

April 18, 2016

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Conference Room located in the County Administration Building with the following Commissioners present: Chairman Sidney E. Dunston, Vice-Chairman Cedric K. Jones, Commissioners John M. May, Shane Mitchell, Harry L. Foy, Jr., E. and David T. Bunn. Commissioner Don Lancaster was absent.

Chairman Dunston called the meeting to order and asked the Board to consider the addition of a closed session topic pursuant to North Carolina General Statute 143-318.11(a)(4) - Industry/Economic Development.

Commissioner Mitchell made a motion to add the closed session to the agenda, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

Chairman Dunston then asked the Board to consider approval of the consent agenda.

Commissioner May made a motion to approve the consent agenda, seconded by Commissioner Foy. The motion duly carried approval with all present voting "AYE."

The following items were approved.

I. CONSENT AGENDA

- A. Releases, Adjustments, Refunds, and Tax Collection Report
- B. Memorandum of Agreement with NC Wildlife Resources Commission
- C. Boys and Girls Club Week Proclamation 2016
- D. Budget Amendment #13 (Pursuant to North Carolina General Statute 159-15, the County Finance Officer is requesting a budget ordinance amendment in the amount of \$82,000 for the fiscal year ending June 30, 2016 to amend the General Fund for additional revenue and expenditures for EMS, Register of Deeds, Aging and Veterans Services.)

Item 1-C

BOYS & GIRLS CLUB WEEK 2016 PROCLAMATION

WHEREAS; Young people are North Carolina's most precious natural resource. It is important for us to protect and nurture them, especially those who cannot care for themselves; and

WHEREAS; Throughout Franklin County, the Boys & Girls Clubs have provided for the children in our county a safe, positive, and engaging environment through programs that prepare and inspire them to achieve great things in their lives; and

WHEREAS; Through tireless efforts from the Club Directors, numerous volunteers and the Corporate Board members, the Boys & Girls Clubs of North Central North Carolina prepare Franklin County youth to become the future leaders of our community; and

WHEREAS; We are thankful for the work done by dedicated staff and volunteers to ensure that our county's youngest citizens have greater access to quality programs and services that provide promise, hope and opportunities so that they may become productive adults;

NOW THEREFORE; The Franklin County Board of Commissioners does hereby proclaim the third week of April as Boys & Girls Club Week in Franklin County, North Carolina and encourage all Franklin County citizens to recognize the exceptional work done by this organization on behalf of hundreds of children every day.

2. COMMENTS FROM THE PUBLIC

This was the time set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the county.

Dewey Botts, 675 Howard Tant Road, Zebulon, NC

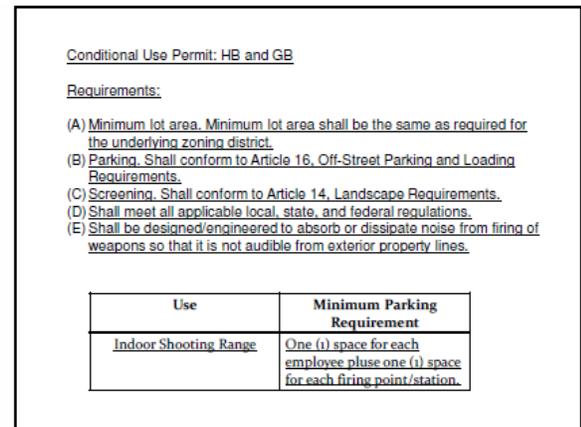
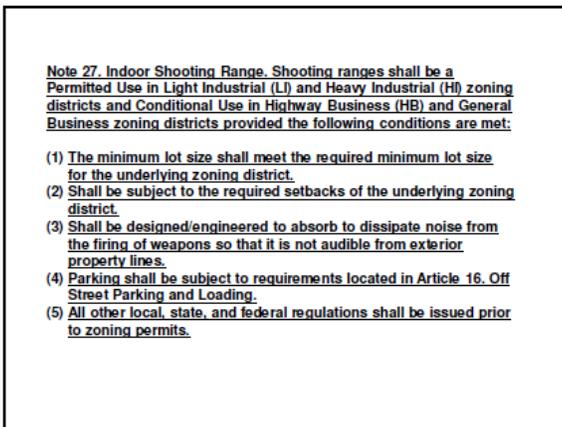
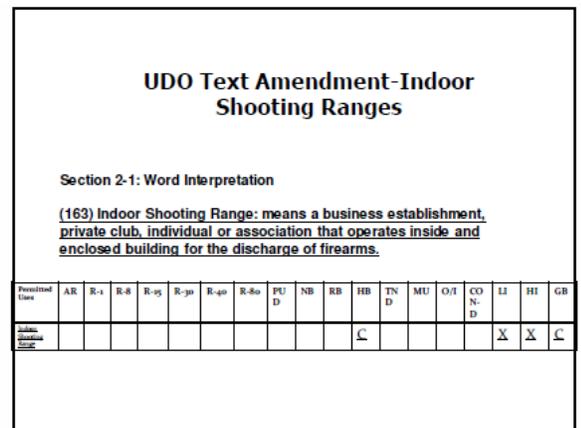
- Mr. Botts spoke about the importance of education and asked the Board to consider education funding a priority in its long range plans.

