ADJOURNMENT

There being no further comments or business to discuss, the Special Called Meeting was adjourned on motion made by Edward R. Muzzulin, seconded by Joseph W. Hoffler.

Fondella A. Leigh, Vice Chair

Deputy Clerk to the Board

SPECIAL CALLED MEETING / WORK SESSION

March 20, 2017 6:30 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting/Work Session on Monday, March 20, 2017, at 6:30 p.m. in the Commissioners Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Kyle Jones, Chairman Fondella Leigh, Vice Chair

> Joseph W. Hoffler Edward R. Muzzulin Wallace Nelson Charles Woodard

MEMBERS ABSENT:

OTHERS PRESENT: Hackney High, County Attorney Frank Heath, County Manager

Mary Hunnicutt, Clerk to the Board

Chairman Jones called the meeting to order and Commissioner Nelson gave the invocation. The Chairman led the Pledge of Allegiance.

PUBLIC HEARING

Moratorium on Large Scale Solar Energy Facilities

Chairman Jones opened the Public Hearing stating that the purpose of this public hearing is to receive public comments concerning a proposed temporary moratorium on large scale solar energy facilities. There were eighteen (18) people present. Mr. Jones recognized Frank Heath, County Manager, who explained the reasons for the public hearing. After giving instructions to the public, the following individuals spoke at the meeting:

> Tommy Harrell: Mr. Harrell, farmer, presented the following statement:

Solar panels only capture 20% of the light for only about 5 hours of the day. The rest of that solar energy will pass thru to the ground. As a result, grasses, broadleaf weeds, and eventually woody shrubs will grow. Imagine how hard it will be to control vegetation in a solar farm. Remember, you still own this land and you will be held responsible for water runoff, clean up, and off site effects, not to mention the accumulation of weeds like palmer amaranth over time and the evidential need to replace fertility loss.

Loss of a scarce resource like farm land will have significant impacts on you and your community. With the loss of land comes the loss of business for seed, fertilizer, and chemical dealers, hardware and lumber suppliers, equipment manufactures, and others in your community who depend on agriculture for their living.

Currently, most solar operators are not required to have a decommissioning plan or to post a bond to cover the cost of decommissioning. Their current statement is this is all be taken care of in the future. Have you ever considered why they are paying high lease payments and not just buying the land? The fact is that these panels are considered toxic waste due to the use of metals like cadmium and rare earth metals. It is likely that they will be either abandoned at the site or you (as the landowner) will be forced to pay for them to be shipped to a third world country for recycling.

Solar farms are highly inefficient at producing energy. It is only through generous tax credits, the waiving of property taxes, zero interest start up loans, federal and state mandates that require utility companies to pay for the power at generous rates, etc. that these solar farms even have a chance to operate. The traditional utility companies still have to produce their normal power load for the remaining nineteen hours on a sunny day. On a cloudy, rainy day, they have to provide power for all 24 hours. They still have to be prepared to generate the same amount of electricity using fossil fuels with or without the solar farms. So let's get this straight—we pay the taxes, we pay higher utility rates, we change our agricultural communities to accommodate these solar farms, and we don't improve our climate or our environment. And it can potentially ruin the land for our children and grandchildren. No, this is not a good use of our land.

- > Shelley Layden: Ms. Layden, local Solar Developer, expressed her support for solar energy facilities. If a moratorium is placed on large solar energy facilities, she stated several items that needed to be addressed like buffering and bonding (she suggested them to contact N.C. Sustainable Energy Association who is working on bonding). She asked that the Board discontinue solar energy facilities in Perquimans County. She agrees with having more rules and guidelines.
- Edgar Roberson: Mr. Roberson, resident along US Highway 17 South, explained that he needs to downsize his home and that he is selling his house which has been on the market for three years. During this time, he had had questions like: how close will the wind turbines be to the house; how will Interstate Highway 87 affect his property, and where is the closest solar energy facility. He feels that this has given him a negative effect to the sale of his home.
- > Donald Madre: Mr. Madre, farmer, expressed his concerns over loss of good farmland for crop production. This not only affects the farmer but it also affects the business that the farmer sells to and buys from. He also expressed some concerns about clean up after the solar farm is no longer in use. Will they be able to get the land back to the way it was. Do these solar farms get the land use credits?
- Robert Brown: Mr. Brown, resident of Snug Harbor, presented the following information in support of solar energy facilities:

