

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS
January 20, 2015 – 6:00 PM**

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

Present: Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey, Member
Judy Klusman, Member
Craig Pierce, Member

County Manager Aaron Church, Clerk to the Board Carolyn Barger/Assistant to the County Manager and County Attorney Jay Dees were present. Assistant County Manager/Finance Director Leslie Heidrick was absent.

Chairman Edds convened the meeting at 6:00 p.m.

Commissioner Caskey provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Chairman Edds reported the County Manager had worked out Consent Agenda Item D (Contract for Probation Space) and no board action was needed.

Commissioner Klusman moved to delete Consent Agenda Item D. The motion was seconded by Commissioner Greene and passed unanimously.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Klusman moved, Commissioner Greene seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Klusman moved, Commissioner Caskey seconded and the vote to approve the minutes of the January 5, 2015 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Klusman moved approval of the Consent Agenda (as amended). The motion was seconded by Commissioner Caskey and passed unanimously.

The Consent Agenda consisted of the following:

- A. Improvement Guarantee for The Woodlands at Old Beatty Ford
- B. Refunds for Approval
- C. Woodson Grant Application
- D. Contract for Consolidated Probation Space (deleted from the agenda)
- E. Waive Fees for Addition to Rowan County Animal Shelter
- F. Resolution for Rowan County Authorized Signature for Gildan Yarns Infrastructure Project

2. PUBLIC COMMENT PERIOD

Chairman Edds opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. With no one wishing to address the Board, Chairman Edds closed the Public Comment Period.

3. QUASI-JUDICIAL HEARING FOR CUP 06-14

Chairman Edds read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 06-14 to be in session. Chairman Edds said the hearing would focus on an application submitted by Statesville Solar, LLC to construct a 5 megawatt solar energy system on a portion of Tax Parcel 263-008 located at the 12700 block of Statesville Blvd.

The Clerk swore in those wishing to provide testimony in the case.

Senior Planner Shane Stewart presented the Staff Report (Exhibit B) as well as a power point presentation (Exhibit C), which depicted the site in question and the surrounding areas. Mr. Stewart explained that Statesville Solar, LLC was requesting a conditional use permit (CUP) to construct a five (5) megawatt ground mounted photovoltaic solar energy system on the northern portion of a 113 acre Rural Agricultural (RA) zoned property located at the 12700 block of Statesville Blvd. further referenced as Tax Parcel 263-008 owned by Graham Enterprises.

Mr. Stewart highlighted the conditional use requirements and evaluation criteria contained in the Staff Report (Exhibit B).

Mr. Stewart provided sample Findings of Fact (Exhibit D) and said the Board must adopt findings of fact based on the evaluation criteria contained in the Staff Report (Exhibit B).

Mr. Stewart said visibility remained the chief impact most people association with a solar energy system. Mr. Stewart said considering the small number of nearby residences, location within the highway corridor overlay, adjacent to M1, M2, and GB zoning designations for the Town of Cleveland, and the proposed screening, this request appears reasonable. If approved the following conditions should be applied:

1. Obtain commercial driveway permits from NCDOT;
2. Ensure compliance with applicable erosion and sedimentation control standards with Environmental Management Staff;
3. Maintain signage around the facility fencing limits warning people of potential hazards; and
4. Panels proposed within the regulated floodplain are subject to compliance with the Flood Damage Prevention Ordinance.

Commissioner Pierce inquired as to whether the Commissioners should ask the Planning Board to consider including where solar farms fit into both the Eastern and Western Land Use Plan in order to more quickly process solar farm permits. Commissioner Pierce said based on the amount of farmland not being used for farming it would be beneficial to grant administrative authority to staff for approval of such permits.

Mr. Stewart responded that statutorily there might be legislative requirements of qualifiers that would require quasi-judicial procedures. Mr. Stewart said staff could look into the issue.

Commissioner Greene asked if the applicant would be developing the solar farm or if they would be selling the lease to someone else to develop. Mr. Stewart responded by saying that he did not know.

Commissioner Greene questioned the screening requirements, which he said would not “do any good” for those traveling west on Hwy 70 due to the elevation of the property. Mr. Stewart said based on topography for the site, there was no way to adequately screen the solar panels.

Commissioner Greene questioned whether the panels would have a glare when traveling on Hwy 70. Mr. Stewart said based on the reflectivity, it would be possible, but the purpose of the panels was to absorb the light.

Commissioner Greene asked for the number of acres of solar units in this particular tract of land. Mr. Stewart estimated around twenty-five (25) to twenty-six (26) acres.

Mr. Stewart said the solar panels would start approximately 1,250 from property line.

The applicant, Statesville Solar, LLC was represented by Brett Hannah, attorney with Smith, Moore, Leatherwood in Raleigh, NC. Mr. Hannah was there to present support for the CUP to allow for the construction of the solar farm. Mr. Hannah brought experts with him, Kevin Gorman, landscape architect; Tom Hester, certified appraiser; and James Luster with Statesville Solar, LLC who was involved in putting the project together.