3. PUBLIC HEARING

A. Text Amendment

The Board was asked to consider adoption of a text amendment to the Unified Development Ordinance to amend Section 2-2: Definition of Basic Terms, Section 6-1: Table of Permitted Uses, Section 6-2: Notes to the Table of Permitted Uses, Section 7-3: Table of Regulations for Conditional Uses, and Section 16-1: Off-Street Parking Requirements concerning indoor shooting ranges.

Planning and Inspections Director Scott Hammerbacher provided a brief overview of the request and offered the following PowerPoint presentation.



Chairman Dunston declared the public hearing opened and closed at approximately 7:12 P.M., with no comments offered.

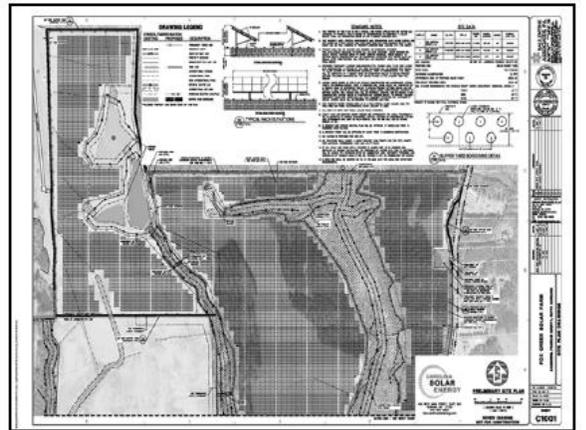
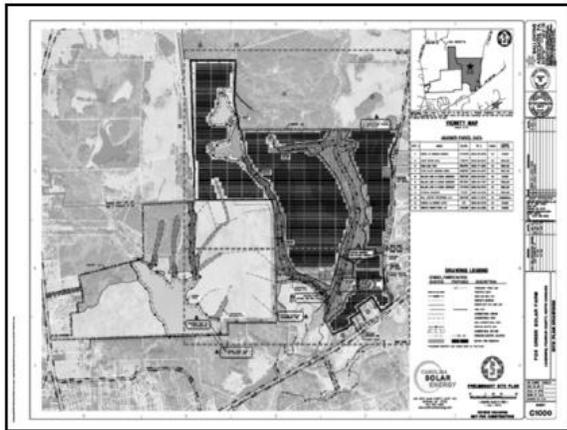
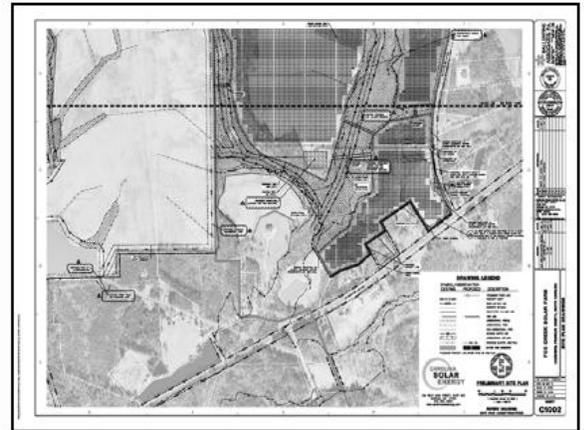
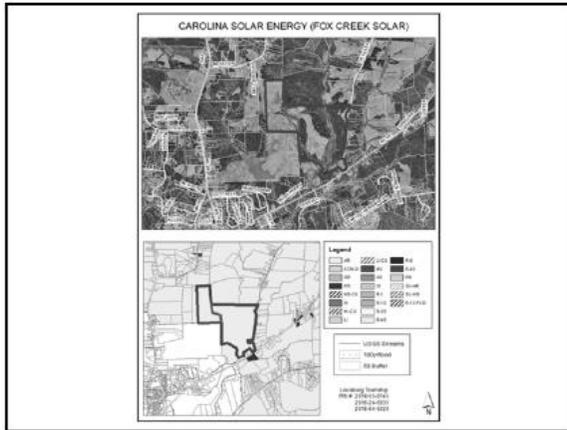
Commissioner May made the motion to approve the text amendment. The motion was seconded by Commissioner Mitchell and duly carried approval with all present voting “AYE.”

