

November 19, 2012

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 E. Shane Mitchell, Vice-Chairman Robert L. Swanson, Sidney E. Dunston, Harry L. Foy, Jr., Cedric K. Jones, and David T. Bunn. Commissioner Don Lancaster was absent.

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

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

The items approved are as follows.

1. **CONSENT AGENDA**

- A. November 5, 2012 Minutes
- B. Releases, Adjustments, Refunds, and Tax Collection Report
- C. CPT Rates
- D. Retention and Disposition Schedule for Register of Deeds

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.

Andrew Lee, 304 Bullock Street, Franklinton, NC

- Mr. Lee spoke on behalf of an investment group from Cary, North Carolina. He said the group had been looking for land in order to build a multipurpose stadium for professional events such as lacrosse and semiprofessional football. He suggested the project would be delayed for several years until some changes occurred in Franklin County. According to Mr. Lee, the investment group was unsatisfied with the tax rate, the County's website and landfill fees. He asked the Board to examine ideas that may foster economic growth and to reconsider policies that would favor the business community.

Roger Lytle, 571 Williams White Road, Zebulon, NC

- Mr. Lytle said he would like to know when the Board plans to meet and discuss reductions in taxes and wasteful spending as well as alternative revenue streams. He said Franklin County has the second highest tax rate among other counties in the State and feels it is well worth the County's time to discuss any options. He asked the Board to schedule a work session.

3. **PUBLIC HEARINGS**

A. NCDOT 2012-2013 Secondary Road Program

Stephen Winstead, PE, North Carolina Department of Transportation District Engineer, presented the 2012-2013 Secondary Road Program. Following the presentation a public hearing on the program was held and the Board was asked to approve a resolution approving the program for 2012-2013.

Also in attendance from the Department of Transportation were Wally Bowman, PE Division Engineer; Jonathan Tyndall, Franklin County

Maintenance Engineer; Joey Hopkins, PE Deputy Division Engineer and Brandon Jones, PE Division Maintenance Engineer.

At approximately 7:14 P.M., Chairman Mitchell opened and closed the public hearing with no comments shared.

Commissioner Foy then made a motion to approve a resolution approving the Secondary Road Program for 2012-2013. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."

**RESOLUTION BY FRANKLIN COUNTY BOARD OF COMMISSIONERS APPROVING
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION SECONDARY
ROAD PAVING PROGRAM FOR 2012-2013**

On motion of Commissioner _____, which was seconded by Commissioner _____ and duly carried with unanimous vote, 2012-2013 North Carolina Department of Transportation Secondary Road Program for Franklin County was approved as presented.

A true and correct copy.

Witness my hand and official seal this the 19th day of November, 2012.

B. UDO Text Amendment

Text Amendment to the Franklin County Unified Development Ordinance to amend Article 6. District Regulations, Section 6-1: Table of Permitted Uses to add Bakeries and Food Product Preparation as a permitted use in the General Business (GB) District.

Scott Hammerbacher, Franklin County Planning and Inspections Director, commented the request was initiated by Medfield Properties, LLC. He said staff had no objections to the proposed amendment. He further stated the Planning Board unanimously recommended approval of the proposed text amendment at its meeting on October 9, 2012.

Chairman Mitchell opened and closed the public hearing at approximately 7:19 P.M. with no comments made.

Commissioner Dunston made a motion to approve the text amendment, seconded by Commissioner Foy. The motion duly carried approval with all present voting "AYE."

C. Special Use Permit – Franklin Solar LLC

The Board was asked to conduct a public hearing and consider approval of a special use permit request by Franklin Solar LLC on approximately 17 acres of a 138 acre parcel located on Firetower Road (State Road 1002) in the Cedar Rock Township to allow a Solar Energy Farm. The Board was asked to use the special use permit checklist provided to assist in its decision after the public hearing.

Scott Hammerbacher, Planning and Inspections Director, gave a brief summary of the request. He commented staff had received a request for a solar farm to be located off Firetower Road near Highway 56. He said the

subject property is 138 acres with the solar farm proposed on approximately 17 acres. If the solar farm was approved it would be located behind Edward Best Elementary School and Edward Best Grocery.