Mr. Hannah stated the application was being made under the Conditional Use Permit and the plans complied with all of the setback requirements, and was not located in the airport height overlay district. Mr. Hannah addressed the question about the reflectivity of the solar panels and said the panels absorb light and do not reflect light. Mr. Hannah then addressed the six (6) evaluation criteria. The first criteria being adequate transportation with Mr. Hannah stating there were access points off the highway to the site. Mr. Hannah said this type of facility increased the local tax base and was a significant investment in Rowan County. Mr. Hannah stated the facility would not create additional traffic nor use any County services.

Mr. Hannah said the use would not detract from the surrounding area. Mr. Hannah said screening had been put in place and increased in areas around The Arbors, being sensitive to those concerns. The area is in the land use plan (LUP), and the property was in the area of commercial and industrial uses, blending in with residential. Mr. Hannah said the height of the panels was far lower than any facility.

Mr. Hannah discussed the third criteria of hazardous safety conditions and stated the utilities commission required the placing of six (6) foot high fencing around the facility with barbed wire to keep people out. Mr. Hannah said after the construction of the site, the only people that would frequent the site would be those for maintenance of the area to keep up the appearance.

Under the fourth criteria of not generating significant noise, odor, glare, or dust, Mr. Hannah explained the only noise would be during daylight hours from the inverters converting the power. Mr. Hannah reiterated the panels do not reflect light, but rather absorb light and do not create any odors.

Mr. Hannah stated the site is largely inactive so there would be no excessive traffic or parking problems.

Addressing the sixth criteria of significant visual impacts for adjoining properties, Mr. Hannah stated staff comments had been listened to and screening had been put in where possible. Mr. Hannah said the use would not create significant

visual impacts, describing the use as passive and not endangering public health or safety.

Commissioner Klusman questioned the reference to an increased tax base and inquired as to the value of the project. Mr. Hannah said the Mr. Luster would be able to answer the question, but stated his understanding was that a five (5) megawatt facility was in the seven (7) to ten (10) million dollar range. In response to another question from Commissioner Klusman, Mr. Hannah stated that individuals and not sheep would maintain the area.

Commissioner Greene questioned whether the applicant was asking for the land to be rezoned or would it be leased or developed. Mr. Hannah stated that Mr. Hester would be the expert to answer the question but that the asking was for the CUP within the zoning district to build the facility and to work with the people who own the land.

Tom Hester, a real estate appraiser from Raleigh reviewed his credentials as a certified appraiser. Mr. Hester said he was asked to determine if the property, a proposed to be built, would negatively impact the surrounding properties. Mr. Hester said he looked at the factors and other uses in the neighborhood, and whether the project would be significantly different than what was already there. Mr. Hester said it was different in that there was not another solar farm in close proximity, although there was a manufacturing plant within a half a mile that had solar panels across the front of their property. Mr. Hester also said he was comparing properties to isolate the differences in traffic, noise, light, dust, etc. and whether that affected the value of property. In this case, Mr. Hester said none of those conditions were present and the effect was totally visual. Mr. Hester said the land currently is a green field that was proposed to be covered with something else. Mr. Hester went on to say the project would be screened well from the street, although it would not be hidden, just as the Freightliner plant could not be hidden nor its parking lot. Mr. Hester said these were all in plain sight and they were part of the visual field. Unlike those things, the solar farm would not generate noise or traffic, according to Mr. Hester. Mr. Hester stated there was natural screening around some of the properties in the neighborhood and that provided a good visual screening from a distance, creating a small field of vision from a half mile away. Mr. Hester said it was his professional opinion the proposed use would not injure or affect in any way the adjacent or nearby properties and was still in harmony with the neighborhood.

James Luster, 7902 Joshua Tree Lane, Jacksonville, FL., stated he was affiliated with Statesville Solar Farm as a developer and assisted with projects from birth to completion. In response to Commissioner Greene's question as to who would be the end owner of the project, Mr. Luster responded that a large development company named Cypress Creek Renewables owned the rights to Statesville Solar, LLC. According to Mr. Luster, there are other projects in North Carolina that are owned by the same company, along with other projects in the works with

Duke Energy Carolinas and Duke Energy Progress. Mr. Luster clarified the company would assist in the development and own the project. Mr. Luster confirmed Commissioner Greene's question that the company would ultimately be responsible for what went up at the location.

Mr. Luster said the general analogy was the project was a field of wheat in that the panels do not provide a glare. As to the tax base question from Commissioner Klusman, Mr. Luster said \$20,000 to \$40,000 could be collected in tax revenue per year.

Mr. Luster said the maintenance of the site would not be done by sheep but via general landscape practices. Mr. Luster went on to say the land was currently owned by Graham Enterprises but was under contract for purchase by a landholding company which Cypress Creek Renewables owned, and who would be the end owner of the land and project.

Chairman Edds asked if it was typical for the company to own the land, as he thought it would be to the benefit of the local landowner to lease the land.

