

June 16, 2014

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 John M. May, Commissioners Cedric K. Jones, Harry L. Foy, Jr., Don Lancaster and David T. Bunn. Commissioner E. Shane Mitchell was absent.

Chairman Dunston called the meeting to order and asked the Board to consider approval of the consent agenda.

Commissioner Lancaster made the motion to approve the consent agenda, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

The following items were approved.

1. **CONSENT AGENDA**

- A. June 2, 2014 Minutes
- B. Releases, Adjustments, Refunds, and Tax Collection Report
- C. Budget Ordinance Amendment #3 (Pursuant to North Carolina General Statute 159-15, the County Finance Officer is requesting a budget ordinance amendment in the amount of \$291,035 for the fiscal year ending June 30, 2014 to amend the General Fund and other funds for the closeout Budget Amendment to receive grants and appropriate additional funds for various departments.)
- D. Home and Community Care Block Grant Funding Plan
- E. Authorization for Hale Artificier Fireworks to discharge pyrotechnics at Louisburg High School for upcoming July 4th celebrations

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. No comments were offered.

3. **PUBLIC HEARINGS**

A. 2014-2015 Proposed Budget

This was the time scheduled to hear public comments on the proposed 2014-2015 budget and to consider possible adoption of the 2014-2015 budget ordinance.

Chairman Dunston opened the hearing at 7:05 P.M.

Marilyn Brown, 2812 White Level Road, Castalia, NC

- Ms. Brown expressed her concern with closing the dental clinic at the Health Department. She and her kids patronize the clinic and said they are comfortable receiving care there. She asked the Board to reconsider any plans to close the clinic.

Alton Richardson, 942 Lee Road, Castalia, NC

- Mr. Richardson stated his support for a satellite library in the Centerville community of Franklin County. He feels the library will be a benefit to the eastern part of the County especially students who may not be able to travel to a library after school hours.

With no further comments, Chairman Dunston closed the public hearing at 7:12 P.M.

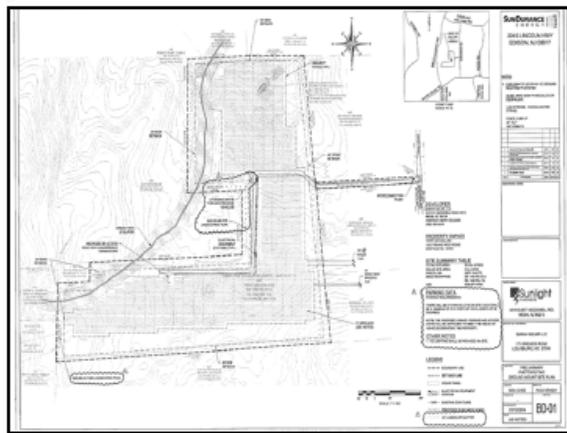
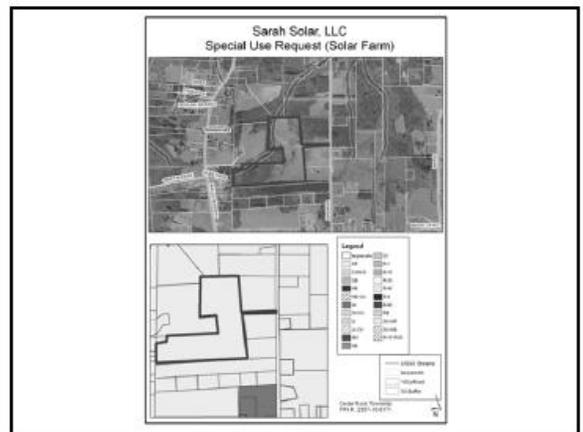
Chairman Dunston asked the Board to consider tabling any action on the budget and suggested the Board recess to June 23, 2014 at 4:00 P.M. for the purpose of a second budget work session.