He also commented the applicant met all UDO (Unified Development Ordinance) requirements in terms of a fence around the property, access and adequate parking. He said the applicant is not proposing lighting at this time, but that landscaping is proposed along the southern boundary and along Firetower road to the East. Mr. Hammerbacher said at this time the applicant has not shown the exact type of solar panel they will use and stated they must follow the UDO (Unified Development Ordinance) requirement that states they may not exceed 25 feet in height from finished grade. He said the applicant is still looking for investors for the solar farm. Mr. Hammerbacher's presentation follows.

<p>Special Use Permit Request (Franklin Solar LLC)</p>		
		<p>Special Use Permit Checklist</p> <p>(1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied. Finding ___ Yes ___ No</p> <p>(2) Access roads or entrance and existing drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency. Finding ___ Yes ___ No</p> <p>(3) Off-street parking, loading, refuse, and other service areas are located so as to be safe and convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts to adjoining properties in the general neighborhood. Finding ___ Yes ___ No</p> <p>(4) Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use. Finding ___ Yes ___ No</p> <p>(5) 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. Finding ___ Yes ___ No</p> <p>(6) 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 of adjoining properties or the neighborhood. Finding ___ Yes ___ No</p>
<p>Review proposed Special Use request, solicit comments or questions and make a recommendation regarding the special use request. Should the Planning Board recommend approval of the Special Use request, planning staff would recommend that it be done so with the following conditions:</p> <ol style="list-style-type: none"> 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 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. 	<ol style="list-style-type: none"> 4. An engineering estimate for the removal of the facility will need to be submitted in addition to a financial survey 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. Approval from local fire department for Knox box. 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 the issuance of building permits. 	

Commissioner Dunston asked Chris Killenberg, Business Development Director of Community Energy Solar, LLC, to address the type of panel to be used. Mr. Killenberg stated solar panels are approximately three by five and said there are many different models. He said he knows roughly what will be used but said he will not know exactly the size of the panel until construction nears depending on pricing at that time. He stated multiple solar panels are put in a rack that is typically eight to nine feet high at its highest.

Mr. Killenberg gave the following PowerPoint presentation.

COMMUNITY ENERGY SOLAR Franklin Solar LLC

Community Energy Solar

- Solar Developer
 - Best Markets
 - Best Sites
 - Permits, Applications
 - Financing
- Headquarters outside Philadelphia, PA
- 12 years' experience (includes wind development)
- Active in PA, NJ, MD, MA, NY, IN, PR, NC
- NC investor (SJF Ventures, Durham)
- Started NC program September 2011 (+/- 1 year ago)
- 2 projects in construction; 10 projects in development

Chris Killenberg

- Director of Business Development – NC
- Grew up in Durham
- Live in Chapel Hill

COMMUNITY ENERGY SOLAR Franklin Solar LLC

Description

- 2 megawatt (2MW) solar farm
- 2 million watts at peak capacity
- +/- 17 acres

Location

- 151 Firetower Rd., Louisburg, NC
- Northwest corner of Firetower Rd. and Hwy 56
- Property leased from landowner

Output

- 3.5 million kilowatt-hours of electricity per year
- Useful life: 25+ years
- Electricity to be sold to Progress Energy
- Enough power for 350 homes, every year, for 25 years
- No fuel, no pollution, no noise
- Reliable clean electricity

COMMUNITY ENERGY SOLAR Franklin Solar LLC

Why this site?

- Progress Energy territory
- Near a substation
- 3-phase line on the property
- Flat, open
- Mixed use area
 - School
 - Convenience store
 - Substation
 - Transfer Station
- Tucked away
- Interested landowner

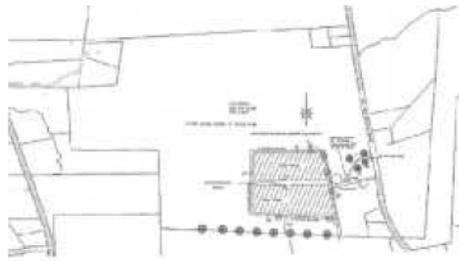
COMMUNITY ENERGY SOLAR Franklin Solar LLC