Mr. Luster responded there were other projects where the landowner felt it was in their best interest to lease the land; however, in this instance Mr. Luster said Graham Enterprise felt it best to sell the land.

Commissioner Greene inquired as to whether the company was purchasing property on both sides of the road. Mr. Luster responded in the affirmative stating the purchase was for one-hundred and twelve (112) acres.

Kevin Gorman, with Alfred Banishing Company, 2320 West Morehead Street, Charlotte, stated he was a landscape architect that had worked on the plan for the site. Mr. Gorman said he was happy to answer any questions.

Commissioner Greene asked how there would be enough landscaping to knock off any of the vision coming from Hwy 70. Mr. Gorman responded by showing some images via power point (Exhibit E) and discussing plans for trees with heights of eight (8) to ten (10) feet at the time of planting. Mr. Gorman shared the different types of plantings that would be used and how the panels would be laid out.

County Attorney Jay Dees requested a copy of the images being shown by Mr. Gorman be given to the Clerk to attach as an exhibit for the permanent record.

Brian Moerman, 1150 Amity Hill Road, Cleveland, owner of The Arbors Event, said the venue consisted of two (2) event centers both of which faced the proposed solar array. Mr. Moerman said he received a notice that was dated January 5th on January 8th. Mr. Moerman pointed out he did not see anyone attending the hearing from Statesville Solar or anyone locally that was involved in

the business. Mr. Moerman said he had not had the time to put together a professional team of experts to bring to the hearing.

Mr. Moerman said his property bordered the property to the southeast. According to Mr. Moerman, he was not sure the direction the panels would be facing, but felt they would need full sun exposure. Mr. Moerman noted the panels at Freightliner and the direction they faced would be in the same angle and direction as both of his buildings. There is distance between the buildings and the site, but Mr. Moerman felt prior to a decision being made, the elevation of the property needed to be looked at. In using the topography map, Mr. Moerman pointed out the elevation between his property and the site property was seventy (70) feet. In looking at the landscape plan, Mr. Moerman discussed the trees that were going in and the length of time it would take for the trees to reach a height to put a dent in the view. Mr. Moerman stated he was a landscape contractor with twenty-two (22) years experience. Mr. Moerman went on to explain that the trees proposed for planting were small in size and would remain small with no fertilizer or irrigation, as the developers would return to California and Florida due to the site being a passive facility. Mr. Moerman asked what would happen when the plants died.

Mr. Moerman said one of the ceremony sites at his venue would have guests looking right at the solar panels, even though they would be a half mile away. Mr. Moerman said people rented his venue for the beauty and being out in the country. Mr. Moerman stated he booked sixty percent (60%) of the weddings between mid-November and Valentines Day when there were no leaves on the trees. Mr. Moerman said his business would be exposed to all of the solar panels, thereby causing his business to fail. Mr. Moerman shared the fact that he had one building that he would not be able to rent because of the view. Mr. Moerman said he had a significant investment in the land, especially the buildings and the property, and the Town of Cleveland. Mr. Moerman went on to say he felt there was not a lot of thought that had been put into the landscape design and he felt the company wanted to build as cheaply as possible and get out of there.

Mr. Hannah objected to the statements as there were no facts to substantiate the claims.

Mr. Moerman said he understood there were grants available for solar companies to finish projects by the end of 2015, which was why so many were being pushed through the counties. Mr. Moerman asked for the BOC to table the project and to research in order to understand why the project was being pushed. Mr. Moerman invited all to come out to his property to see how he was going to be impacted by the project.

Commissioner Pierce asked what Mr. Moerman's property was currently zoned. Mr. Moerman responded that it was Rural Agricultural (RA) with a conditional use permit (CUP) for the business through the Town of Cleveland.

Commissioner Pierce then asked how the CUP was zoned with Mr. Moerman responding it was as an event center.

Commissioner Caskey asked if Mr. Moerman foresaw any way that he could co-exist with the solar farm. Mr. Moerman said as soon as he received the letter concerning the solar farm he began moving evergreen trees to the rear of a pond that sits on his property. Mr. Moerman went on to say the trees he moved were the same height (14 feet) and kind of tree the company was proposing for the bottom of the hill and it did not put a dent in blocking the view. Mr. Moerman said in looking at the top of the hill where the proposed panels would be place, there was nothing that could be done to hide the panels. Mr. Moerman stated the land that was being purchased across the road was in a flood plain and any trees that could be planted to help him would need to be forty (40) to fifty (50) feet tall to have any impact.

Mr. Moerman said the reference was made about the project being a passive business. Mr. Moerman explained how many small businesses were impacted by his business. Since opening his business in 2011, Mr. Moerman said he there had been 32,000 visitors attending weddings and corporate events on his property. For each event that took place, Mr. Moerman said there were hotel stays and caterings involved. Mr. Moerman said if his business was cut in half, all of the other businesses relying on his events would fail, as well. Mr. Moerman shared the fact that the cleaning company was based in Cleveland and that he paid them approximately \$14,000/year as a family. Mr. Moerman listed the services of photographers, DJ's, Limo Services, restaurants, and fuel sales that would be affected. The majority of the people that use his center, according to Moerman, were there for the weekend and stayed at hotels. Mr. Moerman stressed the project was not just about his business.

