



**EDENTON-CHOWAN
INSPECTIONS AND PLANNING DEPARTMENT**

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**Chowan County Planning Board
March 31, 2015
Chowan County Public Safety Center
305 West Freemason Street
7:00 pm**

County Manager Kevin Howard called the roll; Jim Leggett, William Monds, Lou Sarratt, Bobby Winborne, Jim Robison and Marvin Hare were present. Patti Kersey was absent. County Manager Kevin Howard was present.

Mr. Sarratt asked to amend the agenda to remove item 5, Discussion of Rules and Procedures, and to discuss that at a later date.

There being no objection the agenda was amended to remove item 5, Discussion of Rules and Procedures.

Mr. Sarratt asked for any corrections or additions to the minutes of the March 12, 2015 meeting.

Mr. Robison requested that the letter sent by Mr. Lolkema be officially attached to the meeting minutes and that it be indicated in the minutes that the letter was requesting a moratorium. Mr. Robison noted that on page 3 there was a paragraph attributed to him regarding Apex's role in our county. Mr. Robison stated that those comments were not made by him but by an audience member. Mr. Robison noted that on page 4 Mr. Holland made the comment that the Governor had the authority to end wind subsidies or green energy subsidies and asked that a sentence stating that "Mr. Robison stated that the Governor does not have that authority" be added to the minutes.

Mr. Winborne stated that on page 7 Ms. Kersey stated that the reason that the letter that was sent to the Commissioners had not been sent out to the Planning Board was due to an administrative problem. Mr. Winborne stated that there was no administrative problem. Mr. Winborne stated that when someone is CC'd at the bottom of a letter the writer of the letter assumes responsibility for making sure that every one that is CC'd gets a copy of the letter.

Mr. Sarratt stated that was correct.

Mr. Winborne stated that the letter sat in the County Manager's Office from Tuesday until Friday. Mr. Winborne stated that the Planning Office was not notified of the letter and told to send it out to the Planning Board until Friday. Mr. Winborne stated that it was not an administrative problem in the Planning Office and that the letter was delivered to the County Manager's Office and not the Planning Office.

Mr. Hare moved that the minutes be approved with the noted changes. Mr. Leggett seconded the motion. The motion carried unanimously.

Mr. Robison presented a PowerPoint on the Review and Recommendations to the Chowan County Wind Energy Facilities Ordinance from the sub-committee consisting of Ms. Kersey, Mr. Robison and Mr. Leggett. (copy of PowerPoint attached and included in the March 31, 2015 meeting file)

Mr. Hare asked Mr. Robison how he knew that the 2013 Wind Ordinance was based solely on the developer's specification.

Mr. Howard stated that Apex had paid for a text amendment to the Wind Ordinance in 2013 and had provided the language that they wanted to have in the Ordinance.

Mr. Hare asked Mr. Robison how the sub-committee selected the counties to compare their Wind Ordinances.

Mr. Robison stated that they had selected counties that were small and rural and similar to Chowan County.

Mr. Hare asked how many of the counties actually had wind energy facilities.

Mr. Robison stated that he did not know.

Mr. Leggett stated that he had asked the same question and that he thought it would be nice if they knew which counties actually had some wind mills.

Mr. Robison stated that if they were not time restricted they could have contacted the counties to see if they had wind energy facilities.

Mr. Hare asked if the decommissioning rules would apply to all industry or just wind energy facilities.

Mr. Robison stated that it would apply to wind energy facilities. Mr. Robison stated that wind energy facilities are generators and that they die and that they would need to be gotten rid of when that happens.

Mr. Howard stated that once something is no longer unusable it is not unusual for a county to have a clause stating what had to be done when a building or facility is no longer of use.

Mr. Hare expressed concern over the use of the word "majority" in reference to the ordinances that the sub-committee reviewed in regards to setbacks. Mr. Hare stated that he reviewed the ordinances plus some others and that the majority did not have a setback of one mile.

Mr. Robison stated that the majority (more than half) of the ordinances that the sub-committee reviewed had a setback of one mile (5,280 feet).

Mr. Hare expressed concerns over the counties that were selected and how they were selected.

Mr. Robison stated that the counties that were selected were similar in size and were rural counties like Chowan County.

Mr. Winborne stated that Carteret County was not similar to Chowan County in his opinion.

Mr. Robison stated that it was a North Carolina county that was on the coast.

Mr. Hare asked if the 35 dBA included the noise that already existed before the wind turbines.

Mr. Robison stated that the 35 dBA included the noise that already existed.

Mr. Hare asked what the dBA was for the existing noise.

Mr. Robison stated that was difficult to say but that if 35 dBA were exceeded then there would be problems. Mr. Robison stated that when the infrasound got into people's homes then it caused health problems.

Mr. Hare asked Mr. Robison if he had documentation of that.

Mr. Robison stated that he did and that there had been many studies on the effects of infrasound.

Mr. Hare asked if the County assumes responsibility for tearing down the wind turbines when they are no longer usable if a bond is set and the developer does not do it.