B. Request for Special Use Permit – Carolina Solar Energy (Fox Creek Farm) (16-SUP-04)

The Board was asked to consider approval of a special use permit request by Carolina Solar Energy (Fox Creek Farm) to construct a solar farm on 278 +/- acres of approximately 701.40 acres off T.K. Allen Road in the Louisburg Township in the Agricultural Residential (AR) Zoning District. Following the public hearing, it was recommended the Board use the special use permit checklist to assist in its decision.

Scott Hammerbacher, Planning and Inspections Director, offered the following PowerPoint presentation and commented the Planning Board unanimously recommended the special use permit request with conditions. He said the applicant plans to use existing vegetation where possible and will add additional for visual

buffer. He stated the applicants held a community meeting with adjacent property owners and proposed to install a different landscape species than originally planned.



UDO Requirements

1. A Special Use Permit is required as outlined in Article 9 (Special Uses) for Solar Energy Farms locating in the following zoning districts: AR, R-1, R-8, R-15, R-30, R-40, and R-80. *Solar Energy Farms are allowed as a permitted use within the Light and Heavy Industrial Districts.
2. Structures shall not exceed twenty-five (25) feet in height, as measured from finished grade at the base of the structure to its highest point.
3. Solar farm facilities and structures shall conform to the principal building setbacks of the underlying zoning district which they are located.

4. Solar farm facilities shall be enclosed by a six (6) foot high fence.
5. Solar farm facilities shall not create a visual safety hazard for passing motorist.
6. Lighting. Lighting shall be such that it is not directed onto any adjacent properties or right-of-ways.
7. Screening. Shall conform to Article 14, Landscape Requirements.
8. Minimum lot area. Minimum lot area shall be the same as required by the underlying zoning district.

9. Parking. There must be an area designated outside of DOT right-of-way to accommodate a minimum of three maintenance vehicles.
10. Solar farm facilities shall be removed, at the owner's expense within one hundred eighty (180) days of a determination by the Administrator that the facility is no longer being maintained in an operable state of good repair. Financial assurance may be required of the applicant to provide for the removal of solar facilities.