Commissioner Lancaster made a motion to table adoption of the budget to June 23, 2014. The motion was seconded by Commissioner Jones and duly carried approval with all present voting "AYE."

B. Special Use Permit Request – Sarah Solar, LLC

The Board was asked to consider approval of a special use permit request by Sarah Solar, LLC on approximately 21 acres of a 38.24 acre parcel located on Brewer Road (State Road 1458) in the Agricultural-Residential (AR) District in Cedar Rock Township to allow a Solar Energy Farm. Following the public hearing, it was recommended the Board utilize the special use permit checklist to assist in its decision.

Donna Wood, Senior Franklin County Planner, was sworn under oath by Clerk to the Board Kristen G. King. Mrs. Wood provided a summary of the request along with a map of the subject property.



Summary of Request

- The property is currently zoned Agricultural Residential (AR).
- The solar facility will be located approximately 670+ feet off of Brewer Road.
- The project site will be enclosed with a fence, preventing access to the general public.
- The future landuse plan has this property designated as Agricultural/Residential (AR).
- The submitted site plan indicates the landscaping plan and area for parking.
- Public water and sewer is not available on Brewer Road.

- There is a stream with riparian buffers that runs through the western portions of the 38.24 acre tract. The proposed project will not encroach into any Tar-Pamlico stream buffers. The subject property is located within the Tar-Pamlico basin and is required to meet nutrient regulations for nitrates and phosphates.
- The average daily traffic count on Brewer Road is 150 vehicles per day.

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 Franklin County Planning & Inspections Department verifying permit approval.
 - 2. Approval shall be subject to adhering to all other County, State, and Federal regulations.
 - 3. Approval of stormwater management plan is there is a land disturbance of .50 acres of greater.
 - 4. An engineering estimate for the removal of the facility will need to be submitted in addition to a financial surety prior to issuance of building permits.

- 5. Approval of NC Department of Transportation driveway permit.
- 6. No lighting shall be installed without approval from the Franklin County Planning & Inspections staff.
- 7. Screening shall conform to Article 14, Landscape Requirements.
- 8. Approval from local fire department for knox box.
- 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.

Special Use Permit Checklist

A.) 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 ___

B.) The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations;

Yes ___ No ___

C.) 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 the use or development is a public necessity;

Yes ___ No ___

D.) 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 ___

E.) 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 impacts;

Yes ___ No ___

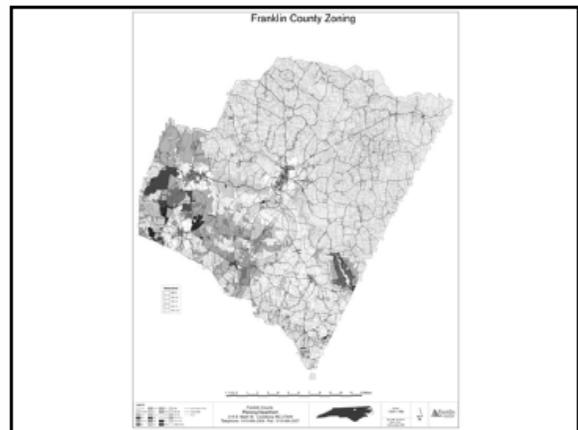
F.) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood;

Yes ___ No ___

G.) Utilities, school, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;

Yes ___ No ___

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 right-of-way be dedicated to the public and that provisions be made for recreational space and facilities.



Should the Board approve the request, Mrs. Wood said staff recommends it be done so with the following 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 & Inspections Department verifying permit approval.
- 2. Approval shall be subject to adhering to all other County, State and Federal regulations.
- 3. Approval of stormwater management plan if there is a land disturbance of .50 acres or greater.
- 4. 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.
- 5. Approval of a NC Department of Transportation driveway permit.
- 6. No lighting shall be installed without approval from the Franklin County Planning & Inspections staff.
- 7. Screening shall conform to Article 14. Landscape Requirements.

