



**EDENTON-CHOWAN  
INSPECTIONS AND PLANNING DEPARTMENT**  
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**Chowan County Planning Board  
April 2, 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, Patti Kersey, Jim Robison and Marvin Hare were present. County Manager Kevin Howard and County Attorney John Morrison were present.

Mr. Sarratt asked if there were any changes to the agenda. There being none, Mr. Sarratt asked that the agenda be approved. The agenda was approved unanimously.

Mr. Sarratt stated that the Planning Board had received e-mails and letters from citizens that he would like entered into the record. (The e-mails and letters are included with the meeting minutes in the April 2, 2015 meeting file)

Mr. Sarratt stated that the Board would be voting on recommending the changes that the sub-committee had proposed for the Wind Energy Ordinance. Mr. Sarratt stated that Industrial Wind Energy Projects involved a variety of very technical and complex factors. Mr. Sarratt stated that the 2013 Wind Energy Ordinance did not address a number of the factors and consequently did not provide adequate protection for the health, safety, and general welfare of the citizens of Chowan County. Mr. Sarratt stated that the Board of Commissioners gave the Planning Board 30 days to review and make recommendations on the Wind Energy Ordinance. Mr. Sarratt stated that a sub-committee was appointed by the Planning Board and the sub-committee reported their findings and recommendations to the Planning Board at the March 31<sup>st</sup> Planning Board Meeting. Mr. Sarratt stated that the purpose of the meeting tonight was to hear public comment and then to vote on the recommendations from the sub-committee.

Mr. Sarratt thanked the sub-committee for their time and effort in doing the review. Mr. Sarratt emphasized that he and the sub-committee fully supported the economic development of Chowan County however; he felt that there was no reason to rush to approve a large industrial facility based on unsubstantiated promises. Mr. Sarratt stated that he felt that the proposed changes to the Wind Ordinance would protect the interests of the citizens and the County.

Mr. Morrison asked to make some comments before the public comment period began. Mr. Morrison stated that there was a general statute (NC 143-215.115-143-215.126) that was entitled "Permitting of Wind Energy Facilities". Mr. Morrison stated that before any wind energy project would even get to the Planning Board they must go through the Department of Environment and Natural Resources and that the developer would have to go through many presentations. Mr. Morrison stated that there was a pre-application on-site permit before DENR would even allow anyone to file for a permit and then there was a pre-application meeting before a permit could be filed for. Mr. Morrison stated that there would be a notice sent out to all interested parties and that anyone that was anywhere near the property would get a notice that explained what was about to happen in terms of an application. Mr. Morrison stated that there was a "scope" meeting where the scope of the project had to be presented in detail and then there would be a public hearing conducted by DENR and every adjacent property owner and the Board of Commissioners would get notice of the hearing. Mr. Morrison stated that the NC Utilities Commission, NC Attorney General, any nearby military installations, the FFA, Department of Archives and History, and CAMA is

notified, wetlands issues are considered, studies have to be presented on wildlife and habitats, and on and on. Mr. Morrison stated that they would then go into financial integrity of the company and that the company would have to show that it had insurance and that it could pass a financial stress test and other financial assurances are also sought. Mr. Morrison stated that after it is constructed (if approved) the project would have to meet all the requirements that were included in the public record and that the requirements would be reviewed yearly and if the project failed to meet any of the requirements they could be fined up to \$10,000 a day. Mr. Morrison stated that it was a time consuming process and it was not a matter of someone coming in and applying for a permit and it being constructed in three months. Mr. Morrison stated that if a developer met all the requirements they would then have to go through the Chowan County Planning Department, Planning Board, and the Board of Commissioners to obtain a Conditional Use Permit. Mr. Morrison stated that the Commissioners could decline to grant a Conditional Use Permit if they determined that the project would diminish property values or have a negative effect on the health, safety & welfare of the citizens of Chowan County. Mr. Morrison stated that the NC Statute allowed the Planning Board to establish more restrictive laws than already exist and that current restrictions by state and federal agencies did not address height or setback issues.

Mr. Robison stated that the statute that Mr. Morrison was referring to was a very weak statute and that the requirements were subject to the whim of the bureaucrat that happens to be assigned to the project.

Mr. Sarratt opened the floor to public comment.

Brian Ferraraccio, 128 Rockfish Street, expressed support for the recommendations of the sub-committee and stated that his concern was for the citizens of Chowan County.

