commissioners may also deny the application if some of the following factors are not proved:

- It will not endanger public health or safety
- It will not injure the value of adjoining property
- It will be harmony with the area which it is located
- Will be in conformity with other land development plans or other plans officially adopted by the Board of Commissioners

Mr. Harris stated that the solar development ordinance has put into play several different requirements which include additional requirements for specific set-backs, more height limitations, have to provide notification to the nearest airport, have to provide

decommissioning plans, have to submit buffering, submit a site plan and allow for within 100 feet of other residential properties a vegetative buffer. All of these are satisfied with the site plan that was submitted to the Planning Board. Based on the application and the accompanying witnesses who are here to provide testimony and answer any questions, the applicant is satisfied that the requirements of the Edgecombe County UDO and the Solar Ordinance have been met. Mr. Harris introduced his witnesses.

Ms. Kara Price (Sworn), Director of Project Development for Geenex Solar (Leader of Fern Solar project), 1910 Abbott Street Suite 200, Charlotte, NC, came forth to provide a summary of the project. She provided information on Geenex Solar, stating that they are a solar developer and their expertise is in gaining the land in order to create a solar project. Geenex prides itself on community engagement and they want to make sure that when solar came into a community other benefits came along with that and education and workforce development are some of those opportunities that they want to ensure happen. She stated that the good thing about solar is that there is no emissions; not a lot of noise associated with solar; very little reflection that comes from the panels; most of the materials used in a panel is very basic (aluminum, glass) things that can be recycled; land can be returned to its original use. The solar energy field is growing and becoming more competitive.
Why now? Why Edgecombe County?

- Demand for low-carbon/no-carbon energy
- Affordable solar = Growth
- Available land with existing transmission lines
- Good topography

Solar development provides:

- Generation of low carbon/no-carbon renewable energy
- Long-term income for local landowners
- A safe and low-impact land use
- A recruitment tool for economic development
- Local construction jobs during development phase
- An improved tax base for the County
- Educational opportunities for local schools

Mr. Wooten asked how many different landowners comprise the 961 acres.

Mr. Jim Harris (Sworn), 1733 West Castalia Road, Nashville, NC, Manager of Land Development, provided names of the landowners.

Ms. Price provided information on the Fern Solar facility (design, property, facility size, estimated start of construction, estimated project completion and service life), decommissioning plan and extensive permitting oversight. She also provided information on tax revenue, workforce development and economic & educational.

Mr. Chris Sandifer (Sworn), Electrical Contractor and Professional Engineer, 3118 Green Road, Spring Hope, NC, came forth to discuss the development of the project and the fact that the project will not endanger public health or safety. He provided his background information and solar experience. He stated his experience with solar farm designing, construction, operation, and maintenance. He understands the equipment, procedures required for safe and environmental responsibility of the decommissioning of the solar farm. He stated that he also understands the importance of having a steady and stable cash flow for percentage of the farm business. He described the materials and construction of the Fern Solar Farm. Mr. Sandifer stated that the solar farm will generate clean energy with little environmental impact. He stated that it is his professionally opinion that the proposed project will, if developed according to plans, will be in harmony with the area in which it is located and in conformance with the Edgecombe County land use plan and the proposed project is essential and desirable to the public convenience and necessity.

Mr. Nick Kirkland (Sworn), Kirkland Appraisals, LLC, 901 Occoneechee Drive, Fuquay Varina, provided a summary of his findings that the construction of solar facilities have had no impact on home values as long as the set-backs and vegetative buffers that are required are maintained. He stated that for this project they have looked at 27 Solar Farms in Edgecombe County and adjoining counties, which show a combined agricultural and residential medium rate of 97% adjoining use acre. The proposed location for this proposed solar facility is similar to what they have found for the local area and that the majority of the adjoining uses are agricultural and residential. Mr. Kirkland stated that it is his professional opinion that the proposed solar farm is in harmonious use in the location.

Ms. Mozine Lowe (Sworn), Center of Energy Education, 119 Spring Forrest Circle, Littleton, NC, speaking on the benefits of solar projects, stating their commitment to bringing training and educational opportunities to the schools and to the community related to solar projects. She stated that the Center of Energy Education provides education and training programs to public officials, schools, community colleges so that everyone in the community will be aware of how solar farms work. For schools they offer summer camps, solar education programs for teachers. They work very closely with the community colleges in order to provide workforce development training to local residents (construction training and safety), and any other courses to help in the understanding of how solar technology works.