8. Approval from local fire department for Knox box.
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 the issuance of building permits.

Chairman Dunston then declared the public hearing open at 7:21 P.M.

Chairman Dunston asked County Attorney Pete Tomlinson to review procedures that must be followed during a quasi-judicial hearing. Mr. Tomlinson stated during the special use permit hearing, the Board is only allowed to hear sworn evidence presented before them during the meeting. Therefore, he said, each witness is required to come before the Clerk and be sworn. As the Board had already received a summary by Mrs. Wood, he said the petitioner must present evidence that covers each of the categories in the special use permit checklist under sworn statement. Anyone in opposition to the petition would then have an opportunity to stand and make a statement under oath and present any evidence they may have. He said the petitioner has the right to cross examine by way of asking questions that can be answered by those in opposition. After the opposition has the opportunity to testify, he said the petitioner can put on any rebuttal testimony they may have. Once all testimony has been given, the hearing will close and Commissioners may ask questions regarding the evidence presented. If Commissioners ask questions of the opposition, the petitioner will have the opportunity to respond to those same questions. Once the public hearing is closed, the Board will have the opportunity to discuss amongst themselves or ask specific questions. Upon completion of questions, he said the Board must use the special use permit checklist making a motion to each item within the checklist. The Board will then vote to approve or deny the request.

At approximately 7:27 P.M., Chairman Dunston called on the petitioner's attorney Michael S. Fox to make a presentation.

Each witness was then sworn under oath by Clerk to the Board Kristen G. King.

Michael S. Fox, P.O. Box 2888, Greensboro, NC

- Mr. Fox stated he is an attorney representing Sarah Solar LLC.
- Mr. Fox distributed two handouts to the Board. A bound handout was entitled "Special Use Permit for Sunlight Partners, LLC Proposed Solar Array Facility." The second handout was a copy of Mr. Fox's PowerPoint presentation which is included in the minutes below.
- Mr. Fox stated several witnesses were in attendance including a representative of Sunlight Partners to explain the site plan and engineering; a solar engineer to explain how solar works and how it is safe and environmentally friendly; as well as a licensed real estate appraiser to discuss whether or not there is any impact on adjoining property values.
- Mr. Fox first shared the following PowerPoint presentation further explaining the quasi-judicial proceeding process.

Quasi-Judicial Proceedings
 Franklin County
 Board of Commissioners
 June 16, 2014

Definition

A “quasi-judicial” proceeding is a hearing conducted by an administrative official or body that is similar to a court proceeding.

Like a court proceeding, but less formal.

Applicant can appeal a quasi-judicial decision directly to Superior Court.

Rules

Parties have the right to cross-examine witnesses
 All evidence must be competent and admissible – no hearsay evidence allowed
 Lay people are not allowed to provide expert testimony

Sun Suites Holdings, LLC v. Town of Garner, 139 N.C. App. 269, 769 (2000) (mere expressions of opinion about possible negative effects of granting permit insufficient to support denial of permit)

Applicant’s Job

An applicant for a special use permit is required to present evidence to show that the proposed project meets four elements.

Required Elements

The applicant has to show that:

- 1. The use will not **materially endanger the public health, safety, or general welfare;**
- 2. The use **meets all required conditions** and specifications;
- 3. The use **will not adversely affect the use or any physical attribute of adjoining or abutting property;** and
- 4. The location and character of the use will **be in harmony with the area** in which it is to be located and in general conformity with the Franklin County Land Use Plan.

Opposition to Permit Request

Parties have a right to ask questions of any witness.

The Board can not base critical factual findings on hearsay evidence.
Jarrell v. Board of Adjustment, 258 N.C. 476, 481 (1963)

Board’s Job

If the applicant has produced competent, material, and substantial evidence tending to establish the required elements under the ordinance, then the applicant is entitled to the permit.