Conditions of Approval

1. Prior to securing building permits from the County, documentation from all other applicable state and federal agencies shall be submitted to the Franklin County Planning and Inspections Department verifying permit approval.
2. Approval of stormwater management plan if there is a land disturbance of .50 acres or greater.
3. An engineering estimate for the removal of the facility will need to be submitted in addition to a financial surety prior to the issuance of building permits.
4. Approval of NC Department of Transportation Driveway Permit.
5. No Lighting shall be installed without approval from the Franklin County Planning & Inspections staff.
6. Screening shall conform to Article 14, Landscape Requirements and Article 8, Section 8-1 Note 6, Buffer Strips. (As shown on the site plan, existing vegetation is being used where feasible to satisfy this requirement. It shall remain in place or landscaping shall be installed at a minimum of six (6) feet tall at time of planting.) Planning Staff may require additional landscape buffering around the perimeter of the site if existing vegetation is not sufficient. This shall be installed prior to final inspection and approval.
7. Approval from local fire department for knox box.

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| <p>8. Approval of final layout and design of all solar panels and associated structures shall be submitted for review to the Franklin County Planning Department prior to issuance of building permits.</p> <p>9. A determination letter shall be obtained from the Department of Environmental and Natural Resources (NCDENR) for any impacted streams or crossings.</p> <p>10. Recombination survey shall be recorded combining PIN's 2816-24-6935, 2816-55-8745, and 2816-64-9320 prior to issuance of zoning and building permits.</p> <p>11. Nellee R. Stevens Holly trees shall be planted to meet Article 14 Landscape/Buffer Requirements along southern property boundary (Lord Properties).</p> |
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Chairman Dunston declared the public hearing open and deferred to County Attorney Pete Tomlinson to present rules for quasi-judicial hearings.

The following individuals were sworn under oath prior to offering testimony.

Beth Trahos, 434 Fayetteville Street, Suite 2800, Raleigh, NC

- Ms. Trahos is an attorney representing the proposed solar farm and the firm of Smith Moore Leatherwood Attorneys at Law. Ms. Trahos submitted into evidence a packet that includes the special use application and staff reports. Also included were affidavits from experts who offered testimony regarding the project including Thomas Cleveland, professional engineer, J. Thomas Hester, licensed real estate appraiser, and George Retschle, professional engineer.
- She noted a community meeting was held with neighbors of the proposed solar farm on February 29, 2016 and stated some changes to the original plans were made as a result of the meeting.

George Retschle, 221 Providence Road, Chapel Hill, NC

- Mr. Retschle is a licensed North Carolina professional engineer. He noted solar farms are benign and operate without noise, odor, traffic or significant use of county utilities/services. He noted solar farms do not affect increases in public schools, but do bring about an increase of tax revenue. He said the solar rays would be enclosed by a security fence and said wherever there is not existing vegetation to buffer the fence from adjoining properties (adequate to meet the county's requirements) evergreen shrubs would be planted at six feet high (two rows) to provide a good screen from the start. He noted the type of vegetation along the southern property line would be changed slightly from original plans to include a specific variety of holly requested by adjoining property owners. He noted the group would obtain approvals from the Department of Transportation Department of Environment and Natural Resources as well as all state and local approvals necessary before construction begins. Mr. Retschle said the group is in agreement with all conditions suggested by planning staff and said his testimony is that if this project is built the way it is proposed, it will maintain public health, safety, and general welfare. He said the project complies with all applicable requirements of the Unified Development Ordinance (UDO) and will be in compliance with all general plans for development in the UDO as well as the comprehensive land use plan. He said the solar farm will be in harmony with adjoining properties and will not have significant impacts on adjoining properties or neighborhoods. He added utilities, schools, fire, police and other services are adequate to service the property and feels in his professional opinion, having dealt with over one hundred solar farms, that solar energy is becoming a public necessity and source of alternative energy.

Thomas Cleveland, 4141 Laurel Hills Road, Raleigh, NC

- Mr. Cleveland is a licensed North Carolina professional engineer and was present to speak about health, safety and other potential impacts of the project. He stated the system produces electricity, but has no emissions to air, water or soil. He said solar panels to be used are non-hazardous and can be disposed of in landfills and do not pose a material threat to health if on the ground.