Mr. Hannah again objected to the testimony. Mr. Dees interjected that Mr. Moerman was saying that he either contracted with people that do business with him and/or the people that use his center use local businesses. To that extent, Mr. Dees said Mr. Moerman could share that information.

Mr. Moerman said he had five (5) full time employees and four (4) part-time that would be affected by this project and they lived within fifteen (15) minutes of the venue.

Mr. Dees asked Mr. Stewart to return to the stand and address the process for the notice requirements.

Mr. Stewart stated that notifications were mailed on the 6th of January. Mr. Stewart stated the property was posted on the 6th of January at the top of hill on Hwy 70 and on Old Hwy 70. Mr. Stewart said he had received a call from an individual stating the signs were missing on Hwy 70, but Mr. Stewart said they were put up personally by him on that date and a picture was taken. The zoning ordinance, according to Mr. Stewart, does not require notice in the newspaper.

Chairman Edds asked Mr. Stewart to share some examples of what uses could go on property zoned RA. Mr. Stewart responded by listing doublewide manufactured mobile homes, modular home developments, stick built homes. The ordinance was pretty open, according to Mr. Stewart as far as a home based business with road frontage with up to ten percent (10%) of the parcel under roof. From a zoning ordinance standpoint, Mr. Stewart said if one was to look at it as a CUP, it was generally acceptable within that district, but this was brought before the BOC with specific criteria.

Commissioner Pierce said if it was fair to say that somebody could purchase the property and put one hundred (100) single wide mobile homes on it if it would pass. Mr. Stewart responded by saying it would have to be doublewides or they could put manufactured housing or stick built homes, if it perked, at one (1) per half acre.

Commissioner Pierce asked if there were 64 acres not in the flood zone, to which Mr. Stewart responded he was unsure of the number in the flood plain. Mr. Stewart stated it could be quite a number of homes.

Commissioner Pierce said if the Graham Company decided to sell the property to a mobile home manufacturer for development, they could put mobile homes out there. Commissioner Pierce went on to say the point he was trying to make was the property was zoned RA and they were asking for a CUP. The CUP acted like a safety zone, according to Commissioner Pierce, due to the fact that someone could go out there under RA and do a lot of things not requiring a CUP. Mr. Stewart agreed.

Jay Snovur, 242 Hillside, Charlotte, soon to be living at 185 Cress Road, Mt. Ulla, spoke about losing his mother in law and putting the farm in the conservation easement and putting the wetlands in a conservation easement. Mr. Snovur stated they owned the two hundred, forty-nine (249) acres on the other side of the railroad bridge. The reason Graham Enterprises was selling, according to Mr. Snovur, who was also the broker, was the property had been on the market since 2011 and there had only been three (3) phone calls of interest. Mr. Snovur said one was for mobile homes and one was a guy who wanted to only pay \$1500 an acre to graze cattle. Mr. Snovur said there was no stick built home in the area, and the bank in the area had closed its branch because there was no mortgage lending. Mr. Snovur said the property had been rented out for grazing to the same family for twenty-five (25) years and they were currently receiving

about \$40.00 per acre per year. Mr. Snovur said it was a heavily wooded area in parts. Mr. Snovur referred to the fact that he was in Rowan County virtually every day as there were nearly six hundred and fifty (650) acres he owned in Mt. Ulla and Cleveland.

Chairman Edds closed the quasi-judicial hearing and opened the floor to the Commissioners for discussion.

Commissioner Greene said that one of the requirements he had an issue with was the visual impact the project would have on the community and the neighbors. Commissioner Greene said if the visual could be worked out differently it would address the impact on the neighbors.

Commissioner Greene suggested continuing the CUP and asking staff to go back to Mr. Moerman's land to see about the impact and if the predictions of the impact were founded. Commissioner Greene said staff could then return with the opinion of the County and he would be more satisfied.

Commissioner Caskey said while he supported the project, he had no trouble tabling the matter until the next meeting.

Chairman Edds said he understood Mr. Moerman's concerns and that was part of the benefit of private land ownership. Chairman Edds said the fact was the landowner on the other side of the road had a right to his land, as well. Chairman Edds said he was a firm advocate for owners to do with their land as they wished within reason. Chairman Edds said he guessed the land was available for sale and if Mr. Moerman wanted to maintain his view, the land could be purchased. Chairman Edds said the rules were being followed. Chairman Edds said he did not know if legally the County could mitigate this now or if the County was out of it. Chairman Edds asked if there was additional screening that could be provided.

Mr. Dees said procedurally the public hearing had been closed, so either the public hearing needed to be reopened now and continued if the Board wished to receive additional information. For any information received, according Mr. Dees, there would be opportunity for the opponent to cross examine and rebut information that comes in.