Humble Oil and Refining Co. v. Board of Alderman of Town of Chapel Hill, 284 N.C. 458, 468 (1974)

Board’s Job

If the Board denies a permit, the Board must specifically state the substantial evidence supporting the denial.

Crist v. City of Jacksonville, 131 N.C. App. 404, 507 (1998) (remanding case where board made no findings for denial)

- Mr. Fox then gave a brief overview of the bound handout entitled “Special Use Permit for Sunlight Partners, LLC Proposed Solar Array Facility.” The handout includes a site plan, landscape plan, information about Sunlight Partners, photographs of solar farms as credentials of witnesses that will testify during the hearing, a solar presentation and appraisal report.
- Mr. Fox introduced Mike Wallace as an engineer of Sunlight Partners.

Michael Wallace, Scarborough, Maine

- Mr. Wallace works for Sunlight Partners and Cate Street Capital that works with renewable energy sources throughout the United States including solar farms. He said Sunlight Partners focuses on solar energy and solar farms. The project in Franklin, he said, is one of 48 his company is working on.
- Mr. Wallace referenced a site plan that was provided to the Board and said the facility would be a five megawatt facility located on approximately 21 acres of a 38 acre plot. He pointed out the project is complying with the Unified Development Ordinance (UDO) in terms of a buffering requirements. He said no contamination would be present. He said the company had no plans of disturbing the existing ground. Panels would be placed on existing soil. He said the site would be maintained by a local company that will cut the grass once a month or every two months as needed. He said there would be no chemicals used on the site whatsoever. Panels will need to be cleaned with water roughly once or twice per year. He also said there would be no lighting on the facility and no issues with glare from the panels. He said there would also be a six-foot fence as required by the UDO that wraps around the entire property to protect assets inside the fence and to protect inexperienced individuals from voltage. He said there would be three inverters on site. He said exhaust fans used to keep inverters cool would generate a minimal sound level.
- Mr. Wallace then referred to a site map in which typical landscaping is applied in order to create a shield of the fencing and solar farm. He proposed additional buffering to not only include the required shrubbery but also additional evergreens along the western side of the property. He said doing so would completely restrict any access across the field. Regarding traffic into the site, he said one to two service vehicles would enter the property per month to examine inverters. The site would also be visited on occasion by landscapers.
- Mr. Wallace noted the site is monitored remotely and that if an issue were to arise it would be a matter of minutes to hours for response. The site will also be monitored by the power company.
- Commissioner May asked Mr. Wallace how power is delivered. Mr. Wallace said power is delivered via underground wiring. Commissioner May asked if the company intended to remain owner of the solar farm indefinitely. Mr. Wallace guaranteed that “right now” his company would own and operate the solar farm. Mr. Fox said the company’s intent is to own and operate the solar farm, but stated all of the conditions on the site plan and agreements with the landowner, agreements with Duke Energy and their permit with the State Utilities Commission would apply regardless of who owns the farm. Mr. Fox said all protections would be in place regardless of ownership.

Tommy Cleveland, Raleigh, NC

- Mr. Cleveland stated he is an engineer with the North Carolina Solar Center at North Carolina State University. He has worked for ten years as an engineer working with solar energy. Mr. Cleveland said he was not speaking under the capacity of the solar center but as a private/professional engineer.
- Mr. Cleveland referred to Tab 5 of the handout and gave an overview of the composition of a solar cell. He also explained and showed photographs depicting how solar farms are assembled. He said solar is

safe and environmentally friendly and said there are no site emissions to air, water or soil. He said there is widespread support of solar by environmental organizations such as the EPA (Environmental Protection Agency) and the Sierra Club. He stated the EPA has rooftop systems on its own buildings in Research Triangle Park. He said it is proven the systems last a long time and said there are no safety or environmental surprises. In his professional opinion, Mr. Cleveland said the use of the site would not materially endanger public health or safety or general welfare of anyone in the vicinity.