Site



COMMUNITY ENERGY SOLAR Franklin Solar LLC

Site Plan (Overview)



COMMUNITY ENERGY SOLAR Franklin Solar LLC

UDO Requirements

- Shall not exceed 25 feet in height
 - ✓ Facility will be 8-9 feet in height
- Shall conform to the setbacks of the underlying zoning district
 - ✓ 40' front, 30' side, 50' back
- Shall be enclosed by a six foot high fence
 - ✓ As planned
- Shall not create a visual safety hazard for passing motorists
 - ✓ 500+ feet off the road, screening along road facings
- Lighting shall not be directed onto adjacent properties or right of ways
 - ✓ No lighting planned
- Screening shall conform to Article 14, Landscape Requirements
 - ✓ 6 foot evergreen shrubs, 3 gallons in size at planting
- Minimum lot area shall be the same as underlying zoning district
 - ✓ Complies
- Parking outside of DOT right-of-way for a minimum of 3 vehicles
 - ✓ As planned
- Provision for removal of facilities at owner's expense in case of disrepair
 - ✓ Included in lease

COMMUNITY ENERGY SOLAR Franklin Solar LLC

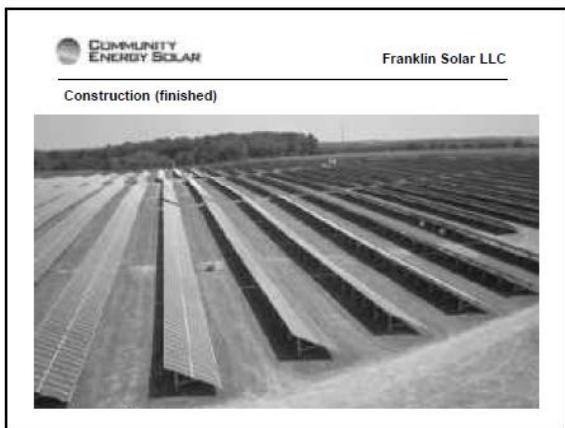
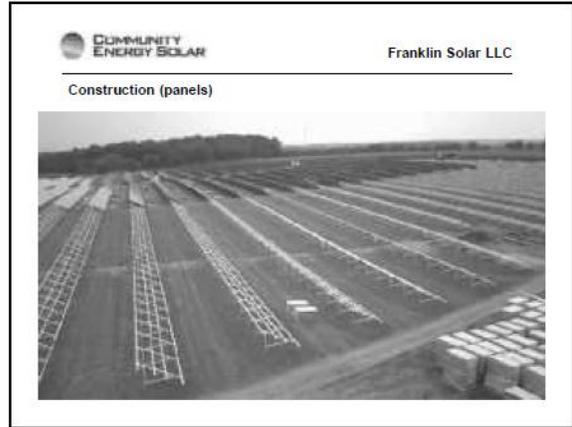
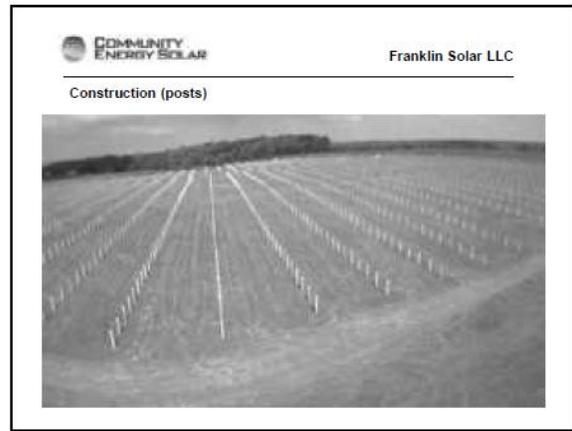
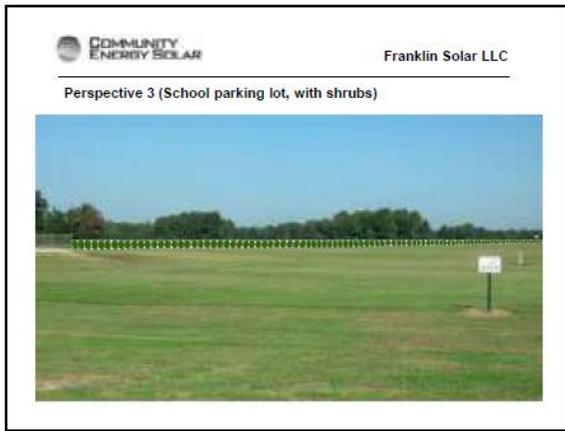
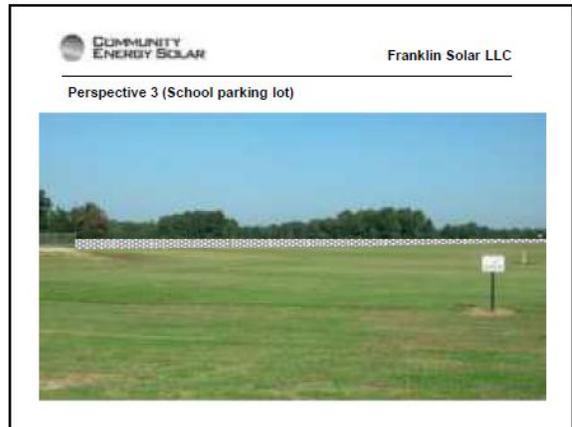
Site Plan (Detail)