Mr. Dees said there were photos of proposed landscaping, with proposed growth schedules, and testimony from the opponent at The Arbors that the growth schedules may not be accurate if the property was not maintained. Mr. Dees said if more information was needed, the public hearing would need to be reopened. If the issue was to be tabled to a new meeting to take in new information, the hearing would need to be started over with the same opportunities to present information.

Chairman Edds said he and Commissioner Pierce were thinking along the same line, which was why the question was asked of Mr. Stewart as to what could be put on the land. Chairman Edds said the land was for sale in an industrial corridor and someone could buy the land and put something up the County would never be able to shade from vision. Chairman Edds pointed out the reality of private land ownership. Chairman Edds restated the only way to control what goes on with someone else's property outside of what was allowed, was to purchase that land.

Commissioner Pierce said he would like to let the other property owner know the Commissioners were not coldhearted and did not care about his concerns. Commissioner Pierce stated that he found it a stretch both pieces of property were zoned RA, with the owner of The Arbors having a CUP but not wanting the other owner to have a CUP. Commissioner Pierce said the owner of the six hundred and fifty (650) acres was paying a hefty tax to the County to have control of his property and Commissioner Pierce said he felt the owner should be able to sell the land as long as what he was wanting to do with it did not cause a noxious odor or dust or infiltrating the other property, as it was his right. The visual impact of the solar panels, according to Commissioner Pierce, was not that detracting. Commissioner Pierce said he did not know of anything, based on the topography that would come up to allow the company to put up 100' trees, as that was cost prohibitive. Postponing the decision would not make it easier, according to Commissioner Pierce, and he felt the Commissioners should go ahead and vote.

Commissioner Greene said in his opinion, the question comes down to approval of all the other things except that it would provide a negative visual impact on the neighbor.

Chairman Edds asked the opinion of the Commissioners as to whether there would be value in reopening the public hearing.

Commissioner Pierce moved to reopen the quasi-judicial public hearing. Commissioner Greene seconded and the motion passed unanimously.

Mr. Gorman provided additional photos with differing views and stated he had not personally toured The Arbors property. Mr. Gorman showed pictures of The Arbors venue and discussed the views from varying vantage points.

Chairman Edds asked if it would be more realistic for The Arbors property to be landscaped versus landscaping the proposed solar farm property from a quarter of a mile away. Using the pictures, Mr. Gorman pointed out in the photos that it was obvious there were a few things planted that could be seen. Mr. Gorman went on to state that it would be easier to plant on the back side due to the vantage point being up closer and having a bigger effect on what one would be trying to block.

Chairman Edds asked if Statesville Solar would like to address the landscaping.

Mr. Luster said he did visit the site in the afternoon and explained that Mr. Moerman was kind enough to walk him through the exact area. Mr. Luster said to be clear, the site was already screened, but said the trees do lose their leaves in the winter. Mr. Luster said that he and Mr. Moerman had spoken about the summer time when the trees were in bloom and not being able to see the property at all. Mr. Luster restated that only during the winter months, when the trees lose their leaves, did the visual become an issue. Mr. Luster went on to state that if it was deemed necessary, additional plantings for Mr. Moerman could be considered. Mr. Luster said the company was already going above and beyond for landscaping with a very large financial ticket; however, they would be happy to evaluate something on Mr. Moerman's property.

Commissioner Klusman said Mr. Moerman discussed how important it was going to be to take care of the screening. Commissioner Klusman asked what guarantee, if any, could be given, that the right things would be done, such as watering and fertilizing.

Mr. Luster said at the end of the day they were responsible for maintaining what had been planted and it was in their best interest to maintain it. Mr. Luster stated they would not last long as an organization if they did not follow through on what had been stated in the application.

Mr. Dees stated the Board could address the County's enforcement for failing to maintain conditions placed on a project.

Commissioner Klusman asked if there were any projects in North Carolina where the screening had been put in that could be shown to the Board via photos.

Mr. Luster said it would be similar to what had been shown today. Most other county projects have much lower planting heights, according to Mr. Luster. Mr. Luster went on to state they were going above and beyond due to concerns with right of ways of traffic and The Arbors view, with plantings that were eight (8) to ten (10) feet high. Mr. Luster said what had been seen was the top shelf of landscaping when it came to solar, but they were making every effort for this project to go as smoothly as possible and do what was necessary on their end.

Chairman Edds said Mr. Luster did speak to the fact that in the past the company had planted on the other subject's property and asked Mr. Luster to provide more details.

Mr. Luster said there was no physical planting at this time, but there were plans for additional plantings on their property and at their cost. Mr. Luster said there was the option for anyone to plant or pay for landscaping on their property as long as there was agreement on what it was and the cost. Mr. Luster said in one

county there had been a flooding issue on an adjacent property that had been mitigated.