Rich Kirkland, Fuquay Varina, NC

- Mr. Kirkland is an appraiser representing Kirkland Appraisals, LLC and said he has approximately 19 years of experience. He stated he was hired to address the impact of solar farms on adjoining property owners. Mr. Kirkland said he generated his own study of solar farms and said to date he has visited 48 looking for sales of land, homes, etc. adjacent to solar farms. He stated he located a solar farm in Goldsboro, North Carolina located next to an ongoing later phase of a subdivision. He said the subdivision was developing homes before the solar farm was announced and stated that homes were sold before and after the construction of the solar farm. He stated he spoke with many of the homeowners whose home backed up to the solar farm and said they had no concerns. He said there was landscape buffering at the Goldsboro solar farm, but said the solar panels could still be viewed by homeowners and the trees were not fully grown. Still, he said there was no evidence of any impact on sales prices or the time of market on any of the homes. Mr. Kirkland said he looked at another solar farm in Chapel Hill, North Carolina built last year. He said a tract nearby was sold and divided into estate lots therefore showing there was no impact on lot sales. He visited another solar farm in Zebulon, North Carolina that has been approved but not built. He stated there are subdivision lots located across the street. He said the property was sold as a package deal and that many subdivisions are sold as package deals. He said there are two other subdivisions that sold package lots similar to the one he visited in Zebulon and said the package lots were selling for less per lot that were not located near the solar farm. When visiting solar farms, Mr. Kirkland stated he never heard noise, witnessed traffic and said there are no hazardous materials stored there. Commissioner Foy asked Mr. Kirkland if there were cases where solar farms enhanced property values. Mr. Kirkland said he would not suggest solar farms enhance value but said there are locations where homes next to solar farms did sell at a higher cost.

Michael S. Fox, P.O. Box 2888, Greensboro, NC

- Mr. Fox asked to enter the materials presented into evidence in order that the Board may consider them in making its determination. Mr. Fox then summarized the requirements the Board must examine in making its decision and the reasons why he felt the requirements have been met.

Special Use Permit Checklist

- Yes or 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.

Mr. Fox said he felt sufficient evidence had been provided by Mr. Wallace and Mr. Cleveland showing there are no public health or safety issues.

- Yes or No. The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations.

Mr. Fox said planning staff had indicated the use conformed with the UDO and that the correct buffers and setbacks were in place.

- Yes or 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.

Mr. Fox said the Board heard testimony from Mr. Kirkland that in all of his studies and experience and in his professional opinion there would not be negative impacts on nearby properties and feels significant evidence was shared to show that property values would be maintained.

- Yes or No. The use of 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.

Mr. Fox said the County's planner (Mrs. Wood) talked about the general area, Mr. Kirkland discussed the types of uses typically seen adjacent to solar farms and said that is consistent with the proposed project on Brewer Road.

- Yes or 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.

Mr. Fox said evidence was provided to show the buffered site would be hard to see into, hear or smell and said there would be little to no impact on adjoining property owners.

- Yes or 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.

Mr. Fox said there is no runoff, emissions, noise or foul odors.

- Yes or No. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use.

Mr. Fox said no infrastructure is needed and that solar farms are self-contained. He said the County's fire marshal looks at the plan as part of plan review to make certain emergency vehicles can get inside the farm if needed.

Mr. Fox said he feels witnesses have presented adequate evidence to satisfy all requirements and therefore asked the Board to allow the permit. He said the solar farm is a beneficial use to the County promoting renewable energy. He said there is generally a slight increase to property tax. He said there would be a community investment of several million dollars and said some jobs would be created.

Commissioner May asked if the company was a good neighbor to the community or if it was involved in any charitable giving. Mr. Fox said Sunlight is still developing its footprint in North Carolina.

Commissioner May asked if there were a blackout, would the solar farm be off the grid as well. Mr. Wallace confirmed it would not operate off the grid.