Mrs. Barbara Hendricks (Sworn), 3122 Battleboro/Leggett Road, stated that about two years ago a young man appeared in their driveway and wanted to talk to her and her husband about a company called Geenex (Fern Solar). He showed her husband maps, used his drone to fly over their property and fascinated them with the potential that they may have solar farm. She stated that after many meetings, searches on the internet, reading information over and over again they realized that this move could guarantee them with health care at their older age, plus leaving a farm and estate for their children after their deaths. She stated that Geenex has given them the opportunity to preserve some legacy for their family. She asked the Board to approve this area for a solar farm, as it will be favorable for the County as well as their family and others.

Ms. Irene Brown (Sworn), 625 Lincoln Drive, Rocky Mount, she stated that she is an education and STEM teacher and she attended the Solar Energy training this summer at Phillips School. She stated that it was very beneficial to her for her classroom and a lot of knowledge was gained and has implementation strategies to use in her classroom. Ms. Brown stated that Edgecombe Community College Early College students and Rocky Mount Prep School students have become NC Green Power schools. A grant was obtained to get a panel to teach with and having a solar farm here will create an avenue for the students to acquire greater knowledge to become globally competitive for economic success. She asked the Board to allow the solar farm in Edgecombe County.

Ms. Kathy Stallings (Sworn), 6541 Battleboro/Leggett Road, stated that she has been on a farm all of her life and she understands the desire to pursue alternative energy forms. She stated that she is a retired high school teacher, having taught civics, economics and earth science. She is a proponent of solar energy because she has taken students to the solar house at NC State. Everything she has heard here tonight and has heard in other presentations makes it sound like there is not one single down side at all. Ms. Stallings stated that she realizes that by getting up here to this Board is to no end other than to make her feel better, because she has all ideas that the Board is going to approve this project. However, she asked that they look at the impact of losing farmland. Farmland has been around a long time and if we are going to eat we need farmland. How many people is this going to impact. She stated that she understand that the folks that want it, they want secure money for their retirement. She stated that if the tax rate looks pretty good then the Board should look at reducing tax bills or getting better teachers, increasing our school system supplements, and increase law enforcement. Only two or three jobs are going to come out of the project after construction. The folks that are currently doing the pipeline are not from around here. Only 20% of sunlight is captured by these solar panels. Ms. Stallings stated that we are not making any more farmland. Once farmland is gone, it is gone. America loses three acres of farmland and ranchland every minute to development and Edgecombe County is looking at 1500 acres leaving right now to solar developments.

She stated that Ron Heiniger (Crop Scientist) of NC State says no to it. He says it is not a good deal.

Mr. Phillip Harris objected to that statement on the grounds of hearsay.

Mr. Wiggins stated that she is speaking her opinion.

Ms. Stallings stated that she knows that there is no easy answer. There are up-sides and down-sides and the Board is hearing tonight only the up-sides. She stated that the Board owe it to us and yourselves to look at all of the angles. She stated that she could not imagine the land immediately returning to farmland after 30 years of solar panels. She stated that farmers do play taxes, they may be deferred, but what is the difference in farmers paying deferred taxes and dangling incentives for businesses to come to a community. The saying that people can do what they want to with their property is not correct. That is why special

use permits are issued. She stated that she cannot build a business where she lives, she would have to get it rezoned.

Mr. Boswell asked how much of this farmland is currently being farmed.

Mr. Jim Harris stated that the majority of the land is being farmed right now.

Mr. Wiggins asked about an unanswered question from the last meeting from a petitioner that came forth and said his land was deadlocked. Has that been cleared up?

Mrs. Jenkins stated that staff has spoken with both Fern Solar and Geenex and Mr. Anderson (landowner). Mr. Anderson's property is not in proximity to an access easement and not landlocked and he is good with it.

Mr. Phillip Harris thanked the Board on behalf of his client, Geenex. He provided a summary of what was presented.

There being no other public comments Mr. Wiggins adjourned the public hearing.

Mr. Evans stated that based on the application and the presentation Fern Solar, LLC does meet the requirements of the Edgecombe County UDO and he recommended that the Board approve that the requirements were met.