The primary reasons for the construction of solar farms in Eastern North Carolina are price stability and a locally produced source of electricity. In the case of a national emergency this will insure the ability to maintain Government functions such as Courts, Hospitals, Schools and Refrigerated Food Supplies locally. The ability to generate electricity in the Albemarle Area creates a more stable society at the local level. Millions of dollars invested in Perquimans County by solar farm developers with almost no funds required by the County creates value and jobs to the citizens. This also generates additional tax funds without an increase in municipal services such as schools and utilities. Of the 80,116 acres of farm land in Perquimans County only 110 acres are in Solar farming. The tax value per acre for these solar farms compared to crop farms is over 50 times greater. From an economic perspective which usually is the true measure for the honest value of any endeavor it is readily apparent that much more solar farming is necessary. As world competition in the grain market increases more farm land in the United States is being taken out of production. Russia which was a grain importer 20 years ago now is a grain exporter with millions of acres of tillable land available.

The value to the citizens of Perquimans County of solar farming should be fully evaluated. Now is the time for Perquimans County to take full advantage of solar farming before the State Subsidies Expire. Solar farming is just another basic method of extracting the sun's energy to create a. crop of value. This value to the citizens is created 365 days every year. China which now is the world leader in the solar industry will almost surely produce panels that will compete on an equal basis with any electrical generation method in the next 10 years. This will become a benefit to any Municipality that already has solar farm sites developed. As Solar One Company explained their company has the ability to guarantee California a fixed price rate for electricity over the next 30 years. This is possible due to the fact that almost all of the production cost is in the initial equipment and not in unpredictable fuel cost.

Addressing the visual impact of solar farms in Perquimans County and the remediation of the visual impact. Due to the relative low height of these structures and the flat elevation of the landscape in Perquimans County these farms can be easily mitigated from view by hedge rows of natural plants such as American Holly, Blue Point Juniper and Emerald Cedar. Earthen Berms should not be constructed due to the fact that the Natural Topography in the area is basically Flat and berms are not congruent with the landscape. They also create drainage and maintenance problems

Back in the day we had Virginia Electric Power Company known as VEPCO. Now with the ability to generate electrical power in Perquimans County we can have our cake and eat it to--Perquimans Electric Power Company—PEPCO. Moving ahead to a brighter illuminated future for Perquimans County.

Chairman Jones stated that this was all the individuals that signed up to speak. He asked if there was any other person that wanted to speak. The following individual spoke:

> Mel Atkins: Mr. Atkins spoke against solar energy facilities. He understands the pros and cons to solar energy facilities but he vants to address what would happen in the case of a catastrophic occurrence. We need more information on how these solar panels will handle a tornado or hurricane. How will the county decide on a bond to handle a situation like this? We all need to be educated

There being no further comments or guestions, Chairman Jones closed the public hearing at 7:00 p.m.

AGENDA

On motion made by Fondella A. Leigh, seconded by Charles Woodard, the Board unanimously approved the Agenda.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Wallace E. Nelson, seconded by Fondella A. Leigh.

Personnel Matters:

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Sue Ann Cestaro	F/T Certified Telecommunicator	Promotion	62/1	\$27,751	4/1/2017
Wilma Jordan	P/T F/I Non-Certified Telecommunicator	Appointment	60/1	\$12.21/hr.	4/1/2017
Lauren Williams	P/T F/I EMT-I	Resignation			3/16/17