Tony Collins, Louisburg, NC

- Mr. Collins stated he is the property owner. He said Franklin County has three existing solar farm facilities and felt his site exceeds the others in terms of location and away from public view.

Chairman Dunston then asked for comments from those who are in opposition to the special use request.

Mr. Bruce Allen stated he would not swear or affirm upon any holy instrument. He affirmed the information he would give is the truth to the best of his knowledge.

Bruce Allen, 992 Mays Crossroads Road, Franklinton, NC

- Mr. Allen stated he is not opposed to the solar farm, but said he wished to ask a question. At the last hearing regarding a solar farm he felt the petitioner “passed the buck” onto Duke Energy. His question concerned stray voltage from solar farms and wanted to know whether or not it occurs and if so what can be done to prevent it.
- Mr. Cleveland said he was uncertain what Mr. Allen meant by “stray voltage” but said he could address voltage at the site. He said there is direct current (DC) voltage on the panels and wires all the way up to the inverter. He said there was no voltage outside of the panels and wires to the inverter and the inverters wires to the grid. He said if the grid goes down the frequency of the signals changing goes outside of a tight band. He said inverters are required to turn off by code and will do so automatically.
- Mr. Allen said through his research there appears to be problems with voltage leaving the property and travelling to adjoining properties. He said he would like to know if that happens, if it is going to occur or if there is something in place to prevent it. He said he was unsure of how it happens and that is why he is presenting the question to professional engineers. He said it has been an issue at other solar farms across the world.
- Mr. Cleveland suggested Mr. Allen may be referring to EMF’s instead of voltage. He said EMF’s are electromagnetic waves that come from anywhere there is electricity, voltage or current. He said there is less coming off solar panels compared to other things that surround us all of the time. He said the voltages of solar panels are fairly low.
- Mr. Wallace said before any site is put in place, the utility is brought in first. He said his company had to explain to the utility its plans, how many panels they will provide, and what the voltages will be. He said the utility would then conduct a short circuit study on their lines to see what their grid and substations can handle. He said if their lines are incapable of maintaining the extra, an upgrade is needed.
- Mr. Allen stated in his neighborhood, before Time Warner Cable offered high speed internet, he had dial up service. He said he had an electric fence for horses that caused problems with internet connectivity when the electric fence was engaged. He said he also understood that stray voltage can affect four-legged animals especially cows and horses.

- Mr. Cleveland said solar farms do not operate similarly to electric fences. He said the panels are separated from the ground electronically and do not use the ground as a return and would not therefore be problematic.

Linda Patton, 30 Leap Frog Lane, Louisburg, NC

- Mrs. Patton stated she purchased her land for the purpose of enjoying country living. She said one of her biggest concerns was the solar panel's effects on underground fencing for dogs. She also stated she has a pool on her property and was concerned the solar farm may endanger her children and grandchildren as they use the pool. She said one of her major concerns was landscaping and stated she appreciated the extra consideration for landscaping mentioned earlier in the evening. She said she was informed by the property owner (Mr. Collins) the land behind her property would be used for a cattle farm. At that time, she decided to cut the trees behind her property. She said she would not have done so if she had known the property would be used for a solar farm. She said both of her children live on the property as well as her four young grandchildren. She was concerned about a malfunction with the farm's fencing and the safety of her grandchildren should they make their way into the solar farm. She said she is also concerned with glare. She felt there were better places to locate a solar farm. She said there are seven affected properties on Leap Frog Lane, Baldy Murphy Road and Ronald Hill Road.
- Mr. Wallace stated he would work with neighbors to obtain a species of buffer that is preferable. He also responded to Mrs. Patton's concerns about construction time. He stated typical construction is four months.
- Mrs. Patton stated she is emotional about the installation of the solar farm because she simply does not want it in her back yard. She feels she was misled by the property owner.
- Mr. Cleveland addressed some of Mrs. Patton's safety concerns by stating no electricity would affect her pool in any way. He also stated the fence would be sturdy and that deer would be unable to break through it.