Chairman Edds called Mr. Moerman forward and asked if the ideas discussed could be considered. Mr. Moerman responded that it could potentially be worked out. Mr. Moerman said the pictures that had been used were not indicative of what his concerns were. Mr. Moerman shared his concerns of the five (5) months when no leaves are on the trees and his property was open to the solar panels. Mr. Moerman said when trying to book events with the leaves off the trees he would need to go into detailed explanations to his potential customers of what the massive array of black was. Mr. Moerman said the trees the company was proposing, in his opinion, would need to be swapped out and modified due to their smallness in size and slower growth. From the right of way, Mr. Moerman asked how far off the panels would be located. Mr. Moerman said a six (6) to eight (8) foot tree would do nothing for his property. Mr. Moerman said if some of the plants could be modified and placed on the other property they were buying but not developing, it would benefit his property greatly. Mr. Moerman said changing the landscape plan to plant on the slope and to buffer his property would be best. Mr. Moerman said he would like to be involved in the choice of landscape plants and he would be willing to sit down with the landscape architect and go through the plan.

Commissioner Pierce asked Mr. Gorman if there were options for the plantings that would still be cost effective for his company. Mr. Gorman said there were other things that could be planted. Mr. Gorman said his company had to be sensitive to shade.

Commissioner Pierce said he did not want the Planning Department to get into horticulture, but he wanted to know if there was a compromise position on the plantings. Commissioner Pierce asked if there would be something that would not be financially detrimental to the solar project but would be aesthetic to the other property. Commissioner Pierce said he was not advocating for exotic trees but he pointed out the discussion was close to making everyone compatible.

Mr. Luster said the company would be more than happy to engage, as part of the CUP, in conversation with The Arbors in regards to additional landscaping. Mr. Luster said there could be no promises outside of shading issues. Mr. Luster said he wanted to go back to the fact the landscaping was already in place and the buffer and the site blockage already existed. However, Mr. Luster said he would be willing to have conversations with Mr. Moerman in regards to what the company could do within the CUP to mitigate any visual impact, but could not commit beyond what had been provided on the site plan.

Mr. Dees asked Chairman Edds to call for a five (5) minute recess.

Chairman Edds called for a recess at 7:37 p.m. and Mr. Dees instructed the Commissioners not to discuss the issue during the break.

The meeting reconvened at 7:55 p.m.

Mr. Dees said it appeared the applicant would like to offer up a fifth (5th) voluntary condition in addition to the four (4) listed in the Staff Report (Exhibit B). Mr. Dees said the condition would come in the form of submitting an exhibit of a change in landscaping requirements. The landscaping changes (Exhibit F) were a modification to current landscape plan.

Mr. Gorman explained the changes, which included Mr. Moerman's input.

Mr. Dees said if the Commissioners were inclined to approve the CUP, the Board would adopt the four (4) conditions listed in the Staff Report and a fifth (5th) condition would be the increased landscape buffer pursuant to Exhibit F.

With no further testimony to be provided, Chairman Edds closed the public hearing.

Chairman Edds thanked the company for its corporate citizenship and flexibility. Chairman Edds said he hoped the company would come back to Rowan County and invest again. Chairman Edds extended his appreciation to Mr. Moerman for being flexible, as well, and expressed hope the matter had been worked out to Mr. Moerman's satisfaction.

Commissioner Pierce moved the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: The proposed warning signage and security fence will caution individuals of potential hazards while restricting unauthorized access.

FACT: Site construction will be in accordance with the Building Codes Enforcement Office and engineering certifications to ensure the panels are properly installed and securely anchored

Commissioner Klusman seconded and the motion passed unanimously.

Commissioner Pierce moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.

FACT: No material evidence was presented suggesting this request would injure property values.

Commissioner Greene seconded and the motion passed unanimously.

Commissioner Pierce moved that the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: Planning Staff provided testimony regarding potential noise, glare, and dust impacts for the operation based on industry research and a visit to a similar facility in Mount Airy, NC known as the Ararat Solar Farm.

FACT: Noise levels for the internally located inverters should not be substantial at the property lines.

FACT: According to the staff report, panel glare should be similar to that exhibited by agricultural crops, grasses, and bodies of water.

FACT: The proposed screening will soften some of the visual impacts associated with the project.

FACT: The proposed facility is located adjacent to 269 acres of GB, M1, & M2 zoned acres and should only be visible by an estimated five (5) residences as suggested by the staff report.

FACT: According to the Western Rowan Land Use Plan, this property is within the highway corridor overlay for US 70 suggesting the proposed land use would be in general conformity with the plan.

Commissioner Greene seconded and the motion passed unanimously.

Commissioner Pierce moved, Commissioner Klusman seconded and the vote to approve CUP 06-14 with the five (5) conditions passed unanimously.

Commissioner Pierce moved to include Exhibit F and the conditions that changed according to the landscaping and according to the evaluation criteria offered up by staff with the four (4) other recommendations. The motion was seconded by Commissioner Klusman and passed unanimously.

Commissioner Pierce moved approval of CUP 06-14. The motion was seconded by Commissioner Greene and passed unanimously.