MORATORIUM ON LARGE SCALE SOLAR ENERGY FACILITIES

Chairman Jones asked what the pleasure of the Board regarding the moratorium. Charles Woodard made a motion to approve a moratorium on large scale solar energy facilities so that we can have time to review the items. The motion was seconded by Joseph W. Hoffler. County Manager Heath wanted to provide a brief overview of the document. The draft ordinance would be needed to consider if the vote was in favor of the moratorium on large scale solar energy facilities. He said that he and County Attorney High had worked on this draft document. Mr. High explained that the document is presented not because the decision has been made but that the acceptance of this moratorium per General Statute needs to be in the form of an ordinance. Chairman Jones asked Mr. Woodard and Mr. Hoffler if that was the way that they made the motion. They both said it was. Commissioner Nelson asked about the term of 180 days. What if the Planning Board said that they could not get a recommendation to us within the 180 days? County Attorney High said that there are General Statutory procedures to extend that period of 180 days. Mr. Nelson also asked about instructing the Planning Board as to what they are asking them to look at. Commissioner Muzzulin said that he would have liked to have this document before tonight's meeting and that he did not feel that we had directed the Planning Board as to what they should be reviewing. Chairman Jones said that the Board met with the Planning Board (Brenda Lassiter, Lewis Smith, and Antoine Moore) in a Joint Work Session on February 20, 2017 to receive clarification of what the Board was asking them to review. There being no further comments or questions, the Board approved Ordinance No. 94 (see Attachment A) establishing a 180 day moratorium on large scale energy facilities on a vote of five (5) to one (1) with Commissioner Muzzulin voting against the motion.

CLOSED SESSION: PERSONNEL MATTER

Pursuant to NC General Statute 143-318.11(6), Fondella A. Leigh made a motion to go into Closed Session to discuss a personnel matter. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

The Closed Session was adjourned and the Special Called Meeting reconvened on motion made by Edward R. Muzzulin, seconded by Fondella A. Leigh. There was no action needed after the Closed

Chairman Jones explained, for the record, that he had made a procedural error requesting Vice Chair to cite the General Statute for going into Closed Session and did apologize for that error which was brought to his attention by Commissioner Muzzulin.

<u>ADJOURNMENT</u>

There being no further comments or business to discuss, the Special Called Meeting was adjourned at 7:36 p.m. on motion made by Edward R. Muzzulin, seconded by Joseph W. Hoffler and the Regular Work Session began

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	T. Kyle Jones, Chairman	
Clerk to the Board		
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	WORK SESSION	
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March 20, 2017 6:30 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting/Work Session on Monday, March 20, 2017, at 7:36 p.m. in the Commissioners Room located on the first floor of the

Perquimans County Courthouse Annex. MEMBERS PRESENT: Fondella Leigh, Vice Chair Kyle Jones, Chairman

Joseph W. Hoffler Edward R. Muzzulin Wallace Nelson Charles Woodard

MEMBERS ABSENT: None OTHERS PRESENT: Hackney High, County Attorney Frank Heath, County Manager

Mary Hunnicutt, Clerk to the Board

The following matters that were discussed during the Work Session.

PERQUIMANS COUNTY/CHOWAN COUNTY BOUNDARY LINE

Chairman Jones recognized Frank Heath, County Manager, who explained what had happened with regard to the boundary line between Perguimans County and Chowan County. Historically, we have a historic line between Perquimans and Chowan Counties which is a straight line on the western side of Perquimans County. Sometime last year, a citizen from Chowan County went to register to vote and discovered that, per the State Board of Elections County Line Map, they were citizens of Perquimans County and not Chowan County. The area is not a wide swap but it did and could produce troublesome situations. This situation has been corrected for that citizen. With that happening, County Attorney High contacted Chowan County attorney so Mr. Heath will turn the microphone over to Mr. High while he distributed the maps. Mr. High said that there is a General Statute that provides guidance on how to handle these types of situations. It is handled through a subdivision of one of the N.C. State Departments called N.C. Geodetic Survey who assists with resurveys of ambiguous or uncertain County boundaries. He further explained that it had been brought to our attention that some people were being taxed in Chowan County but according to our map they should be paying taxes in Perquimans County. Mr. Heath and Mr. High met with Rhonda Money, GIS Coordinator, to take a look at tax maps to compare the two boundary lines. They found that there were some discrepancies. In 2014, the N.C. Geodetic Survey prepared a list of procedures counties would have to follow if they wanted to request a boundary line research. The first part is to have the counties involved to get together to decide if they wanted to request the assistance of the State of North Carolina in redrawing the line. He reported that he has initiated the talks between Perguimans County and Chowan County and they have reacted favorably to asking the State for assistance in researching the Perquimans County/Chowan County line. This is funded through the General Assembly. Chowan County is meeting tonight to discuss the very thing that we are discussing tonight. Mr. High said that it was his and Mr. Heath's plan to discuss it tonight and then prepare the Resolution for Board action at the April 3, 2017 meeting. If the Board decides to proceed with this, the Board will need to consider the Resolution and name a contact agent/s to work along with N.C. Geodetic Survey to accomplish this goal. It is his recommendation to name Frank Heath, County Manager, as our contact agent and Chowan County's County Manager as their contact agent. Chowan County Board of Commissioners concurs with this suggestion. Then, we would send the two Resolutions along with a formal letter requesting their assistance. From that point on, they will be contacting our agents to request any additional information needed for them to accomplish this task. After answering several questions, it was the consensus of the Board to moving forward with this Resolution at the April meeting.