Mr. Felton moved to approve as recommended. Mr. Wooten the motion, which carried by unanimous vote.

Mr. Evans recommended approval of the Special Use Permit. He stated that the Planning Board forwarded a favorable recommendation regarding the Special Use Permit.

Mr. Wooten moved to approve the issuance of the Special Use Permit. Mr. Boswell seconded the motion, which carried by unanimous vote.

3. Mr. Wiggins called a public hearing to order to receive citizen comments and questions relative to a proposed Special Use Permit request from Edgecombe Solar, LLC for the construction of a solar energy system. The site for the proposed project is located along US 64 Alt. West, at the intersection of Kingsboro Road, also identified as parcels 3789-44-9993 and 3799-58-0724.

   Mr. Peters read the public notice as published.

   Mr. Evans stated that this project comes with a favorable recommendation from the Planning Board.

   Mr. Wiggins asked all wishing to speak on the application to come forth to be sworn in.

   Ms. Mungo, Clerk to the Board, administered the oath.

   Mr. Wiggins called for public comment.

   Ms. Katherine Ross (Sworn), Parker Poe Adams & Bernstien Law Firm, representing Edgecombe Solar, LLC, stated that she was present to provide evidence to say that this solar farm, if built as proposed, meets all of the development standards in the County's ordinance and therefore should be approved. The thing about a solar facility as anything that requires a Special Use Permit, is about location and impact to adjoining and neighboring properties, the visibilities and impact to the land. Edgecombe Solar is proposed to be on Alternate 64, which is an ideal location because of its low impact, because of the area and uses around it. She stated present to testify were Mr. Bryan Van Portfliet, with Duke Energy, the parent company of Edgecombe Solar, who will be developing the project Mr. Brock Taute an Engineer with Duke Energy, who has participated in the development of the project and will testify to the fact that it will meet all of the County's Solar Development Standards and Ordinances, and Mr. Nick Kirland, to provide an impact analysis.

   Mr. Wooten asked for the County Attorney's advice on conflict of interest, stating that he found out that his company called this company to potentially solicit business. He stated

that he wanted to make sure if he should excuse himself or ask for recusal. He stated that his company does not currently have a business relationship with them. He stated that it sounds as though his staff has reached out to the solar company.

Mr. Peters stated that it would be up to the Board.

Mr. Wiggins stated that it sounds as if the Board should recuse Mr. Wooten.

Mr. Felton moved to recuse Mr. Wooten. Mr. Boswell seconded the motion, which carried by unanimous vote.

Mr. Van Portfliet (Sworn), Associate, Renewable Development – Invenergy, stated that this site will be 75 megawatts, located on two parcels, each parcel has about 300 acres that will house the solar facility, each parcel is zoned AR-30 and per the Edgecombe Solar Ordinance, they will need a Special Use Permit for a level three project similar to this size. He stated that they have to be 30 feet from all frontal properties, 12 feet from the sides of the property, and 25 feet from the rear of the property. They go over and beyond that, proposing to have 100 feet setbacks from their solar energy system to any public road or any parcel that has a residential dwelling on it. The project will not exceed the 25 foot maximum height. The project will have a proposed vegetative buffer along Hwy 64 and all adjoining properties. He stated that the project will not have any public signage and will not have any additional lighting. Mr. Van Portfliet stated that the decommissioning plan was submitted as a part of their application, which requires for them to return the land as is once the project is finished.

Mr. Brock Taute (Sworn), Renewable Projects Engineer, stated that his job at Invenergy as project engineer is to design solar farms, oversee the process of creating the layout, and do the modeling and investigation of different technologies to make sure they are using what is best for the site.

Ms. Ross asked Mr. Taute if he was involved in the development of the site plan for Edgecombe Solar.

Mr. Taute stated that he was.

Ms. Ross stated that she would tender Mr. Taute as an expert engineer in solar farm development with knowledge specifically to Edgecombe Solar.

Ms. Ross asked Mr. Taute to describe Edgecombe Solar as he understands it.