Roger Arrowood, 216 Mulberry Hill Lane, expressed support for the recommendations of the sub-committee and stated that he felt that the County should not bear the risk for the decommissioning of the turbines and that the average lifespan for the turbines was 12 years. Mr. Arrowood stated that the citizens needed to be protected by a good, enforceable decommissioning bond. Mr. Arrowood expressed concerns over the smoke and cancer causing chemicals released if the turbines should catch on fire. Mr. Arrowood stated that there needed to be a plan for the cleanup if something like that were to happen to the turbines.

John Sams, 219 Queen Anne Drive, stated that there are some places where wind turbines would work and other places where they wouldn't. Mr. Sams expressed doubt that state and federal regulations would protect the health and safety of the citizens of Chowan County. Mr. Sams stated that he did trust the Planning Board and County Commissioners to protect the citizens and that he felt that the Ordinance for Chowan County should err on the side of safety for the citizens.

Jeffery Zolkowski, 118 Lloyd Overton Lane, expressed support for the recommendations of the sub-committee and thanked them for their work in protecting the citizens of Chowan County.

Warren Smith, 725 River Cottage Road, expressed support for the recommendations of the sub-committee.

Lin Bond, 667 Virginia Road, expressed support for the recommendations of the sub-committee. Mr. Bond stated that industries like wind energy existed only because of government subsidies. Mr. Bond stated that the industries like wind energy could not turn a profit on their own and they he did not like his tax money being used to subsidize an operation like this. Mr. Bond expressed concerns over the negative impact the wind turbines could have on the property values of Chowan County.

Tom Credle, 137 Osprey Drive, expressed support for the recommendations of the sub-committee and stated the he hoped that the Commissioners would be as diligent in their review and consideration of the sub-committee's findings.

Hardy Gillam, 211 Lakeside Drive, expressed support for the recommendations of the sub-committee. Mr. Gillam stated that while DENR had regulations and would impose fines for violations, they have a history of dropping their fines when they are protested.

Ginny Gillam, 211 Lakeside Drive, expressed support for the recommendations of the sub-committee.

Adam Evans, 3545 Rocky Hock Road, expressed support for the recommendations of the sub-committee. Mr. Evans stated that he supported new technology but that he did not think that Chowan County needed to be the guinea pig for 600 foot tall wind turbines with unproven results.

Peter Lolkema, 1105 West Soundshore Drive, expressed support for the recommendations of the sub-committee. Mr. Lolkema expressed concerns over the hidden fuel costs of wind generators and referenced reports that indicated that wind generators could result in more CO2 emissions and fossil fuel use. Mr. Lolkema stated that the amount of materials needed to construct the turbines included massive amounts of iron, steel, fiberglass, copper, concrete, adhesives, and minerals mined exclusively in China.

Frank Palm, 102 Corbin Court, expressed concern over the level of education and the level of poverty in Chowan County. Mr. Palm stated that the county had huge needs and did not have the tax revenues to address those needs. Mr. Palm stated that the anger and negativity that comes through from Chowan County in comparison to surrounding counties does not serve the county well. Mr. Palm stated that he did not know if the recommendations from the sub-committee were necessary but urged the county to go about it in a very different way.

Derick Hodge, 142 Country Club Drive, expressed support for the recommendations of the sub-committee. Mr. Hodge stated that he was not comfortable with depending on the existing North Carolina laws to protect the citizens of Chowan County. Mr. Hodge stated that he understood the need for jobs and for encouraging employment in the area. Mr. Hodge expressed concerns over where the money that would be made by the developer would go and what the tax revenue was that the County would receive.

Amelia Bond, 667 Virginia Road, expressed support for the recommendations of the sub-committee. Ms. Bond encouraged the Board to send the recommendations on to the County Commissioners.

Dossey Pruden, 351 Soundside Road, stated that he did not feel that wind energy was appropriate for Chowan County. Mr. Pruden stated that he felt like Chowan County was being used as a guinea pig for the wind industry. Mr. Pruden stated that he felt that the stronger the ordinance was the better it would be to protect the citizens of Chowan County.

Clara Mincey, 105 West Church Street, expressed support for the recommendations of the sub-committee stating that it would be foolish to not establish protocols for any new industry that comes into Chowan County, including wind energy.

There being no further public comment, the floor was closed.

*(tape ended, had to be flipped)*

Mr. Hare stated that he agreed that the existing Wind Ordinance was not sufficient but that he did not agree with the recommendations of the sub-committee. Mr. Hare stated that he may have agreed with the original Wind Ordinance that was adopted in 2011. Mr. Hare expressed concerns over the 35 decibel sound level because he was unsure of what that meant, stating that the existing decibel level may be 40.