BUDGET WORK SESSION SCHEDULE FOR FY 2017-18

After reviewing the dates with the Commissioners, County Manager Heath will be e-mailing the following list of Budget Work Sessions to the Board:

FY 17-18 Budget meetings with the Board of Commissioners

April 10th: Departmental budget presentations

(Commissioners Room) 5:00-8:30pm

April 11th: Departmental budget presentations

(Commissioners Room) 5:00-7:30pm

April 17th: Joint work session with School Board (5:30 p.m.)

(Board of Education Administration Building) Social Services (7 p.m.) and Board of Education (8 p.m.)

Budget Presentations (Commissioners Room)

May 18th: Budget work session (7:00 p.m.) —At EMS building —

Looking at revenues and County Manager recommendations

May 24th: Budget work session at EMS building (7 p.m.)
May 25th: Budget work session at EMS building (7 p.m.)

June 5th: Frank to present budget to the Board with budget ordinance

June 19th: Budget public hearing and vote

<u>ADJOURNMENT</u>

May 15th

There being no further comments or business to discuss, the Work Session was adjourned at 7:55 p.m.

T. Kyle Jones, Chairman

Clerk to the Board

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ATTACHMENT A

ORDINANCE NO. 94

AN ORDINANCE IMPOSING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CONDITIONAL USE PERMITS FOR LARGE SCALE SOLAR FARM FACILITIES IN PERQUIMANS COUNTY

WHEREAS, concerns have arisen regarding the adequacy of current Perquimans County ordinances related to large scale solar farm facilities and their potential effect on the health, safety and welfare of the citizens of Perquimans County; and

WHEREAS, the siting, construction, density, height, glare, maintenance and decommissioning of large scale solar farm facilities are affected by Perquimans County ordinances related to large scale solar farm facilities; and

WHEREAS, the rights and reasonable expectations of the citizens of Perquimans County and the developers of future large scale solar farm facilities may be affected by Perquimans County ordinances related to large scale solar farm facilities; and

WHEREAS, current Perquimans County ordinances related to large scale solar farm facilities may be inadequate to balance the rights and reasonable expectations of the citizens of Perquimans County and the developers of future large scale solar farm facilities; and

WHEREAS, the Board of Commissioners of Perquimans County is in need of a moratorium to allow the Board of Commissioners additional time to review and examine the adequacy of its current ordinances related to large solar farm facilities and to study appropriate options for the regulation or control of the height, size, location, density, setbacks, design standards, glare, decommissioning, maintenance, lighting, property value diminutions, and other characteristics of large scale solar farm facilities; and

WHEREAS, the Board of Commissioners is in need of a moratorium on applications for conditional use permits related to large scale solar farm facilities to maintain the status quo while the Board of Commissioners reviews the adequacy of its current ordinances related to large scale solar farm facilities; and

WHEREAS, the Board of Commissioners is in need of a moratorium on applications for building permits, conditional use permits and other county governmental approvals related to large scale solar farm facilities to determine what effects, if any, the current County ordinances related to large scale solar farm facilities have on the health, safety and welfare of the citizens of Perquimans County; and