Chairman Dunston declared the public hearing closed with no further comments offered. He then asked the Board to use the Special Use Permit Checklist to assist in rendering its decision. The Board then examined each statement and subsequently voted on each item.

Special Use Permit Checklist

- Yes or 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.

The Board answered "YES" unanimously.

In response to the statement, Commissioner Lancaster made a motion in agreement with the above statement, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE."

- Yes or No. The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations.

The Board answered "YES" unanimously.

In response to the statement, Commissioner Foy made a motion in agreement with the above statement, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

- Yes or 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.

The Board answered "YES" unanimously.

In response to the statement, Commissioner Foy made a motion in agreement with the above statement, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

- Yes or No. The use of 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.

The Board answered "YES" unanimously.

In response to the statement, Commissioner Foy made a motion in agreement with the above statement, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

- Yes or 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.

The Board answered "YES" unanimously.

In response to the statement, Commissioner May made a motion in agreement with the above statement, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE."

- Yes or 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.

The Board answered "YES" unanimously.

In response to the statement, Commissioner Lancaster made a motion in agreement with the above statement, seconded by Commissioner May. The motion duly carried with all present voting "AYE."

- Yes or No. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use.

The Board answered "YES" unanimously.

In response to the statement, Commissioner May made a motion in agreement with the above statement, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE."

- **The following graphic is a copy of the Special Use Permit Checklist given to each Commissioner to assist in considering the Special Use Permit request. The answers were recorded by the Clerk to the Board upon each vote.**

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 <input checked="" type="checkbox"/> No <input type="checkbox"/> | 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> | The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations. |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> | 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> | 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> | 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> | 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 then made a motion to approve the special use permit subject to the conditions requested by the Planning Board. The motion was seconded by Commissioner Lancaster and duly carried approval with all present voting "AYE."

SUMMARY OF EVIDENCE REQUEST FOR SPECIAL USE PERMIT – SARAH SOLAR, LLC

On June 16, 2014, the Franklin County Board of Commissioners held a public hearing and by a vote of 6 to 0, approved the special use permit filed by Sarah Solar, LLC, Parcel ID 13756 for a Solar Energy Farm within the Agricultural-Residential (AR) zoning district.

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application should be approved and is complete and complies with Article 9, (E), (1) of the Franklin County Unified Development Ordinance. The Board made the following findings:

- a) 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;
 – The Board voted in the affirmative.
- b) The use or the development complies will all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations;
 – The Board voted in the affirmative.
- c) 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;
 – The Board voted in the affirmative.
- d) 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;
 – The Board voted in the affirmative.
- e) 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 impacts;
 – The Board voted in the affirmative.
- f) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood;
 – The Board voted in the affirmative.
- g) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;
 – The Board voted in the affirmative.

Date: 6-16-14

Sidney E. Dunston
Chairman, Franklin County Board of Commissioners

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Decision of the Franklin County Board of Commissioners:

Petition Approved _____ Petition Denied _____

Chairman, Franklin County Board of Commissioners

Chairman Dunston called for a brief recess at 8:48 P.M.

The meeting reconvened at 8:54 P.M.

4. BID AWARD: FRANKLIN COUNTY COURTHOUSE RENOVATION

Sealed proposals for the Franklin County Courthouse Renovation were received, publicly opened and read aloud at 2:00 P.M. on May 22, 2014. Five contractors submitted bid proposals for the work, ranging from \$1,430,873 to the low bid of \$1,277,272 submitted by Calvin Davenport, Inc. Bid prices included all base bids and all

alternates and the contractor is properly licensed and qualified to perform the work. The Board is asked to award the contract to Calvin Davenport, Inc. (single prime) in the amount of \$1,277,272 based upon the recommendation of Project Architect Surapon Sujjavanich, AIA.