Mr. Taute stated that the Edgecombe solar construction process would be similar to what has already been described. They would install piles by driving them into the ground. On top of those they would put the racking equipment and the panels on top of that. He stated that the Edgecombe Solar project will take up about 600 acres; solar technology is greater than 50 years old; the panels are over 80% glass and aluminum, 10% silicon, copper and metal; every module would pass the EPAs Toxic Leaching Characteristic Procedure (it will be capable of being disposed in a landfill); every solar farm will be designed to ensure safe operations; all federal, state and local laws and regulations will be met. He stated that it is his professional opinion that the solar facility will not materially endanger public health or safety. He further stated that it is also his professional opinion that the proposed solar facility will comply with all requirements of the Edgecombe County Solar Energy Development Ordinance.

Mr. Nick Kirkland (Sworn), 901 Occoneechee Drive, Fuquay Varina, Real Estate Appraiser, Kirkland Appraisals, LLC. has been working with Kirkland Appraisals for four years doing data on solar farms.

Ms. Ross asked Mr. Kirkland if he did an impact study on Edgecombe Solar.

Mr. Kirkland stated yes.

Ms. Ross tendered Mr. Kirkland as an expert in impact studies on solar farms, in specifically Edgecombe Solar.

Ms. Ross asked Mr. Kirkland, in looking into his impact study for Edgecombe Solar did he analyze the properties surrounding the proposed facility.

Mr. Kirkland stated yes. They looked at the surrounding properties and measured the distances of panels and looked at it to make sure those characteristics are typically what they do with other solar farms.

Ms. Ross asked Mr. Kirkland if he had an opinion as to whether this facility is proposed with impact to adjoining and abutting properties.

Mr. Kirkland stated that it is his professional opinion and based on the matched pairs in the impact studies that the proposed solar facility will not impact adjoining or abutting property values.

Mr. Felton stated that we have an intensive industrial development in that area. He asked if there was any potential negative effect on the industrial development plans out there.

Mr. Kirkland stated that while they do not have any matched pairs looking at adjacent sales that adjoin both solar farms and industrial complexes, typically industrial facilities, in relation to residential developments, adjoining or abutting, typically the industrial facility is going to bring the residential development down as opposed to something bringing the industrial facility down. There is no reason why it would impact negatively or positively adjoining industrial facility.

Ms. Ross stated that according to Section 4-7.5H of The County's ordinance they have a burden to carry. She presented to the Board that the evidence brought to them under oath, or affirmation, sworn, is competent material and substantial evidence, which is the standard under the law by which the Board has to make a decision on whether or not to issue a Special Use Permit. She stated that she would submit to the Board that they have met their burden by presenting competent material, substantial evidence to show that the project is in full compliance with the Solar Ordinance and with all of the County's UDO requirements.

Mrs. Bernice Pitt (Sworn), 211 E. Wilson Street, Tarboro, asked the Board to consider a yes vote for this project. She stated that she has lived in Tarboro all of her life an unfortunately she has seen the loss of a lot of population, but because of the vision and the hard work of the Board she sees a bright future coming. She stated that she would like for this to continue with us being mindful that we can be good stewards for our environment. When she graduated from Tarboro High School, it was a 3A school, but now it is a 1AA school, so our population has been leaving, but now they have every reason in the world to come back. She encouraged the Board to please consider a yes vote for this project. Keep working hard, keep that great vision and be great stewards of our environment.

Mr. Seth Swigley, 2235 Pinetree Lane, Rocky Mount, came forth to speak.

Ms. Mungo administered the oath.

Mr. Swigley (Sworn), former Special Ed. Teacher, stated that he was excited about the project, not just for the tax benefits for the County, but also for the benefits showing the signs of progress in our community. Mr. Swigley asked the Board to submit a yes vote and affirm this Special Use Permit.

There being no further comments Mr. Wiggins adjourned the public hearing.

Mr. Evans stated that based on the application and the presentation Edgecombe Solar, LLC does meet the requirements of the Edgecombe County UDO and he recommended that the Board approve that the requirements were met.

Mrs. Harris moved to approve as recommended. Rev. Hines seconded the motion, which carried by unanimous vote.

Mr. Evans recommended approval of the Special Use Permit. He stated that the Planning Board forwarded a favorable recommendation regarding the Special Use Permit.
Mr. Boswell moved to approve the issuance of the Special Use Permit. Mr. Felton seconded the motion, which carried by unanimous vote.

5. <u>PUBLIC PETITIONS</u>.

None.

6. **OTHER BUSINESS:**

A. **Approval of budget amendments.**
Mrs. Harris moved to approve the budget amendments as presented. Mr. Felton seconded the motion, which carried by unanimous vote.