WHEREAS, the Board of Commissioners considered the course of action of not enacting this moratorium and allowing the County Planning Board to continue to develop recommendations to the Board of Commissioners related to large scale solar farm facilities for the Board of Commissioners' later consideration, however the Board of Commissioners did not choose that course of action because such course of action was deemed inadequate to protect the health, safety and welfare of the citizens of Perquimans County because the developer of a large scale solar farm facility could apply to the County for approval of a large scale solar farm facility under the existing ordinances related to large scale solar farm facilities which ordinances the Board of Commissioners have deemed are in need of review in order to protect the health, safety and welfare of the citizens of Perquimans County; and

WHEREAS, in order to address the concerns which led to the enactment of this moratorium, the Board of Commissioners, during the duration of this moratorium, intends to take the following actions: direct the Perquimans County Planning Board to review and study existing County ordinances related to large scale solar farm facilities and to provide recommendations to the Board of Commissioners for any modifications to existing ordinances, review the recommendations of the Planning Board, develop draft regulations, present the draft regulations at public meetings, receive public comments to proposed draft modifications and adopt the final version of appropriate regulations for large scale solar farm facilities in Perquimans County.

WHEREAS, the duration of this moratorium of one hundred twenty days (120) is reasonably necessary to allow the Board of Commissioners adequate time to properly and meaningfully review existing ordinances and to take the actions set forth herein; and

WHEREAS, the Board of Commissioners has duly advertised its public hearing on this Ordinance Imposing a Moratorium on the issuance of Building Permits, Conditional Use Permits and Other Governmental Approvals for Solar Farm Facilities in the <u>Perquimans Weekly</u> on March 8 and March 15, 2017 and conducted the required public hearing on March 20, 2017, all in accordance with North Carolina General Statutes Sections 153A-323 and 153A-340(h); and

WHEREAS, in order to preserve the status quo while appropriate county controls and regulations are considered and prepared, the County may adopt temporary moratoria on any county development approval required by law, pursuant to North Carolina General Statutes Section 153A-340(h).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Perquimans County THAT THERE IS hereby imposed a moratorium for a period of one hundred (120) days on the acceptance of applications for conditional use permits for the construction of any large scale solar farm facilities.

THAT this moratorium will allow the County time to develop and consider reasonable regulations that would protect the health, safety and welfare of current and future residents of the County, while providing certainty and appropriate protections for future developers of large scale solar farm facilities in Perquimans County.

3274 March 20, 2017 continued

THAT the duration of this moratorium is the minimum time that is needed to have the Perquimans County Planning Board to review and study existing County ordinances related to large scale solar farm facilities and to provide recommendations to the Board of Commissioners for any modifications to existing ordinances, review and study existing County ordinances related to large scale solar farm facilities, develop draft regulations, present the draft regulations at public meetings, receive public comments to proposed draft modifications and adopt the final version of appropriate regulations for solar farm facilities in Perquimans County.

THAT pursuant to North Carolina General Statutes Section 153A-340 (h), this moratorium ordinance shall not apply to any project for which a valid building permit issued pursuant to G.S. 153A-357 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, or development set forth in a site-specific or phased development plan approved pursuant to G.S. 153A-344.1, or development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval related to the specific development, or to preliminary or final subdivision plats that have been accepted for review by the county prior to the call for public hearing to adopt the moratorium.

THAT this moratorium ordinance shall apply to unincorporated areas of Perquimans County, lying outside of the corporate limits or extraterritorial jurisdiction of any incorporated town.

The Perquimans County Board of Commissioners hereby adopts and enacts this ordinance which shall become effective immediately upon its adoption and shall expire on July 18, 2017.

Adopted this the 20th day of March, 2017.

Motion for adoption made by <u>Charles Woodard</u> and seconded by <u>Joseph W. Hoffler</u>.

PERQUIMANS COUNTY BOARD OF COMMISSIONERS

T. Kyle Jones, Chairman ATTEST: Mary P. Hunnicutt, Clerk Perquimans County Board of Commissioners Approved as to form: W. Hackney High, Jr. County Attorney

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