- He noted there is a small airstrip to the northwest of the proposed solar farm. He conducted a glare analysis of the site to see if there is any concern of glare for pilots as they are landing. He said there is no glare at all landing from the north, but a small amount of visible glare landing from the south allowed by the Federal Aviation Authority and not considered hazardous.
- Mr. Cleveland offered a full affidavit of written testimony but stated his professional conclusion is there are no negative health or safety impacts or damage to the welfare of the community as a result of this site.

Tom Hester, 228 Fayetteville Street, Raleigh, NC

- Mr. Hester is a licensed North Carolina real estate appraiser. He stated he has visited the proposed solar farm site on several occasions and investigated all adjacent properties as well as 40 other existing solar farms and made similar investigation as to adjacent properties and transactions, sales of nearby properties. He concluded the project would have no negative affect on adjacent property values.

Following expert testimony, Ms. Trahos concluded all evidence was provided to support all required findings of fact.

At approximately 7:39 P.M., Chairman Dunston declared the public hearing closed.

The Board considered each of the following conditions.

Special Use Permit Checklist

In order to issue a Special Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings of fact in regards to each and must find that the issuance of the Special Permit is in the best interest of the County.

- Yes No The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
- Yes No The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations.
- Yes No The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that use or development is a public necessity.
- Yes No The use or development conforms with general plans for the physical development of the County's planning jurisdiction as embodied in this chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners.
- Yes No The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.
- Yes No The type, size, and intensity of the proposed use, including such considerations as hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood.
- Yes No Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use.

If the Board approves the Special Use Permit, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provisions be made for recreational space and facilities.

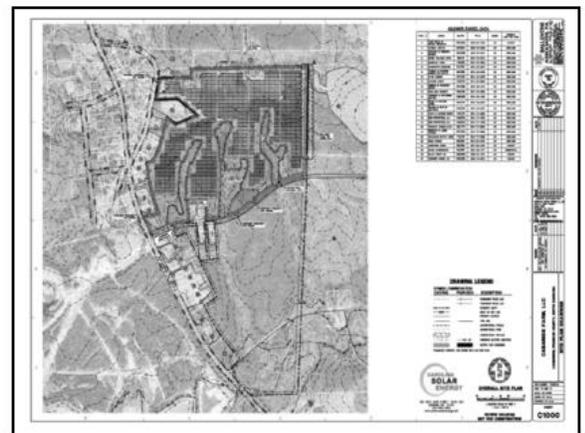
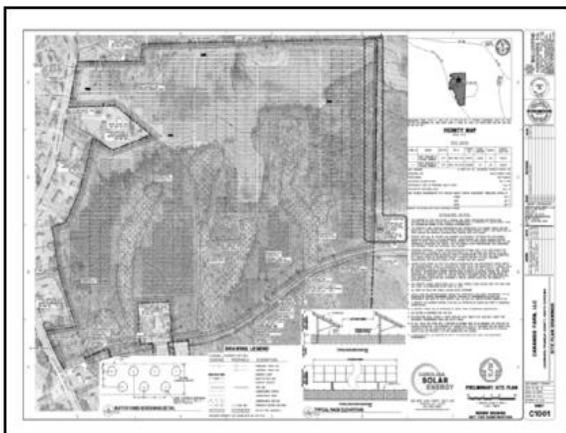
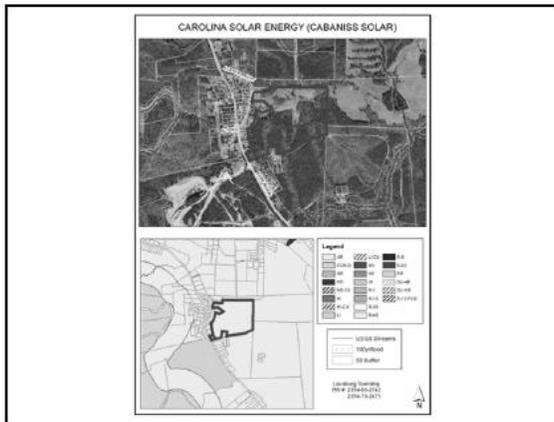
Commissioner Foy made a motion to grant the special use request with special conditions suggested by the Planning Board. The motion was seconded by Commissioner May and duly carried approval with all present voting “AYE.”