COMMUNITY ENERGY SOLAR Franklin Solar LLC

Perspective 1 (southbound Firetower Rd.)





- COMMUNITY ENERGY SOLAR Franklin Solar LLC
- Conditions**
- Emergency Access
 - Will work with the Fire District regarding preferred model Knox Box
 - Removal
 - Will secure cost estimate, once final design is determined
 - Stormwater Management Plan
 - Will submit (if necessary) once final design is determined
 - DOT Driveway Permit
 - Need Special Use Permit conditional approval first

Commissioner Swanson asked Mr. Hammerbacher if the Planning Board’s recommendation of the special use was unanimous. Mr. Hammerbacher said he believed the vote was unanimous but would have to verify.

County Attorney Pete Tomlinson asked Mr. Killenberg to state his name and address for the record.

Chris Killenberg, 1825 South Lake Shore Drive, Chapel Hill, NC

Mr. Tomlinson swore in Mr. Killenberg who affirmed the testimony he gave previously was true and accurate.

At approximately 7:43 P.M., Chairman Mitchell opened and closed the public hearing with no comments offered.

Mr. Killenberg stated the investment was approximately five to six million dollars.

- ***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 made a motion to approve the special use request, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

4. OTHER BUSINESS

- Approval of Franklin County Quilt Block Pattern (Flying Geese Aeroplane)

Mrs. Harris shared a sketch of the pattern. The Board approved of the pattern by consensus.

- Radio Project Update

Christy Shearin, Emergency Communications Director, provided an update on the Radio Project. She stated representatives from Harris Corporation and Aviat were in attendance.

Mrs. Shearin said the new system had been experiencing dropped audio in the Youngsville area. She also said issues with garbled audio had been determined. Harris Corporation and Aviat have been working to analyze the problems for repair. Mrs. Shearin said cutover from the old system to the new system cannot continue until the problem is determined and the system is stabilized. Mrs. Shearin noted there is a one-year warranty and five-year maintenance plan upon final acceptance of the new system,

5. 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 Lancaster: No comments were offered.

Commissioner Jones: No comments were offered.

Commissioner Dunston: Commissioner Dunston expressed his appreciation to outgoing Commissioner Robert Swanson and said he enjoyed serving alongside him on the Board.

Commissioner Foy: No comments were offered.

Commissioner Bunn: No comments were offered.

Commissioner Mitchell: No comments were offered.

Commissioner Swanson: Relative to his retirement, Commissioner Swanson thanked the Board and citizens of the County for allowing him to serve for 32 years. He also thanked everyone who assisted with his recent retirement reception. He stated he appreciated the kind comments he received.

County Manager Angela L. Harris: Mrs. Harris shared a video created by UNC TV highlighting agritourism and agribusiness. Hill Ridge Farms of Youngsville, NC was featured in the video.

At approximately 8:15 P.M., Commissioner Dunston made a motion to adjourn, seconded by Commissioner Swanson. The motion duly carried with all present voting "AYE."

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