B. **Approval of an application to the North Carolina Department of Commerce for funds for the development of the 53 acres in Princeville.**
Mr. Wiggins moved to approve the application as presented. Mr. Boswell seconded the motion, which carried by unanimous vote.

C. **Approval of an application for Public School Building Capital Fund North Carolina Education Lottery fund.**
Mr. Felton moved to approve the application to replace the roof at Southwest Edgecombe High School. Mr. Boswell seconded the motion, which carried by unanimous vote.

D. **Approval of the FY 2018-2019 Rural Operating Assistance (ROAP) application.**
Mr. Evans stated that Edgecombe County is eligible to receive funds to assist residents with transportation through the Rural Operating Assistance Program (ROAP). In the past we have partnered with Tar River Transit to apply for and administer these funds for the County. Mr. Evans proposed that the County continue that partnership. He stated that the County is applying for $162,163. This covers three categories of funding: Elderly & Disabled Transportation, Employment Transportation Assistance and Rural General Public assistance.

Mr. Felton moved to approve the submission of this ROAP allocation and to authorize the Manager to execute the same. Mrs. Harris seconded the motion, which carried by unanimous vote.

E. **Approval of a petition to abandon College Road.**
Mr. Evans stated that to accommodate the building of the CSX Intermodal Rail Terminal, it is necessary to abandon a part of College Road (SR 1403). The portion of College Road to be abandoned lies between property that CSX owns. To begin the abandonment process, the County must first petition the NC Department of Transportation for such action.

Mr. Boswell moved to approve the resolution to petition the abandonment of this state maintained road. Mrs. Harris seconded the motion, which carried by unanimous vote.

7. **APPOINTMENT.**
Mr. Felton moved to appoint Mr. Jerry Abrams. Mrs. Harris seconded the motion, which carried by unanimous vote.

8. **AFTERLISTS AND RELEASES FOR REVIEW AND APPROVAL.**
Mr. Felton moved to approve the afterlists and releases as presented. Mrs. Harris seconded the motion, which carried by unanimous vote.

9. **CONTRACTS FOR REVIEW AND/OR APPROVAL.**
Mrs. Harris moved to approve the contracts as presented. Mr. Boswell seconded the motion, which carried by unanimous vote.

10. **DEPARTMENTAL REPORTS FOR REVIEW.***Received*****
A. Water Services.
B. Financial Summary Report.
C. Midlakes project update.
D. Solid Waste report for fiscal year 2018
E. Health Department report.
F. Tax Administration – Notice on overhead fee change.
G. Elections update.

11. **MANAGER'S REPORT.***Received*****
A. Economic and Workforce Indicators.
B. Letter from Pinetops
C. Fire Department rating report.

D. Eastpointe report.

Mr. Evans provided an update on the Kids and Parks program.

12. COMMISSIONERS' REPORT.

13. ATTORNEY'S REPORT.
None.

14. CLOSED SESSION.
Rev. Hines moved to go into closed session to discuss economic development. Mr. Felton seconded the motion, which carried by unanimous vote.

Mr. Felton moved to go out of closed session. Mr. Boswell seconded the motion, which carried by unanimous vote.

Mr. Wiggins stated that the Board received an email from Mr. Evans regarding the naming of the auditorium after Mr. Lorenzo Carmon and several Board members felt that a discussion was needed.

Mr. Wooten stated that he thought the Board needed to take more time to deliberate. He stated that he was not opposed to it but to discuss what has been done in the past and plans for the future.

Mr. Wiggins stated that it will be done on a case by case basis.

Rev. Hines moved to name the auditorium after Mr. Lorenzo Carmon. Mrs. Harris seconded the motion.

Mr. Wooten felt that there should be some kind of policy or some deliberation.

Mr. Boswell agreed.

The motion carried by a vote of 5 for (Wiggins, Hines, Harris, Felton) and 2 against (Boswell, Wooten).

15. MR. WOOTEN MOVED TO ADJOURN THE MEETING UNTIL MONDAY, OCTOBER 1, 2018 AT 7:00 P.M. MRS. POWELL SECONDED THE MOTION, WHICH CARRIED BY UNANIMOUS VOTE.

Approved October 1, 2018

Frangie Mungo, Clerk to the Board