C. Request for Special Use Permit – Carolina Solar Energy (Cabaniss) (16-SUP-05)

The Board was asked to consider approval of a special use permit request by Carolina Solar Energy (Cabaniss) to construct a solar farm on 65 +/- acres of a 123,20 acre tract located at Mary Day Drive off East River Road (State Road 1600) in the Louisburg Township in the Agricultural Residential (AR) Zoning District. Following the public hearing, it was recommended the Board use the special use permit checklist to assist in its decision.

Scott Hammerbacher, Planning and Inspections Director, offered the following PowerPoint presentation and commented the Planning Board unanimously recommended the special use permit request with conditions.

Mr. Hammerbacher noted there is an area of the property where an adjacent property owner has asked that additional landscaping be installed and the applicant has agreed to comply. He noted that staff had suggested any new vegetation needed would be six feet in height at time of installation. He said the solar farm facility would be surrounded by a six-foot-tall chain link fence with limited access into the facility.



UDO Requirements

1. A Special Use Permit is required as outlined in Article 9 (Special Uses) for Solar Energy Farms locating in the following zoning districts: AR, R-1, R-8, R-15, R-30, R-40, and R-80. *Solar Energy Farms are allowed as a permitted use within the Light and Heavy Industrial Districts.
2. Structures shall not exceed twenty-five (25) feet in height, as measured from finished grade at the base of the structure to its highest point.
3. Solar farm facilities and structures shall conform to the principal building setbacks of the underlying zoning district which they are located.

4. Solar farm facilities shall be enclosed by a six (6) foot high fence.
5. Solar farm facilities shall not create a visual safety hazard for passing motorist.
6. Lighting. Lighting shall be such that it is not directed onto any adjacent properties or right-of-ways.
7. Screening. Shall conform to Article 14, Landscape Requirements.
8. Minimum lot area. Minimum lot area shall be the same as required by the underlying zoning district.

9. Parking. There must be an area designated outside of DOT right-of-way to accommodate a minimum of three maintenance vehicles.

10. Solar farm facilities shall be removed, at the owner's expense within one hundred eighty (180) days of a determination by the Administrator that the facility is no longer being maintained in an operable state of good repair. Financial assurance may be required of the applicant to provide for the removal of solar facilities.

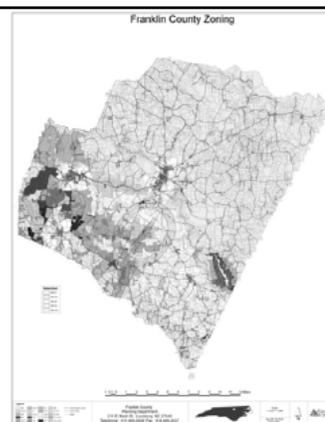
8. A determination letter shall be obtained from the Department of Environmental and Natural Resources (NCDENR) for any impacted streams or crossings.

9. Approval of final layout and design of all solar panels and associated structures shall be submitted for review to the Franklin County Planning Department prior to issuance of building permits.

10. Nellie R. Stevens Holly trees shall be used to supplement existing vegetation along Leonard Farms, LLC property line.