Finance Director Chuck Murray offered the following PowerPoint presentation.

<p style="text-align: center;"><u>Courthouse Renovation Project</u></p> <ol style="list-style-type: none"> 1. <u>Summary of Bids</u> – 2. Calvin Davenport - \$1,277,272 – lowest bid 3. H.G. Reynolds - \$1,357,300 4. Daniels & Daniels - \$1,373,000 5. Bordeaux Construction Company, Inc. - \$1,404,000 6. C.T. Wilson Construction Co. - \$1,430,873 	<p style="text-align: center;"><u>Courthouse Renovation Project</u></p> <ol style="list-style-type: none"> 1. <u>Base Bid</u> - \$1,146,731 – includes new roof and new HVAC system, exterior walls waterproofing, Exterior Windows replaced (48), fire alarm system, Security Scanner, Front Porch Ceramic, Minor interior work. 2. <u>Alternate G-2</u> - To remove and replace carpet floor finish and repair damage floors. - \$18,100 3. <u>Alternate E-2</u> – To remove all existing lighting fixtures with new LED lighting fixtures. - \$97,283 4. <u>Alternate E-3</u> – To provide computerized emergency call system for the Courthouse. - \$15,158
<p style="text-align: center;"><u>Courthouse Renovation Project</u></p> <ol style="list-style-type: none"> 1. <u>Request</u> – Award the Courthouse Renovation Project to Calvin Davenport, Inc. From Rocky Mount, NC in the amount of \$1,277,272. 	

Mr. Murray stated there are three alternates suggested for addition regarding carpet installation, LED lighting and a computerized emergency call system. He recommended the Board consider awarding the bid to Calvin Davenport, Inc. (single prime) in the amount of \$1,277,272.

Commissioner Lancaster made the motion to award the bid to Calvin Davenport, Inc. (single prime) in the amount of \$1,277,272. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting “AYE.”

5. APPOINTMENTS

A. Board of Health

The Board was asked to consider appointing Ms. Buffy Broughton to serve on the Franklin County Board of Health.

Commissioner Bunn made the motion to appoint Ms. Buffy Broughton to serve on the Franklin County Board of Health, seconded by Commissioner Jones. The motion duly carried approval with all present voting “AYE.”

B. Department of Aging Advisory Board

The board was asked to consider appointing Ms. Rose Woodlief to the serve on the Department of Aging Advisory Board.

Commissioner Bunn made the motion to appoint Ms. Rose Woodlief to the serve on the Department of Aging Advisory Board, seconded by Commissioner May. The motion duly carried approval with all present voting “AYE.”

6. OTHER BUSINESS

DCA Monthly Performance Status Report (11-D-2447)

The status report was for information only. Board action was not required.

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: No comments were offered.

Commissioner Jones: Commissioner Jones stated he attended Franklinton High School's recent graduation ceremony.

Commissioner Mitchell: Commissioner Mitchell was absent.

Commissioner Dunston: No comments were offered.

Commissioner Lancaster: No comments were offered.

County Manager Angela L. Harris: No comments were offered.

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)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.
- B. NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Commissioner Bunn made the motion to enter into closed session pursuant to NCGS 143-318.11(a)(5). The motion was seconded by Commissioner May and approved with a 6 to 1 vote with Commissioner Foy voting "NO."

Commissioner Bunn made the motion to enter into closed session pursuant to NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The motion was seconded by Commissioner May and approved with a 6 to 1 vote with Commissioner Foy voting "NO."

Following closed session at 9:13 P.M., Commissioner Bunn made a motion to enter back into open session, seconded by Commissioner Lancaster. The motion duly carried with all present voting "AYE."

At 9:13 P.M., Commissioner Lancaster made a motion to recess the meeting to reconvene on June 23, 2014 at 4:00 P.M., seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

Sidney E. Dunston, Chair

Kristen G. King, Clerk to the Board