4. CONSIDER MULTI-TENANT DEVELOPMENT PLAN FOR JANET MARTIN

Senior Planner Shane Stewart reported that Janet Martin was requesting consideration of a multi-tenant development plan to establish three (3) separate tenant spaces at her existing facility located at 6365 S. Main St. further referenced as Tax Parcel 115-012. The main structure on site totals over 36,000 square feet, which is divided as follows: 18,140 square feet devoted to a current warehouse facility occupied by Ms. Martin, 5,900 square feet office structure currently vacant, and 12,055 square feet proposed for occupancy by Iron Station

Thunder, a motorcycle sales and repair facility. This structure, along with multiple storage buildings on site, existed prior to county zoning.

Section 21-56 (9) A of the Zoning Ordinance indicates multi-tenant developments are permitted with Special Requirements, which requires site plan approval by the Board of Commissioners. Approval of the multi-tenant development plan will provide Ms. Martin the flexibility to accommodate multiple permitted uses within her tenant spaces subject to the Rowan County Building Codes Enforcement and Environmental Health Department standards.

Mr. Stewart said the request required a majority vote to approve the site plan based on the following criteria:

- 1. Application.** All necessary documentation required in section 21-52 has been provided (checklist enclosed).
- 2. Board of Commissioners Review.** The BoC is charged with reviewing the site plan and other pertinent information *“to ensure the general health, safety, and public welfare have been adequately protected.”*
- 3. Uses Allowed.** All current and future uses for the facility will be from the retail, service, and warehousing sectors, which are permitted by right in the CBI district. Although the existing structures are partially within the North Carolina Railroad right-of-way, the limitations thereto typically apply to building expansions within the corridor.

Mr. Stewart said while the site contained several non-conformities with respect to dimensional standards, the request to accommodate multiple uses should not further the degree of non-conformity. Additionally, compliance with applicable Codes Enforcement and Environmental Health standards would ensure protection of the general health, safety, and public welfare.

Commissioner Pierce moved approval of the request of the multi tenant plan development at 6365 S. Main Street as submitted. The motion was seconded by Commissioner Klusman and passed unanimously.

5. CONSIDER APPROVAL OF RESOLUTION REGRADING APPOINTMENT OF 2015 BOARD OF EQUALIZATION AND REVIEW

Tax Administrator Kelvin Byrd presented a Resolution for the Board’s consideration regarding the appointment of the 2015 Board of Equalization and Review (BER). Mr. Byrd said the BER was last appointed in 2007 and was basically down to three (3) members that were willing to serve.

Mr. Byrd discussed the anticipated number of appeals due to revaluation in 2015. Mr. Byrd said he needed to ask the BOC to revoke the 2007 Resolution and consider adoption of the proposed resolution the in agenda packet.

According to Mr. Byrd, the expectancy for the new BER would be to serve Monday thru Friday for two (2) to three (3) sessions a day for approximately ten (10) weeks.

Mr. Byrd also asked the Board to solicit applicants for the BER for 2015.

Commissioner Pierce asked Mr. Byrd whether the pay amount in the proposed resolution was per session or per day. Mr. Byrd said the pay was per session.

Commissioner Caskey asked if the fee was typical. Mr. Byrd responded that he had surveyed several counties. Mr. Byrd highlighted the results of the poll and said his recommendation was based on the survey.

Mr. Byrd said approximately 60% of the counties appoint a separate BER; however the Board of Commissioners could choose to serve as the BER. Mr. Byrd stated the County must have a 5 member board with a 3 member quorum. Mr. Byrd said alternates were contacted to fill in as needed.

Commissioner Caskey inquired as to how many applicants should be appointed and Mr. Byrd responded by saying approximately twenty-five (25) to thirty (30) applicants would be desired in the event someone could not attend. Mr. Byrd explained the BER had the responsibilities of the Board of Commissioners as far as valuation concerns in the Tax Department. The BER would be acting on behalf of the Commissioners and setting the final values.

Mr. Dees said the Clerk was being asked to run a Notice to solicit applications from those interested in serving on the BER and the Commissioners would make the appointments in March.

Commissioner Pierce expressed concern with the wording in the resolution for the \$75.00 fee per working session. Commissioner Pierce said it seemed extreme to almost double what the surrounding counties were paying. Commissioner Pierce said he would prefer to revise the amount to a set fee per day.

In response to a question from Chairman Edds, Mr. Byrd stated that not all individuals were available for the entire day.

Commissioner Caskey asked if realtors found time to serve on the BER.

Mr. Byrd responded that most of the individuals who served on the BER were retired. Mr. Byrd went on to state that the current chairman of the BER was a realtor. Mr. Byrd named the other two (2) individuals currently serving and stated he felt they would want to continue to serve on the BER. Two (2) years ago, the Tax office was asked about increasing the pay to hopefully try to attract professionals.

Mr. Byrd responded to Chairman Edds that the current rate was ten dollars (\$10) per hour. Chairman Edds said he understood what Commissioner Pierce was saying and that he did not want to force people into a whole day if they just could not do it.