Conditions of Approval

1. Prior to securing building permits from the County, documentation from all other applicable state and federal agencies shall be submitted to the Franklin County Planning and Inspections Department verifying permit approval.
2. Approval of stormwater management plan if there is a land disturbance of .50 acres or greater.
3. An engineering estimate for the removal of the facility will need to be submitted in addition to a financial surety prior to the issuance of building permits.
4. Approval of NC Department of Transportation Driveway Permit.
5. No Lighting shall be installed without approval from the Franklin County Planning & Inspections staff.
6. Screening shall conform to Article 14, Landscape Requirements and Article 8, Section 8-1 Note 6, Buffer Strips. (As shown on the site plan, existing vegetation is being used where feasible to satisfy this requirement. It shall remain in place or landscaping shall be installed at a minimum of six (6) feet tall at time of planting.) Planning Staff may require additional landscape buffering around the perimeter of the site if existing vegetation is not sufficient. This shall be installed prior to final inspection and approval.
7. Approval from local fire department for knox box.



Chairman Dunston declared the public hearing open at 7:52 P.M.

The following individuals were sworn under oath prior to offering testimony.

Beth Trahos, 434 Fayetteville Street, Suite 2800, Raleigh, NC

- Ms. Trahos is an attorney representing the proposed solar farm and the firm of Smith Moore Leatherwood Attorneys at Law. Ms. Trahos submitted into evidence a packet that includes the special use application and staff reports. Also included were affidavits from experts who offered testimony regarding the project including Thomas Cleveland, professional engineer, J. Thomas Hester, licensed real estate appraiser, and George Retschle, professional engineer.
- She noted a community meeting was held with neighbors of the proposed solar farm on March 1, 2016 and stated some changes to the original plans were made as a result of the meeting to include additional vegetation (Nelly Stevens Hollies) was added along the Leonard Farm.

George Retschle, 221 Providence Road, Chapel Hill, NC

- Mr. Retschle is a licensed North Carolina professional engineer. He noted the solar farm would be enclosed by a security fence, a landscape buffer, two rows of evergreen shrubs that will be six feet in height at planting. He said there will be two permanent and one temporary entrance to the site. This project will not cause public health or safety concerns, it will not require any public services or utilities and believes the farm represents a public necessity.

Thomas Cleveland, 4141 Laurel Hills Road, Raleigh, NC

- Mr. Cleveland is a licensed North Carolina professional engineer and was present to speak about health, safety and other potential impacts of the project. He said there are no emissions from the technology, the panels and other components are non-hazardous, his professional opinion there are no health or safety impacts or concerns.

Tom Hester, 228 Fayetteville Street, Raleigh, NC

- Mr. Hester is a licensed North Carolina real estate appraiser. He stated he has visited the site on more than one occasion and made an investigation as to the surrounding properties. He said he studied the site plan well and understands the screening of natural vegetation. From a real estate perspective, he said he

generally effect is visual only but this plan calls for heavy screening which will alleviate any visual affect from the project. His conclusion that this project will harm no adjacent properties or disturb the harmony of the neighborhood.

Carson Hargrater, 400 West Main Street, Durham, NC

- Ms. Hargrater is the director of private development at Carolina Solar Energy II, LLC. She commented on the proposed vegetative buffer.

Patricia Chastain, 197 Hugh Perry Road, Louisburg, NC

- Ms. Chastain commented on the difference between a Nelly R. Stevens Holly versus a Nelly Stevens Holly. She stated the Nelly R. Stevens Holly did not require any pruning and said when it is planted it is best left unattended.

Following expert testimony, Ms. Trahos concluded all evidence was provided to support all required findings of fact.

At approximately 8:23 P.M., Chairman Dunston declared the public hearing closed.

The Board considered each of the following conditions.

Special Use Permit Checklist

In order to issue a Special Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings of fact in regards to each and must find that the issuance of the Special Permit is in the best interest of the County.

- Yes No The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
- Yes No The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations.
- Yes No The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that use or development is a public necessity.
- Yes No The use or development conforms with general plans for the physical development of the County’s planning jurisdiction as embodied in this chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners.
- Yes No The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.
- Yes No The type, size, and intensity of the proposed use, including such considerations as hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood.
- Yes No Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use.

If the Board approves the Special Use Permit, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provisions be made for recreational space and facilities.