Mr. Howard stated that the County could call the bonds when a developer does not follow through with the disposal of the wind turbines and the bonding company is responsible for paying for whatever the bond was supposed to cover.

Mr. Hare asked why the County would hire independent experts to conduct surveys and tests and not require the developer to do that.

Mr. Robison stated that the County needed to be sure that independent experts did the studies and not someone associated with the developer.

Mr. Monds expressed concerns over requiring developers to fund the County hiring people to conduct surveys and tests.

Mr. Robison stated that was standard practice.

Mr. Monds stated that the people hiring the experts should be an unbiased party. Mr. Monds stated that he felt that there was room for compromise for something that could satisfy both the County and the developer.

Mr. Leggett stated that was the point of the escrow account, to be sure the County was not left holding the bag and to help pay for expenses such as the studies.

Mr. Sarratt requested that the Planning Board be prepared to make a decision on the recommendations for the Wind Ordinance at the meeting scheduled for Thursday, April 2nd. Mr. Sarratt stated that he felt that increasing the setbacks would help protect the citizens from adverse effects from the wind turbines.

Mr. Sarratt asked the Planning Board members to take the information provided at the meeting home for their review and research and to be prepared on Thursday night to submit any comments or recommendations. Mr. Sarratt stated that the Thursday night meeting would be open to public comment and that the public would be looking to the Planning Board to make a recommendation to the County Commissioners.

Mr. Hare asked if the Planning Board would be asked to make a recommendation to the County Commissioners on Thursday.

Mr. Sarratt stated that the Planning Board could look at the information presented by the sub-committee and make changes on Thursday if the majority of the Planning Board voted to do that. Mr. Sarratt stated that they were looking to make a recommendation to the Board of Commissioners on Thursday. Mr. Sarratt stated that his position as Chairman was not to prohibit or promote anything and that his concern was that the Planning Board does all that it could to put in place regulations to protect the citizens.

Mr. Winborne stated that basically the sub-committee was recommending the Ordinance that was in place in Carteret County.

Mr. Sarratt stated that some of the points were from the Carteret County Ordinance.

(tape ended, had to be flipped)

Mr. Sarratt expressed concerns that the County could be held responsible for possible adverse effects from the wind turbines because the Planning Board failed to look at all the possible effects thoroughly.

Mr. Monds stated that it was the Planning Board's job to plan development and expressed concerns about the lack of development in the county and its effect on the future population of the county.

Mr. Leggett agreed with Mr. Sarratt that increasing the setbacks would diminish the adverse effects of the wind turbines.

Mr. Hare asked that the Planning Board come prepared to talk about setbacks at the Thursday meeting.

Mr. Robison stated that there were other issues in addition to setbacks to take into consideration.

Mr. Hare expressed concerns about not taking longer to review the Ordinance. He suggested discussing one item a month over the next six months.

Mr. Sarratt stated that the Board of Commissioners only gave them 30 days.

Mr. Hare stated that he thought that the Commissioners would rather them do a good job than a fast job.

Mr. Robison stated that the Commissioners had directed them to do a fast job.

There was some discussion on whether or not the Thursday night agenda could be amended at this meeting.

It was determined that since this meeting was advertised as a work session that no business could be discussed other than what was on the current agenda.

Mr. Sarratt stated that his intention was to step down from the Planning Board after the April 6th Board of Commissioners meeting. He stated that he had personal issues as well as a full-time job and that he could not serve any longer.

Mr. Leggett stated that he would like to address an e-mail that he sent out prior to the Planning Board meeting. Mr. Leggett stated that Jim Robison sent out the PowerPoint presentation that he presented earlier in the meeting to John Droz to get his input on it and that he did not think that was appropriate. Mr. Leggett asked the Board's opinion on the matter.

Mr. Hare stated that he would like to hear from John Droz. Mr. Hare stated that he thought that the Board should bring everyone to the table before they got into a situation where they couldn't bring anyone to the table.

Mr. Sarratt stated that the sub-committee did their due diligence and brought the presentation to the Planning Board. Mr. Sarratt stated that it was the Board's responsibility to take the information and make a decision as to what they want to recommend to the Commissioners. Mr. Sarratt stated that he didn't think anyone making a comment on what the sub-committee came up with was an issue.

Mr. Winborne expressed concerns over Mr. Droz being consulted and over the information being anti-wind.

Mr. Robison stated that the sub-committee was authorized to go to any expert and that Mr. Droz was the only expert that he knew of that was impartial. Mr. Robison stated that Mr. Droz was not trying to push a development or stop a development.

Mr. Winborne stated that Mr. Droz was trying to stop a development.

Mr. Sarratt reminded the Board that there was two sides and a middle to the issue. Mr. Sarratt stated that he was trying to find some middle ground and that he was not pro or against wind energy. Mr. Sarratt said that the protection of the citizens of the county should be the Board's priority.

Mr. Sarratt moved to adjourn the meeting. Mr. Monds seconded the motion. The motion carried unanimously.

There being no further business, the meeting was adjourned.