Ms. Kersey stated that she would like to clarify how the counties that were selected in the sub-committee's review of the Wind Ordinance were selected. Ms. Kersey stated that they were selected by conducting an internet search using key words and looking for areas that were similar to Chowan County. Ms. Kersey stated that the people who vetted the ordinances were all local people and they did their due diligence and consulted with their statutes and state laws. Ms. Kersey stated that the decibels recommended were 35 in the majority of the ordinances that the sub-committee reviewed. Ms. Kersey stated that the ordinances reviewed were done by real people and not just modeled after a Model Ordinance.

Mr. Winborne stated that he felt like the sub-committee went into their deliberations with a certain outcome that they wanted to achieve. Mr. Winborne stated that he felt like they picked their models to come up with

the data to achieve that outcome. Mr. Winborne stated that what has been recommended is a carbon copy of Carteret County's Ordinance. Mr. Winborne stated that Chowan County was not similar in size, population, or economy to Carteret County. Mr. Winborne stated that Chowan County was a poor, rural community and that Chowan County could not base their Ordinance off of Carteret County's Ordinance.

Ms. Kersey stated that Carteret County specified a maximum height and that Chowan County did not do that so it was not a carbon copy of Carteret County's Ordinance.

Mr. Winborne stated that the only item lacking from the sub-committee's recommendations in comparison to Carteret County's Ordinance was the height. Mr. Winborne stated that the sub-committee's recommendations were not about protecting the public's health, safety, or welfare but that they were about restricting wind energy in Chowan County.

Mr. Sarratt stated that he was on the Board in 2013 when the Wind Ordinance was amended and that he was disappointed in himself for not raising the questions then are being raised now. Mr. Sarratt stated that he was not trying to restrict wind energy and that he felt that the sub-committee went about their review in the proper way and came back with the proper suggestions not to prevent wind energy facilities but to protect the citizens in the event that one is constructed. Mr. Sarratt stated that the reason that the Board was sitting where it was now was because due diligence wasn't done in 2013 when Apex applied for the text amendment to the Wind Ordinance.

Ms. Kersey stated that Mr. Winborne's suggestion that the sub-committee got together and cherry picked ordinances in order to make Chowan County's look deficient was just not true. Ms. Kersey stated that she had gone to all the Planning Board members after the sub-committee was formed and asked for their input and she had not heard back from anyone other than Mr. Hare and that was about a week ago.

Mr. Winborne stated that he was not questioning anybody's ethics but that the fact that none of the sample ordinance areas had wind energy was suspicious.

Mr. Hare stated that he had asked why the committee had to be only three members when it was formed and was told that four or more members meeting on the sub-committee required advertisement as a public meeting. Mr. Hare stated that he had asked what the problem was with the committee meeting in public meeting and had asked why the entire Planning Board could not be involved.

Mr. Sarratt stated that when the sub-committee was set up the time restraint was the driving force in the whole process and that it was difficult to get seven board members together on short notice. Mr. Sarratt stated that in order to get a project of this size and scope accomplished in such a short amount of time and try to coordinate with all seven board members would have been an impossibility. Mr. Sarratt stated that the Board of Commissioners had the right to make to make specific changes as far as decibels, heights, setbacks etc. if they so desired. Mr. Sarratt stated that a lot of hard work had been done and that he felt that the recommendations needed to be approved as they were.

Mr. Sarratt moved to end any further discussion on the sub-committee's recommendations. Mr. Robison seconded the motion.

Mr. Leggett expressed his desire to be recused. Mr. Morrison explained that unless Mr. Leggett had formed an opinion on the matter or had a direct financial interest in the matter that he could not be recused. Mr. Morrison stated that Mr. Leggett could abstain from voting but that if he abstained then his vote would count as a vote in favor of the motion.

The motion carried with three voting in favor of ending the discussion (Ms. Kersey, Mr. Sarratt, and Mr. Robison), one abstention (Mr. Leggett), and three voting against ending the discussion. (Mr. Hare, Mr. Winborne, and Mr. Monds)

Mr. Sarratt moved to recommend approval of the sub-committee's recommendations without amendment. Ms. Kersey seconded the motion. The motion carried with three voting in favor of the recommendation

(Ms. Kersey, Mr. Sarratt, and Mr. Robison), one abstention (Mr. Leggett), and three voting against the recommendation. (Mr. Hare, Mr. Monds, and Mr. Winborne)

There being no further business, the meeting was adjourned.