Commissioner Foy made a motion to grant the special use request with special conditions suggested by the Planning Board. The motion was seconded by Commissioner Jones and duly carried approval with all present voting “AYE.”

The motion includes the planting of Nelly R. Stevens shrubs to be used at the properties up front that have no vegetation around them (on Alston Pruitt Road and to the north.)

4. SEWER USE ORDINANCE MODIFICATIONS

Wastewater Treatment staff have been reviewing/auditing the current Sewer Use Ordinance and have recommended minor changes specifically dealing with the fats, oils and grease section of the ordinance. The recommended changes appear to be common among other ordinances evaluated across the state.

Commissioner Foy made a motion to approve the ordinance modifications, seconded by Commissioner Mitchell. All present members of the Board voted in favor, however the ordinance modifications must be considered at a second reading on May 2, 2016 as all Board members were not present at the meeting.

5. DISCRETIONARY GRANT FROM NCDOT FOR AIRPORT CONSTRUCTION

Triangle North Executive Airport is in the construction phase of the Industrial Area Development Project. The grant has been offered to Franklin County for the purpose of construction of airport improvements at the airport. The grant amount is \$369,000 with a \$41,000 local match. The funding ratio is 90% Federal and a 10% local match. This local match funding is available in the Airport Fund.

Commissioner Jones made a motion to accept a discretionary grant and provide local match for Industrial Area Development at Airport. The motion was seconded by Commissioner Bunn and was approved 5 to 1 with Commissioner Foy voting "NO." Commissioner Lancaster was absent.

6. OTHER BUSINESS

Commissioner Mitchell asked staff to examine present and future county facility needs and asked that recommendations be included in the upcoming budget proposal. Staff was also asked to collaborate with the Town of Louisburg to examine the possibility of a county complex. Commissioner Jones also asked that staff look at the current status and needs of existing buildings and associated costs.

Commissioner Dunston thanked staff for the recent planning retreat and discussed the importance of planning for future growth.

7. BOARD, MANAGER, AND CLERK'S COMMENTS

This was the time set aside for the Board of County Commissioners, the County Manager, and the Clerk to the Board to report on various activities. The Board may also discuss other items of interest.

County Clerk Kristen G. King: No comments were offered.

Commissioner Foy: No comments were offered.

Commissioner Bunn: No comments were offered.

Commissioner May: Commissioner May informed the Board Ms. Carolyn Paylor recently passed away. Ms. Paylor was the former director of Smart Start. She also volunteered as a member of the county's Planning Board.

Commissioner Jones: No comments were offered.

Commissioner Mitchell: No comments were offered.

Commissioner Dunston: No comments were offered.

Commissioner Lancaster: Commissioner Lancaster was absent.

County Manager Angela L. Harris: Mrs. Harris commented on the Board's recent economic development retreat and said she feels policy changes will be good for the county. Ms. Harris announced Richie Duncan, former Existing Industry Coordinator, has been named the county's new Economic Development Director effective July 1, 2016.

8. CLOSED SESSION

The Board was asked to enter into closed session pursuant to the following North Carolina General Statutes:

A. NCGS 143-318.11 (a) (3) – Attorney-Client Privileged Communication.

B. NCGS 143-318.11 (a) (4) – Industry/Economic Development

At approximately 8:47 P.M., Commissioner Jones made a motion to enter into closed session pursuant to NCGS 143-318.11 (a) (3). The motion was seconded by Commissioner Mitchell and approved 5 to 1, with Commissioner Foy voting "NO."

Following closed session at 9:31 P.M., Commissioner May made a motion to enter back into open session, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

Commissioner Mitchell made a motion to approve the final remaining punch list items regarding the radio project as agreed to by county staff and Harris Corporation with the timetable set forth in the maintenance contract. The motion was seconded by Commissioner May and duly carried approval with all present voting "AYE."

Commissioner Bunn made a motion to adjourn, seconded by Commissioner Jones. The motion duly carried approval with all present voting "AYE."

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board