Mr. Byrd said it was easier to keep up with cost per session as opposed to cost per hour.

Commissioner Pierce moved to set the fee at \$60.00 per session. Commissioner Pierce followed up by asking if there needed to be extra to pay the chairman with Mr. Byrd responding that he did not feel it was necessary.

Commissioner Greene said the issue was getting qualified people to represent the Commissioners and if there were no qualified persons the Tax Administration would need to come back before the Board. Commissioner Greene said there needed to be people on the BER that would represent the County on a professional basis.

Chairman Edds restated the motion was to modify the resolution to set the fee to \$60.00 per session. Commissioner Greene seconded and the motion passed unanimously.

6. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Library – Appropriate funds for the Library Services and Technology Act-EZ Edge Technology grant award - \$4,583
- Finance – Carry forward Rowan Transit System Job Access and Reverse Commute grant program funds received in prior years but not spend as of June 30, 2014 - \$13,085
- Social Services – Increase expenditure and revenue line items for donations (One Church One Child) received to provide goods and services - \$12,466
- Social Services – Received allocation from the State to be used to hire an additional CPS worker to help reduce caseloads to an average of 10 families per worker - \$39,314
-

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Greene and passed unanimously.

7. DISCUSSION REGARDING FEBRUARY 2, 2015 COMMISSION MEETING

Chairman Edds said the Board had voted to hold a Strategic Planning Retreat (Retreat) on February 5-6, 2015 at the Frank T. Tadlock South Rowan Regional Library.

Chairman Edds said that Commissioner Caskey had previously suggested rescheduling the February 2, 2015 Commission Meeting to coincide with the dates of the Retreat.

Commissioner Pierce moved to reschedule the February 2, 2015 Board of Commissioners meeting to February 5, 2015; for the Board to recess the Retreat on the 5th in time to return to the regular meeting chambers for its regular 3:00 p.m. meeting and to resume with the Retreat on February 6, 2015. Commissioner Caskey seconded and the motion passed unanimously.

8. DISCUSSION REGARDING RFP FOR COMMERCIAL REAL ESTATE SERVICES

Commissioner Pierce said the previous Board of Commissioners (BOC) agreed to put sell the former Department of Social Services (DSS) buildings. Commissioner Pierce said the idea was to liquidate properties no longer of any use to the County. Commissioner Pierce said he felt the properties were too valuable to let them sit and deteriorate.

Commissioner Pierce said he would like to put out for bid to commercial real estate companies, not just in Rowan County, to market and to provide a fair market value analysis so the asking price was not too low or high. Commissioner Pierce said he would like to get a competitive commission rate from these companies as long as the company with the lowest rate was qualified to sell commercial properties.

Commissioner Pierce moved to let the manager pursue a Request for Proposals (RFP) for commercial real estate commission.

Commissioner Klusman said she fully agreed with Commissioner Pierce and her only addition was to get everything listed that was not being used at this point.

Commissioner Pierce stated there were a lot of properties that appear on the County's list that could not be sold. Commissioner Pierce said there were properties that the state and federal government required the County to keep; such as the flight pattern for the airport. Commissioner Pierce said the determination would need to be made from that list to see what properties were actually available for resale.

Commissioner Greene said finding a professional commercial real estate agent was paramount in trying to get something done with the properties. Commissioner Greene said the County was losing money every month properties sat vacant.

Commissioner Klusman seconded the motion with the stipulation the County Manager brings back a list of properties as soon as possible that could begin to be liquidated. The motion passed unanimously.

9. CLOSED SESSION

Chairman Edds moved at 8:33 p.m. for the Board to enter Closed Session in accordance with North Carolina General Statute § 143-318.11(a)(3) for attorney-client privileged communication regarding the disposition of property at 418 South Carolina Avenue in Spencer and for an update regarding the Special Use Permit appeal process with the City of Salisbury and in accordance with North Carolina General Statute § 143-318.11(a)(1) to consider approval of the January 5, 2015 Closed Session minutes. The motion was seconded by Commissioner Pierce and passed unanimously.

The Board returned to Open Session at 9:26 p.m.

Commissioner Greene moved to authorize the County Manager to proceed with an application for a Conditional District for West End Plaza and to exempt Burl Brady from the Mini-Brooks Act. Commissioner Pierce seconded and the motion passed unanimously.

Commissioner Pierce moved to refund back to the Col. Abram Penn Veterans Foundation the sum of \$5,000 to take back the property at 418 S. Carolina Avenue in Spencer that was deeded for the purpose of a Veteran's Home in Spencer, and to recommend the Rowan County Board of Commissioners allow a transition date of one hundred twenty days (120) from today to allow sufficient time to transition the current residents to alternate housing. Commissioner Klusman seconded and the motion carried unanimously.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Klusman moved to adjourn at 9:28 p.m. The motion was seconded by Commissioner Greene and passed unanimously.

Respectfully Submitted,

Carolyn Barger, MMC, NCCCC
Clerk to the Board/
Assistant to the County Manager